

**1 SUMMARY OF APPLICATION DETAILS**

Ref: [16/05418/OUT](#)  
 Location: Whitgift Shopping Centre and Surrounding Land, Croydon, CR0 1LP  
 Ward: Fairfield  
 Description: Mixed use redevelopment of the Site through the demolition (within and outside the Conservation Area), alteration, refurbishment and retention of existing buildings/structures and erection of new buildings/structures to provide a range of town centre uses including retail and related uses (Use Class A1 - A 5), leisure (Use Class D2), residential (Use Class C3), student accommodation (sui generis) or hotel (Use Class C1), community facilities (Use Class D1), office (Use Class B1), residential amenity space and public realm. Alteration of existing and creation of new basements, underground servicing and multi-storey car parking, alteration to existing and creation of new vehicular and pedestrian access into the site, utility and energy generation facilities, infrastructure and associated facilities, together with any required temporary works or structures required by the development. Demolition within the conservation area of no. 5 George Street and nos. 2- 30 North End, but with retention of the building facades at no. 5 George Street and at nos. 2-30 North End. Demolition of buildings within the conservation area at no. 7 George Street and nos. 44-46, 48-50, 52, 54, 56, 94, 96, 98 and 114-126 North End including walls and fences, and part of the rear of nos. 34 and 108 North End and creation of basements beneath buildings at nos. 114-126 North End. Properties at Nos. 32, 34, 34a, 34-36, 58, 60-68, 70, 72, 74, 76-78, 80, 82-84, 86, 88-90, 92, 100, 102, 104, 106, 110 and 112 North End and Nos. 3 and 3a George Street to be retained with minor works to facilitate construction.

Drawing Nos: PS001 – PS012, CA001, 7572-GA-04 Rev A, 7572-GA-05 Rev A  
 Applicant: The Croydon Limited Partnership  
 Agent: Mr Matthew Small, Quod  
 Case Officer: Helen Furnell

	<b>Studio's</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>
<b>Indicative Mix</b>	5%	45%	45%	5%
<b>Fixed</b>	At reserved matters	At reserved matters	At reserved matters	5% agreed as part of outline
<b>Flats</b>	Minimum 626, maximum 967 units (indicative)			
<b>Totals</b>	Minimum 626, maximum 967 units (indicative)			

<b>Discount Market Rent</b>	Minimum quantum of 20% of total number of units required at Discount Market Rent, with 40% of these to be discounted to London Living Rent level and 60% of these to be discounted to 80% of market rent level.			
<b>Shared ownership</b>	0	0	0	0
<b>Totals</b>	125 - 193 (maximum and minimum Discount Market Rent unit numbers, based on indicative residential unit numbers)			

<b>Type of floorspace (GEA)</b>	<b>Existing (sqm)</b>	<b>Retained (sqm)</b>	<b>Demolished (sqm)</b>	<b>New (sqm)</b>	<b>Total (sqm)</b>	<b>Net additional (sqm)</b>
Retail and Leisure Use (A1-A5 and D2)	128,068	254	127,814	173,430	173,684	45,616
<b>Of which:</b> Retail and related Uses (A1-A5)	128,068	254	127,814	166,062	166,316	38,248
<b>Of which:</b> Leisure Use (D2)	0	0	0	16,842	16,842	16,842
Residential Use (C3)	0	0	0	71,250 – 139,465	71,250 – 139,465	71,250 – 139,465
<b>Of which:</b> Student Residential (sui generis) / Hotel (C1)	0	0	0	20,684	20,684	20,684
Community Use (D1)	0	0	0	1,053	1,053	1,053
Office (B1)	50,676	0	50,676	3,895	3,895	-46,781
Car Parking	50,265	0	50,265	100,000	100,000	49,735
Malls	15,966	0	15,966	36,842	36,842	20,876
Back of House Facilities (all uses)	6,979	0	6,979	52,632	52,632	45,653

<b>Number of car parking spaces</b>	<b>Number of cycle parking spaces</b>
3,140 in main car park; 6% of these accessible (blue badge and parent/child); 10% (of total residential numbers), blue badge spaces for residential	Initially 300, 50 of which to be in the basement, to increase in line with demand

- 1.1 This application is being reported to Planning Committee because the Ward Councillor (Cllr Vidhi Mohan) made representations in accordance with the Committee Consideration Criteria and requested committee consideration, objections above the threshold in the Committee Consideration Criteria have

been received and the Director of Planning and Strategic Transport considers committee consideration to be necessary.

## **2 BACKGROUND**

2.1 This application follows the granting of outline planning permission and conservation area consent for the redevelopment of the Whitgift Centre (refs. 12/02542/P & 12/02543/CAC) in February 2014 and detailed planning permission for the Chapel Walk entrance (ref 14/02824/P) in December 2014. These permissions are a material consideration in the determination of this planning application and are given due weight when examining the details of this application. These are extant consents and could be implemented, should the developer choose to do so, although the developer has advised that as things stand it is no longer its intention to implement the 2014 planning permission and that all discussions with anchors and key occupiers are predicated on the current planning application. In the intervening 3 years and 9 months since the 2014 scheme was granted planning permission and conservation area consent the original scheme has not been progressed any further. As per the evidence to the 2015 CPO Inquiry, the scheme design has evolved since the 2014 consent layout. The changes encompassed within the current planning application are largely commercially driven and principally as follows:

- Incorporation of Green Park House site into the scheme. This increased site area, along with the demolition of the Whitgift Car Park will enable Marks & Spencer to relocate into a brand new modern store rather than remaining in the outmoded current store. This is a key driver for the new scheme, albeit (as advised by the developer) at significant additional cost to them.
- Improved interface between scheme and Poplar Walk as a result of reconfigured northern end of scheme.
- Revised mall layout to enable a 3 level scheme.
- Separation of residential towers from the retail superstructure. This significantly improves buildability of the residential element of the scheme.
- Revised access arrangements so that access for the retail car park and servicing access is no longer taken from Poplar Walk.

It is the scheme envisaged in the current application which is the subject of this report, which the developer wishes to progress. The main differences between the approved scheme and the current proposal are explained in the section titled 'Regeneration of the Metropolitan Centre' below.

2.2 In April 2014 the Council made a Compulsory Purchase Order (CPO) to acquire the necessary land to bring forward the comprehensive redevelopment of the land, subject to the 2014 consents. The CPO Inquiry was held during February and March 2015 and the Secretary of State confirmed the CPO in September 2015. At the time the CPO was confirmed, the developer demonstrated that there was a reasonable prospect of the scheme being delivered and this will also

need to be shown in relation to this scheme before the land subject to the CPO is vested, should planning permission be granted for this scheme.

2.3 Since this time, as mentioned above, the developer has acquired additional land at Green Park House (on the corner of Poplar Walk and Wellesley Road) and other land interests and undertaken further design evolution of the scheme.

2.4 The developer engaged in pre-application discussions with the Council, and whilst the proposals are described fully later in this report, a summary of the main changes since the 2014 planning permission are summarised as follows:

- Increased site area, including the acquired Green Park House site.
- Demolition (rather than retention) of the multi-storey car park on Wellesley Road, and the Marks and Spencer store on the corner of North End and Poplar Walk. These areas would be included in the redevelopment scheme (rather than being refurbished). As a result the northern section of the site is now proposed to be demolished and redeveloped.
- Increased residential floorspace (and reconfiguration of its location within the site).
- The residential component is to be provided as "build for rent" with affordable housing being provided through units at discounted market rents.
- Increased combined retail and leisure floorspace.
- Changes to vehicle access and egress points.
- Creation of a new area of public realm on Poplar Walk.
- Step-free east-west route.
- Potential inclusion of hotel use or student accommodation.
- Provision of a single, modern car park to serve the development.

2.5 The proposals which have evolved to become this application have been presented to this Committee twice during the pre-application process on 28 April 2016 and 14 July 2016. The proposed development was reported to enable members of the Committee to view it before a planning application was submitted and to comment upon it. The development presentations did not constitute an application for planning permission and any comments made upon it were provisional and without prejudice to full consideration of any subsequent application and the comments received as a result of consultation, publicity and notification.

2.6 The following comments were raised by the Committee during those presentations (the following is representative of the Council's formal minutes).

**28 April 2016:**

**Design and massing:**

- Generally a positive view about the exciting development coming forward
- Concern about views of the roof car park for residents in the towers - the applicant needs to explore the possibility of improving aspect with some landscaping or other covering

- Need for more separation between the towers, in order to avoid coalescence and a 'one block' appearance from some aspects
- Acceptance of high towers being appropriate on the Wellesley Road side of the scheme
- Importance of the relationship of the towers with the Almshouses, particularly the ability to see sky above the roof and behind the chimneys
- Public square and improved treatment in Poplar Walk very well received
- Impact of massing on St Michael's Church - importance of seeing sky behind the spires
- Concern about ensuring the building to replace the existing Marks & Spencer building is of a high quality to contribute as positively as possible to the Conservation Area
- Importance of the towers being interesting and different styles/designs
- Architectural development - preference for series of complementary buildings, rather than one mega development
- Phasing of building - need to avoid having all retail in place without any residential so no active frontage on Wellesley Road
- European boulevard effect on Wellesley Road to be reflected
- Innovative leading edge development envisioned

#### **Accessibility:**

- Considerable dissatisfaction about the east-west route potentially becoming an enclosed environment, with doors and glass screens, rather than a protected open street, linking with other external streets and being light and airy
- The need to explore the separation of built form either side of the east-west route to break up the current single block and emphasise the open street character of the east-west route
- Positive development with the removal of the step change due to difference in levels between North End and Wellesley Road
- The original grammar school entrance will be restored to create a positive environment, with tables and chairs
- Name of the new centre - preferably to include Croydon
- An outward looking development that actively connects with Old Town and North End, as well as other areas should be emphasised

#### **Affordable housing:**

- High percentage of viable affordable housing considered very important
- Need for sufficient amount of family accommodation and a good residential mix
- Would like residential element to come forward quickly once retail element open. Discouraged having long delays and need for meanwhile uses for later phases
- Rapid escalation of land values and given improved viability supports reasonable levels of affordable housing

#### **Amenities:**

- Strong support for the covering of the car park, to create amenity space on top of the development for residents in the towers and the wider public

- Creation of biodiversity on the car park roof
- Concern about the apparent lack of adequate external amenity space for residents
- The importance of providing dedicated parking for residents, particularly disabled, and for mobility scooters and bicycles
- Size of relocated Marks & Spencer store
- Inclusion of flexible community space within the centre - possibly within the residential elements - for residents and the wider community
- External play space for children in family accommodation
- New jobs for local people, particularly benefiting those who have not had the opportunity of working and creating opportunities for training and apprenticeships. Proposed to roll out the model that was developed in Newham, anticipating 5-6000 new jobs and a skills centre
- IMAX welcomed but can it be delivered as an architecturally exciting building?
- How to ensure day-to-day services and functions of the town centre can continue unimpeded during the development

#### **Traffic:**

- How will Wellesley Road cope with all the vehicular movements now entrances all located there?
- Concern about service entrances and exits all being on Wellesley Road - avoiding large unattractive entrances. Requested more information on the Stockholm example
- Possibility of park and ride offer in the south of the borough
- Ensuring positive outcomes around air quality with amounts of traffic and parking
- Promotion of public transport
- Avoid a sea of cycle parking – should be a sensible approach
- Positive that the overall number of parking spaces has been reduced

#### **Other Issues:**

- Requested more detailed information to be presented next time rather than high level information.
- Suggestion that the developer may wish to consider a hybrid application rather than another entirely outline application

#### **14 July 2016:**

#### **Design and Massing:**

- Concern about the height of the cinema and desire to open it up more
- Bridges with links considered a positive move in the right direction
- Importance of reducing the parameters so proposed heights are more specific and less confusing
- Entrance on Wellesley Road (at the junction with Lansdowne Road) needs to be more dramatic - needs to be a tower in Block 1
- Scope for rebuilding of the Marks & Spencer building to fit in with North End
- There needs to be a narrowing of the parameters across the site so the development proposed can be better understood

**Residential Element:**

- Concerns about how the phasing will work and appearance - meantime uses are important
- Questions were raised about the percentage of affordable housing and the mix, particularly for family units
- Need for communal spaces within the residential element
- Sky lobbies and links to the amenity space were accepted as positive and should be linked to the parameters
- Suggestions of sky restaurants and community spaces with public access in the towers
- Scope for a medical facility within the development - the Wellesley Road frontage was suggested

**Impact on Heritage Assets:**

- Recognition that the design is moving in the right direction
- The impact of the illustrative scheme is looking acceptable but there is a need to reconsider the impact of the maximum parameters
- Concern about impact on the setting of St Michael's and All Angels Church from the tower proposed on the corner of Poplar Walk and Wellesley Road

**24 hour East West Route:**

- Emerging consensus around the idea of a galleria approach
- Importance of it being open, airy and welcoming
- Should consider opening up the width at the upper levels
- 24/7 access must be delivered and needs to be guaranteed
- The stage area – seen as important to create a performance space. It is an interesting opportunity. Suggestion that it could be a floating pod
- The pod area beneath the car park needs to be secured in the parameters

**Public Realm:**

- Public art is important - a strategy for the whole centre is needed (to include performance as well as art installations)

**Transport and parking Issues:**

- Car parking needs to be secured through a clear set of parameters
- Looking for cycling to be possible on Wellesley Road - a commitment was given to work with the Council to reach a workable 21st century solution

**Other Issues:**

- The name - to include Croydon

**Viability issues and solutions**

- 2.7 Since the time of the pre-application presentations to this Committee, extensive discussions between the Council, TfL, the GLA and the developer have taken place to establish whether there is the potential to improve the viability of the scheme, without which it is considered unlikely that comprehensive redevelopment of the Whitgift Centre and surrounding land would proceed in the foreseeable future. This has entailed, among other matters:

- The developer identifying potential reductions in development costs and increases in income that are likely to be achievable as the design of the scheme is refined;
- Careful analysis of the mitigation required to make the scheme acceptable in planning terms;
- Provision of alternative sources of funding, including public funding in respect of off-site infrastructure works and other measures which will bring public benefits to the Croydon Opportunity Area (COA).

### **Public funding of infrastructure**

- 2.8 It is acknowledged that there is a significant amount of insufficient and dated infrastructure, some poor quality public realm and a lack of modern social infrastructure in the COA which represents a barrier to growth and inward investment and the provision of new housing in the area. The scale of inward investment, growth in new homes and employment in the COA envisaged in the Croydon Opportunity Area Planning Framework requires major investment in infrastructure both as a catalyst and to accommodate future growth. A Development Infrastructure Funding Study for the COA jointly commissioned by the Council, the Greater London Authority (GLA) and Transport for London (TfL) in 2014 identified that £1bn of public and private sector investment is needed to provide the infrastructure required to support transformation of the COA, accommodate the anticipated growth, and encourage further inward investment. The delivery of the Whitgift redevelopment is key to the wider development of the COA, as it would provide sufficient future tax revenues to enable the Council to secure borrowing needed to reduce the "infrastructure gap".
- 2.9 The Council, working with the GLA, is putting together a package of public funding measures, totalling £56 million to address some of the accrued lack of investment in public infrastructure, beyond that which the private sector can be expected to provide, potentially comprising:
- £46 million investment by the Council via the Growth Zone (the regeneration programme being delivered by the Council in partnership with the GLA and TfL, underpinned by the ability to retain new business rates generated in the area, enabling existing growth to fund the requirements of future growth); and
  - £10 million via the GLA from the Housing Infrastructure Fund (HIF) (the fund established by the Government to deliver new physical infrastructure and to boost the supply of new homes).
- 2.10 In this respect, a bid for HIF for £10million towards Public Infrastructure Measures has been made and the Council has also committed to funding via the Growth Zone £46 million towards the Public Infrastructure Measures. The recommendations in this report therefore envisage that if planning permission is granted, the section 106 agreement will include provisions to ensure that the funding for the required Public Infrastructure Measures is in place and the funds are available for use at the appropriate times. This is to ensure that the

shopping centre is not developed without the provision of adequate public infrastructure or funding for such infrastructure.

2.11 These public funding sources would together provide for the following measures to benefit the COA:

- improvements to tram services (in particular the Dingwall Loop scheme or suitable alternative tram improvements);
- improvements to the bus network and bus stops/ stands;
- improvements to accessibility at West Croydon station;
- improvements to highways serving the COA (including highway works (including pedestrian and bus priority at junctions), street furniture, hard and soft landscaping, signage and lighting etc.);
- improvements to the wider highways network at junctions around the COA;
- provision for coach parking;
- improved provision for cyclists;
- provision of variable messaging signage in the town centre.
- improved provision of infrastructure to mitigate the impacts of carbon emissions

All of the above measures, including the improvements to public transport services, are together referred to in this report as the "Public Infrastructure Measures".

2.12 The developer has confirmed that, having regard to the level of section 106 obligations and other works to be required by conditions as summarised in the recommendations to this report and the availability of the package of public funding measures outlined above for the Public Infrastructure Measures, that at this point in time, and based on a reasonable assessment of how things will proceed, the scheme should be deliverable. The Developer will need to demonstrate the prospects of delivery of the scheme are satisfactory when the developer requests that the Council exercise the CPO powers which will take place during 2018.

### **3 RECOMMENDATION**

3.1 That the Planning Committee resolve to GRANT planning permission subject to paragraph 3.2 and:

- A. Any direction by the London Mayor pursuant to the Mayor of London Order
- B. Any direction by the Secretary of State pursuant to the Consultation Direction
- C. The prior completion of a legal agreement to secure the following planning obligations:
  - a) Deferred contribution
  - b) Cost of monitoring S106 Agreement
  - c) TV mitigation
  - d) Public art
  - e) Restriction on parking permits

- f) Use of architects from an agreed list
- g) District heating
- h) Public realm works
- i) Housing
  - Delivery of affordable housing
  - Delivery of residential phase
- j) Transport
  - Timing of works to Wellesley Road
  - Car Club
- k) Employment and Training
- l) Air quality
- m) Carbon emissions
- n) Restriction on implementation of the 2014 planning permission and the related conservation area consent and the 2014 permission for Chapel Walk when this development is implemented in order to provide certainty of scheme implementation
- o) Restriction ensuring funding for the required Public Infrastructure Measures has been fully confirmed to be available at the appropriate time in relation to delivery of the development.
- p) Restriction on opening for trade until specified public realm and highways related Public Infrastructure Measures have been implemented
- q) Reasonable endeavours to secure northern east-west route to Wellesley Road through Department Store A
- r) Any other planning obligation(s) considered necessary by the Director of Planning and Strategic Transport

3.2 That the Executive Director of Place has delegated authority to issue the planning permission (subject to the completion of a S106 Agreement as described above) and impose conditions and informatives to secure the following matters:

#### Conditions

- 1) Development to be begun no later than 2 years from the last reserved matters approval.
- 2) Reserved matters for Phase 1 to be made within 3 years of the date of this decision, Phase 2 to be within 5 years unless there are any approved sub-phases in which event the application for first sub-phase should be made within 5 years and the remainder within 7 years.
- 3) Binding land to S106 Agreement.
- 4) Submission and approval of a phasing scheme and phasing plans to be submitted with reserved matters applications.
- 5) Reserved matters to be in accordance with the approved Parameter Plans.
- 6) Reserved matters to be in accordance with the Development Specification and Design Guidelines.
- 7) Limit on the total built floorspace GEA.
- 8) Limit on the maximum floorspace GIA by each use class
- 9) Provision of minimum GIA floorspace by use class
- 10) No less than 60% of the Class A1-A5 floorspace to be provided as Class A1.
- 11) Provision of minimum areas of new public realm to be in accordance with Parameter Plan PS009.

- 12) Basement only to be used in accordance with Parameter Plan PS008 and listed uses without agreement by the Local Planning Authority.
- 13) Detail of Tower 1 location and uses
- 14) Approval of reserved matters for each phase to be approved before the commencement of construction for each phase.
- 15) Sample panel/mood board of external facing materials to be submitted and approved for each building and the East/West pedestrian route.
- 16) Approval of details of green and brown roofs and a programme for their provision.
- 17) Submission and approval of a landscape strategy to be implemented in accordance with the approved details.
- 18) Submission and approval of details of finished ground levels and adjacent land and buildings – works to be implemented in accordance with the approved details.
- 19) Submission and approval of details of the amount, location and design of any photovoltaic panels prior to the commencement of construction, and photovoltaic panels to be installed in accordance with the approved details.
- 20) Submission and approval of any necessary aviation warning lights, which should be installed and completed as soon as it is reasonably practicable to do so.
- 21) Submission and approval of details of any structures to be installed on the roof of the development and implemented in accordance with the approved details.
- 22) Submission and approval of details of the depth and extent of the basement, to be constructed in accordance with the approved details.
- 23) Prior to the installation of any architectural lighting, submission and approval of a scheme for the night time illumination of the exterior of the buildings, to be installed in accordance with the approved details.
- 24) Submission and approval of a scheme for the provision of infrastructure within the buildings to allow the transmission of police airwave radio.
- 25) Submission and approval of the elevational treatment of shopfronts fronting onto the public highway to be completed in accordance with the approved details.
- 26) Submission and approval of an Environmental Construction Management Plan for Enabling Works and works to be carried out in accordance with the approved details.
- 27) No demolition of existing buildings in the Conservation Area until all permissions secured and a completed contract for carrying out the works is entered into.
- 28) Submission and approval of a method statement to protect and retain the façade of the existing former Alders building, 30 North End, 5 George Street and 9A George Street.
- 29) Submission and approval of a Method Statement for minor modification and protection works to buildings along North End, George Street and Wellesley Road.
- 30) Submission and approval of a construction method statement, prior to demolition and implemented in accordance with the approved details.
- 31) Submission and approval of a strategy for decanting and relocating existing tenants in accordance with the CPO Land Acquisition and Relocation Strategy.

- 32) Undertaking, submission and approval of an intrusive site investigation for the possibility of contamination and validation of any remedial work to be submitted and approved prior to the Opening for Trade of Phase 1 and occupation of Phase 2.
- 33) Submission and approval of a scheme to deal with the risks to public water supply, associated with any contamination of the site prior to the commencement of enabling works, to be carried out in accordance with the approved details.
- 34) Submission and approval of a programme of archaeological work in accordance with a written scheme of investigation.
- 35) Submission and approval of a vibration risk assessment for piling, demolition and site excavation. Any periodic or continuous monitoring to be implemented prior to the commencement of enabling works.
- 36) Prior to the commencement of demolition, submission and approval of a scheme for the protection of the Almshouses during demolition and construction.
- 37) Submission and approval of a strategy for meanwhile uses following completion of enabling works and prior to commencement of construction works, should development cease, to be implemented in accordance with the approved details.
- 38) Submission and approval of an Environmental Construction Management Plan for Phase works and works to be carried out in accordance with the approved details.
- 39) Submission and approval of a Construction Logistics Plan for Enabling Works and works to be carried out in accordance with the approved details.
- 40) Submission and approval of a Construction Logistics Plan for Phase Works and works to be varied out in accordance with the approved details.
- 41) Submission and approval of a piling method statement and works to be carried out in accordance with the approved details.
- 42) Existing facades at the former Alders building at 2-28 North End, 30 North End, 5 George Street and 9a George Street shall be retained as specified.
- 43) If contamination not previously identified is found, no further works until the submission, approval and implementation of a strategy for dealing with the contamination.
- 44) No part of the site to be used for the stationing of sleeping accommodation for site workers.
- 45) No land outside, but adjoining the site to be used for the provision of temporary buildings, work, plant or construction machinery.
- 46) Restriction on the height of temporary buildings and plant in proximity to the Central Croydon Conservation Area and listed buildings adjacent to the site.
- 47) Prior to commencement, developer to enter into Highways Agreements or other appropriate statutory agreements for specified highway and public realm works in the vicinity of the site and to provide these works in accordance with approved schemes prior to the Opening for Trade of the development.
- 48) Development shall not open for trade until specified public realm and highways Public Infrastructure Measures have been implemented.
- 49) Submission and approval of a Parking Management Plan for alternative parking provision in the town centre prior to closure of on-site car parks.

- 50) Submission and approval of a Travel Plan for each Phase of the development, to be in accordance with current best practice.
- 51) Provision of vehicular access and egress as specified in the approved drawings.
- 52) Submission and approval of a coach strategy, to be implemented in accordance with the approved details.
- 53) Submission and approval of a scheme for the provision of real time public transport journey information, to be provided in prominent locations within the scheme, to be implemented in accordance with the approved details prior to Opening for Trade.
- 54) Submission and approval of a Delivery and Servicing Plan, to be implemented in accordance with the approved details.
- 55) Submission and approval of a taxi strategy, dial-a-ride and private hire vehicles, to be implemented in accordance with the approved details.
- 56) Submission and approval of proposals for covering the uppermost deck of the car park.
- 57) Submission and approval of a car park management plan, to be implemented in accordance with the approved details.
- 58) Provision of a minimum number of cycle parking spaces, which will be monitored and the number uplifted in response to demand.
- 59) Provision of motorcycle parking spaces, prior to Phase 1 Opening for Trade.
- 60) Details of visibility splays and the vehicular accesses to be implemented in accordance with approved details.
- 61) Details of the design, location and number of residential cycle parking spaces and to be provided and retained for the lifetime of the development.
- 62) Provision of residential blue badge holder car parking to be provided prior to the occupation of the residential units.
- 63) 15 car club spaces to be provided on first occupation of any residential units and to be reassessed annually for 5 years following last occupation of Phase 2.
- 64) Assessment of car park emissions, receptors and mitigation to be submitted and approved. Approved scheme to be implemented.
- 65) Restriction on the number of car parking spaces.
- 66) Petrol and oil interceptors to be fitted to all car parks.
- 67) Provision of a minimum number of blue badge holder spaces within the main car park, which will be monitored and the number uplifted in response to demand.
- 68) Provision of a minimum number of electric vehicle charging points within the main car park, which will be monitored and the number uplifted in response to demand up to policy compliant levels.
- 69) Submission and approval of a mitigation report for the selection of heating plant, to be implemented in accordance with the approved details.
- 70) Submission and approval of screening to new external mechanical plant and implemented in accordance with the approved details.
- 71) Submission and approval of measures, such as screening, mufflers and silencers to mitigate the noise impact of roof plant, to be installed prior to first occupation of the residential units and Opening for Trade in Phase 1.
- 72) Reserved matters to include detailed consideration of solar glare impacts of each phase.

- 73) Submission of a low emission strategy for the site to incorporate mitigation, to be implemented in accordance with approved details.
- 74) Submission of a report detailing how carbon emissions are to be off-set for non-residential elements of the scheme.
- 75) Submission of a report detailing how carbon emissions are to be off-set for residential elements of the scheme, with a view to achieving zero-carbon.
- 76) Approval of a means by which the buildings are to be enabled for connection to any future District Heating Scheme.
- 77) Submission and approval of a scheme to enhance the biodiversity of the development, to be implemented in accordance with the approved details.
- 78) Submission and approval of a wind microclimate report for each phase, describing the effects of the buildings within that phase on the immediate area and implementation of any mitigation measures identified.
- 79) Submission and approval of a Radar Mitigation Scheme, to be implemented in accordance with the approved details.
- 80) Submission and approval of a BREEAM pre-assessment to demonstrate how buildings would seek to achieve an 'Excellent' rating against BREEAM 2013.
- 81) Submission and approval of details of how the scheme will achieve a water use target of 110 litres per head per day, to be implemented in accordance with the approved details.
- 82) Heat and power systems to be air quality neutral.
- 83) Submission and approval of a detailed drainage strategy taking into account the SuDS hierarchy
- 84) Submission and approval of impact studies on the existing water supply infrastructure, and completion of works to provide additional capacity required for each phase.
- 85) Submission and approval of a drainage strategy for each Phase for on and off-site drainage works and construction in accordance with the approved details.
- 86) Submission and approval of bin storage and a waste collection management plan to be implemented on site prior to Opening for Trade of Phase 1 and occupation of the residential units.
- 87) No infiltration of surface water drainage into the ground without express consent.
- 88) Submission and approval of an Estate Management and Maintenance Plan to be implemented on site prior to Opening for Trade of Phase 1 and occupation of the residential units.
- 89) Submission and approval of the details of window cleaning equipment, including machine tracks, to be completed in accordance with the details approved.
- 90) Submission and approval of scheme of CCTV to cover the outer elevations of the buildings in each Phase and the 24 hour East/West route, to be completed in accordance with the approved details.
- 91) Approval of the location of the shopmobility unit and this unit to be provided in the development prior to Opening for Trade.
- 92) Approval of the location of the adult changing place facility unit and this unit to be provided in the development prior to Opening for Trade.

- 93) Prior to fit out of Class A3, A4, A5 and D2 uses and any other uses involving food preparation that require mechanical ventilation, submission and approval of a written strategy for mechanical ventilation.
- 94) Submission and approval of noise mitigation measures for Class D1 and D2 uses, to be completed in accordance with the details approved.
- 95) Submission and approval of a scheme for the provision of showers and lockers for Centre Management staff, to be completed prior to the Opening for Trade.
- 96) Submission and approval of details of Wayfinding signage for Phase 1 of the development.
- 97) Submission and approval of a strategy for meanwhile uses for undeveloped or vacant land, to be implemented in accordance with the approved details.
- 98) Submission and approval of a strategy for meanwhile uses for vacant retail units, to be implemented in accordance with the approved details.
- 99) Meanwhile uses to be in accordance with the Meanwhile Code chapter of the Design Guidelines and temporary public realm to be in accordance with the Croydon Public Realm Design Guide.
- 100) The 24 hour East/West route to be open to the public at all times, except in Defined Circumstances.
- 101) The new areas of public realm as shown on Parameter Plan PS009 to be open to the public at all times, except in Defined Circumstances.
- 102) The pedestrian malls other than routes through department stores to be open to the public during trading hours.
- 103) Insulation of residential units to ensure that noise levels within these units does not exceed specified levels.
- 104) Reserved matters for the residential units to be in conformity with the Mayor of London's Housing Supplementary Planning Guidance 2016.
- 105) 10% of the residential units to be designed and provided as wheelchair accessible or easily adaptable, in accordance with the provisions of Part M4(3) of Schedule 1 of the Building Regulations 2010 (as amended).
- 106) 90% of the residential units to be designed and provided in accordance with optional requirement Part M4(2) of Schedule 1 of the Building Regulations 2010 (as amended) in accordance with Regulation 4.(1A), (1B), (1C) and (1D) or the relevant guidance at the time.
- 107) Approval of details of the layout of roof garden amenity areas, including children's play space, and a programme for the provision of amenity space and equipment.
- 108) Provision of a scheme for ventilation to provide air to habitable rooms in residential units.
- 109) Submission and approval of a strategy for the provision of Meanwhile Uses on the eastern side of the site if Phase 2 is not carried out simultaneously with Phase 1.
- 110) Submission and approval of a long term strategy for Meanwhile Uses to be reviewed on an annual basis and include a maintenance strategy.
- 111) Submission and approval of Meanwhile Uses for the Tower 2 location in the form of a temporary building.
- 112) Submission and approval of a long term strategy for the Phase 2 part of the site should no reserved matters application for a permanent solution be submitted.

113) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

### **Informatives**

- 1) The permission is subject to a Section 106 legal agreement.
- 2) Details of payment of financial contributions in the Section 106 legal agreement.
- 3) The planning application was accompanied by an Environmental Assessment.
- 4) Any application that varies floorspace figures will require an Environmental Assessment unless it is demonstrated that there will be no likely significant environmental effects additional to those previously assessed in respect of this permission.
- 5) Financial payment under the Community Infrastructure Levy regulations is required on commencement.
- 6) The Council erected 22 site notices to give publicity to the planning application.
- 7) The development is likely to impact on archaeological remains. Detailed proposals in the form of an archaeological project design will be required.
- 8) There are large water mains adjacent to the site. Contact Thames Water regarding development within 5 metres.
- 9) There are public sewers crossing or close to the development. Contact Thames Water regarding development within 3 metres.
- 10) 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.
- 11) Thames Water requires the installation of a fat trap to all catering establishments.
- 12) The developer is advised to consult the Council's 'Code of Construction Practice on the Control of Noise and Pollution from Construction Sites'.
- 13) The developer is advised to observe the Mayor of London's Best Practice Guidance 'The control of dust and emissions from construction and demolition'.
- 14) The development should be constructed to Secured by Design principles.
- 15) Agreements under S278 of the Highways Act are required for works involving alterations to the highway and other relevant agreement in respect of any stopped up highway.
- 16) If any wind turbines are proposed in the future, consultation will be required with Gatwick Airport.
- 17) Consideration of additional waste management measures to reduce the potential for bird strike hazards.
- 18) Details of site huts/compounds in sensitive areas.
- 19) Certain conditions not applicable to those retail units that will continue to trade during the construction period.
- 20) Sound insulation to residential units can be controlled by the Building Regulations.
- 21) Sound insulation to commercial units can be controlled by the Building Regulations.

- 22) Encourage use of Swift Bricks and swift nest boxes within biodiversity condition.
- 23) The developer to agree appropriate counter-terrorism measures with the Metropolitan Police Service.
- 24) With regard to Meanwhile Uses, an application for planning permission will be required for any development which is not authorised under the Permission or the Town and Country Planning (General Permitted Development) (England) Order 2015
- 25) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport.

3.3 That the Planning Committee confirms that it has taken the environmental information that accompanied the application and the environmental information submitted by the applicant on 2 March 2017 into account as required by regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

3.4 That the Planning Committee confirms that it has had special regard to the desirability of preserving the settings of listed buildings and features of special architectural or historic interest as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.5 That the Planning Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character or appearance of the Central Croydon Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.6 That, if by 14 February 2018, the legal agreement has not been completed, the Director of Planning and Strategic Transport has delegated authority to refuse planning permission.

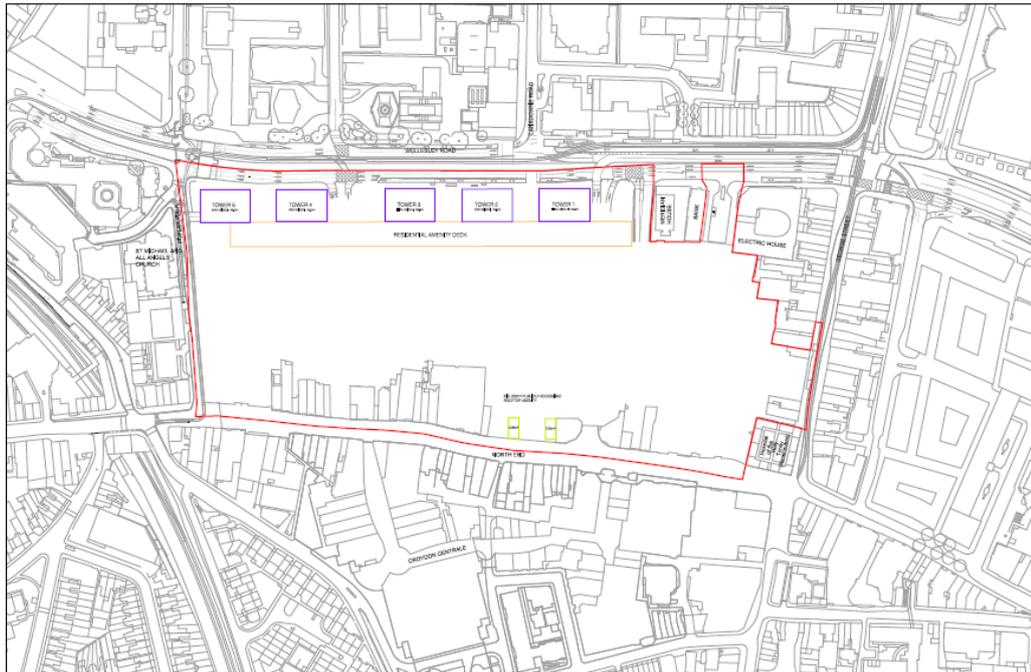
## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

4.1 The proposal is for the comprehensive redevelopment of the site through a retail-led, mixed use development. It is proposed that this would be achieved through the demolition (some of which would be in the Central Croydon Conservation Area), alteration, refurbishment and retention of existing buildings/structures and the erection of new buildings/structures to provide a range of town centre uses. The proposed uses include retail and related uses (Use Class A1-A5), leisure (Use Class D2), residential (Use Class C3), office (Use Class B1), community facilities (Use Class D1), potential student housing (sui generis) or hotel (Use Class C1), open space and public realm, alteration of existing and creation of new basement areas, multi-storey car parking, underground servicing, alteration to existing and creation of new vehicular and pedestrian access into the site, utility and energy generation facilities, infrastructure and associated facilities, together with any required temporary works or structures required by the development.

- 4.2 The development would create up to a maximum 507,571sqm of new GEA floorspace (262,596sqm net additional floorspace); the division of floorspace is detailed in the table above paragraph 1.1.
- 4.3 This is an outline, parameter based application, which reserves for subsequent approval, details of layout, scale, appearance, means of access (save for details of vehicular external access to/from the site) and landscaping. Vehicular external accesses to/from the site are for full consideration.
- 4.4 The planning application is submitted in outline form to provide the necessary flexibility for the detailed design of the scheme at a later date. The submitted Parameter Plans and Design Guidelines provide a framework of controls which will inform and control all reserved matters applications.
- 4.5 The Parameter Plans set matters such as the following, and are secured through condition:
- Planning application area
  - Demolition and retained façades and buildings
  - Vehicular and pedestrian access and circulation
  - Development building lines
  - Maximum and minimum building heights
  - Basement, ground and upper floor uses
  - Residential and amenity area
  - Basement extent
- 4.6 The Design Guidelines add a further level of detail to the Parameter Plans, they establish principles for the submission of future detailed reserved matters applications and cover:
- Street frontages and threshold spaces
  - Public routes through the site
  - Residential accommodation standards
  - Public car parking standards
  - Secondary elevations such as sides, backs and part walls
  - Roof design, use and configuration
  - Landscape and public realm.
  - Meanwhile code.
- 4.7 As outlined further in the report, the scheme is proposed to be built out in two main phases: Phase 1 would include the commercial element and Towers 1 and 2 which would be residential buildings. It would also include the substructure for residential Towers 3, 4 and 5. Phase 2 would be the residential buildings of Towers 3, 4 and 5. There is also an alternative phasing option, which would still see the development being constructed in 2 phases, under which Tower 1 would not be constructed and Tower 2 would move into Phase 2. In the event that Tower 1 is not constructed, a retail building will be provided in this space in accordance with the design guidelines. The developer will confirm the detailed

phasing scheme for the Towers across Phase 1 and 2 prior to the submission of the first reserved matters application.



Residential Tower Locations

- 4.8 The development provides the option to deliver an element of student housing or hotel floorspace (but not both). A maximum of 20,684sqm (GEA) is proposed and this would be delivered from the maximum residential floorspace figure. The student housing or hotel could be built out within any of the Towers.
- 4.9 Retail: Given the existing retail to be demolished / retained, the net increase in retail from the existing use is 38,248sqm GEA, but through refurbishment and redevelopment the scheme will deliver 166,316sqm of retail accommodation including a new department store and a replacement store for Marks and Spencer, as their existing store is proposed for demolition. Planning permission is sought for the malls which serve the development and it is envisaged that 750sqm of this floorspace may be utilised by small kiosks within Use Classes A1 - A5.
- 4.10 Leisure: The development will include up to 16,842sqm GEA of new leisure floorspace.
- 4.11 Residential: The development seeks permission for between 626 and 967 residential units (indicative numbers based on the floorspace proposed), arranged in four or five towers (both options being considered in the Environmental Statement), fronting Wellesley Road, having a floorspace of 71,250-139,465sqm GEA. Student accommodation or a hotel (but not both) with up to 500 bed spaces and a floorspace of 20,684sqm GEA could be provided in any of the towers.

- 4.12 Community Facilities: The development seeks permission for 1,053sqm GEA of community floorspace. The use of the community facility floorspace has not been specified, but has the potential to be utilised for a range of activities.
- 4.13 Office: The planning application seeks permission for 3,895sqm GEA of office (Class B1) floorspace. This is a loss of 46,781sqm of office floorspace from the existing use on the site.
- 4.14 Car parking: The existing application site contains a total of 2,142 car parking spaces. The development proposes all existing car parks to be demolished. The proposed development would provide a total of 3,140 spaces for the non-residential development component, all of which would be new car parking spaces above the proposed development. Of this total, initially 6% of spaces will be designated as accessible spaces with 4% specifically for blue badge users and 2% designed for dual use for blue badge holders and parent/child spaces. Up to 10% of the total number of residential units will have car parking spaces that would be provided for blue badge use. There will be a requirement for the provision of parking for a car club (within the quantum of 3,140 car parking spaces) and for motorcycles. Minimum numbers for these uses can be secured by a planning condition.
- 4.15 Back of house: This includes elements such as basement servicing, shared cores and corridors; shopmobility and management facilities for the development; and public toilets and disabled / baby changing facilities, etc.
- 4.16 Demolition in the Conservation Area: The application involves the demolition of 7 George Street and 44-46, 48-50, 52, 54, 56, 94, 96, 98 and 114-126 North End, including walls and fences and part of the rear of numbers 34 and 108 North End. Number 5 George Street and 2-30 North End will also be demolished, but with the building facades retained.
- 4.17 Access: the following vehicular external accesses to/from the site are for full consideration -
- A single lane access to the southern end of the new multi-storey car park via new signal controlled junction on Wellesley Road allowing vehicles to enter the site from the south and exit the site via two lanes to the south.
  - A single lane access to the northern end of the new multi-storey car park via new signal controlled junction on Wellesley Road allowing vehicles to enter the site from the north and exit the site via two lanes to the north. Occasional vehicular access from the south would only be allowed for resilience within the car park.
  - A single lane access to the basement servicing area from the new signal controlled junction on Wellesley Road from the south, with single lane egress onto Wellesley Road at the same point.
  - There would be a new vehicular access point at the eastern end of Poplar Walk to allow access to the basement for deliveries to the residential development and blue badge parking.
  - An access would be provided to Dingwall Avenue for a taxi rank and to maintain vehicular access to existing properties currently served via Dingwall Avenue.

4.18 Public Realm: The proposed development would deliver the following specified areas of public realm within the application site, which would have the following minimum areas:

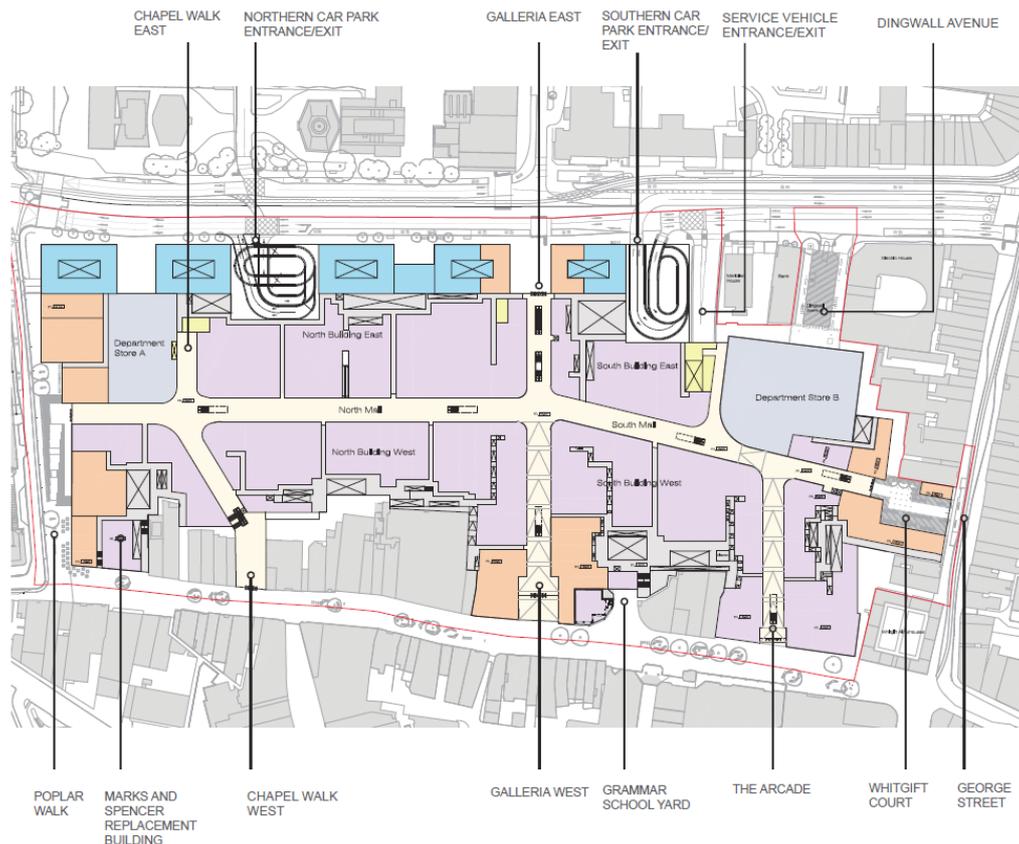
- Poplar Walk – 1,000sqm minimum (positioned at the western end of Poplar Walk as identified in the Development Specification and Framework)
- Galleria East – 250sqm minimum (positioned at the eastern entrance of the Galleria, as identified in the Development Specification and Framework).
- Galleria West – 250sqm minimum (positioned at the western entrance of the Galleria, as identified in the Development Specification and Framework).
- Whitgift Court – 500sqm minimum (positioned at the main entrance to the scheme on George Street, as identified in the Development Specification and Framework).
- Dingwall Avenue – (positioned between Wellesley Road and the entrance to Department Store B – area not specified, but delineated on Parameter Plan PS009), incorporating a shared surface for vehicles and pedestrians
- Publicly accessible rooftop amenity – 2 x areas of 125sqm (positioned at the western side of the roof overlooking the western entrance to the Galleria, as identified in the Development Specification and Framework).

4.19 In addition, the following areas of open space would also be provided within the application:

- Residential amenity – 2,420sqm minimum as shared private amenity and play space (positioned on the eastern side of the roof adjacent to the residential towers, as identified in the Development Specification and Framework).

4.20 Public realm improvements are proposed to George Street, Poplar Walk, Wellesley Road, North End, Park Lane, Dingwall Avenue and Drummond Road.

4.21 Pedestrian Routes: A key element of the scheme would be the provision of a 24 hour east/west pedestrian connection from Wellesley Road (opposite Lansdowne Road) running through the site to North End (near to Drummond Road). This route is referred to as 'the Galleria' in the Design Guidelines. The scheme would deliver a series of other routes through the site; there would be a north/south route from Poplar Walk to George Street and two secondary east/west routes (the southern east-west route is shown as a route through Department Store B on parameter plan PS004, whilst the northern east-west route is shown on parameter plan PS004 as connecting to North End and includes a potential connection to Wellesley Road through Department Store A – greater security for the provision of this route can be given by including a reasonable endeavours clause in the S106 agreement).



Illustrative Ground Floor Layout

4.22 The application is accompanied by a Development Specification and Framework (including parameter plans), Design and Access Statement, Planning Statement, Design Guidelines, Transport Assessment, Heritage Statement, Statement of Community Involvement, Landscape and Public Realm Strategy and Housing Strategy.

### EIA Considerations

4.23 The application is for a scheme which is 'EIA development'; therefore, it is accompanied by an Environmental Statement, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations).

4.24 The Environmental Statement (ES), assessed the likely significant environmental effects of the development, including looking specifically at the following matters:

- Alternatives to the proposed scheme and design evolution
- An assessment of the proposed development
- Demolition and construction impacts
- Traffic and transport impacts
- Noise and vibration impacts
- Air quality impacts
- Socio-economic impacts
- Wind microclimate
- Daylight, sunlight and overshadowing impact
- Built heritage impacts

- Effect interactions
- Residual effects

4.25 The ES also considers the cumulative impacts of the development with other schemes coming forward. The list of other schemes was agreed with officers, and the assessment of cumulative impact is considered to be appropriate.

4.26 The following matters were scoped out of the ES and reasoning for them being scoped out was considered and agreed with Officers during pre-application discussions and an explanation has been provided as part of the ES Methodology:

- Electronic Interference;
- Ecology;
- Ground Conditions;
- Water Resources and Flood Risk;
- Archaeology;
- Aviation;
- Light Spillage; and
- Solar Glare.

4.27 On the 2<sup>nd</sup> March 2017, the developer submitted voluntary additional information pursuant to Regulation 22 of the EIA Regulations. This Supplementary Environmental Information Report includes the following documents:

- Transport Assessment Addendum
- Built Heritage Addendum
- Table of clarifications in relation to various matters in the Environmental Statement.

4.28 The additional information provides clarification on environmental matters.

4.29 In addition to the information submitted pursuant to Regulation 22 of the EIA regulations, the developer has also submitted the following information:

- Replacement Design Guidelines (dated March 2017)
- Replacement Development Specification and Framework (dated March 2017)
- Replacement Appendix 3 (Floorspace Schedule) of the outline planning application form
- Replacement Appendix 2 (Floorspace Schedule) of the CIL form.

4.30 The ES and the additional information submitted should be taken into account in the determination of the application.

4.31 The EIA Regulations require that there is a systematic assessment of a project's likely significant environmental effects before consent is granted, which the Environmental Statement together with the additional Regulation 22 information do, as noted below. The Council and members must take the ES and Regulation 22 information into account in making its decision on the applications, as well as

any other environmental-related information, which includes the representations received from statutory and other consultees. Information on those matters is set out later in this report.

- 4.32 The conclusions of the Environmental Statement, and the need for mitigation measures to be secured through the conditions or via the section 106 agreement, are dealt with in the sections below.
- 4.33 Following the submission of the further Regulation 22 information, the Environmental Statement is considered to be compliant with the EIA Regulations and applicable legislation, in relation to its assessment of the likely significant environmental effects of the development as a whole. As the development is likely to take a number of years to construct in total, the Environmental Statement considers the likely significant environmental effects at various points in the development, rather than at just one point in time. This is considered to be an appropriate way for the likely significant environmental effects of the development to be assessed. If required, any further environmental information may be sought at reserved matters stage.

#### **Site and Surroundings**

- 4.34 The application site is bounded by North End to the west, George Street to the south, Poplar Walk to the north and Wellesley Road to the east. The site comprises the majority of the land within these road boundaries, with the exception of all properties fronting George Street (apart from the former Alders department store and 3, 3a and 9a George Street), and Meridian House, the HSBC building and Electric House on Wellesley Road. The maximum length of the site (from Poplar Walk to George Street) is 460m and depth (from North End to Wellesley Road) varies between 190m and 230m. The site area measures approximately 8.99 hectares.
- 4.35 The majority of the site is located within the Primary Shopping Area of Croydon Metropolitan Centre as defined on the Croydon Local Plan Policies Map. As a result, the site is currently occupied by a variety of town centre uses, primarily consisting of the Whitgift Shopping Centre, the former Alders department store, a number of largely vacant office buildings and associated car parking.
- 4.36 The Whitgift Centre (including the area of the former Alders department store) currently comprises 128,068sqm GEA of retail floorspace arranged over two floors, with approximately 50,676sqm GEA of office space made up of five tower blocks of various heights between 10 and 24 storeys above the shopping centre and Green Park House, which is 10 storeys in height. The retail offer includes a range of uses from fashion, cosmetics and furnishing to food outlets. Marks and Spencer anchors the centre to the north and the former Alders store (currently occupied by Croydon Village Outlet) anchored the southern part of the centre.
- 4.37 There are three car parks on site: Whitgift Car Park (to the north accessed from Wellesley Road with egress onto Poplar Walk), Whitgift Open Air Car Park (located centrally with access and egress from Wellesley Road) and Alders Car Park (to the south of the site with entry and exit from Dingwall Avenue). There are currently 2,142 car parking spaces within the site. The main pedestrian

accesses are from North End, George Street and Wellesley Road, and there is a narrow access from Poplar Walk beside Marks and Spencer.

- 4.38 Poplar Walk to the north of the site is a part one-way and part two-way (for a short distance at the Wellesley Road end), road that runs between North End and Wellesley Road. Directly opposite the site lies Poplar Walk Car Park, St Michaels Court (4 storey residential building) and beyond is the Parish Church of St Michael and All Angels, a Grade 1 Listed Building. Green Park House, on the junction between Poplar Walk and Wellesley Road is a 10 storey, vacant office building with an area of open hardsurfacing next to it.
- 4.39 Wellesley Road (A212) to the east of the site forms part of the Strategic Road Network, is a dual carriageway with an underpass under George Street. The area is characterised by medium to high rise office and residential buildings, such as Government Offices at Lunar House (22 storeys) and Saffron Square (44 storeys). Planning permission has been granted at 1 Lansdowne Road for a part 55 storey mixed use building.
- 4.40 George Street to the south of the site is a one-way street characterised by mainly four storey buildings with retail uses at ground floor. Trams run along George Street. The Hospital of the Holy Trinity (Whitgift Hospital/Almshouses), a Grade 1 Listed Building, is located on the junction between North End and George Street.
- 4.41 North End to the west of the site is Croydon's primary pedestrian street with retail uses on either side, characterised by mainly 4 storey buildings. Centrale, a modern enclosed shopping centre, lies opposite the main entrance to the Whitgift Centre from North End. Centrale is within the applicant's ownership.
- 4.42 The application site is located within the Croydon Metropolitan Centre and the Croydon Opportunity Area, within an Area of High Density as identified on the Croydon Local Plan Policies Map. The western side of the application site (the majority of the site) is designated a Primary Shopping Area and contains main retail frontages (albeit emerging policy proposes to extend the boundary of the Primary Shopping Area to cover the application site in its entirety). The southern portion of the site lies within an Archaeological Priority Zone. The entirety of the development site lies within the Retail Core as identified in the Opportunity Area Planning Framework (the area that includes Centrale, North End, the existing Whitgift Centre site and former Allders store and the land to the east extending to Wellesley Road).
- 4.43 The properties along the North End and George Street frontages are within the Central Croydon Conservation Area. There are two Grade 1 Listed buildings in close proximity as described above. The Electricity Showrooms and Offices located on the corner of Wellesley Road and Dingwall Avenue are Grade 2 Listed (Wellesley Road) and there are a number of locally listed buildings along North End and George Street. There are two Croydon Local Plan Strategic Policies designated local views along North End looking south towards the Croydon Clocktower landmark and along George Street looking east towards the NLA Tower.

- 4.44 The application site has a public transport accessibility level of 6b, which is the highest accessibility rating. The site is located approximately 400 metres west of East Croydon Station and 90 metres south of West Croydon Station. Wellesley Road and George Street are both London Distributor Roads. The Park Lane Gyratory, approximately 300 metres to the south of the site, is part of the Transport for London Road Network. The tram network runs along Wellesley Road and George Street.
- 4.45 The Council's West Croydon Masterplan area lies to the north of the site, the East Croydon Masterplan to the east and the Mid Croydon Masterplan area to the south.

### **Planning History**

- 4.46 It should be noted that there is extensive planning history across the site and surrounding area. The planning history of a site may be a material consideration in the determination of a planning application and full details of the planning history dating back to the 1960s can be found in Appendix A to this report. The most relevant planning history relates to the grant of planning permission and conservation area consent in 2014 for the comprehensive mixed use development of the site. This was supplemented by a detailed planning permission for the Chapel Walk entrance to the Whitgift Centre (located on North End). The details of those planning permissions and the conservation area consent, all of which are still capable of implementation, are found below and are material considerations in the determination of this planning application:

12/02542/P Mixed use development of the site through the demolition, alteration refurbishment and retention of existing buildings/structures and erection of new buildings/structures to provide a range of town centre uses including retail and related uses (use class A1-A5) leisure (use class D2) residential (use class C3) community facilities (use class D1) office (use class B1) open space and public realm; vehicular bridge links; alteration of existing and creation of new basements, underground servicing and multi storey car parking; alteration to existing and creation of new vehicular and pedestrian access into the site; utility and energy generation facilities; infrastructure and associated facilities together with any required temporary works or structures required by the development.  
Outline permission granted subject to a S106 Agreement on 5 February 2014.  
This has not been implemented.

12/02543/P Demolition of no 5 and no 9a George Street and no.s 2-30 North End but with retention of the building facades at no 5 and no 9a George Street and at no.s 2-30 North End; demolition of buildings at no 7 George Street and no.s 42, 44-46, 48-50, 52, 54 and 56 North End including walls and fences and part of the rear of no 34 North End/units 135-137 of Whitgift Centre; creation of basements beneath buildings at no.s 38-40, 94,108 and 114-126 North End and no 9a George Street

Conservation area consent granted on 5 February 2014.  
This has not been implemented.

14/02824/P (Chapel Walk entrance) Demolition of existing buildings; creation of enhanced entrance and mall environment  
Permission granted 24 December 2014  
This has not been implemented.

4.47 A summary of the main distinctions between the development proposed in the present application and the scheme granted consents in 2014 is set out in paragraphs 2.4 and 9.4 - 9.7.

### **Compulsory Purchase Order**

4.48 The London Borough of Croydon (Whitgift Centre and Surrounding Land bounded by and including parts of Poplar Walk, Wellesley Road, George Street and North End) Compulsory Purchase Order 2014 (the CPO) was made by the Council on 15 April 2014 and confirmed by the Secretary of State on 15 September 2015, following a public inquiry and consideration of the Inspector's report. The powers to acquire land and rights under the CPO must be exercised within three years of the date on which notice of confirmation of the order was first published i.e. by 25 September 2018.

4.49 The CPO was made under planning powers, primarily those of S226(1)(a) of the Town and Country Planning Act 1990. The purposes of the CPO are expressed in broad terms, not linked to a specific planning permission, namely:

a) facilitating the carrying out of development, redevelopment or improvement on or in relation to the land comprising the demolition of existing buildings the erection of new buildings and structures to provide a comprehensive retail led mixed use scheme comprising a mix of town centre uses including retail, leisure, residential, community facilities and other complementary uses, new and improved publicly accessible access routes, public realm, car parking and associated servicing and infrastructure which is likely to contribute to the achievement of the promotion or improvement of the economic social or environmental well-being of the acquiring authority's area; and

(b) executing works to facilitate the development or use of the land.

4.50 In confirming the CPO the Secretary of State agreed with his Inspector's conclusions that the purpose for which the land was being acquired not only fitted with the adopted planning framework for the area but that the proposed purpose of the CPO would significantly contribute to the achievement of promotion or improvement of the economic, social and environmental well-being of the area. The Secretary of State was satisfied that there was a compelling case in the public interest to justify sufficiently the interference with the human rights of those with an interest in the land affected.

4.51 The development proposed in the current application is entirely consistent with the purposes for which the CPO was made and confirmed. If planning

permission is granted, implementation of the updated scheme would make at least an equivalent, if not much greater, contribution to the well-being of the Council's area than that authorised by the 2014 consents. The proposed development is also generally compatible with the adopted planning framework.

- 4.52 Delivery of the scheme will be informed by the terms of contractual arrangements between the Council and the applicant which will be updated to take account of the new permission if granted.

### **Viability**

- 4.53 CLP has provided the Council with information concerning the viability of the commercial and residential elements of the scheme. This appraisal has been reviewed by the Council's advisors, Deloitte LLP.

- 4.54 CLP's approach to the appraisal follows a residual valuation approach, which means that the estimated development costs are deducted from the estimated value of the 250 year lease in the completed development to determine the surplus that should result.

- 4.55 This appraisal methodology is a standard market approach for determining the profitability (or surplus) of a development proposal, assessed on the basis of the return to a developer who is assumed to sell the completed development. It is usual to assess the return at the assumed point of sale.

- 4.56 In this case, CLP has advised the Council that it intends to hold the completed development and therefore takes a longer term view on its financial return. The development profit the scheme generates at completion is therefore not the sole performance measure. CLP also considers the viability of the scheme on a 'development yield' basis, which is of greater significance. This approach assesses the net annual income that is estimated to result from the completed scheme, and compares this with the estimated development costs. The result is expressed as a percentage return or yield.

- 4.57 All developers will form their own view on the acceptable development yield, and this will reflect a range of factors at the time that the judgement is made. Thus, there is no "standard" return that always applies to all situations, but rather a probable range.

- 4.58 The developer has advised that based on its updated assessment reflecting the S106 and S278 costs and obligations to be borne by the developer (in light of the Public Infrastructure Measures), the scheme shows an acceptable level of return, which makes it deliverable.

- 4.59 The Council's advisors Deloitte LLP, consider this to be a reasonable conclusion to reach based on the current position. Further detail will be considered in due course.

- 4.60 Officers consider that the S106 and S278 costs and obligations to be required by the Council, as outlined in paragraphs 9.388-9.414, are at a level necessary to ensure the scheme is acceptable in planning terms. This consideration has taken

into account the enhancement of public infrastructure which is expected to come forward through the Public Infrastructure Measures.

- 4.61 It should be noted that in addition to the consideration of deliverability for planning purposes, in order for CPO powers to be exercised by the Council to enable the project to proceed, there needs to be a demonstrable basis for the developer to satisfy the land “draw-down test” within the updated indemnity land transfer agreement between the Council, the developer and other parties. This will include the developer committing to further design development work and occupier engagement, and for them to supply the Council and its advisors with further viability and commercial information. The indemnity land transfer agreement is also being updated to reflect the current application scheme.

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

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires that in dealing with a planning application, a local planning authority must have regard to: (a) the provisions of the development plan, so far as material to the application; (b) any local finance considerations, so far as material to the application; and (c) any other material considerations.
- 5.2 For proposed development which affects a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. In respect to buildings or other land in conservation areas section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In respect of development proposed outside a conservation area which would affect its setting or views into or out of the area, the desirability of preserving or enhancing the conservation area would also be a material consideration.
- 5.3 The National Planning Policy Framework (NPPF) describes the purpose of the planning system as being to contribute to the achievement of sustainable development, explaining that sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the NPPF refers to a presumption in favour of sustainable development being at the heart of national policy. In the context of decision-making paragraph 14 states that this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

- 5.4 Although there is some non-compliance with some elements of the development plan (in respect of London Plan parking policy (see paragraph 5.18), when taken as a whole the proposal generally complies with the development plan which is considered generally up to date, and generally achieves the sustainable development aim in terms of economic, social and environmental sustainable development, having regard to the factors below. It also complies with the NPPF, taking into account the Technical Guidance and Practice Guides and the National Planning Practice Guidance. Importantly, the proposal meets the strategic policy requirements for the Croydon Metropolitan Centre contained in the London Plan and Croydon Local Plan. The impact of the development on heritage assets is a factor to which members must give considerable importance and weight and is referred to in detail later in this report.
- 5.5 The following is a summary of the key reasons for the recommendation; the full detail of the report should be reviewed in considering all material planning considerations in more detail. The report and recommendation have taken account of all other material considerations including the responses to consultation and local representations, the environmental information submitted by the applicant and the proposed conditions and planning obligations. The proposed Public Infrastructure Measures to improve the COA (described in paragraph 2.10), which are to be the subject of provisions in the S106 agreement requiring their funding to be secured at the appropriate time, have been taken into account in assessing the extent of the developer's obligations described below.

#### *Retail and Leisure*

- 5.6 It is considered that the proposed retail led mixed use scheme in an identified Opportunity Area will make a very significant contribution to achieving the much needed regeneration of the Croydon Metropolitan Centre (CMC), by supporting and enhancing the quality and diversity of town centre retail provision, being related to the size, role and function of the town centre and its catchment, maximising the efficiency of a previously developed site and significantly improving the retail and leisure offer at the shopping centre and within the wider town centre. It will also generate in the region of 7,000 full time equivalent jobs. This would be in accordance with the objectives of the adopted development plan.
- 5.7 Indeed, it is considered that the proposed redevelopment of the Whitgift Centre and surrounding land is the most important site in the heart of the town centre which has the opportunity to act as a catalyst for regeneration and unlock the potential of a number of other town centre sites which have failed to come forward for development in recent years. It is acknowledged in local and regional planning policy applicable to Croydon that a step-change in Croydon's retail and leisure offer is required and the best opportunity for delivering this is via the

comprehensive redevelopment of the Whitgift Centre and surrounding land. This should allow Croydon town centre's businesses to present an improved offer to local people, new residents, visitors and prospective employees, and provide a greater opportunity to meet the Mayor's and the Council's policy aspiration of bringing a new community to the town centre.

#### *Community Facilities*

- 5.8 The principle of an element of floorspace within Use Class D1 is supported for this town centre location and would be in accordance with the objectives of the adopted development plan.

#### *Offices*

- 5.9 It is considered that the loss of approximately 46,781sqm of existing office space from within the Retail Core, which is outside the New Town and East Croydon character area as identified in the OAPF, is acceptable in principle and would be in broad accordance with the objectives of the adopted development plan.

#### *Housing*

- 5.10 The number of residential units proposed (indicatively between 626-967) will significantly contribute towards the 1,100 home aspiration of the Croydon Opportunity Area Planning Framework (OAPF) over the 20 year period (which relates to the entirety of the Retail Core and is identified in figure 9.1 of the OAPF) and the principle of an element of residential within this mixed-use development is fully supported by policy at the national, regional and local level in accordance with the objectives of the adopted development plan.

#### *Housing Choice*

- 5.11 It is considered that a suitable mix of sizes of residential units can be appropriately secured at reserved matters stage. The developer has agreed to provide 5% 3 bed units, which is in line with OAPF requirements. All residential units are proposed to be 'Build to Rent', and whilst it would not include a mix of tenures on the site such as units for sale, it is a housing tenure that is considered acceptable by the Mayor of London's Affordable Housing and Viability SPG 2017 and a proportion of the Build to Rent units would be discounted to make them more affordable.

#### *Affordable Housing*

- 5.12 The applicant submitted viability information during the course of the application as outlined in paragraphs 4.53-4.61 above, which included commercially sensitive confidential information, which has been subject to a non-disclosure agreement with the Council and the GLA. The Council commissioned Deloitte to assess this information. The viability information has indicated that the provision of the adopted Croydon Local Plan: Strategic Policies minimum target of 50% affordable housing is not achievable. The viability status of the scheme is acknowledged and Officers have accepted that the minimum target of 50% affordable housing cannot be achieved with this scheme and that a lower amount of affordable housing can be accepted due to viability considerations. However, Officers are of the opinion, on the basis of the viability information seen, that a minimum quantum of 20% of the residential development should be provided as on-site affordable housing in the form of Discounted Market Rent units. Officers recommend that there should be a requirement in the S106 agreement for the

rent for these units to be discounted to London Living Rent levels in respect of 40% of the Discounted Market Rent units and for the remaining 60% to achieve 80% of Market Rent values, to make this element of the scheme acceptable. This would allow for a range of affordability of rent levels to be achieved on the site. The S106 Agreement would include review mechanisms in accordance with Mayor's Affordable Housing and Viability SPG (2017) (with a cap of 50% quantum of affordable provision) to allow any uplift in affordable housing to be provided on site or a contribution to be made as appropriate. On the basis of achieving this, the scheme would be in compliance with adopted and emerging affordable housing policy.

#### *Housing Quality*

- 5.13 The applicant has committed to meeting the required standards of the London Plan, London's Housing Supplementary Planning Guidance, Croydon Local Plan: Strategic Policies, Croydon OAPF, UDP Saved Policies 2013 and national policies. This will be secured by condition and is acceptable.

#### *Design and Heritage*

- 5.14 The development is well designed and would provide a high quality retail and leisure destination with good quality residential space, creating a positive identity for the area and would enhance this part of the CMC. The application is in outline and the Parameter Plans and Design Guidelines provide sufficient detail to ensure that these objectives are met. Full details of the final scheme would be secured through Reserved Matters and conditions. Improvements to the public realm in the vicinity of the site would be secured by condition and under legal agreements. Subject to the details at Reserved Matters stage, proposed conditions and section 106 legal agreement, it is considered that the outline proposal accords with the objectives of adopted development plan.
- 5.15 Paragraphs 9.149 – 9.178 describe the impact of the proposed development on heritage assets. Some adverse effects are identified which are assessed overall to be less than substantial, but in two instances, under emerging local policy, would be considered to result in substantial harm to the Central Croydon Conservation Area (paragraphs 9.151, 9.169 & 9.171-9.172). In view of the obligations in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority must give considerable importance and weight to the statutory objective of preserving heritage assets (rather than treat it as a "mere" material consideration) and be conscious of the presumption against granting permission which would cause such harm. Having given proper importance and weight to the aim of preserving heritage assets it is nonetheless considered by officers that the harm identified by the removal of two buildings in the Conservation Area is necessary to achieve the substantial public benefits of the scheme. The proposed scheme would deliver such substantial public benefits and provides sufficient detail to conclude that, subject to the content of reserved matters and imposition of appropriate conditions, the impact on heritage assets would not warrant refusal of permission in this case. Having paid special regard to the factors in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 133 and 134 of the NPPF, it is considered that the harm is outweighed by the significant public benefits of the scheme.

5.16 The Design Guidelines and Parameter Plans are considered to be sufficiently detailed to control the scale and quality of development. The impact of the proposed development on the historic environment has been assessed through the Environmental Statement and aided by consideration of an illustrative scheme and linking demolition to the implementation of the approved redevelopment scheme via condition. This is in accordance with the adopted development plan.

*Transportation, Access and Parking*

5.17 Consideration has been given to the responses to consultation from the GLA and others on transportation access and parking and the local representations on these matters. It is noted that the application site is located in a highly accessible location within the CMC and the proposal would provide for high quality new parking in the Retail Core (as defined in the OAPF). The performance of the highway network is predicted to be affected by traffic associated with this and other future developments, plus wider growth. There are predicted resultant delays/increases in journey time including along the Wellesley Road corridor. However, it is considered that overall the effects on the highway network would not justify a refusal of planning permission, when balanced against the wider regeneration benefits to the town centre, subject to the proposed section 278 works being undertaken and the completion of the Public Infrastructure Measures.

5.18 In car parking terms, permission would be granted for 3,140 retail/leisure user car parking spaces (serving the non-residential scheme component) with additional blue badge spaces for residential uses (representing 10% of the total number of residential units). Although the proposed level of car parking is in excess of the London Plan policy 6.13 and UDP Saved Policies 2013 T8, it generally accords with the objectives of the Croydon Local Plan: Strategic Policies, Croydon OAPF and national policies and, on balance, it is considered that the outline proposal is acceptable.

*Local impact including amenity*

5.19 The application and supporting assessment material demonstrates that the impact of the development on privacy and outlook, visual intrusion, daylight, sunlight and overshadowing, and noise and disturbance would be acceptable, subject to appropriate conditions and details to be approved at the reserved matters stage. It is considered that the outline proposal accords with the objectives of the adopted development plan.

*Sustainability and Energy*

5.20 The proposed development is aiming to achieve a BREEAM rating of 'Excellent'. A detailed evaluation of BREEAM would be required at the reserved matters stage. The combined annual reduction in regulated carbon dioxide emissions is 35.5% for the non-domestic element, 36.2% for the non-domestic element and the minimum residential parameter, and 37.6% for the non-domestic element and the maximum residential parameter. This meets the 35% reduction for the non-domestic element required by the London Plan, but does not meet the zero carbon requirement for residential units. However, a planning obligation to secure a financial contribution towards off site provision for carbon reduction is required, which would be acceptable and in accordance with the objectives of the

adopted development plan. (As noted, the Public Infrastructure Measures will also include the provision of infrastructure to mitigate the impact of carbon emissions on the town centre.)

*Noise and Vibration*

- 5.21 It is considered that through appropriate mitigation (secured by conditions), the noise and vibration aspects of the development are acceptable and in accordance with the objectives of the adopted development plan.

*Contamination*

- 5.22 It is considered that all effects related to ground conditions can be mitigated to an acceptable level and this will be secured through appropriately worded conditions. It would therefore accord with the objectives of the adopted development plan.

*Air Quality*

- 5.23 It is considered that subject to the imposition of appropriate conditions and an appropriate financial planning obligation secured through the S106 Agreement to contribute to mitigation measures in the Air Quality Action Plan, the scheme is acceptable in terms of the impact on air quality during the construction and operational phases. It would therefore accord with the objectives of the adopted development plan.

*Water Resources and Flood Risk*

- 5.24 Subject to suitable conditions (including those requested by Environment Agency, Thames Water and the Lead Local Flood Authority) and details at reserved matters, the application is considered acceptable in relation to water resources and flood risk. It would therefore accord with the objectives of the adopted development plan.

*Biodiversity*

- 5.25 Biodiversity was scoped out of the Environmental Statement on the basis of further pre-application survey work carried out by the developer (further details below). However, the provision of ecological enhancements has been secured through appropriate conditions. It would therefore accord with the objectives of the adopted development plan.

*Wind and Microclimate*

- 5.26 The maximum and minimum building envelopes and the alternate phasing options have been tested and demonstrate that the scheme will be acceptable in terms of wind and microclimate, subject to mitigation. A condition has also been included requiring wind microclimate reports to be submitted for approval prior to the commencement of each phase and this would include appropriate mitigation, such as landscaping, where necessary. The application is considered acceptable in relation to wind and microclimate. It would therefore accord with the objectives of the adopted development plan.

*Electronic Interference*

- 5.27 Subject to an appropriate obligation in the Section 106 agreement to monitor and deal with any interference with television reception, the potential for and impact

on electronic interference would be appropriately safeguarded. It would therefore accord with the objectives of the adopted development plan.

#### *Access and Inclusive Design*

- 5.28 The residential element of this development would comply with the Mayor's standards and the national technical housing standards. 10% of the housing would be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users in accordance with the requirements of Part M4(3) of the Building Regulations, with the other 90%, built to comply with Part M4(2). This would be secured via condition. Other conditions require the provision of Shopmobility and an Adult Changing Places unit. The design and arrangement of the overall development, secured through the Design Guidelines and Parameter Plans, is considered acceptable in delivering an accessible mixed-use shopping destination in the CMC. It would therefore accord with the objectives of the adopted development plan.

#### *Safety and Security*

- 5.29 Subject to mitigation proposed (including CCTV, provision for Police Airwave Radio and lighting, which will be secured via condition, design considerations, such as active frontages and avoiding cul-de-sac locations within the Design Guidelines and appropriate informatives to consult with the Metropolitan Police), it is considered that the development would provide a safe and secure environment which would accord with the objectives of the adopted development plan.

#### *Human Rights and Equalities Implications*

- 5.30 In reaching their decisions Members should take account of the provisions of the Human Rights Act 1998 as they relate to the outline planning application and the conflicting interests of the applicants and any third party opposing the application. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report, including when considering consultation responses.
- 5.31 Equality Impact Assessments (EqIAs) were undertaken in connection with the Croydon Local Plan: Strategic Policies 2013 and the Croydon Opportunity Planning Framework. An Equality Analysis (EqA) was also undertaken in respect of the compulsory purchase order (CPO) for the site. Officers' assessment of the application has taken into account equalities issues and this aspect must also be considered by Members in determining the application. Members are referred to paragraphs 9.363 – 9.375 of this report.

#### *Section 106 etc. agreement*

- 5.32 The development requires additional matters to be mitigated in a legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and other enabling powers in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), to make the development acceptable in planning terms. These additional matters as recommended by officers would comply with Regulation 122 of the CIL Regulations 2010 as the measures are considered necessary to make the proposed development acceptable in planning terms, are directly related to the

development and fairly and reasonably relate in scale and kind to the development.

#### *Community Infrastructure Levy*

- 5.33 CIL would be charged in accordance with the adopted Mayoral and Croydon Council CIL charging schedules, which secures set levy payments to fund specified infrastructure.

#### *Consideration of consultation responses and local representations*

- 5.34 All responses to consultation and local representations have been taken into account by officers in assessing the application. They are summarised in the next section and further consideration of matters raised is set out in the remainder of the report. Overall, where they object to the development proposals, the objections are not considered sufficient to outweigh the reasons for granting planning permission.

## **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)**

- While the scheme is broadly acceptable in strategic planning terms, the application does not fully comply with the London Plan.
- The principle of the proposed development is supported but further detail is required in relation to affordable, retail and student residential accommodation.
- There will need to be significant upgrades to transport services and public realm. Tram and bus capacity mitigation measures along with highway access and walking and cycling improvements on the surrounding network are required. Other issues relate to rail stations, car parking, cycle parking and blue badge parking. (OFFICER COMMENT: since the GLA Stage 1 comments have been received, the Council has taken the view that public investment in infrastructure, including public transport services, is required to benefit the wider town centre.)
- Delivery of homes in the build to rent sector with on-site delivery of discount market rent units is supported. However, the applicant's approach to viability information is unacceptable. (OFFICER COMMENT: since the Stage 1 response was received from the GLA, the developer has been in discussions with the GLA regarding affordable housing and viability. However, to date, the GLA has not provided the Council with an updated response.)
- The approach to height, massing and design is supported subject to refinements to the design guidelines.
- Further views information is required to assess the impact on the Grade I Listed Whitgift Almshouses. (OFFICER COMMENT: Additional information was submitted in March 2017 (within the Built Heritage Addendum of the

Supplementary Environmental Information Report) which provided additional context to the views and the relationship of the scheme to the Grade I Listed Whitgift Almshouses.)

#### *Principle*

- The mixed use redevelopment of the site for town centre uses and residential above is supported and will facilitate the regeneration of the Croydon Town Centre. Additional retail and leisure floorspace will support the vitality and viability of the town centre. GLA officers will work with the applicant to secure provision of affordable units for independent retailers and service outlets.
- Additional residential accommodation will help meet the pressing need for more homes in London. A proportion of the floorspace could be used as hotel or student accommodation. The provision of new visitor accommodation in a town centre is supported. In principle, the provision of student accommodation in a highly accessible location is supported in strategic planning terms.
- The proposals will result in the loss of redundant office floorspace outside the New Town and East Croydon area, which is supported in accordance with the Croydon OAPF.

#### *TfL*

(OFFICER COMMENT: the following TfL comments in the Mayor's Stage 1 report have been updated by comments in their letter of 18 April 2017 (paragraph 6.3). They have been retained here for completeness.)

- In relation to trip generation, whilst the overall methodology has been agreed some further work is required in respect of the modal split and parking demand.
- Modelling indicates delays of up to 90 seconds to bus services on the network. At present any delay over 30 seconds is considered unacceptable and these impacts will therefore need to be reduced through the mitigation strategy. (OFFICER COMMENT: Improvements to infrastructure in the town centre through the Public Infrastructure Measures, will have a benefit to bus journey time reliability on services across the town centre and will also be of benefit to the town as a whole.)
- Delays to bus journeys equate to a £6m cost to TfL and this figure will be sought to provide additional bus services. However, TfL's strong preference is to reduce the bus journey delays through a series of highway improvements and design measures, which should be agreed with TfL and the Council and funded by the applicant (in which event, the £6m financial contribution would not be required). (OFFICER COMMENT: The impact on buses has been fully assessed and any infrastructure works required are to be provided for through the proposed Public Infrastructure Measures, which is acceptable to the Council.)

- Changes are proposed to the highway layout to facilitate development and this has been improved from the 2014 planning permission which is welcomed. The management and operation of access arrangements should be secured by condition.
- Funding is sought for future TfL officer time to work on and monitor detailed design of the application.
- Effect on bus network capacity is significant – 3 million extra bus journeys per annum. 2 routes will require frequency increases and one route will require an extra journey to accommodate demand. This has a cost of £7,975,000 over 5 years. (OFFICER COMMENT: Additional funding to improvements to bus services in the town centre will be addressed through the Public Infrastructure Measures and will be of benefit to the town as a whole.)
- Further bus standing space will be required to manage increases to bus services.
- All bus stands that serve the development should be upgraded to ensure that they meet current standards. The average cost of upgrading a bus stand is £10,000. (OFFICER COMMENT: Upgrades to bus standing facilities will be addressed through the Public Infrastructure Measures as they are of benefit to the town centre as a whole.)
- The effect on the tram network is significant and equates to approximately over 2 million extra tram journeys per annum. It is not physically possible to add more trams onto an already optimised timetable without providing wider network enhancements including tram operation, stabling and depot facilities, which would not be feasible or cost effective.
- The Dingwall Loop is the only currently feasible mitigation option to address the increase on demand in relation to the tram network. The Dingwall Loop would provide the capacity required to mitigate the impact of the development. The scheme cannot progress without funding from this development to be secured through the S106 agreement. (OFFICER COMMENT: Additional funding has been identified through the Public Infrastructure Measures for the Dingwall Loop or other measures which TfL may present as a solution to increasing capacity on the tram network.)
- Further tram improvements to the George Street Tram Stop are necessitated by the development – the full cost for these works must be funded by the applicant. (OFFICER COMMENT: Improvements to the George Street Tram Stop would be of benefit to the COA and therefore are proposed to be funded through the Public Infrastructure Measures.)
- The effect on the rail network is significant and equates to 1 million extra journeys per annum. It is considered that information in the transport assessment in this respect is incorrect and this may underestimate the impact on West Croydon station. (OFFICER COMMENT: The Transport Assessment Addendum submitted in March 2017 has addressed this matter.)
- This is particularly important given that the revised proposals for Poplar Walk offer a greatly improved connection to the station.

- Opening up the second entrance at West Croydon for longer should be investigated and the costs associated with it secured through the S106 Agreement. (OFFICER COMMENT: Improvements to accessibility at West Croydon Station have been identified as being provided through the Public Infrastructure Measures as they are of benefit to all users of West Croydon Station.)
- There is sufficient capacity to accommodate additional demand at East Croydon Station.
- The main pedestrian entrance to the development is from Wellesley Road opposite Lansdowne Road where a new signalised pedestrian crossing facility is proposed. Given that this is the main pedestrian desire line for people arriving from East Croydon Station, this should be funded by the applicant. (OFFICER COMMENT: This crossing was originally envisioned as part of the Connected Croydon programme of works and is on the Council's Regulation 123 list of works.)
- The cycling strategy and provision for cycling is inadequate and does not reflect the Mayor's objectives for cycling. The total peak hour cycle trip generation predicted in the TA is considered to be too low for a development of this size. (OFFICER COMMENT: A planning condition secures a cycle strategy and provision of cycle parking. The Public Infrastructure Measures include provisions for improving cycling infrastructure in the town centre and in the vicinity of the site.)
- A draft cycle strategy should be prepared prior to determination. (OFFICER COMMENT: It is considered that it is appropriate to secure this via a planning condition.)
- Improvements to Poplar Walk are broadly supported. However, further information is required to demonstrate how any conflicts between bus and cycle routes on Poplar Walk will be designed and managed given the high pedestrian movements. (OFFICER COMMENT: This level of detail will be provided at reserved matters stage.)
- Car parking is equivalent to the restricted amount in the 2014 planning permission and a reduction overall and relative to retail floorspace. Whilst it is in excess of the London Plan parking standards, it is in broad conformity with Parking Scenario 2 of the Croydon OAPF.
- 5% retail car parking has EVCP's with 15% passive provision. Whilst the active provision doesn't meet London Plan Standards, the combined active and passive provision does, which is supported.
- 4% of car parking spaces are blue badge and a further 2% available for either blue badge or parent/child. This is supported. The London Plan requires a further 4% future provision to be identified, which could be used as parent/child spaces unless disabled demand arises.
- The residential element will be car free with the exception of disabled car parking, in accordance with the London Plan.
- Coach drop off and pick up facility is proposed on the northern kerb of Poplar Walk which is supported in principle. Detailed design should be

secured by planning condition. (OFFICER COMMENT: This will be secured by planning condition.)

- It is recommended that 20 car club spaces are provided. The applicant should also offer free car club membership to residents to be secured in the S106 agreement. (OFFICER COMMENT: 15 spaces have been secured which is considered to be a reasonable number for a development of this scale and these will be secured via condition.)
- A car park management strategy for retail/leisure and residential uses will be required and secured. The strategy should also include a comprehensive town centre Variable Message Signage (VMS) system to manage parking. (OFFICER COMMENT: A car park management strategy can be controlled by planning condition, a VMS system would have a wider benefit for the town and will be funded through Public Infrastructure Measures.)
- The development will generate significant demand for taxi trips. The applicant should provide further details on the capacity and operation of the Dingwall Avenue taxi rank and whether this is the only taxi rank proposed for the site. (OFFICER COMMENT: A taxi strategy is secured by planning condition.)
- A framework travel plan has been provided. The final travel plan(s) to be secured through the S106. (OFFICER COMMENT: Travel plans for the commercial and residential elements are controlled by planning condition.)
- Specific measures such as car club membership and cycle vouchers should also be secured through the S106 as well as other measures that are befitting a 21<sup>st</sup> Century regionally significant shopping centre.
- The sustainable transport fund should maintain what was achieved last time with indexation. Additional funds may be required to implement the cycle strategy. Monitoring will be required to ensure mode share targets are achieved and exceeded. (OFFICER COMMENT: Travel plans have been secured by planning condition which include measures to encourage sustainable travel. A cycle strategy is required by planning condition.)
- Detailed discussions on construction arrangements should be undertaken as early as possible.
- A draft Delivery and Servicing Plan should be submitted prior to determination, detailing a commitment to reduce peak hour servicing, delivery booking systems and a responsible procurement process. (OFFICER COMMENT: Secured by planning condition.)
- The application is liable to pay a Mayoral CIL charge, the cost of which in Croydon is £20 per square metre.
- The scheme requires S106 payments.

### *Housing*

- The current proposals have the potential to make a greater contribution to the town centre's residential offer, which is strongly supported.

- There is the option to deliver an element of student housing or hotel (but not both) and will be delivered from the maximum residential floorspace figure.
- The proposed residential accommodation would be delivered as build to rent, which is supported. The build to rent homes should have a covenant period of at least 15 years which the applicant has confirmed. A clawback mechanism will be required in the event of units being sold out of the build to rent sector during the covenant. (OFFICER COMMENT: this requirement is supported.)
- On site discounted market rent (DMR) tenure is proposed which would be provided with a minimum 20% discount to open market rent, although further details are required to agree a level of discount that will meet local housing needs.
- The DMR units should be owned and managed by the build to rent landlord. Pepper potting of units is supported and should be secured in perpetuity in the S106.
- A confidential viability assessment has been made available to the Council and their independent viability consultants. The applicant has offered to provide the GLA with a copy of the summary viability assessment on a confidential basis. The applicant's approach to viability is unacceptable to the GLA, being inconsistent with the principles of openness and transparency required to foster a greater understanding of and trust in the planning system as promoted within the Mayor's draft Affordable Housing and Viability SPG. (OFFICER COMMENT: The developer has been in discussion with the GLA in relation to viability matters and the requirements of the now adopted Affordable Housing and Viability SPG 2017.)
- The applicant must set out the proportion of affordable housing and allow it to be interrogated.
- If there are exceptional circumstances for keeping elements confidential, the applicant must clearly detail them to the Mayor to consider if it is in the public interest to maintain the exception. (OFFICER COMMENT: The developer has been in discussions with the GLA to enable them to interrogate relevant elements of the viability information.)
- As the application is in outline the final mix of unit sizes have not been confirmed. Given the town centre location and the build to rent tenure, local policy requiring a range of unit sizes should be applied flexibly.
- As the application is in outline, the child yield and play space requirements cannot be confirmed at this stage. The submitted landscape strategy includes a play and recreation strategy and assumes a child yield range of 43-66 children. Although the final unit size and tenure mix will have a big impact upon the final child yield figure, the indicative figure appears to be low and further discussion is required so that the development is able to meet the play space requirement.
- The Council should secure the delivery of suitably designed and located play space through appropriately worded conditions. (OFFICER

COMMENT: a condition has been added requiring details of child play space to be submitted for approval.)

- The site is in the upper range of the density matrix set out in Table 3.2 of the London Plan. The principle of a high quality, high density development is supported in the interests of optimising development potential and increasing housing supply. The applicant should confirm the net residential density of the proposed development in the maximum scenario.
- The design guidelines confirm that all residential accommodation will be designed in accordance with these standards and the guidelines require the design of the residential towers to conform with requirements relating to shared amenity space and floor to ceiling heights. (OFFICER COMMENT: This will be secured by condition.)

### *Urban Design*

- The general layout follows the broad principles laid down by the approved scheme, including the disposition of routes through the site. The proposed arrangement will deliver a significant improvement to the layout and permeability of the Croydon Town Centre.
- The 24h route, referred to as the Galleria will improve connections from Lansdowne Road through the site to the old town. The revised proposals allow this route to be step free, which is welcomed. Whilst the principles set out in the Design Guidelines generally support the creation of a high quality route, further detail should be provided in the guidelines to achieve the objective of a permeable route, including restrictions to avoid clutter such as retail kiosks. (OFFICER COMMENT: The Design Guidelines encourage this route to be permeable and to avoid clutter. Further detail on the specifics of this route will come forward at reserved matters stage.)
- The creation of threshold spaces at the entrance of public routes through the development is welcomed. Encouragement is given to refine guidelines in relation to these threshold spaces to provide individual character that is more responsive to the character of the specific locations.
- The entrance location at Galleria East has been assessed to be one category windier than the desired condition in the windiest season. The design guidelines for this threshold space should be refined to secure the delivery of the mitigation measures recommended in the ES. (OFFICER COMMENT: The Design Guidelines (which will be an approved document) identify that this space should protect against environmental conditions, including wind. Reserved matters applications will be expected to be accompanied by a wind microclimate report to ensure that this matter is addressed and/or appropriate mitigation is designed in.)
- The residential zone fronting Wellesley Road extends further north to incorporate the site of Green Park house, which is supported. Other changes (demolition of the Whitgift car park and Marks and Spencer building) provide an opportunity to create a significant new public open space on Poplar Walk which is strongly supported.

- The principle of developing tall building on this site, within an opportunity area and town centre with good access to public transport, is supported.
- The revised scheme follows the general approach of the approved scheme (taller elements towards the Wellesley Road frontage, stepping down in height towards the more sensitive areas of George Street, North End and Poplar Walk where heritage assets and the Conservation Area are located), although there are areas where the height and massing has increased, including the addition of car parking to the upper levels. The additional height and massing related to car parking and retail elements enables significant improvements at street level and is supported.
- The principle of buildings within the proposed locations and height ranges is supported with regard being had to the visual impact of the proposals on the character of the area and heritage assets. The increased building width allowances are proposed to allow for greater articulation of the towers as shown in the illustrative scheme. The design guidelines should be further refined to ensure that the maximum width does not result in an overly bulky massing form. (OFFICER COMMENT: Officers are satisfied that the towers are sited and are of appropriate height to ensure that they do not coalesce and appear bulky in important viewpoints. In addition, a maximum width of each tower has been specified in the Design Guidelines.)
- The design guidelines set out principles to guide the appearance and materiality of the street frontages, which is welcomed.
- The proposed development will deliver extensive improvements to existing public realm and create new areas of public realm, which is strongly supported. New tree planting on Wellesley Road should be of a scale and maturity that responds to the scale of the development.
- Generally the proposed development under both minimum and maximum massing scenarios would represent a significant improvement on the existing buildings that would have a positive effect upon the character and setting of nearby heritage assets.
- In the maximum massing scenario, the commercial element and one of the residential towers would be visible behind the Grade I Listed Hospital of the Holy Trinity and from within its enclosed central courtyard. High quality design and materials will be required in the detailed design of the facades to minimise any impact. The design guidelines ensure that any nearby plant is located to ensure that harmful visual impacts are minimised, which is welcomed.

#### *Air quality*

- Overall the development is not considered likely to cause a significant effect on local air quality.

#### *Inclusive design*

- The proposed development has been designed in accordance with the principles of inclusive design and the needs of disabled and ambulant

disabled occupants and visitors have been considered throughout the design process.

- The proposed development creates two new, fully accessible routes that bisect the site north-south and east-west. A level change of 2-3 metres between the eastern part and western part of the latter route is addressed with a slope up from North End towards Wellesley Road. The maximum gradient for all routes will be 1:20 with every effort to be made to achieve more shallow gradients. Design guidelines also require a level landing to be provided for every 500mm rise.
- It is not clear from the plans provided where alternative means of vertical access (other than escalators) will be located. It should be ensured that alternative options are within close proximity to present users with all available options, minimising travelling distances between them. (OFFICER COMMENT: this level of detail will come forward in the reserved matters applications.)
- The applicant is committed to working in conjunction with London Trams to remodel the existing tram stop on George Street to provide a more legible, step free arrival by tram. A dedicated accessible setting down parking bay off Wellesley Road and close to an entrance to the shopping centre will be provided.
- The proposed levels of disabled persons parking for new shopping, recreation and leisure facilities are not in accordance with table 6.2 of the London Plan. GLA officers would welcome further discussions with the applicant and TfL officers aimed at securing an acceptable amount of disabled persons parking. (OFFICER COMMENT: the level of disabled car parking is secured by planning condition.)
- The provision of shopmobility is welcomed. However, the guidelines currently provide for shopmobility services within 50 metres of car parking bays but do not contain provisions for people arriving by public transport. The applicant should consider opportunities to provide shopmobility services in locations accessible to the pedestrian accesses. (OFFICER COMMENT: the provision of shopmobility is secured by planning condition. The location of this provision has not yet been finalised and will be proposed and assessed as part of the reserved matters applications.)
- The illustrative view of Poplar Walk shows tapering steps with a ramp cutting through them from street level up to the pedestal level. This approach will be problematic for many people and does not achieve the highest standards of accessible and inclusive design required by London Plan policy 7.2. The sloped area is described as an accessible ramp and as such should be designed in accordance with the latest guidance on ramps and incorporate the correct dimensions, level landings, gradients, edge upstands, handrails and handrail extensions. (OFFICER COMMENT: this is currently only illustrative. The actual proposals will come forward in the reserved matters applications.)
- 90% of units will be designed to M4(2) and 10% to M4(3) which is in accordance with the London Plan.

### *Climate Change Mitigation*

- The applicant should outline the measures considered to avoid overheating and minimise cooling and provide further information on energy performance to ensure compliance with the London Plan. (OFFICER COMMENT: additional detail will come forward at reserved matters stage and will be assessed at that stage. The level of detail provided to date is considered to be appropriate for the outline, parameter based nature of the planning application.)
- Connection to the planned Croydon District Heating network is not feasible due to timescales and the relatively low heating loads of the retail component. Further evidence to demonstrate this should be provided.
- Design to allow future connection to a district heating network should one become available is welcomed. (OFFICER COMMENT: this has been included as a planning condition.)
- The applicant should confirm that a site wide heat network is proposed to which all uses, residential and commercial will be connected and provide further information on the heat network and energy centre. (OFFICER COMMENT: the applicant has proposed an energy centre for the development. Additional detail should be provided at reserved matters stage.)
- Further information on the CCHP should be provided including the total anticipated space heating, space cooling and domestic hot water demand of the development as well as any implications associated with the phasing of the development.
- In light of the zero carbon target, the applicant is strongly encouraged to maximise the on-site carbon savings through the inclusion of PV panels. A roof layout of the likely areas that could accommodate the PV should be provided. (OFFICER COMMENT: additional detail on available roof areas will be provided at reserved matters stage.)

(OFFICER COMMENT: Since the GLA Stage 1 report was provided on 16<sup>th</sup> January 2017, the applicant has been in discussion with the GLA with a view to dealing with the above points. The above issues are considered further within the material considerations section of the report.)

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

6.3 TfL initially commented within the Mayor's Stage 1 report (see above). A letter was received on 18<sup>th</sup> April 2017 updating their position as follows:

- The initial report highlighted that the development will generate around 27 million visitors a year of which 8.5 million are new, requiring significant upgrades to transport services and public realm. TfL requested that tram and bus capacity in particular should be prioritised along with highway access and walking and cycling improvements on the surrounding network. More than 3,100 car parking spaces are proposed which is in excess of London Plan standards, and requires specific management strategies to be

implemented. Cycle parking, electric vehicle and blue badge parking also did not meet London Plan standards.

- Since the Stage 1 report, further discussions have been held with the Council and the applicant and additional information has subsequently been submitted. TfL is now generally satisfied that the impacts of the development can be adequately mitigated, subject to appropriate transport improvements being secured by condition and through the section 106 agreement. (OFFICER COMMENT: transport related conditions have been applied and in recognition of the investment needed in infrastructure in the town centre and the wider benefit it would have, funding through the Public Infrastructure Measures would benefit transport infrastructure.)
- Extensive work has been undertaken on updating the VISSIM modelling. TfL is now satisfied that these models are acceptable and fit for purpose for assessing the impacts of the development and can be used to inform subsequent detailed design and formal notification stages.
- With regard to car parking, TfL previously commented that the proposed level of car parking for the retail/leisure element of the scheme was excessive. Whilst there has been a slight reduction in the overall level of car parking compared to the 2014 planning permission it is still contrary to London Plan standards. However it is recognised that the proposed level is in conformity with the recommendation in the Croydon Opportunity Area Planning Framework (OAPF) for the retail core.
- With regard to the section 106 agreement, it has been agreed with the Council and the applicant that significant contributions will be secured towards public transport, including tram network enhancements which may include the Dingwall Loop scheme or suitable alternative tram improvements and enhancements to bus services and facilities which have been prioritised due to the forecast public transport mode share. (OFFICER COMMENT: The Public Infrastructure Measures will provide funding for measures such as the Dingwall Loop (or suitable alternative tram improvements), and enhancements to bus infrastructure.)
- The agreement will also secure a comprehensive travel planning and monitoring process which will allow the impacts of the development to be reviewed and mitigation measures developed as appropriate with other cumulative growth in the town centre. (OFFICER COMMENT: Travel plans are secured by planning condition.)
- Other measures to be secured include section 278 highway works, public realm improvements, cycle facilities, a car park management plan and VMS, West Croydon Station improvements, and construction logistics and delivery and servicing plans. (OFFICER COMMENT: The Public Infrastructure Measures will invest in infrastructure in the vicinity of the site

including public realm improvements, a variable message system for the town centre, improvements to West Croydon and highway works that would require a S278 agreement. Other matters would be covered by condition.)

- With regard to highway impacts, the localised impacts will be addressed via the section 278 works proposed for Wellesley Road and at the Park Lane gyratory, through close working with TfL. The applicant has also tested a range of measures which look to provide journey time benefits to buses and we will look to investigate these further as part of the section 278 works. Comprehensive highways network monitoring will allow the impacts of the development to be reviewed and mitigated. (OFFICER COMMENT: The developer will be required to enter into a S278 agreement to enable works to take place to Wellesley Road to facilitate access to the proposed development. Other upgrade works to local highways in the town centre will provide benefit to the town as a whole and are addressed through the Public Infrastructure Measures.)
- In summary, TfL is now satisfied that the proposed development is considered to be in general accordance with the transport policies of the London Plan, subject to the measures above being secured by condition, through the section 106 agreement and implementation of the Public Infrastructure Measures.

#### **Health and Safety Executive (Statutory Consultee)**

- 6.4 The proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline so there is no need to consult HSE and HSE has no comments to make.

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

- 6.5 The planning application area lies within an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Central Croydon – Tier II.
- 6.6 The archaeological desk based assessment submitted by the developer has demonstrated that the development has the potential to impact previously unknown archaeological remains of all periods but particularly those associated with the medieval and post-medieval development of the site. It is recommended that a phased programme of archaeological investigation is undertaken.
- 6.7 Historic England concurs with the suggestions in the submitted assessment and it is recommended that an archaeology condition be attached to the planning permission if granted. The archaeological interest should therefore be conserved by attaching a condition requiring a written scheme of investigation, to be approved by the Local Planning Authority and the works to be carried out in accordance with it. (OFFICER COMMENT: An archaeology condition has been applied accordingly.)
- 6.8 Historic England (Archaeology) responded to the second round of consultation and confirmed their position remains unchanged.

**Natural England (Statutory Consultee)**

- 6.9 No comments. However, the lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 6.10 Natural England responded to the second round of consultation and confirmed their position remains unchanged.

**London Borough of Lambeth**

- 6.11 No objection.

**London Borough of Bromley**

- 6.12 No objection.

**Reigate and Banstead Borough Council**

- 6.13 No objection subject to an informative stating: 'Given that the planning application does not appear to specify how the additional floorspace will be split between comparison and convenience retail, it is difficult to ascertain the actual impact on Reigate and Banstead. We would therefore seek reassurance that the London Borough of Croydon is satisfied that it has a full understanding of the potential impact of the proposals (particularly new comparison floorspace) on nearby town centres, including Redhill in Reigate and Banstead Borough and would request that appropriate consideration is given to the impact of the proposals on nearby town centres by the London Borough of Croydon in determining the application'. (OFFICER COMMENT: As noted in paragraph 9.22, a sequential test is not required in the determination of this planning application.)

**Environment Agency (Statutory Consultee)**

- 6.14 No objection, subject to the imposition of conditions relating to the prevention of the contamination of controlled waters as a result of piling and other construction works. (OFFICER COMMENT: Conditions have been applied accordingly.)

**Lead Local Flooding Authority (Statutory Consultee)**

- 6.15 No objection to the application, but stated that the applicant should be made aware that significantly more information will be required at Reserved Matters. Some key points for consideration are:
- This is a large central development in Croydon in an area where intermittent surface water floods are known to occur, particularly in highway areas. Redesign of this area should maximise opportunities to incorporate improved sustainable drainage features within the landscaping using features such as planters, tree pits or permeable materials. Green roof should also be

incorporated as much as possible into the new buildings in line with London Plan Policy 5.11.

- The London Plan and draft detailed policies for the Croydon Local Plan expect new developments to be achieving greenfield runoff or better. This is being achieved on other constrained sites in Croydon and the applicant must demonstrate robustly that they have made every effort to achieve as close to this as possible. (OFFICER COMMENT: this requirement will be included in the relevant planning condition and it will be for the developer to demonstrate when discharging this condition the runoff rates that they are able to achieve. If greenfield runoff rates are unable to be achieved, it will be for the developer at that stage to justify why it cannot be achieved and to show the best runoff rate possible that can be achieved.)
- 6.16 The LLFA requested conditions be imposed for a detailed drainage strategy to be provided (OFFICER COMMENT: conditions are to be applied accordingly)
- 6.17 LLFA responded to the second round of consultation and confirmed their position remains unchanged.

#### **Thames Water**

6.18 Thames Water responded with no objections, but several requests:

- Surface water drainage - responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.
- Surface water - recommended that the applicant ensures storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- When connection proposed to a combined public sewer, site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water.
- Where discharge to a public sewer, prior approval from Thames Water Developer Services required.  
Requests the incorporation protection to the property in terms of the sewerage network
- Recommend the installation of a fat trap on all catering establishments.
- Recommend the collection of waste oil by a contractor.
- Identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should planning permission be approved a condition should be imposed to ensure that sufficient capacity is made available
- Recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities
- Requested a condition to cover a piling method statement.
- Identified the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development and therefore recommend a condition be imposed.
- In terms of waste, infrastructure capacity problems are known or suspected, so the developer will be required to finance an impact study.

- Informatives are also requested covering public sewers crossing or close to the development and large water mains adjacent to the proposed development (OFFICER COMMENT: all requested conditions and informatives have been included.)

### **Historic England (Historic Buildings Section) (Statutory Consultee)**

- 6.19 The application site sits partly within the Central Croydon Conservation Area, and is adjacent to three listed buildings; the Grade I Listed Whitgift Almshouses, the Grade I Listed Church of St Michael and All Angels, and the Grade II Listed Electric House. These assets are susceptible to changes both to their built fabric and setting.
- 6.20 The proposals include demolition of two buildings in the conservation area which are positive contributors in the Conservation Area Appraisal and Management Plan, including Marks and Spencer. The building is an interwar example of the range of good quality commercial buildings which characterise North End. The loss of positive contributors to a conservation area causes some degree of harm, which must be balanced against the public benefits of the proposals. (OFFICER COMMENT: the loss of these buildings has been carefully examined and is discussed further in the 'Heritage' section of this report.)
- 6.21 The maximum parameters of the proposed scheme show greater visibility of the new structures from within the conservation area. In view 12 (OFFICER COMMENT: a reference to the Townscape and Visual Impact Assessment submitted by the applicant), a particularly significant, though compromised, view of the Grade I Almshouses, the maximum massing parameters would insert several prominent tall and bulky elements towards the south east of the site, which would affect the visual impact of the Almshouses distinctive chimneys. We recommend that careful consideration is given to the harm that could be caused to the setting of heritage assets should the scheme be built out to its maximum parameters. Careful resolution of the west and south elevation to the cinema and upper section of South Building West will be necessary to prevent large, blank elevations creating a dominant backdrop to the listed building and conservation area. (OFFICER COMMENT: the views of the scheme in relation to the Almshouses have been carefully considered and additional information was submitted in relation to this matter in the Built Heritage Addendum within the Supplementary Environmental Information Report submitted, in March 2017. This is discussed further in the 'Heritage' section of this report.)
- 6.22 Historic England query whether the proposed massing at the north edge of the site to Poplar Walk makes the most of West Croydon Masterplan's stated aim to enhance the setting of the Grade I church, taking the opportunity to give it a prominent role as a focus for the immediate area (West Croydon Masterplan 2.3.3 and 3.6.30). (OFFICER COMMENT: the relationship between the proposed development and the Grade I Listed Church has been carefully considered and is discussed further in the 'Heritage' section of this report.)
- 6.23 Historic England recommend that in making a decision regarding this application, the Authority should give careful consideration to whether the scheme proposed

takes adequate opportunity to enhance or better reveal the significance of important listed buildings and the conservation area.

### **National Air Traffic Services (NATs)**

- 6.24 The development results in an adverse impact on the H10 Primary (PSR) and Secondary Surveillance Radar (SSR) sited at Heathrow Airport and associated Air Traffic Operations at the London Terminal Control Centre at Swanwick, Hampshire.
- 6.25 The impact on the radar is anticipated to manifest itself in the form of a loss of cover and the generation of false radar targets. The former impact cannot be mitigated to remedy the effect itself, but this can at times be accepted or managed through changes to Air Traffic Service procedures. The latter effect, false targets, can normally be mitigated through a modification to the radar system.
- 6.26 Following the assessment work and engagement with the Air Traffic Units affected, the loss of radar cover has been deemed to be acceptable. While the generation of false radar targets is unacceptable, the potential for a mitigation solution exists. This mitigation solution, (a 'radar mitigation scheme' or 'RMS') mitigates the impact of the development through a modification to the radar system to address the generation of false targets.
- 6.27 This is dependent on the applicant entering into a contractual agreement, with NATS. Accordingly, should Croydon Council be minded to grant the application NATS requests that the standard aviation conditions are imposed on any consent (OFFICER COMMENT: A condition requiring a radar mitigation scheme has been imposed to address NATs concern.)
- 6.28 NATs responded to the second round of consultation and confirmed their position remains unchanged.

### **Network Rail**

- 6.29 No objections or further observations to make.

### **Heathrow Airport Safeguarding**

- 6.30 No safeguarding objections.

### **Gatwick Airport Safeguarding**

- 6.31 The site is around 26km NNE from the Aerodrome Reference Point (ARP) at Gatwick Airport and is therefore outside of our 15km 'physical' safeguarding zone. However the site is within our 30km wind turbine safeguarding zone, therefore if any wind turbines are proposed for this development we would ask that we be re-consulted as soon as possible, as wind turbines have the potential to impact on radar utilised by the airport. (OFFICER COMMENT: No wind turbines are proposed as part of the development.)
- 6.32 The raised no aerodrome safeguarding objections to the proposed amended details.

### **Metropolitan Police Service**

- 6.33 Would like conditions imposed in relation to lighting, CCTV, police airwave and the management of the centre. Would also like informatives so that the developer consults with the Metropolitan Police Service in relation to Secured by Design and counter terrorism matters. (OFFICER COMMENT: Conditions have been added accordingly.)

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

- 6.34 This is another outline application and we are no further forward in terms of the submission of an application which details a final scheme. There is concern about the impact of continuing delay of finalising proposals on the centre of Croydon.

- 6.35 A development of this scale and complexity should be the subject of a full planning application, rather than piecemeal applications decided by delegated powers. (OFFICER COMMENT: Reserved matters applications will be required to be submitted to detail the specifics of the scheme. If the Planning Committee so wish, according to the Council's Constitution, when they consider the outline application, they are able to request that all reserved matters applications also come before the Planning Committee.)

- 6.36 The Panel has the following specific points:

i. More demolition on North End than previously. There should be no demolition of any buildings in the conservation area before the architectural details, scale, materials and finishes of the replacement buildings are known. (OFFICER COMMENT: the demolition of buildings has been fully assessed by the applicant in the Environmental Statement and the Heritage Statement and Officers have fully assessed the implications of demolition in the 'Heritage' section of this report. The Design Guidelines provide detail of their replacements and the Reserved Matters applications are required to be in accordance with the Design Guidelines. The reserved matters applications will provide further details of the proposal.)

ii. Sketches included in the documents are no substitute for architectural detail and have little in keeping with the character of the existing buildings. (OFFICER COMMENT: This level of detail will be provided in the reserved matters applications.)

iii. Very concerned about the ever increasing height, massing and bulk of the buildings and particular the 5 towers along Wellesley Road. A repeat of development similar to that above the Grants' façade needs to be avoided. (OFFICER COMMENT: The impact of the proposed bulk, height and massing of the proposal, both in the minimum and maximum parameters from various viewpoints has been provided by the Townscape and Visual Impact Assessment contained within the Environmental Statement and this has been fully assessed by officers. It is analysed in the 'Design' and 'Heritage' sections of this report.)

iv. Do not believe the conclusions of the Environmental statement in relation to wind effects. If St Georges Walk was affected by wind due to the Nestle tower, then the overall effect of the tall buildings along Wellesley Road, will exacerbate the already perceived canyon effect, together with a detrimental impact on the

general ambience of the conservation area. (OFFICER COMMENT: The results presented in the Environmental Statement in relation to wind follow wind tunnel testing and suggest that mitigation is required in certain areas. A condition has been suggested, which requires a wind microclimate report to be submitted with the reserved matters applications for each phase of the development.)

v. This could invalidate the impression given of people sitting in the various piazzas due to the effect of wind turbulence. The Saffron Square fountain area is another recent example of a cold wind swept area devoid of any human scale or appeal.

vi. Viewpoint photographs confirm the fears about the heights and the effect on the townscape, and the use of a skeletal outlines fails to correctly reflect the impact of these buildings on the skyline. Also what guarantees are there that the photographs correctly reflect the proposed building heights? (OFFICER COMMENT: The Townscape and Visual Impact Assessment sets out the methodology they have used and the images presented are verified views. This is an accepted methodology for presenting such images.)

Vii. Concern that Wellesley Road will become more congested due to the narrowing works currently taking place and by the site access for construction traffic. In the long term the entry and exit points for the car parking, residential accommodation use and retail servicing all depend on access along Wellesley Road. (OFFICER COMMENT: The traffic impacts of the development have been fully assessed and mitigation along Wellesley Road is required to be implemented by the developer.)

### **Victorian Society**

- 6.37 The principle of redeveloping the Whitgift Shopping Centre is both acceptable and well established, but we are concerned that this scheme would cause undue harm to the setting of the Grade I-listed church of St Michael and All Angels. On this basis we object to the application and urge that the scheme is revised to significantly reduce its impact on the setting of this internationally important building.
- 6.38 It is a building of exceptional significance. The church is a tour de force of Pearson's particular brand of muscly Gothic revival design and is acknowledged to bear comparison with the greatest ecclesiastical works of the period.
- 6.39 Any scheme proposing the redevelopment of the shopping centre is statutorily obliged (as is the Council in considering the application) to pay particular regard to preserving or enhancing the setting of the church. This is the source of our concern. The scheme is more intensive, on a larger scale and in closer proximity. Its impact will be both greater and more harmful than previous iterations. This is due principally to the proposed construction of the westernmost two residential towers. The closer of the two would rise to a height of twenty five storeys; its neighbour would be taller still. Regardless of architectural treatment, the details of which are not in any case covered by this outline application, buildings of this scale in such close proximity could only have a seriously detrimental impact on its setting and they should be omitted from the scheme to bring it in line with the 2014 planning permission. Illustrative views along Poplar Walk indicate just how

gratuitously over scaled and intrusive these towers would be and it would cause serious harm to the setting of the church. It should be refused consent. (OFFICER COMMENT: the scheme has been assessed in the context of St Michaels and All Angels Church (as well as all heritage assets), in the Townscape and Visual Impact Assessment part of the Environmental Statement and the Heritage Statement. Officers have fully assessed the impact and this is analysed in the 'Design' and 'Heritage' sections of this report.)

6.40 The permitted St Michael's Square scheme will have a profoundly detrimental impact on one's experience of the Grade I-listed building. However, this does not justify the erection of further towers nearby. On the contrary, it means that development proposals in the vicinity of St Michael's require closer scrutiny than ever before. (OFFICER COMMENT: careful attention has been paid to the heritage impacts of the development proposed and the analysis of this is set out in the 'Design' and 'Heritage' sections of this report.)

6.41 In light of the above we urge the Council to ensure that this scheme is revised in order to reduce as far as reasonably possible the harm it would cause to the setting of the internationally significant church of St Michael and All Angels. In particular the two westernmost residential towers should be omitted from the scheme, bringing it more in-line with previously permitted and acceptable schemes. Without the necessary amendments the development would cause serious harm to the setting of the Grade I-listed building and, in accordance with local and national planning policy, should be refused consent. (OFFICER COMMENT: the scheme has not been amended in light of these comments and the analysis of the impact is set out in the 'Design' and 'Heritage' sections of this report.)

## 7 LOCAL REPRESENTATIONS

7.1 The application has been publicised by way of 22 site notices displayed in the vicinity of the application site (on North End, George Street, Wellesley Road, Poplar Walk, Dingwall Avenue and Drummond Road). The application has also been publicised in the local press (Croydon Guardian). Publicity for this planning application occurred on submission of the planning application (dated 27 October 2016) and again when additional information was submitted (dated 2 March 2017). 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: 18      Objecting: 16      Supporting: 2

7.2 The following issues were raised in representations received in response to the public consultation. 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>Officer Response</b>
<b><i>Scale and massing</i></b>	
The five blocks on Wellesley Road would be an overdevelopment.	The site is located in an area suitable for tall buildings.

	Officers consider that the proposal in terms of scale and massing is acceptable.
Proposed residential buildings along Wellesley Road are an overdevelopment.	As above
Retained building facades will be overpowered by the new development behind it new development should be set back from the retained facades.	The design guidelines address the relationship between building facades and massing behind.
Do not want a repeat of Grants.	As above.
A reduced number of units would allow the lowering of the towers and more scope for landscaping.	Officers consider that the proposed number of units and the scale and massing of the proposed towers is acceptable.
<b>Visual amenity</b>	
Needs to be consistency in the height and design of the retail advertisement areas to create a consistent and not jarring sight line.	The detail of residential advertisements is not required by this outline application. Separate advertisement consent would be required.
Security grilles should not be used at ground floor level.	This is a matter that would need to be considered at reserved matters stage as the appearance of the buildings is reserved by this outline application.
New structures are not in keeping with the area	See 'Design' and 'Heritage' sections of the report below
Overdevelopment	See 'Density' and 'Design' sections of the report below
<b>Heritage matters</b>	
Historical buildings should be preserved for the enjoyment and pleasure of the local community	See 'Heritage' section of the report below
Impact on Grade 1 Listed Buildings and the Conservation Area.	The impact of the development on heritage assets is addressed in the Heritage Statement and its Addendum submitted by the applicant and has been carefully considered by officers. Members are referred to officers' conclusions in paragraphs 9.175 – 9.178.
New development will be detrimental to the historic Whitgift Almshouses and the Central Croydon Conservation Area.	As above.
Lead to a precedent of further loss of historical buildings all over Croydon	Each application is determined on its own merits

Concern over the loss of the existing Whitgift Shopping Centre – it is part of Croydon’s heritage.	The existing Whitgift Shopping Centre is not a designated or non-designated heritage asset. There are no in-principle objections to its redevelopment and the principle of its redevelopment has already been accepted by the granting of permission for planning application 12/02542/P.
Archaeological impacts should be taken seriously.	A condition has been attached requiring the developer to undertake works in accordance with a written scheme of investigation.
<b><i>Landscaping and open space</i></b>	
Does not contain any public green space on the roof. Public response to the community consultation identified a preference for the provision of such a space, to provide respite from shopping.	Whilst it may be desirable to include publicly accessible green space on the roof of the development, absence of such provision would not warrant refusal of permission. The developer is proposing four new areas of public realm, which is considered to be acceptable.
The publically accessible roof space is small, not green and attached to a bar or café.	As above.
Hard landscaping should be permeable.	This is required as part of the landscaping condition.
<b><i>Affordable Housing</i></b>	
Further assessment of the affordable housing proposed is required and this should be assessed against the Council’s waiting list in terms of size of units, availability of play space and affordability of the units.	The affordable housing offer has been fully assessed in terms of quantum and affordability. The S106 planning obligation will include a local lettings plan which will give the Council nomination rights. The amount of play space will be assessed for both the affordable and private units and will comply with policy requirements.
There should be a condition to ensure the units remain available for renting and the affordable units remain.	This matter is covered in the S106 Agreement, which will require the affordable units to remain as such in perpetuity.
<b><i>Traffic and highways matters</i></b>	
Not clear if the galleria will be publicly adopted or privately controlled – preference for it to be adopted.	This will not be an adopted highway. However, a condition is proposed to be attached to any planning permission requiring permissive rights for pedestrians.
Additional traffic congestion on Wellesley Road.	Traffic flows to the development have been fully assessed and are considered acceptable subject to mitigation in the S106 Agreement, S278 Agreement, planning conditions and the impact of the infrastructure to be provided by the Public Infrastructure Measures.

Traffic flows would adversely impact the surrounding area with respect extra noise and pollution	See 'Transport' and 'Local Impact' sections of the report below
Servicing of residential units is not clear.	A condition has been applied requiring a Delivery and Servicing Plan. This will apply to the whole development, including residential units.
Park and ride in the south of the borough should be investigated.	Many of the stations within Surrey and further south on the Brighton Mainline have Park and Ride facilities provided principally for the weekday commute. The period of peak demand for travel to the development is at the weekend. The Travel Plan should include incentives for use of these existing Park and Ride facilities for journeys to the development originating from south of the Borough.
<b><i>Town centre vitality</i></b>	
The space behind Alders windows should be kept active and not blocked up due to the impact on the streetscene.	This detail will come forward at reserved matters stage. Existing upper floor windows in the former Alders building currently have mirrored glass and activity behind the windows cannot currently be viewed.
Retained Alders façade should have real windows and life behind the façade – a dead façade would be detrimental.	As above.
A repeat of problems of shopping in dark basements and scenic views for the cars.	The lowest floor proposed for retailing would be at ground floor level, with servicing, residential blue badge parking and cycle parking in the basement. A planning condition has been applied to ensure this is the case.
No justification for the cinema, there is already a multi-screen cinema in the town centre – is this viable?	The developer has not specifically applied for a cinema. Use Class D1 leisure uses have been applied for, which are town centre uses and are acceptable in principle.
<b><i>Environmental effects</i></b>	
Wind effects of the proposed development on Wellesley Road.	Wind effects have been assessed in the Environmental Statement and are deemed to be acceptable, subject to mitigation and a planning condition is proposed requiring additional detail at reserved matters stage.
Concern regarding existing Whitgift Shopping Centre building fabric ending up in landfill.	Demolition has been assessed in the Environmental Statement. The environmental impacts of the development are considered to be acceptable.

Impact of extra cars on air pollution	The air pollution effects have been assessed in the Environmental Statement and are considered to be acceptable, subject to conditions and a financial planning obligation.
Loss of light	See 'Local Impact' section of the report below
<b>Other</b>	
Present shopping centre is of excellent value and appearance and only needs to be maintained properly	See 'Regeneration of Croydon Metropolitan Centre' and 'Principle' sections of the report below
<b>Summary of support comments</b>	<b>Officer Response</b>
Much needed employment and development to the area.	See paragraph 9.4 for details of the benefits of the scheme.
Retail and leisure facilities will bring in more visitors and bolster surrounding business	See 'Regeneration of Croydon Metropolitan Centre' section of the report.

7.3 Councillor Vidhi Mohan [supporting] has made the following representations:

- It will result in the regeneration of the town centre, bringing in much needed jobs and regeneration.
- It will improve and enhance the urban realm of Croydon town centre.

## 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 Development Plan unless material considerations indicate otherwise, as set out in S.38(6) of the Planning and Compulsory Purchase Act 2004.

8.2 S.70(2) of the Town and Country Planning Act 1990 requires that in dealing with a planning application a local planning authority must have regard to: (a) the provisions of the development plan, so far as material to the application; (b) any local finance considerations, so far as material to the application; and (c) any other material considerations. "Local finance considerations" are defined to include financial assistance that has been, will or could be provided by a relevant authority (such as the Mayor of London) or by a Minister of the Crown and sums the authority has received or will or could receive in payment of CIL.

8.3 For proposed development which affects a listed building or its setting, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to

grant planning permission. With respect to buildings or other land in conservation areas section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a general duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

8.4 The Council's adopted Development Plan consists of the following documents:

- The London Plan (LP) has now been consolidated with subsequent amendments (Revised Early Minor Alterations to the London Plan 2013, Further Alterations to the London Plan 2015 and Minor Alterations to the London Plan 2016).
- Croydon Local Plan: Strategic Policies (CLP1) previously referred to as the Core Strategy, adopted April 2013. As part of CLP1 a number of policies of the Croydon Replacement Unitary Development Plan (UDP), have been saved (Appendix 4). Therefore where reference is made to UDP Saved Policies 2013, these have been saved as part of CLP1. This forms part of the development plan.
- The Croydon Replacement Unitary Development Plan (UDP) 2006 – on adoption of CLP1, a number of the policies of this plan were saved as Appendix 4 of CLP1. The remainder of the policies in this plan have been cancelled.

8.5 The Council's emerging planning policy is contained within the following documents:

- The Council undertook a partial review of CLP1 (CLP1.1) and CLP1.1 went out to consultation on 5 September – 17 October 2016. The Council has examined the representations received and submitted the review to the Planning Inspectorate for Examination on 3<sup>rd</sup> February 2017. A Planning Inspector conducted an Examination in Public during May 2017. Main modifications to CLP1.1 have been received from the Planning Inspector and the Council are consulting on these modifications during the period 29 August – 10 October 2017.
- The Croydon Local Plan: Detailed Policies and Proposals (CLP2), has been out to consultation (from 5 September – 17 October 2016). Consultation responses have been analysed and were submitted to the Planning Inspectorate for Examination on 3<sup>rd</sup> February 2017. A Planning Inspector conducted an Examination in Public during May 2017. Main modifications to CLP2 have been received from the Planning Inspector and the Council are consulting on these modifications during the period 29 August – 10 October 2017.
- According to paragraph 216 of the NPPF, relevant policies in emerging plans may be accorded weight following publication, but with the weight to be given to them is dependent on, among other matters, their stage of preparation. A number of policies within CLP1.1 and CLP2 have been

submitted to the Planning Inspectorate with no objections to them and can therefore be afforded low to moderate weight when considering planning proposals. In addition, now that the main modifications to CLP1.1 and CLP2 have now been published for consultation, there are certain policies contained within these plans that are not subject to any modifications and did not received any objections to them when the plans were subject to public consultation. These policies have been subject to increasing weight in the consideration of planning proposals and now can be considered as having significant material weight in the consideration of planning applications.

8.6 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay unless material considerations indicate otherwise. The NPPF identifies a number of key issues for the delivery of sustainable development; those most relevant to this case are:

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the historic environment

8.7 The main policy considerations raised by the application that the Committee are required to consider can be found in Appendix B to this report. It is worth highlighting the following supplementary planning guidance in particular:

- Croydon Opportunity Area Framework (OAPF) (adopted January 2013 as supplementary planning guidance to the London Plan and adopted by LBC in April 2013 as a supplementary planning document to the CLP:SP). This is a material planning consideration carrying material weight.

## **9 MATERIAL PLANNING CONSIDERATIONS**

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

1. Regeneration of Croydon Metropolitan Centre
2. Principle of development
3. Housing and affordable housing
4. Design
5. Heritage and conservation area impacts
6. Transport
7. Local Impact
8. Phasing
9. Sustainability and energy

10. Environment
11. Access and inclusive design
12. Safety and security
13. Human rights and equalities implications
14. Other planning matters
15. Section 106 legal agreement, and community infrastructure levy

These issues, together with a comparison with the proposals for which consents were granted in 2014, are considered in the following subsections.

## **REGENERATION OF CROYDON METROPOLITAN CENTRE**

- 9.2 The centre of Croydon is designated as a Metropolitan Centre and designated as an Opportunity Area by the London Plan. It is generally accepted (and was accepted by the grant of planning permission 12/02542/P and also as part of the justification for the confirmation of the related CPO by the Secretary of State in September 2015), that the prominence and performance of the Metropolitan Centre has been in decline for a number of decades.
- 9.3 This has been largely due to the decline in demand for 'back of house' office space in the area including the emergence of Canary Wharf as a key office location, alongside other choices. This has led to an increase in vacant office space and a related fall in the numbers of people working, and travelling into, the centre of Croydon. During this time there has also been limited investment in the area. Until recently, there had been little or no change to the physical make-up of the area, including the quality of public realm, which has damaged people's perception of the area. In addition, the existing Whitgift Shopping Centre is extremely dated and no longer fit for purpose. Its redevelopment has been a priority for many years. As noted above, the Development Infrastructure Funding Study for the COA identified that £1bn of public and private sector investment is needed to provide the infrastructure required to support transformation of the COA. The Croydon Opportunity Area (COA) made a slow start to presenting itself in an alternative, positive light, which it must do if it is to attract the development and investment that is necessary to bring the desired change. Regeneration of the COA is of key importance. The OAPF aims to achieve a mixture of increased economic, retail, residential, cultural and social activities all set within a pleasant urban environment. Action and carefully guided development is needed to generate the energy and dynamism required to stem the decline. More recently, positive changes have been taking place, and it is likely that the granting of outline planning permission for the redevelopment of the Whitgift Centre in February 2014 and the subsequent confirmed CPO have been a catalytic factor in that. However, it is now 3 years and 9 months since the outline planning permission was granted and the permitted scheme has not been progressed further and the developer has advised that it is no longer their intention to implement the 2014 consent, but to progress the current planning application. Whilst there is a confirmed CPO in place for the site, the powers to implement the order will fall away after 25 September 2018. It is therefore very important in order for Croydon to achieve its town centre regeneration objectives to secure a deliverable scheme as soon as possible that is able to act as a catalyst that unlocks the redevelopment of multiple sites across the COA. As previously

noted, the delivery of the Whitgift redevelopment is the key to Croydon fulfilling its potential as a Metropolitan Centre and to the wider regeneration of the COA, and through providing sufficient future tax revenues to enable the Council to secure borrowing needed to reduce the "infrastructure gap".

9.4 Implementation of the proposed development, which is a comprehensive scheme on a larger scale than that already granted outline planning permission, would bring significant economic, social and environmental benefits to the borough through much needed reinvigoration of the Retail Core, including creation of significant new jobs and economic investment, new homes, through significant visual and public realm improvements and by attracting more people to Croydon town centre. The applicant's Regeneration Statement and some of the section 106 agreement discussions to date set out a wide range of economic, social and environmental benefits arising from the proposals. In summary these are:

- Estimated between 6,720 to 7,048 full time equivalent jobs created in the town centre, once the development is operational. This is compared with up to 5,000 jobs created in the town centre (3,320 full time equivalents) with a further 330 indirect jobs such as in new supply chains, estimated for the previous planning permission. The existing employment capacity of the site is approximately 3,730 jobs.
- During construction of Phase 1, 250-2,850 construction jobs and during Phase 2, 100-200 jobs on-site.
- Significant investment in targeted training and employment support initiatives during both the construction and retail phases
- Targeted programmes to support and engage local young people
- Significant public realm benefits
- Total investment of over £1.4 billion within the town centre
- Significant uplift in the number of residential units proposed in comparison to the 2014 planning permission
- Affordable housing
- Net increase of up to around £20m per year in business rates (50% of which can be retained locally through the Growth Zone)
- CIL contributions
- £8.9m in New Homes Bonus
- Incorporating an existing vacant office building and an existing dated car park into the scheme area in comparison to the 2014 planning permission.
- Transformation of the northern end of the site including the opening up of Poplar Walk with additional public realm and the removal of the northern vehicle entrance to the car park and the removal of the vehicle exit to the basement servicing area.
- Provision of 2 new anchor stores
- Potential for an element of student accommodation or hotel use.
- A step-free 24hour East-West pedestrian route (the route in the 2014 planning permission accommodated a level change within this route).

9.5 The committee report for the approved 2014 planning permission identified the following benefits:

- Up to 5,000 jobs created in the town centre (3,320 full time equivalents) with a further 330 indirect jobs as in new supply chains.
- 4,300 'person years' of construction employment
- Significant investment in targeted training and employment support initiatives during both the construction and retail phases
- Targeted programmes to support and engage local young people
- Significant infrastructure and public realm benefits
- Affordable housing
- £20m in additional business rates (some of which may be retained by the Council)
- CIL contributions
- £5.3m in New Homes Bonus

9.6 It can be seen that the proposed development generates additional benefits in comparison to the approved application in terms of both construction and operational jobs, additional investment in the town, business rates and New Homes Bonus. In addition, the minimum parameter of residential units is higher than the maximum parameter of residential units in the approved application – resulting in the current scheme being able to provide a greater number of units contributing to housing need. These additional benefits are taken into account as a material consideration.

9.7 In addition, the proposed development addresses changes in the site levels, fully incorporates a new M&S store, takes the opportunity to improve the environment in Poplar Walk, and provide linkages to West Croydon. Furthermore, the currently proposed scheme results in the removal of the Whitgift Car Park that was retained under the 2014 planning permission, to facilitate a comprehensive redevelopment of the Wellesley Road frontage and allow service vehicles and customer vehicles to be removed from Poplar Walk. These are all improvements on the previous proposals. It must be noted that the current scheme is larger in scale than that already granted outline planning permission and as such results in a greater impact on the surrounding heritage assets than the 2014 planning permission (see 'Heritage' section below). Furthermore, the Galleria (24 hour east west link) has doors proposed to enclose the Galleria at each end and the eastern side of the route has a car-parking volume above (see 'The Galleria' section below). However, the considerable regeneration benefits that would result from this current planning application are considered to outweigh the disadvantages identified in comparison with the 2014 planning permission.

9.8 In relation to matters that are local finance considerations (i.e. CIL and New Homes Bonus) these have been taken into account in so far as they are material to the application.

9.9 The CMC is the preferred location in the Borough for major town centre type development which is intended to serve or have as its catchment area all or most of the Borough and part or all of the surrounding sub-region.

9.10 National, regional and local planning policy support reinvigoration and growth of the Croydon Metropolitan Centre. The proposed mixed use scheme will support the regeneration of the CMC, in accordance with the objectives of the London

Plan, adopted Croydon OAPF, UDP, Croydon Local Plan: Strategic Policies and emerging policy.

## **PRINCIPLE OF DEVELOPMENT**

- 9.11 The National Planning Policy Framework (NPPF) supports the vitality of town centres through ‘the town centres first approach’ and requires that retail, leisure and other town centre needs be met in full.
- 9.12 The overarching principle of a mixed use redevelopment of the Whitgift Centre was accepted during the consideration of approved application 12/02542/P. However, the site area for the current application is an increase in comparison to the site area defined for the purpose of the 2014 planning permission and therefore a re-assessment of the principles in relation to this expanded area is required, as set out below. The permitted scheme is still an extant planning permission that is in principle, capable of being implemented on site (albeit the 2014 planning permission has not been progressed during consideration of the current scheme and the developer has advised that as things currently stand it is their intention to progress the current application instead) and is a material consideration of limited weight in the assessment of the current planning application. The relative nature of the two schemes is summarised above and referred to further below.

### Retail

- 9.13 Since the determination of the outline planning permission for the redevelopment of the Whitgift Centre in February 2014, there has been little change in the fortunes of retailing in the town centre. The level of vacant commercial floorspace remains high and the latest monitoring data available (from 2015), shows that 23% of units are vacant in the CMC. Much of the existing retail floorspace is tired and does not meet the needs of modern occupiers and shoppers.
- 9.14 In terms of the Whitgift Shopping Centre itself, the centre is currently underperforming and data taken from the Croydon Annual Monitoring Report 2015 (which includes the Whitgift Centre and surrounds) shows that there is a vacancy rate of 10%. Arranged over two main trading levels at ground and first floor, the shopping centre has suffered from limited coordinated investment since it was built and now appears dated and in need of a significant upgrade. The shopping centre has over 140 units, many of which are small and not well suited to modern retailer requirements. The former Alders Department Store, to the south west of the Whitgift Shopping Centre, is also within the application site. This store’s layout and configuration is not fit for purpose for the requirements of a modern day quality department store. Alders went into administration in 2013 and the store was vacant for a period of time. It is currently trading as Croydon Village Outlet, a discount outlet store offering a range of retail concessions. However, it did not undergo any significant remodelling or refurbishment prior to opening as Croydon Village Outlet and it retains many of the features that were present when the building was trading as Alders. Since the determination of the 2014 planning permission the applicant has progressed discussions with retailers impacted by the redevelopment proposals in order to try and support relocation opportunities that may exist. In addition, the Council has been in receipt of minor

applications for changes to Centrale Shopping Centre to facilitate accommodating occupiers from the Whitgift Shopping Centre.

- 9.15 A 2012 planning permission to extend the Centrale Shopping Centre and provide a cinema, has now expired and is no longer able to be implemented.
- 9.16 The retail element of the proposed development would be in the preferred location of the Croydon Metropolitan Centre, as set out in the adopted Local Plan and OAPF. It would promote its competitiveness, support its viability and vitality and provide a diverse retail offer, thereby contributing to the delivery of the requirements of the NPPF. The proposed development achieves the significant redevelopment of the application site, which would result in the comprehensive redevelopment of the retail offer in the town centre and goes to the heart of the NPPF and the Government's overarching policy aspirations for the planning system and the delivery of sustainable development.
- 9.17 Whilst it is accepted that a proportion (approximately one third) of the eastern side of the site falls outside the Primary Shopping Area (PSA), it should be noted that the existing PSA for the CMC forms part of a UDP saved policy document (adopted in 2006) and was originally defined by the extent of the existing Whitgift Centre and the proposed site for the Park Place scheme which was to have come forward south of George Street (the Park Place proposals have now been abandoned, the Park Place site south of George Street now forms part of the Mid-Croydon Masterplan published in 2011). However, emerging CLP2 policy DM5 (Table 5.2), has expanded the PSA to include all of the areas proposed as retail by this application. No objections were received to the proposed expansion of the PSA when CLP2 was put out to consultation and it is not subject to any main modifications by the Planning Inspector. Whilst this is not adopted policy and will not be until the Inspectors Report has been received and CLP2 has been adopted by the Council, due to the advanced stage of the plan and the lack of objection and modification to the expanded PSA boundary, it can be given significant weight in the determination of this planning application.
- 9.18 The entire application site is within the CMC and the OAPF Retail Core. The identification of the Retail Core (i.e. Centrale, North End, the Whitgift Centre and adjoining land extending to Wellesley Road) as the location for substantial retail-led redevelopment was determined following an analysis of the CMC during the preparation of the OAPF (which included public consultation).
- 9.19 The inclusion of Green Park House in the current scheme results in a slightly larger portion of the site area extending outside of the current PSA when compared to the 2014 planning permission but it still remains entirely within the Retail Core and entirely within the enlarged PSA as shown in the emerging local plan, which can be given significant weight in the determination of planning applications.
- 9.20 The approach of the OAPF on key matters such as the location of the department store, new east-west routes, location of residential towers towards Wellesley Road and relationship of the redeveloped Whitgift Centre to Wellesley Road clearly envisages a comprehensive, approach to redevelopment of the existing

Whitgift Centre and the part of the application site which falls outside the current PSA boundary.

- 9.21 Taking into account the comprehensive, integrated nature of the proposed scheme, which is the preference of the OAPF and the requirements of CLP1, and the emerging policy of CLP2, it is clear that the application site is the correct location for the uses and development proposed by the scheme. Less weight is to be afforded to Saved UDP Policy SH3 due to the more up to date analysis of the COA undertaken for the OAPF and emerging CLP2. It is considered that a sequential test in respect of the part of the development outside the PSA is unnecessary. The scheme is for a comprehensive retail led mixed use development within the Retail Core and the location of the development is considered to accord with the Local Plan and the OAPF. The principle of this comprehensive approach and that a sequential test was unnecessary was established by the 2014 planning permission.
- 9.22 Consistent with the Local Plan and OAPF, the application seeks consent for the comprehensive redevelopment of the site, a substantial part of which falls within the PSA, with the remainder falling immediately adjacent to the current boundary of the PSA, but all within the Retail Core and all within the PSA as proposed by emerging policy DM5 (Table 5.2) within CLP2. There is no requirement to carry out sequential or impact tests under paragraphs 24 or 26 of the NPPF since the proposals are considered overall to accord with an up to date Local Plan. Paragraphs 24 and 26 of the NPPF state that a sequential test and impact assessment should be applied to applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. In this instance the proposals are considered to be overall in accordance with an up to date Local Plan and the accompanying OAPF, and thus despite a proportion of the site currently being outside the PSA (and therefore edge of centre), no sequential test or impact assessment is considered to be required.
- 9.23 UDP Saved Policy 2013 SH4 (Retail Vitality) relates to proposals for change of use from Use Class A1 (retail) to alternative uses within main retail frontages. The policy seeks to retain retail as the primary use within a frontage. The comprehensive redevelopment of the whole Whitgift Centre, together with a proposed condition imposing a minimum of 60% of A1 floorspace within the development is considered to satisfactorily reflect the aims of this policy.
- 9.24 The redevelopment of the Whitgift Centre site in the heart of the town centre offers the opportunity to rebrand Croydon (as required by the London Plan), act as a catalyst for regeneration and unlock the potential of a number of other sites which have failed to come forward. It should be noted that during the construction phase there would be some adverse impact on the retail offer in the CMC as the Whitgift Centre is demolished, but this can be partially mitigated through the potential for decanting occupiers into the Centrale Shopping Centre (which is within the developer's ownership) or elsewhere within the town centre to allow a continuation of trade during the construction programme. It is noted that the developer has already begun this process and has been in contact with tenants and in discussions with the Council on this basis. The long term, operational effect of the redevelopment would be of substantial benefit to the CMC and outweighs the impacts during the construction phase. The proposed

development would transform the CMC status as a major retail location consistent with its London Plan Metropolitan Centre designation. The Retail Core would become a retail destination for south London and the wider south-east of England. It would substantially improve the qualitative offer of retail space in the Retail Core to meet the current requirements of retailers and the aspirations of shoppers. The new centre would include a new full range quality department store which would be located to provide a joined up retail circuit. The development would promote the regeneration and reinvigoration of the Retail Core in a holistic and comprehensive way. There is an opportunity for an improved relationship between the site and the Centrale Centre. It was accepted that the approved scheme would also have such a benefit and due to the increase in floorspace and additional land brought into the scheme in this current application, it is considered that the regenerative benefit of the scheme would be even more apparent.

- 9.25 In terms of existing users within the town centre, the new shopping centre would increase footfall and retail expenditure resulting in knock on effects on existing businesses in the area and attracting new businesses to the town centre. The design of the shopping centre ensures it fully interacts with the wider retail circuit and with the improvements proposed to Poplar Walk, would improve linkages with West Croydon. Furthermore, the proposal includes up to 750sqm of small retail kiosks within the mall that could offer small businesses floorspace suitable for start-ups or independent retailers.
- 9.26 It is acknowledged that a step-change in Croydon's retail offer is required (as it was during the consideration of the approved application) and the best opportunity for delivering this is via the comprehensive redevelopment of the Whitgift Centre and surrounding land. This will allow Croydon's businesses to present an improved offer to local people, new residents, visitors and prospective employees, and provide a greater opportunity to meet the Council's strategy of bringing a new community to the town centre, an aspiration of both regional and local policy.
- 9.27 In summary, Croydon town centre is not currently fulfilling its potential as a Metropolitan Centre as demonstrated by its high vacancy rates, static rental values and a lack of retail quality and choice compared to its competing centres. The town centre environment continues to be increasingly degraded and outdated. In order to address this, Croydon needs to recapture its lost shoppers, bring in high quality and aspirational retailers, and greatly improve the physical shopping and wider town centre environment, both in terms of the quality of retail floor space and the surrounding public realm and connectivity. It is recognised that the proposed development is the best opportunity to deliver this, as it provides additional regenerative benefit in comparison to the 2014 planning permission, and as identified in the OAPF, this will only be achieved through a substantial comprehensive development with the scale and critical mass proposed by the proposed development scheme. The comprehensive approach of the proposed development is complementary to the remainder of the Retail Core. The increased permeability and improved public realm of the town centre as a result of the development will enhance retailing in the remainder of the Retail Core, including Centrale.

9.28 The principle of an enhanced retail offer on the application site, including a new large department store and a replacement for the Marks and Spencer store at the northern end of the site within the CMC is supported at the national, regional and local level, in accordance with the objectives of the London Plan, adopted Croydon Local Plan: Strategic Policies, saved UDP policies and the OAPF.

#### Leisure

9.29 The leisure element of the proposed development would be in the preferred location of the Croydon Metropolitan Centre. It would provide a mixed use town centre development and support its viability and vitality, thereby contributing to the delivery of the requirements of the NPPF. The illustrative scheme for the site includes a proposal for a cinema; however, the exact nature of the leisure floorspace would be determined at reserved matters stage.

9.30 It must be noted that Grants cinema is in the CMC in close proximity to the application site. However, this is a competition issue for the respective developers / owners and not considered a reason to withhold planning permission for this scheme.

9.31 Since the leisure proposals are within the CMC boundary and accord with the up to date Local Plan, a sequential and impact assessment is not required. The application proposals seek the comprehensive regeneration of a key site in Croydon Metropolitan Centre, which will assist to facilitate the wider economic regeneration of the town, consistent with the OAPF.

9.32 Therefore the principle of an enhanced leisure offer within the CMC is supported at the national, regional and local level, in accordance with the objectives of the London Plan, adopted Croydon OAPF, UDP and Croydon Local Plan: Strategic Policies.

#### Residential

9.33 The proposal would provide much needed housing in the COA which is endorsed by policies in the development plan.

9.34 The principle of residential use in the Retail Core is fully supported and the application proposes up to 967 units (indicative) towards this objective. Both the maximum and minimum indicative numbers proposed in this application are greater than the maximum number in the approved outline planning permission. This benefits housing delivery in the COA and the borough and the number of proposed residential units is considered acceptable and assists in the wider regeneration benefits of the scheme to the CMC and the borough. For instance, bringing additional residential population into the Retail Core would give a new dimension to the COA and benefit both the day and night time economies; not only would this help support demand for new restaurants and cafes, for example, but it will create a 24 hour community in the town centre which would improve the sense of security. The current proposal makes a significant contribution to assessed housing need in the Borough.

9.35 Affordable housing is an essential component part of the residential element of the scheme and for the development to be acceptable in principle, an appropriate proportion of affordable housing needs to be provided (taking into account

viability). The level of affordable housing to be included in the scheme is detailed further in paragraphs 9.54-9.66 below.

- 9.36 The proposal provides the option of incorporating an element of student housing or a hotel (but not both). These options would be delivered from the maximum residential floorspace. In principle, the proposed use as student housing or hotel would be acceptable as it would realise a mix of uses within the town centre and is supported by the OAPF and policy SP3.9 of CLP1.
- 9.37 Given the desirability of residential development and housing needs, there is a desire for delivery of the residential component of the scheme to be taken forward as soon as possible. As with the 2014 planning permission, it is the Council's view that there should be a reasonable endeavours obligation in the section 106 legal agreement for delivery of the residential element of the development.
- 9.38 The application proposes the provision of all the housing as Build to Rent, with the affordable housing provided in the form of units made available at discounted market rents. This is in contrast to the 2014 planning permission which envisaged housing for sale and "traditional" affordable housing (in part met by a financial contribution to off-site provision). The applicant considers that Build to Rent accommodation should be capable of delivery within a shorter time scale than that for delivery of market sale units as were proposed in the residential component of the 2014 scheme. The provision of Build to Rent units contributes to diversifying the housing market in Croydon and is also a type of housing that is supported by the Mayor of London in the Affordable Housing and Viability SPG 2017.
- 9.39 The principle of an element of residential within this mixed-use development is fully supported by policy at the national, regional and local level and is in accordance with the objectives of the London Plan, Croydon Local Plan: Strategic Policies, Croydon OAPF and UDP.

#### Community facilities

- 9.40 The OAPF has the broad objective of helping to deliver new community, leisure, education, health and cultural facilities across the COA.
- 9.41 The CMC is seen as the most appropriate location for community facilities as it is easily accessible by public transport, cycling and walking.
- 9.42 The principle of providing 1,053sqm GEA of community floorspace within Use Class D1 is supported by policy at the national, regional and local level and is in accordance with the objectives of the London Plan, adopted Croydon OAPF, UDP and Croydon Local Plan: Strategic Policies. The specific type of community use to be included in the scheme will be determined at reserved matters stage.

#### Office

- 9.43 The current application includes the removal of Green Park House in addition to the removal of the offices identified in the 2014 planning permission. Green Park House is a vacant, 1980's era, 10 storey office building of 8,791sqm (GEA), with outdated office accommodation. This results in a net loss of 46,781sqm GEA of

office floorspace. Under the extant permission there would be a net loss of some 39,964sqm GEA of office floorspace.

- 9.44 Croydon is identified as a strategic office location by London Plan policy 2.16 and CLP policy SP3.10 adopts a flexible approach to B1 uses within the CMC. This flexible approach is supplemented by the Croydon OAPF which promotes the removal of redundant office space in the town centre and seeks to focus 95,000sqm of new office space in the New Town and East Croydon character area, which is located to the east of the application site. This aims to consolidate the office provision and to improve overall quality, and provide greater opportunities elsewhere in the COA for residential development through either conversion or redevelopment. The proposed loss of office floorspace from the application site, which is outside the New Town and East Croydon character area, is acceptable in principle.

## **HOUSING AND AFFORDABLE HOUSING**

### Density

- 9.45 The scheme as submitted proposes a minimum of 71,250 sqm and a maximum of 139,465 sqm (GEA) of residential floorspace which it is proposed could indicatively provide between 626 and 967 residential units across a 8.99 hectare site, which would be within the London Plan maximum requirement (the respective densities are 70 and 108 units per hectare). However, the residential element is concentrated along one side of the site and given its Metropolitan Centre location, a higher density is appropriate. The 2014 planning permission permits a range of 32,512 – 48,924 sqm (GEA) of residential floorspace, which was an indicative range of 400-600 units. The current application therefore has the potential to make a greater contribution to housing need in Croydon and this is in accordance with the OAPF and London Plan policy 3.3.
- 9.46 The scheme fixes 5% of the units to be 3 bedroom, in line with the requirements within the retail core outlined in the OAPF. This requirement is backed up by emerging policy DM1 (Table 4.1) which also requires a minimum of 5% of homes in the retail core to be 3 bedroom and this policy makes specific reference to the OAPF. However, this policy has been modified by the Local Plan Inspector in terms of when Table 4.1 is applicable and can only be given minimal weight in the consideration of this application. The size of the remainder of the units is yet to be determined but will be confirmed when reserved matters applications are submitted. However, using an indicative mix of 5% studios, 45% 1 beds, 45% 2 beds and 5% 3 beds, this would give an approximate density range of 174 to 269 habitable rooms per hectare. This is within the London Plan maximum requirement and is comparable to the 2014 planning permission.
- 9.47 It is recognised that the densities given are for the site as a whole and that the residential element is concentrated along the Wellesley Road frontage, which will significantly increase the residential density in this particular part of the site.
- 9.48 As identified in CLP1, within the COA the Council will support high density developments so long as they are high quality and are tailored to and help to protect or establish local identity. These detailed design matters are considered in the 'design and heritage' section below. The proposed location of the

residential towers is within the 'Central Area' identified in the OAPF where tall buildings are most appropriate as they would have the least impact on sensitive locations and it is where there are existing large and tall buildings and the best access to public transport.

#### Mix of Units

- 9.49 Local policy requires a mix of housing sizes and types and the OAPF specifies that residential within the Retail Core should provide 5% three bedroom homes.
- 9.50 At this stage, the application does not define the precise mix of size of units for the residential element as the application is at outline stage with the exact quantum to be delivered to be confirmed, albeit within the indicative range 626 to 967 homes (based on what could be accommodated within the maximum and minimum floorspace proposed). The applicants have committed to providing the required 5% three bedroom homes, which is acceptable. It has been indicated that the mix could be as stated in paragraph 9.46 above. However, a suitable mix of residential units can be dealt with and secured at reserved matters stage.

#### Build to Rent

- 9.51 The applicant has proposed that the residential component of the scheme will comprise residential units purpose built for the rental market (Build to Rent). No other tenures have been proposed. There will be a mix of private rental units and affordable rental units (Discount Market Rent – discussed in more detail below). The Mayor's Affordable Housing and Viability SPG (2017) and the Government's Housing White Paper (2017) are supportive of the provision of Build to Rent homes and acknowledge that they are able to make a particular contribution to meeting housing need. Policy 3.8 B a1 of the London Plan recognises that the contribution of the Private Rented Sector (also known as Build for Rent) in addressing housing needs and increasing housing delivery. It is also worth noting that emerging policy SP2.4 contained within CLP1.1 contains a main modification to include reference to Private Rental Schemes.
- 9.52 The private Build to Rent units are to be designed specifically for the rental market and the applicant is willing to enter into a covenant to retain the market rent units as rented accommodation for a period of 15 years (see below regarding perpetual retention of Discount Market Rent units). This could be secured through the S106 Agreement. The Council will also seek a clawback mechanism through the S106 Agreement should any of the units be sold privately during this period. The provision of the residential units as Build to Rent has a number of advantages, as they should be capable of being delivered more quickly and may be perceived as being more affordable as large deposits are not required by occupiers (as would be the case if a mortgage was required for a property purchase). The applicant sees the private Build to Rent units as filling a gap in the housing market as they are targeted towards those who are ineligible for social housing, but cannot afford a private sale home.
- 9.53 It is accepted that the proposed housing tenure would assist in meeting housing need and is a type of housing which is becoming more prevalent in London. It is a type of housing that is being encouraged by the Mayor's Affordable Housing and Viability SPG (2017), and in the Government's Housing White Paper (2017) and associated consultation paper on planning measures to support Build to

Rent (February 2017), although it is appreciated that these are not planning policy documents. The Build to Rent unit proposed housing tenure is considered to be acceptable in this instance.

#### Affordable Element

- 9.54 Policy SP2.4 of CLP1 seeks up to 50% affordable housing provision on sites such as this. Table 4.1 provides flexibility, requiring a minimum level of affordable housing on all sites. Following the end of the first three years of the plan, the minimum level was reviewed (from its previous minimum requirement of 15%) and this is currently set at 50% minimum level. In the Croydon Opportunity Area, a minimum of 10% affordable housing will need to be provided on-site with the remainder being provided on-site, off-site or through a commuted sum. This policy is being reviewed through the partial review of CLP1 (CLP1.1). The Local Plan Inspector has introduced main modifications to the replacement policies, most significantly regarding affordable housing on Build for Rent schemes, therefore, only minimal to moderate weight can be afforded to the emerging policy landscape. Emerging policy SP2.5 of CLP1.1 as proposed to be modified by the Planning Inspector, prefers a minimum on site provision of 30% affordable housing, but also provides options for 15% onsite/15% on a donor site (located in the COA, Addiscombe, Broad Green, Selhurst, South Croydon or Waddon), or a minimum of 15% onsite plus a review mechanism for the remaining affordable housing (provided that 30% affordable housing is not viable, construction costs are not in the upper quartile and there is no suitable donor site). These latter elements including the provision of at least 15% affordable housing have not been altered by the Inspector, other than to rephrase the policy slightly. As such moderate weight can be afforded to these policies. New policy SP2.4 (as proposed to be modified by the Inspector) requires a 60/40 split between affordable rent and intermediate affordable homes unless the scheme is a covenanted Build for Rent scheme, in which case a different provision of affordable tenures may be acceptable if a 60/40 split is not viable. This is a significant modification and as such only minimal weight can be afforded to the new provisions for Build for Rent schemes.
- 9.55 It is recognised that the provision of the CLP1 target of 50% affordable housing is not currently achievable, taking into account the S106 and S278 costs and obligations to be borne by the developer (in light of the Public Infrastructure Measures). This was the case in respect of the 2014 planning permission, where 15% affordable housing (as part of a traditional 'for sale' scheme with the affordable split 60/40 between social rent and intermediate tenures), was secured.
- 9.56 Paragraph 50 of the NPPF requires that where a need for affordable housing has been identified, preference is for this to be delivered on site, unless there is robust justification for off-site provision or a financial contribution. The developer is proposing to achieve affordable housing on site through the provision of Discount Market Rent (DMR) units within a wider context of a Build for Rent scheme. To achieve affordability on the site, the DMR units need to be discounted to a level that makes the rent affordable in comparison to open market rents.

- 9.57 The Council has been in discussions with the developer regarding the provision of affordable housing. The Council has been assessing with the Developer the level of affordable housing to be provided. A figure of 20% has been reached and the Council will require the provision of this as a minimum on-site provision, with the affordable units being provided as DMR units: 40% of which to be discounted to London Living Rent levels and the other 60% to achieve no more than 80% of market rent levels (inclusive of service charges). Review mechanisms would be secured through the S106 agreement, in line with the provisions in the Mayor's Affordable Housing and Viability SPG and relevant planning policies, seeking up to 50% affordable housing, should the viability of the scheme improve. Matters such as the proportion of DMR units, the mix of unit sizes, the level of discount, the detail of the terms and protections for tenants and the eligibility criteria would be secured through the S106 Agreement which is the subject of ongoing negotiations between the Local Planning Authority and the developer.
- 9.58 Having a minimum of 20% of the on-site units as DMR would provide an indicative number of between 125 and 193 affordable units (depending on the final total numbers of residential units ultimately provided). This is in comparison to a range of 60-120 affordable units that would have been achieved on-site with the 2014 planning permission (due to the lower overall quantum of residential development associated with that scheme). This means that as well as the overall minimum percentage of affordable units increasing from that secured in the 2014 planning permission, the numbers of affordable units are also higher.
- 9.59 It is recognised that, at 20%, the minimum amount of affordable housing is less than the 50% minimum that is required by the current adopted policy (although it exceeds the minimum of 15% with review mechanisms that is required in emerging policy) and that DMR with a private sector landlord is a type of housing that differs from the tenure split required by currently adopted Local Plan policy for affordable housing. The requirement of policy SP2.4 is for a 60:40 split between affordable or social rent (with a registered provider or local authority landlord) and intermediate low cost home ownership tenures. However, the Mayor's Affordable Housing and Viability SPG 2017 and the Government's Housing White Paper recognise DMR housing provision as being capable of meeting the need for affordable homes. The consultation draft version of the Mayor's SPG proposed that such schemes should submit a comparative viability assessment for a market sale scheme to ensure that maximum affordable housing is achieved from the scheme. In this respect, as part of the viability discussions between the developer, Deloitte and the Council, the applicant provided information relating to a comparative market sale scheme, which indicated that the amount of affordable housing that would be able to be achieved on site, would be much lower. In addition, the provision of 20% affordable housing on site with a review mechanism on sites in the CMC is deemed to be acceptable position to have reached (taking account of viability) in the emerging policy, so long as construction costs are not in the upper quartile (in reference to BCIS).
- 9.60 As the amount of affordable housing proposed is less than the minimum amount of 50% affordable housing currently required by adopted planning policy, it is

proposed that review mechanisms will be sought through the S106 Agreement in line with the guidance in the Mayor's Affordable Housing and Viability SPG (2017). If there were a delay of more than 2 years from the grant of this outline consent, (or other period as agreed with the Local Planning Authority, in line with the provisions in the Mayor's SPG), before commencement of any residential element there would be a requirement for a review mechanism to ascertain if any uplift can be provided. As the residential component of the scheme is likely to be delivered over a number of years review mechanisms will be required at appropriate milestones, and this would allow the option for additional units identified to be provided on site, with any balance being provided off site or by a financial contribution towards off-site provision to be made as appropriate. The detail of this will be finalised as part of the S106 Agreement, details of which are still being negotiated. The maximum cap for the affordable housing review mechanism would be 50% quantum of affordable housing provision to comply with current policy and with the rental levels as 40/60 London Living Rent and 80% market rent as described above.

- 9.61 The residential viability information relating to this proposal has been made available to the Council and the GLA and the Council's advisors Deloitte.
- 9.62 Taking into account the viability information for the housing component of the proposed development that has been received to date, and policy considerations, the Council's advisors Deloitte have advised that a minimum provision of 20% quantum of affordable housing in the form of DMR units with 40% of the units at London Living Rent level and 60% of the units at 80% of market rent, is a reasonable position, which is in compliance with the minimum requirements of adopted and emerging policy, subject to the review mechanisms as described above.
- 9.63 The DMR units are also able to be pepper potted through the scheme as they are tenure blind. This negates the need for separate cores to be constructed in the towers, thereby reducing construction costs. Under the 2014 planning permission, the affordable units would not be pepper potted, therefore this is considered to be an added benefit of the current scheme.
- 9.64 Nominations for the affordable housing are able to be made by the Council from their waiting list and the specifics of the Local Lettings Scheme will be detailed within the S106 Agreement, as will tenancy terms. This is subject to further negotiation between the Local Planning Authority and the developer.
- 9.65 The affordable units are required to be provided in perpetuity and the Local Planning Authority considers that this is an essential element that is required to be secured through the S106 Agreement.
- 9.66 Subject to the above proposed planning obligations for affordable housing and having regard to the responses to consultation, including comments from the GLA, representations, the independent assessment of viability and other material considerations, it is considered that the proposal satisfactorily accords with the objectives of the London Plan, the Mayor's Affordable Housing and Viability SPG, CLP1, emerging policies in CLP1.1, Croydon OAPF, UDP Saved Policies 2013 and national policies.

### Future Occupiers

- 9.67 The Design Guidelines commit the residential accommodation to be designed in accordance with the London Plan, the Mayor's Housing SPG and the National Housing Technical Standards. Compliance with the Design Guidelines will be secured via condition.
- 9.68 Indicative floor plate layouts have not been provided. However, each of the towers could contain up to 8 flats per floor. The towers would be orientated east-west. At the lower levels of the towers, they will abut the shopping centre and the car park. The Design Guidelines require the lower levels of the towers to take account of this and to be orientated to avoid negative impacts on the towers and the units within. At the upper levels, where the towers are above the shopping centre and car park, they can be orientated to maximise daylight and sunlight penetration and to avoid direct views between towers.
- 9.69 The parameter plans show a minimum of 2,420sqm of shared private residential amenity space at the roof level of the car park directly behind the residential towers to be shared by the new residents. The indicative landscaping proposals currently show the rooftop space to include grass lawned areas, paved terraces to building entrances, terraced gardens with seating, quiet spaces for relaxation, areas for community allotment growing, play gardens for young children, active play court for older children, nature garden for horticulture and biodiversity. This would be secured at reserved matters stage. Furthermore, the Design Guidelines commit to balconies that are fully integrated within the formal composition of the building. Whilst the mix of units is not finalised at this stage, the 2,420sqm of amenity space would provide 3.9sqm per flat for the minimum and 2.5sqm per flat if the maximum number of residential units were delivered. This is less than the minimum of 5sqm per flat in the Mayor's Housing SPG for 1-2 person dwellings (with an additional 1sqm for each additional occupant). However, this would be provided in addition to the private amenity space provided for by the balconies and this is a minimum amount, so could be increased at reserved matters stage. On this basis, the level of amenity space is considered appropriate.
- 9.70 The Mayor's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' sets a benchmark of 10sqm of useable child play space per child. Whilst the mix of units within the development is unknown, the applicant has predicted the child yield as between 43-66 children. Whilst this appears to be a low estimate, the Design Guidelines commit to 'An appropriate area allocated to children's play with a range of play facilities sufficient to meet the Mayor's standards' (7.2.2ii) and to provide 'safe and secure children (under 5) doorstep play space' (4.3.2i). Given the 2,420sqm of rooftop amenity space can be increased if necessary to meet this standard (as it is the minimum amount) and this detail would be approved and secured at reserved matters stage, the proposal is considered acceptable in this regard.
- 9.71 Having considered the responses to consultation, including the comments of the GLA, conditions are recommended to ensure that future occupiers of the residential units are protected from noise and disturbance from the leisure uses proposed, as well as the existing surrounding uses.

9.72 Furthermore, the applicants have confirmed that 10% of the residential units would be wheelchair accessible or easily adaptable to wheelchair uses and would comply with the Building Regulations Part M 4(3) with the remaining 90% complying with the Building Regulations Part M 4(2). Overall such units would provide good quality accommodation. These matters will be secured by condition.

## **DESIGN**

### Methods of Control

9.73 This planning application is submitted in outline form to provide the necessary flexibility for the detailed design of the scheme at a later date. Therefore full details relating to the design (appearance, landscaping, layout and scale) will not be provided until the reserved matters stage. This approach is considered appropriate for a scheme of this nature, subject to the comments below, and consistent with the requirements of the Town and Country (Development Management Procedure) (England) Order 2015. This is the approach that was taken in the 2014 planning permission.

9.74 The submitted Parameter Plans and Design Guidelines (March 2017), compliance with which is secured by condition, together provide a framework and control mechanism which will inform and control all future reserved matters applications. The Parameter Plans define what can be built where and to what height, whilst the Design Guidelines set out the qualities that will be required of the buildings and spaces as their detailed design is brought forward at reserved matters stage.

9.75 The submitted Design and Access Statement, Heritage Statement, Landscape and Public Realm Strategy and supplementary information all support the submission.

### Layout

9.76 The proposed development is well designed and will provide a high quality retail and leisure destination with good quality residential space that has the potential to create a positive identity for this important frontage along Wellesley Road whilst also improving connectivity through the town centre by breaking down existing barriers to movement across Wellesley Road and through the proposed development site to North End.

9.77 The application seeks approval of parameters for the layout of buildings, key open spaces and routes. The most important of these routes is the 24 hour east-west route (The Galleria) connecting the East Croydon Station footbridge via Lansdowne Road and a proposed new at grade pedestrian crossing to Wellesley Road, with Croydon Minster to the west, via North End.

9.78 The Galleria provides level access from end to end along a consistent minimum width of 12m and will be publicly accessible 24 hours a day. Whilst it would be enclosed by doors, this enclosure would be subject to a detailed application for reserved matters controlled by the Design Guidelines to ensure that legibility is maintained.

- 9.79 The new shopping centre is focused along a north-south spinal route running from a new public space (Whitgift Court) on George Street to another public space within the widened pedestrian realm at Poplar Walk and broadly in line with future pedestrian connections planned in the West Croydon Masterplan. Publicly accessible during retail opening hours, this route maintains a minimum width of 10m internally between the secondary east-west routes, reducing to 5m minimum width for those spans between the secondary east-west routes and the public spaces in which it terminates at each end.
- 9.80 Two secondary east-west routes are proposed through the scheme. At the western end of these routes, they would be publicly accessible during centre opening times and at the eastern end, where they pass through the department stores they would be publicly accessible during retail opening hours. One would lead from an entrance on North End (The Arcade) and terminate at Dingwall Avenue (illustrated as an indicative route through department store B) and the other would lead from a new space on North End (Chapel Walk West) to an approximate location opposite Sydenham Road (illustrated as an indicative possible route through department store A). Taken together, the delivery of these proposed and potential routes would break down the existing 'super-block' bordered by Poplar Walk, Wellesley Road, George Street and North End into a more permeable and legible urban structure. It should be noted that the eastern length of the northern east-west route (as it is illustrated only as an indicative 'possible' route through department store A) is the subject of a proposed obligation placed on the developer in the S106 Agreement. This would require them to make reasonable endeavours to secure this route in discussions with the future tenant of department store A and the Council. The inclusion of the Council in these discussions would provide comfort that such endeavours are being taken to deliver this important route.

#### Urban Design

- 9.81 The proposed development engages with the shared aspiration for high quality design and public realm that positively contribute to place making in the wider town centre.
- 9.82 At the perimeter of the site, the proposed layout generally reinforces established building lines, only stepping back from the street frontage to define threshold spaces at the entrances to public routes through the Centre, to provide a significant improvement in the width of Poplar Walk, or to better define residential entrance areas along Wellesley Road. The proposal seeks to replace existing poor quality tall buildings and a piecemeal frontage to Wellesley Road with a more coherent streetscape in terms of vertical scale, regular building lines, ground floor animation and activity, and legible routes through the site. It is noted that this frontage does contain cross-over to vehicular parking structures; notwithstanding this fact, the overall performance of the site along Wellesley Road is significantly improved and responds more positively to the town centre surroundings.
- 9.83 While the final scale of the public realm areas and exact locations of the entrances will vary according to the flexibility enshrined in the plans, the securing of such spaces and routes and the opportunities they present for high quality active spaces is itself positive, and the design guidelines give sufficient detail to

ensure that full advantage of the potential of these spaces is achieved in any forthcoming scheme secured through reserved matters and conditions.

#### Vehicular Access

- 9.84 Approval is sought through the outline application for external vehicular access to and from the site, with the positioning and treatment of vehicular circulation routes within the site reserved. Certain areas of concern arising from the proposed vehicular access arrangements as they relate to pedestrian movement and comfort are not resolved in detail in the current submission. However, those areas most lacking in detail (the relationship between Tower 5 pedestrian and vehicle entrances in the maximum parameter; pedestrian comfort at the southern car park entrance due to its close proximity to the uncontrolled crossing at the service vehicle entrance) are noted within the Design Guidelines for resolution at reserved matters stage where additional detail will be provided.

#### Pedestrian Access

- 9.85 While the exact location of pedestrian access points into and through the development are reserved, the indicative location and scale of each route as set out by Parameter Plan PS004, subject to provisions in the S106 Agreement for the eastern length of the northern secondary east-west route, is acceptable and will facilitate breaking down barriers to movement through the site and providing significantly improved links from East Croydon station to the heart of the Old Town. Both the Galleria and the north-south route are appropriately located and scaled. All routes and their landings are subject to the detail design considerations set out within the Design Guidelines and are considered acceptable.

#### Building Lines

- 9.86 The horizontal parameters of building lines illustrated in Parameter Plan PS005 are intended to allow the proposed development to maintain a high degree of flexibility at outline stage while providing assurance on the streetscape performance of the proposal in maximum and minimum build-out scenarios, and are considered successful in this regard. This flexibility is achieved by means of limits of deviation within the parameter plans. The implications of such variance on streetscape performance of the future development is anticipated and controlled by the Design Guidelines.
- 9.87 Along Poplar Walk, the limits of deviation allow a 5m variation between final building line scenarios for the greater part of the frontage, increasing to 15m in the vicinity of St. Michael and All Angels Church. Each scenario provides for a significantly increased street width that will improve the current poor quality and constrained urban environment on Poplar Walk, especially where it meets North End.
- 9.88 For the most part, North End maintains a fixed building line with no areas of deviation, in which case new development relates to existing established building frontages and maintains a building line consistent with the character of the Conservation Area. Exceptions to this are the entrance areas at Chapel Walk West (27m variance), Galleria West (5m variance), Grammar School Yard (5m variance) and the corner to Poplar Walk and North End (5m variance). Given that these entrance areas are landing spaces to the new routes created by the

proposed development, and that the junction of North End and Poplar Walk is a potential new public space with good daylight access within a significantly improved street width to Poplar Walk noted above, flexibility in the building line in these locations is supported. Design Guidelines are provided specific to each of these locations to identify appropriate design controls and considerations at reserved matters stage. Retained facades and/or buildings (such as the Allders Department Store and the buildings to Grammar School Yard to North End) are bounded by a building line with no area of deviation. This does not preclude provision of detailed treatments such as new canopies at reserved matters stage that may add to the vitality and use of ground floor street frontages, which would be controlled by means of design guidelines specific to each retained façade.

9.89 The majority of the Wellesley Road frontage is similarly fixed to provide a more consistent and regular building line. Exceptions to this are the eastern entrance to the Galleria (16.4m variance), a portion of Residential Tower 1 with aspect to the Galleria East entrance area (25m variance) and the area between Residential Towers 2&3 (25m variance). Flexibility in these locations is again appropriate to ensuring legibility of the Galleria within the townscape, and also in providing for appropriately scaled residential entry spaces to the Wellesley Road frontage where potential future towers meet the street in such a way that they do not result in unacceptable levels of pedestrian comfort and amenity in a location where pedestrian routes and public transport nodes intersect. Furthermore, the effect of this flexibility is such that it ensures that every effort is made by the development to provide visual interest and articulation at the lower levels to avoid the creation of a new undifferentiated monolithic façade, and to balance that by using the opportunity the demolition of Green Park House and the Whitgift car park to provide a regular and coherent rhythm to this important town centre frontage. Again, Design Guidelines are provided specific to each of these locations to identify appropriate design controls and considerations at future reserved matter stages.

9.90 Generally, the extent of the variance in the building line as described by the parameter plans responds well to the different street scales and conditions along each frontage, and demonstrates sensitivity to surrounding building contexts, particularly as it relates to heritage assets and the Conservation Area.

#### Form, Scale and Massing

9.91 The basic form of the proposed development derives from two distinct building types: 1) a singular homogenous internal core that occupies the centre of the site but only comes into contact with the streetscape at limited instances, surrounded by 2) a more diverse crust of individual buildings that respond to the scale and character of their immediate context. Generally, this second external form is expressed along the Wellesley Road and Poplar Walk frontages where the proposed development creates complete new streetscapes, while the first internal core form is expressed within the North End and George Street frontages as public realm interventions in the area of new routes and entrances. This approach is supported, ensuring that as a whole, the development is contextually appropriate and results in more modest and sensitive interventions where the existing urban character is of a high quality, and takes every opportunity for more wholesale improvement and regeneration in those locations where it is not.

9.92 Scale is reserved; however, the application seeks approval for maximum and minimum parameters. The general strategy employed by the proposal, is to locate any significant height, in the form of the residential towers, towards the Wellesley Road frontage, and to generally step down in scale towards the more sensitive contexts of George Street and North End. The general strategy toward scale as proposed is contextually appropriate and in line with the general strategic guidance set out in the OAPF which identifies the Wellesley Road frontage as being suitable for increased heights, and guidance around the Central Croydon Conservation Area which expects new development to respond sensitively to context. Variations in the maximum and minimum scale parameters of the residential towers for instance, have potential design implications not only for visual impact on the Almshouses but also on the legibility of the Galleria East entrance within the Wellesley Road frontage. This is captured by the Design Guidelines and there are provisions to manage the transition of scale between built elements, in their generation of primary and secondary frontages and their visual impacts on lower scaled existing development. Setbacks have also been specified in the Design Guidelines to articulate the built forms to reduce the apparent mass of the proposed development. Taken in tandem, these measures seek to ensure that the development does not present an undifferentiated monolithic whole in its finished form but instead presents a more heterogeneous series of massing volumes that will contribute to the visual interest of the development whatever the final architectural expression might be. Officers are satisfied that the Design Guidelines and appropriate conditions provide sufficient detail to ensure that transitions in scale will be well handled, and that the resultant massing will meet these objectives in the reserved matters.

#### Architecture and Expression

9.93 The architectural quality and sensitivity of the outer layer of buildings is clearly important in establishing a positive relationship between the shopping centre and its town centre context. However, the details of the appearance of the building are reserved and future reserved matters applications will have to be in accordance with the Design Guidelines. It is important to note that the illustrative scheme described within the application documents simply shows one possible interpretation of the Parameter Plans and Design Guidelines.

9.94 Because of the flexibility enshrined in the outline approach, the Design Guidelines address more specific design issues, opportunities, and outcomes. They clearly illustrate which aspects of the design are fixed and which are flexible, as well as outlining the design implications of the different spatial relationships permitted by the flexibility of the Parameter Plans. As such, officers are satisfied that reserved matters applications conforming to the Design Guidelines will ensure that the architecture and external expression of the outer buildings are sympathetic with existing facades and settings.

#### Landscape and Public Realm

9.95 Landscaping is reserved in its detailed design; however the application seeks approval in outline for a number of landscape and public realm proposals resulting from the spaces and interfaces created by approval of the routes, entrances and building lines enshrined in the Parameter Plans. The future

detailed design of these spaces would be controlled by design strategies captured within the Design Guidelines.

- 9.96 The illustrative scheme in the Landscape and Public Realm Strategy represents one interpretation of how these documents for approval could work together in a coordinated and consistent sense with the wider strategy of Croydon's public realm network. The aim of this strategy is to demonstrate that detailed landscaping and public realm designs, at reserved matters stage, would result in the provision of key elements that would significantly enhance public realm within the town centre by making legible and accessible new connections through the site and beyond; providing a more active and pedestrian friendly environment to Wellesley Road; enhancing the public realm which forms the setting of St. Michael and All Angels' Church; creating a significantly improved street frontage to a widened Poplar Walk; integrating the tram stop on George Street into an improved public space; and creating a series of new public realm threshold spaces within each frontage of the development site.
- 9.97 The strategy is considered an appropriate aspiration and officers are satisfied that the Landscape and Public Realm section of the Design Guidelines and appropriate conditions, provide sufficient detail and means to ensure that any future reserved matters applications will deliver high design quality.

#### Public Routes and Threshold Spaces

- 9.98 The Whitgift site is relatively unusual for a major Shopping Centre development in that it fronts directly onto four streets; as such, there is no 'back'. Whilst North End, Poplar Walk, Wellesley Road and George Street vary in character and scale, they are all well-used by pedestrians and will only increase in importance as access routes into the shopping centre. In this sense each of the bordering streets forms a 'front' to the development, and needs to be treated positively as a public space. This involves forming positive frontages to the public realm as discussed above, as well as the direct landscaping treatment of the public realm itself. It is considered that the continuity of public space set out in the Design Guidelines reflects extensive discussions at pre-application stage to ensure coordination of the scheme with the Council's own public realm programmes and strategies.
- 9.99 A key component of how the proposed development meets these various fronts is the strategy of employing 'threshold spaces' where public routes through the shopping centre meet the surrounding streets. By placing these spaces at the edges of the site the intention is to provide welcoming openings into the development at the same time as encouraging activity within the development to engage with the surrounding public realm. These routes and their associated threshold spaces are:
- The Galleria, with threshold public spaces to North End (Galleria West) and Wellesley Road (Galleria East).
  - The north-south route, with threshold public spaces at George Street (Whitgift Court) and within the widened pedestrian realm at Poplar Walk.
  - The southern secondary east-west route with threshold spaces to North End (The Arcade) and Wellesley Road (Dingwall Avenue). The terminus of this route to the east is planned as a route through department store B; as such,

while delivery of the route is guaranteed by the parameter plans it differs from the majority of those thresholds associated with public routes in being primarily a retail entry space, rather than a direct entry to a public route. In principle, such an entrance is supported due not only to the benefit to the town centre of maximising east-west permeability but also to the associated improvements to Dingwall Avenue as a public space in the town centre and the improvement this will bring to the setting of Electric House.

- The northern secondary east-west route with threshold spaces to North End (Chapel Walk West) and Wellesley Road (Chapel Walk East). The terminus of this route to the east is described in the Parameter Plans as a possible route through department store A: as such, delivery of this route is not guaranteed by the outline application and, if secured, would result in a retail entry space, rather than a direct entry to a public route. In principle, such an entrance is supported due to the benefit to the town centre of maximising east-west permeability. In the absence of delivery of this route, a threshold space would still occur between Residential Towers 4 & 5 along the Wellesley Road frontage approximately opposite Sydenham Road. This threshold space is supported in principle even in the absence of the associated route due to the benefit to the public realm to Wellesley Road and to the creation of a suitable entrance space for the residential towers that does not infringe on the normal pedestrian use of Wellesley Road for town centre movements.

9.100 Other major threshold spaces proposed in the application (Grammar School Yard, West Croydon Circus, and other residential entrance spaces) are not associated with public routes but instead derive from other spatial considerations and are generally supported in principle.

9.101 The Design Guidelines include an overlay of general principles that are required of each public route proposed, as well as more specific guidance tailored to the particular role and character of each route. With regard to general guidance around the routes, this is generally supported and provides key considerations for the resolution of detailed design components within future reserved matters applications. Guidance includes the requirement for doors to public routes to be oversized; active frontages to be provided where possible and with overriding design characteristics of visual and physical permeability; and, internal materials whether of facades or ground plane will employ high quality materials and a consistent and co-ordinated design approach. Importantly, this general design guidance also gives consideration to the potential inclusion of gates in those instances allowed by the variance between maximum and minimum are not located at the perimeter of the block and so have the potential to create areas for anti-social behaviour during night-time closure hours by creating unsupervised cul-de-sac conditions at the threshold. The Design Guidelines require that any future design for gates is well integrated with the built form in both open and closed position and as well as being of sufficient design quality and material assembly to complement the streetscape and setting, noting that particular care will be needed where such gates occur within the Conservation Area or where they might potentially affect the setting of a Listed Building. In principle the potential need for gates to ensure night-time security is accepted, as too, given the flexibility allowed for by the outline application, is the

fact that the final configuration of these entrances within threshold spaces cannot be defined at this stage. As such, the Design Guidelines provide sufficient detail around the issue.

### The Galleria

9.102 This route through the site is of strategic importance and is intended as a 24hr connecting route linking East Croydon with Old Town. As a vital urban design priority for the scheme, the Galleria needs to function as a seamless continuation of the public realm. As defined by the application, the Galleria would resolve the level change between Wellesley Road and North End to provide a single level, graded connection between the thresholds on Wellesley Road and North End, with a minimum width of 12m at ground level. There are two components of the proposed design that have the potential to compromise the legibility of the route: firstly, doors are proposed to enclose the Galleria at each end; secondly, the development of a single car-parking volume spanning the route at its eastern terminus. In response to these two elements, a number of strategies are captured within the Design Guidelines to mitigate this enclosure in the reserved matters and ensure that a visual connection through the centre is maintained and public use of the route is encouraged:

- Eye level views from street to street through the Galleria required;
- Internal materials and expression will be such that the ground surface acts as a continuation of the external surfaces of North End and Wellesley Road while internal frontages make reference to external street frontages in terms of materials and expression;
- A minimum height of 16m to roof level above the ground floor retail level will be maintained;
- The internal form of the Galleria will be such that at first floor level and above the minimum width across the route, between shop-fronts will increase to 16m so that the space appears to open up toward the upper levels and roof;
- The structure supporting the roof will become visually more lightweight in appearance toward the upper levels to reinforce the external qualities of the space and connections to the sky;
- The roof will be glazed to allow natural light to penetrate through the route with a minimum 60% of the ground floor area of the route covered with clear glazing;
- To maintain visual continuity the 40% without clear glazing where the car-park spans the route will maintain a ceiling treatment consistent with the glazed roof;
- The areas of bridges crossing the Galleria are limited to 40% at level one and two with these elements designed to be slender and transparent elements with no single bridge other than the event space wider than 8m.

9.103 An event hosting space is proposed within the Galleria toward the western end of the route. This is located at first floor level to generate the most activation across all levels of the Galleria when events are hosted. It is important to note that the performance space counts within the 40% maximum bridge area and is not in addition to that enclosure. To ensure that the final location of the event space is consistent with other efforts to maximise the degree of visual

permeability of the Galleria, it is set within a limit of deviation enshrined by specific Design Guidelines that ensure an adequate setback from the Galleria West threshold, with the final location in any reserved matters application being subject to impact studies. While it would be preferred that this event space was located along the internal north-south route so as to minimize disruption to the Galleria, the proposed location and controls imposed by the Design Guidelines are acceptable. These strategies, and others enshrined within the Design Guidelines, are considered acceptable with regard to ensuring the internal quality and daylight access of the Galleria in any reserved matters application.

9.104 With regard to the issue of enclosure by doors, the Design Guidelines require that 'the doors and ends of The Galleria should promote a visual connection through the centre' and note that doors should provide the least resistance possible to pedestrian movements and that their transparency should be such that the Galleria is read as a sheltered space between two buildings rather than a building in its own right'. As a statement of design intent and objectives this is sufficient; however, there is a concern that as functional design guidance for any reserved matters application, this statement does not sufficiently engage with possible design responses to address the identified issues and objectives, specifically those related to the issue of the scale of the doors within the public realm thresholds at each end of the route. However, reserved matters applications will only be acceptable if the scale of the doors is appropriate and on this basis, this element is considered sufficient.

9.105 The Parameter Plans and Design Guidelines that describe Galleria East and Galleria West indicate appropriately scaled public realm threshold spaces in each instance. Galleria West will be a space of a minimum 250m<sup>2</sup> area with west-facing aspect to North End. The Design Guidelines set out strategies around vertical articulation and scale to ensure a sense of continuity of North End frontage while mediating between the large scale volume and structure of the Galleria and the smaller scale urban grain of the Conservation Area frontages. As the western end of the Galleria is not spanned by the car-park deck, these Design Guidelines, in tandem with the strategies previously outlined regarding how the scale, openness and transparency of the route will be maintained, should be sufficient to ensure that these aims are achieved and that visual permeability through to the route from the public space, the continuity of materials between internal and external realms, and the openness to the sky above is such that the publicly accessible nature of the Galleria as a primary urban route is clear.

9.106 Galleria East as a space is less defined than Galleria West, which is to be expected as it will be a new public space created in an entirely new frontage along Wellesley Road, rather than a new space created within the constraints of the existing frontage to North End. The Design Guidelines specific to Galleria East aim to ensure that the new threshold space clearly signifies the primary entrance to the east-west route from the western end of Lansdowne Road and that it maintains its legibility within the new streetscape to Wellesley Road created by the proposed development. A minimum acceptable width of 20.5m is set by the Design Guidelines to ensure that wherever the detailed design lands within the range set by the maximum and minimum Parameter Plans, the

aperture is sufficient to signal the primary nature of the route within the wider townscape. Similar consideration is given to frontage setbacks and entrance composition to maintain legibility. As the eastern end of the Galleria is spanned by the car-park deck, concerns remain that even when these additional Design Guidelines are considered in tandem with the strategies previously outlined regarding how the scale, openness and transparency of the route will be maintained, the legibility to pedestrians that this is a primary publicly accessible route within the town centre may not be clear. At reserved matters stage, the detailed design will need to sufficiently demonstrate legibility and the open nature of the route to be acceptable. It is noted that notwithstanding concerns around visual permeability of the through nature of the east-west route itself, the eastern span where the car-park crosses over the route does offer potential for public art or other interior design interventions of scale that may engage with and invite in passers-by on Wellesley Road, and that this design opportunity is recognised by Design Guideline 3.3.1.xii- Activation of the Eastern Side of the Galleria.

#### George Street and Whitgift Court

- 9.107 George Street forms the southern boundary of the development site and functions as the main approach to the proposed development from the existing East Croydon station concourse, westbound tram stop and southern half of the town centre; as such it can expect to see a significant increase in footfall as a result of the proposed development. The proposals, both in the Illustrative Scheme described in the Landscape and Public Realm Strategy and as envisaged through the application of the parameter plans subject to the controls of the Design Guidelines (Landscape and Public Realm 8.5.4 & Street Frontages and Thresholds 2.3.8.1), identify George Street as a key link to the Mid-Croydon Masterplan Area and focus on the integration of a new sheltered public square (Whitgift Court) into this context as a means of providing a threshold space that mediates between the larger scale of the internal South Mall and the existing smaller scale of the historic street. As part of the Public Infrastructure Measures, works would be undertaken to the existing tram stop outside the former Allders entrance to open up the northern pavement, move tram equipment and improve pedestrian flows into the proposed development in line with the Mid Croydon Masterplan.
- 9.108 Given the Conservation Area status of the western half of George Street and the role the public realm plays in defining the setting of a number of Locally Listed buildings and the Grade I Listed Almshouses, it is important that this space is treated coherently across its full width and length and that any forthcoming application for reserved matters provides an entrance threshold that complements and reinforces the historic building line. The Design Guidelines are satisfactory in this regard and place appropriate emphasis on continuity of new and existing street frontages between external public realm and building threshold spaces.
- 9.109 Whitgift Court is an open courtyard that creates a setback area between George Street and the main entrance to the South Mall within which the change in scale occurs, and provides level access to the shopping centre. The existing building at 7 George Street that would be demolished is a 20th century infill building which currently makes no positive contribution to the character or

appearance of the Conservation Area and conservation area consent for its demolition was granted by application 12/02543/CAC. A minimum area for this space of 500m<sup>2</sup> is set by the Parameter Plans and Design Guidelines around the potential for a glazed roof canopy that could be introduced in a maximum development scenario to cover the open area of the new courtyard are acceptable. As such, the new entrance space proposed is well located and scaled not only in that it maintains the existing route between George Street and North End previously provided through Allders, but also in its location of public seating at a natural gathering space between the entrance and the tram stop.

- 9.110 The sense of enclosure of this space is vital to retain the continuity of the George Street frontage. The space and any potential new flanking buildings are located between the retained facade at 5 George Street and 9a George Street (which is for retention/refurbishment and alteration) and the Design Guidelines provide specific guidance around the renovation and addition to each building individually, as it relates not only to the preservation of contextually appropriate streetscene relationships, but also to their relationship to the Almshouses. Replacement of the existing non-original over-scaled roof of 5 George Street is proposed. While the Design Guidelines allow the new roof to be visible from the street and the Almshouses provided it remains within the maximum envelope set by the Parameter Plans, this replacement is considered positive given that its visibility will be minimized by the controls of these documents and would result in a lessening of the harm to both the quality of the streetscape to George Street and the view from the internal courtyard of the Almshouses. New flanking buildings would follow the existing building line of adjacent retained facades on the George Street frontage and would be required to employ shopfront heights and façade compositions derived from existing patterns of bay size and storey heights in existing adjacent development to ensure integration with the historic context. Returning facades of any flanking buildings would form the facing elevations into the public space and as such are required to be carefully considered as primary elevations, again complementing and extending the characteristic patterns of development of the George Street frontage not only in their composition but also in their external material quality. Officers are satisfied that the Parameter Plans and Design Guidelines, with appropriate conditions, provide sufficient detail to ensure that reserved matters will result in appropriately considered and high quality public realm and architectural design.

#### North-South Route

- 9.111 The route is the primary internal spine around which the shopping centre is organised. As a connection within the town centre, the route is important in maintaining the existing informal route from George Street via Whitgift Court that is likely to gain greater prominence in a future development scenario where connection to the south is improved in line with the aspirations of the Mid-Croydon Masterplan. Similarly, its landing within the proposed improvements to Poplar Walk facilitate the aspirations of the West Croydon Masterplan and emerging routes and spaces north of the site in the vicinity of St. Michaels Square and West Croydon Bus Station. Given the length and disposition of this route, officers agree with the comment in the Design Guidelines that it is unrealistic to require the route to maintain unobstructed views from end

to end between thresholds. Accepting that this is not practicable, a generous internal dimension of this route with visual connectivity along its length to the outdoor realm will be important to aid orientation along its length and to encourage its use as an important town centre connection. To achieve this, at first floor and above the route widens to a 16m minimum width between shop fronts in a similar fashion to the Galleria to provide an internal profile such that the space appears to open up toward the upper levels and roof. A minimum height of 16m is maintained with 60% of the roof required to be clear glazing to ensure a connection to the external realm, complemented by requirements limiting the area of bridges spanning the route so as to maximize the degree of visual permeability. Taken in tandem with the general guidance around public routes that require a ground plane material treatment of the North and South Malls as a semi-internal space, officers are satisfied that a detailed design of this route that is subject to all of the associated controls enshrined in the current application will result in a generosity of scale and a high quality of design for this route appropriate to its strategic importance as a north-south connection in the town centre.

#### Poplar Walk

9.112 The north-south route terminates at Poplar Walk, the entire southern frontage of which forms the northern perimeter of the proposed development. The street functions as an important vehicular access and bus route, and in terms of built form exhibits a mixed scale street with the streetscape composed of buildings of diverse character and quality and a varied building line. Notable buildings include the Grade 1 listed St Michael and All Angels Church on the north side near the intersection with Wellesley Road and the Marks and Spencer's building on the south side at the intersection with North End which sits within the Conservation Area and contributes positively to it. The southern frontage presents a notably constrained street width at the western end where it meets the pedestrian environment of North End, and otherwise this frontage presents a series of inactive rear elevations of the existing Whitgift Centre to the street punctuated with parking and service vehicle access points. Officers agree with the assessment made by the applicants in commenting on the poor quality urban environment of the southern frontage of Poplar Walk where the Heritage Statement (paragraph 3.71) notes that 'the lack of architectural quality, combined with the poor urban design, creates an environment where pedestrians move quickly down the road, in both directions. This has demonstrably eroded the ability to appreciate the setting, and therefore special interest of the Church of St Michael and All Angels'.

9.113 The proposals in outline for the transformation of Poplar Walk constitute one of the most significant changes to the town centre proposed by the application compared to the 2014 planning permission. The inclusion of Green Park House at the intersection of Wellesley Road and Poplar Walk within the development site, and the proposed demolition of the existing Marks and Spencer's building at the intersection of Poplar Walk and North End, did not form a part of the 2014 planning permission and mean that the application proposes the replacement of the entire street frontage on the south side. This is a substantial alteration of the existing urban context that, with proper consideration of the issues of contextual appropriateness, setting to the listed building and an

appropriately high quality of urban, architectural and landscape design, could deliver a significant improvement of the Poplar Walk environment. It would enable the creation of a new area of public realm, achieved through the revised building line and relocation of the existing vehicular access and egress points to Wellesley Road. The application summarises the design intent of the development as seeking 'to provide a significant enhancement to the street with a comprehensive re-modelling of the southern frontage to create a coherent streetscape and new quality public realm appropriate to the setting of the listed church'. Considering the southern frontage of Poplar Walk as a whole, the primary design strategies set out by the Design Guidelines are intended to redress the existing condition in which the Whitgift Centre and Marks & Spencer building appear to turn their back on Poplar Walk and the Grade I Listed St Michael and All Angels Church, creating a poor quality setting for this important building and a poor quality approach to the Conservation Area from the east.

9.114 The primary component of this transformation of Poplar Walk is achieved by means of the street widening through the repositioning of the building line in any future development. As noted previously, the Parameter Plans set limits of deviation in the future building line of any forthcoming application between the minimum and maximum development scenarios of 5m variation for the greater part of the Poplar Walk frontage, increasing to 15m in the vicinity of St. Michaels and All Angels Church. Each scenario is sufficient to provide for the critically important street width that is central to the aspirations of the proposal and as such is supported. The rationale of public benefit in terms of an improved urban form deriving from the proposed demolition of Marks and Spencer, mitigating the harm caused to the Conservation Area by the loss of the heritage asset is accepted subject to the need for any replacement building to replicate and improve on the positive contribution to the streetscape made by the existing building. This is discussed further in the 'Heritage' considerations below.

9.115 Officers are satisfied that this is clearly recognised within the application and that the Design Guidelines set out a strategy for the design of a future replacement building that will meet this requirement. It is further noted that in the consideration of the 2014 planning permission, officers expressed an opinion that a preferred solution in this location would be to pull back the eastern façade of Marks & Spencer to form a new active frontage and provide the northern entrance as a wide, open pedestrian route. In many respects, albeit through demolition of the building, this is what the current application proposes.

9.116 The application proposes a new space at the intersection of North End and Poplar Walk (which is described as 'West Croydon Circus' in the Design Guidelines), made possible by the increased pedestrian realm to the end of Poplar Walk achieved through the building lines set out by the Parameter Plans. The primary design considerations for this space arise from the adjoining frontages of the replacement building and their ability to encourage activity in the café spill-out space identified in this location. However, it is worth noting that the specific design guidance around this space requires a palette of materials that is consistent with and mediates between the three public realm palettes that meet in this location (i.e. that of Poplar Walk, North End, and recently completed works at West Croydon ), that public realm proposals are required to extend to the

building line in whichever scenario is developed, and that consideration is given to the design and positioning of street furniture to make this space as attractive as possible. The attention given to placemaking at this location is supported given that this space has the benefit of good orientation and sun access and is located along the existing pedestrianised east-west route of North End. A successful and active space at this location can work well in connecting this existing route with the newly strengthened east-west connection of a widened Poplar Walk, and the increased footfall that can be expected from the proximity to the threshold of the north-south route.

9.117 It is important to note that design guidance around the replacement building requires the façade treatment to turn the corner from North End to provide attractive and active frontage along the new building line. In Design Guidance around the composition of the new street frontage to Poplar Walk, the Poplar Walk elevation of the replacement building is identified as one of five subdivisions of this overall frontage. The aim of subdividing the street edge in this fashion is to break the street length along the new building lines down into smaller incremental component blocks with each component developing a more contextually responsive massing and expression depending on its location in the streetscape. While the five component blocks would have a familial relationship in their expression, their expression as individual blocks should ensure that the substantial change in scale from the replacement building at the corner of North End to Tower 5 at the corner of Wellesley Road is resolved in a cohesive fashion without presenting a single monolithic façade the length of the street.

9.118 Essentially, the role of each block changes along the length of the new street frontage: the Marks and Spencer Replacement Building resolves the corner of North End at a smaller scale; the next block incorporates the mall entrance and public realm threshold; the third block steps forward to begin to transition the building line forward; a smaller two storey block completes that transition in the building line while providing a lower scale of development in immediate adjacency to St. Michael and All Angels; Tower 5 returns to the taller urban scale of Wellesley Road. A minimum of 60% active frontage at ground level is required along the length of Poplar Walk to bring activity to the newly widened street. At the upper levels, where active frontage is more difficult, Design Guidance looks for differing levels of façade articulation in the architectural expression to deliver visual interest. Those component facades that act as a backdrop to St. Michael and All Angels will have simpler expressions with limited setbacks so as to minimize their disruption to views of the heritage asset; those component facades removed from immediate vicinity to the church and more engaged with the new public realm will be permitted deeper reveals. These strategies, as they relate to the general handling of form, massing and expression to Poplar Walk, are supported.

9.119 With regard to the new public realm of the street, the Parameter Plans and Design Guidelines require a minimum 1000m<sup>2</sup> of accessible public realm to be provided. The orientation of the church provides the guiding principle for the geometry of the new streetscape with the proposed re-alignment of the southern pavement edge and new building frontage intended to provide a more coherent and simplified structure to the street. The resultant layering of the street design

(bus route, cycle route, pedestrian movement and building edge) that is made possible by the building line and pavement edge alterations does enable clearer and safer accommodation of the variety of functions hosted on Poplar Walk, whether existing or proposed, which should in turn contribute to improving the public realm setting of the church. To successfully achieve such improvements however, the proposals need to address three notable pressures on the new frontage that redevelopment creates. Firstly, and most notably, is the setting of St. Michael and All Angels Church considered not in terms of horizontal distance to adjacent buildings or streetscape quality only, but rather in terms of vertical scale of the town centre and impact on views; secondly, the entrance to the mall and attendant change in level required based on proposed internal levels of the shopping centre; finally, the proposed vehicular basement entry to Tower 5.

9.120 With regard to the setting of the church, the particularly narrow width of parts of Poplar Walk and poor public realm currently detract from the setting of the church. The proposals to provide significant public realm improvements to the immediate setting of the church and increase the extent of publicly accessible open space have the potential to contribute positively to the setting of the church. This needs to be balanced against the scale of development to the south side of Poplar Walk, which has the potential to harm the setting of the church. A general strategy to break the proposed development into 5 units along Poplar Walk (Design Guideline 2.3.6) is generally successful with regard to form, massing and expression, and it is noted positively that the blocks with immediate frontage to Poplar Walk will sit below the church's ridgeline when viewed from the north.

9.121 While the minimum parameters and illustrative scheme are not problematic, at the maximum parameters, however, as a result in the proposed proximity of the new building line, the silhouette of the church is disrupted by the proposed commercial element which rises above Poplar Walk Block 3 (Department Store A). Further consideration of the impact on the setting of the church is given in the 'Heritage' section of this report.

9.122 The key concern is the resolution of the change in level between the internal mall environment and the external environment of the public space. The Design Guidelines require the majority of any level change required to access the development be resolved externally within the public realm and form part of the landscape strategy for the frontage. As indicated by the illustrative scheme, this results in a substantial piece of public realm infrastructure (indicated in the Landscape and Public Realm Strategy as a 'feature stair') within the minimum 1000m<sup>2</sup> new public space created. While it is accepted that in terms of hierarchies of routes, level access across thresholds from North End to Wellesley Road via the Galleria is more important, it is the preference of officers that such a change in level be substantially accommodated internally within the proposed development as this would simplify the detailed design process for such an access solution, and would be likely to make delivery of active frontages adjacent to the entrance less complex. While the external solution proposed is not preferred, the design constraints and required responses (including accessibility requirements at Poplar Walk) for any detailed design proposed through reserved matters are thoroughly and clearly delineated in the Design Guidelines, and officers concerns are largely mitigated by the inclusion of a requirement that

active frontages flank the entrance as described at 2.3.6.viii of the (revised) Design Guidelines.

#### Chapel Walk East

- 9.123 Chapel Walk East refers to the space between the Towers 4 & 5, fronting Wellesley Road that is described in the Parameter Plans as a possible route through Department Store A. Delivery of this route is not guaranteed by the outline application and, if secured, would result in a retail entry space, rather than a direct entry to a public route. In the absence of delivery of this route, a threshold space would still occur between Residential Towers 4 & 5 along the Wellesley Road frontage approximately opposite Sydenham Road. A residential entrance for Tower 5 from Poplar Walk is considered an important element in ensuring that where the tower meets the ground a more pedestrian friendly, human scale is created. There is no objection in principle however to there being another pedestrian entrance to this tower within the Chapel Walk East setback. The Design Guidelines adequately deal with the flexibility of this space, whether providing an area that provides both public retail and private residential entrances or just residential. In either case the definition of a zone of residential character is supported, as is co-ordination of public realm materials to complement the fully public zone of Wellesley Road. Regardless of the final use or mix of uses in the space, the threshold space at the scale proposed serves to create an appropriate rhythm to the massing of the Wellesley Road frontage, and provides a breathing space in the public realm to Wellesley Road.

#### Chapel Walk West

- 9.124 Chapel Walk West is the threshold space terminating the northern secondary east-west route within the North End frontage at a space resulting from the demolition of the 'rear' section of the Thomas Cook building at 96-98 North End (a positive contributor within the Conservation Area). It is considered that the Design Guidelines provide sufficient detail to ensure that, through approval of reserved matters, any future development would meet the objectives of preservation and enhancement of the character of the Conservation Area, and the potential public realm benefits, whether in the form of a new public space or in the form of improved connectivity and legibility of routes into the centre, would be secured.

- 9.125 It is noted that in considering Chapel Walk West, the Design Guidelines give deeper consideration to a minimum massing development scenario, which is supported as this is in many ways the more complex of the options. The maximum scenario fills out the North End streetscape and is primarily concerned with complementing and reinforcing the existing characteristic patterns of development, whereas the minimum massing scenario needs to deal with issues around anti-social spaces, gates for night time security, and flanking wall conditions similar to those arising at Whitgift Court. A consistent design approach is outlined: again, general design guidance would allow consideration of the potential inclusion of gates and require that any future design for gates is well integrated with the built form in both open and closed position, and as well as being of sufficient design quality and material assembly to complement the streetscape and setting. In this instance, particular care to complement the Conservation Area would be required. Ground plane materials

will develop an individual character for the space, but will be complementary to the surface treatment of North End and will clearly demark the street edge. With regard to flanking walls, in all but the maximum development scenario these would be exposed and flanking buildings not proposed. As such, the Design Guidelines instead require their extension at the current height and building line back to the new entrance to frame the space and note the opportunity to use these new surfaces for artworks or way finding strategies. The attention given to placemaking at this location is supported given that the as a space it has the benefit of good orientation and sun access and is located along the existing pedestrianised east-west route of North End. Officers are satisfied that sufficient detail is given by the Design Guidelines that any future application of reserved matters should result in a new public space of appropriately high quality to complement the Conservation Area.

#### Grammar School Yard

9.126 Grammar School Yard is the historical entrance to the former Whitgift Grammar School and current entrance to the Whitgift Centre on North End. The alignment of the proposed Galleria removes the function of Grammar School Yard as an entrance to a public route, and instead the proposal seeks to repurpose as a pocket of public space located off North End. While this approach is supported, it is important that the Grammar School Yard and adjacent retained gatehouse buildings retain their historical meaning. It will be critical that the proposed development of the Galleria threshold space and the Grammar School Yard space in such close proximity to one another does not lead to inappropriate loss of definition of the building line within the Conservation Area. The retention of the buildings either side, as honorific gateposts will reinforce the historic pattern of development in which Grammar School Yard formed a singular recess of an otherwise consistent building line to North End and will do much to retain the characteristic pattern of development and the sense of enclosure of the space. As noted previously, the Parameter Plans allow for a 5m variation in the building line of the new entrance between minimum and maximum scenarios and as a result the primary focus of the Design Guidelines is in working through and proposing strategies for the implications of this variation on impacts of the proposed development on the Conservation Area and adjacent historic fabric. There are two key aspects to the resolution of any future detailed design that are correctly identified and highlighted by the Design Guidelines. The first of these is any built element of the proposal that directly abuts the existing historic façade of the gateway buildings and defined in the Design Guidelines as "the Primary Frontage". The second is the scale of the proposed development above this Primary Frontage and its impact on the Conservation Area, defined as "the Secondary Frontage".

9.127 With regard to the Primary Frontage, the strategies outlined by the Design Guidelines should ensure that any future detailed design contributes to the character and appearance of the Conservation Area. It is envisaged that the final built form will provide a first transition in scale from the existing buildings to the greater mass of the commercial core above and so create a clear hierarchy of street edge massing. The new walls of the Primary Frontage will be aligned with the facades of the existing retained buildings. Height in the minimum development scenario will be complementary to the existing scale, and in

maximum massing will be no higher than the existing brick tower. Material expression will be of high quality and complementary to the retained stone dressed facades. Active frontage and a high degree of transparency at ground level is required. Officers are satisfied that the Design Guidelines successfully resolve the issues and design outcomes around this lower scale of development, the spatial relationships between new and existing buildings and the street edge, and the enclosure of the Grammar School Yard as a character space within North End.

- 9.128 With regard to the Secondary Frontage and the visible expression of the interior commercial massing of the South Building West within the Conservation Area; the Design Guidelines note that this massing should act as a backdrop to Grammar School Yard when viewed from North End and that this should be achieved by limiting articulation and materials to achieve a more subservient expression. In a maximum development scenario envisaged by the Parameter Plans this building has the potential to be prominent in the streetscape within the Conservation Area, particularly where blank facades of the cinema (if it comes forward) may be evident from Grammar School Yard. It is acknowledged that this is to a similar level to the 2014 planning permission but nevertheless it constitutes a visual impact on the historic character of the Conservation Area. Noting that the detailed design of this element is reserved, the Design Guidelines set out the need for testing of this form in future detailed design development. Officers agree with the need for testing and acknowledge that the visual impacts may be somewhat mitigated by the creation of a high quality attractive architectural expression which can be achieved by the implementation of the Design Guidelines, but it must be stressed that these impacts derive from the basic massing proposed, rather than the future expression of any detailed design.

#### The Arcade

- 9.129 The Arcade is the western length of proposed southern secondary east-west route through the former Alders store, entering the development on North End and potentially terminating at the Dingwall Avenue public space at Wellesley Road.
- 9.130 It is proposed to retain and enhance the existing Alders façade with the existing poor quality canopy removed or replaced. Provision is made within the Design Guidelines for alternative treatments of the portico and for replacement of the existing slate mansard roof by a new roof subservient to the existing parapet and with visual impacts minimized in views from within the Almshouses courtyard. Importantly, the Design Guidelines also clearly limit the location of new doors to the route, to a place either in line with or behind the existing portico. The retention and careful treatment of this façade is welcomed as the existing Alders frontage plays an important role in anchoring the south end of North End, and forms an established relationship with the Grade I Listed Almshouses.

#### Dingwall Avenue

- 9.131 This space would be reconfigured and redesigned as a public space acting as a threshold to the internal southern east-west route. (Paragraph 9.192 refers to the proposed stopping-up of Dingwall Avenue and arrangements for

future access, maintenance and management of this area of land.) The Parameter Plans guarantee delivery of the route as a retail entry space, rather than a direct entry to a public route. Aside from committing to a legible route taking account of internal store layout that is public accessible during retail opening hours, the applicant has not committed to a dimensioned alignment for the route through the Department Store B at this time. In principle however such an entrance is supported due not only to the benefit to the town centre of maximising east-west permeability but also to the associated improvements to Dingwall Avenue as a public space in the town centre and the improvement this will bring to the setting of Electric House. Officers are satisfied the ultimate configuration of the route internally can be addressed at the reserved matters stage.

9.132 Department Store B is the main intervention to the built form of Dingwall Avenue. The Heritage Statement identifies the dramatic effect that 1960s development had on the setting of Electric House and identifies the current setting for the heritage asset as poor. Officers agree that the junction between Electric House and its neighbour is poor, and that the proposed development is an opportunity to improve not only this but also the wider public realm and built environment of Dingwall Avenue through the replacement of the existing car park with Department Store B. At a fundamental level, the inclusion of a public entrance, whether to a major public route or directly to a major retail destination, via Dingwall Avenue will re-integrate the road into the urban environment and strengthen the connection to the Wellesley Road streetscape.

9.133 The public realm of this space will be an important component in the success or otherwise of these improvements. The Design Guidelines describe the area as a shared surface with no upstand kerbs, and durable materials and furniture elements, to be complementary to guidance around the quality of public realm designs. To ensure ground floor activation of the space, active frontage to the ground floor of Department Store B is required. These strategies, in tandem with the clear delineation in outline in the Design Guidelines of how taxi pick-up/drop-off movements and maintaining vehicular access to existing buildings served by Dingwall Avenue, will work in relation to the entrance threshold space and zones for street furniture are sufficient to satisfy officers that the sufficient detail has been provided to ensure a high quality public realm scheme can be achieved in any future detailed design.

9.134 The other consideration dealt with in detail by the Parameter Plans and the Design Guidelines is the built form of Department Store B itself. As noted by the Design Guidelines, Department Store B forms one of a group of three buildings (along with Electric House and the HSBC building at the corners to Wellesley Road) that frame the newly improved space. In addition, as a major new built element it will form the backdrop to Electric House and be prominent in views of that heritage asset. This new built form is required to secure a clear relationship to Electric House: the Parameter Plans set the new built form at a new building line east of the existing and the Design Guidelines require the primary alignment of the façade to be perpendicular to the façade of Electric House. Furthermore, the minimum height of Department Store B must be no lower than Electric House, while any setbacks at higher levels in maximum

massing scenarios are discouraged. This guidance around the basic form and massing is complemented by guidance limiting the palette of external materials and requiring a façade composition of architectural coherence and refinement. As noted previously the proposed height of this Department Store B and the car-park mass above when considered at the maximum massing scenario will impact on the silhouette of Electric House, the impact on which is controlled through the Design Guidelines. A Stopping Up Order (SUO) was made for Dingwall Avenue in respect of the 2014 planning permission and an application for a new SUO has been submitted by the developer in respect of the current application (see paragraph 9.192 below). This has been advertised in draft by the Council, but it cannot be made until after planning permission for this scheme has been issued.

### Wellesley Road

9.135 The extension of the site area beyond that of the 2014 planning permission now includes the redevelopment of the Whitgift car park and Green Park House. The proposed development will result in the wholesale replacement of existing frontage as far as the corner of Poplar Walk. Similar to Poplar Walk, the new frontage to Wellesley Road is a location where the core of internal shopping centre development is not defined by its relationship to existing street frontages such as at George Street and North End, but must instead be mitigated in its external expression within the townscape by a layer of newly designed street elevations. The new frontage to Wellesley Road can be broadly divided into two components, the residential frontage north of Galleria East and the commercial and/or residential frontage between Galleria East and Dingwall Avenue. The proposal seeks to replace existing poor quality tall buildings and a piecemeal frontage to Wellesley Road with a more coherent streetscape in terms of vertical scale, regular building lines, ground floor animation and activity, and legible routes through the site. Unlike the previous consent, the current proposal effectively sets a new building line to Wellesley Road. The Parameter Plans fix the building line for the majority of the frontage to provide a more consistent and regular building line, with the exceptions to this being the previously described Galleria East threshold (16.4m variance) as well as a portion of Tower 1 with aspect to the Galleria East entrance area (25m variance) and the area between Towers 2&3 (25m variance). The proposed flexibility in these locations is considered appropriate both to ensure the legibility of the Galleria is maintained within the townscape and also to provide for appropriately scaled residential entry spaces to the Wellesley Road frontage where potential future towers meet the street edge.

9.136 With regard to the new street edge along this frontage created by the proposal, officers are generally satisfied that it constitutes a significant improvement over the current town centre condition. The existing Whitgift Centre frontage to Wellesley Road is poorly defined, lacking ground floor activity, enclosure and an urban scale, with multiple constrained gathering points for alighting buses. The form of this frontage is fundamental to transforming Wellesley Road into a more pedestrian friendly and active space. The decision to locate all of the residential towers along the Wellesley Road frontage is supported. Primary retail activity then occurs at important thresholds, while the location of residential entrance lobbies at the street edge provides another form of ground floor activity. The landing of the towers at the street edge with the

commercial core setback behind these forms provides a vertical rhythm that breaks up what would otherwise be a monolithic horizontal massing but would also, in more practical terms, be a very long (+300m) commercial frontage that would struggle to provide active frontage along its length. The spaces between the towers not only provide for this vertically massed rhythm but also provide transitional spaces off the Wellesley Road footway that allow access to the residential blocks without undue disruption of the other town centre pedestrian movements along this frontage. At upper levels in the space between towers (i.e. the external face of the commercial core) the Design Guidelines seek any use and associated architectural expression to be appropriately complementary to the adjoining residential use, and where possible to benefit the residential use through the provision of amenity whether shared or private. The scale of these spaces between the towers are set by the Parameter Plans and derive from considerations around the separation distances required between towers not only to guarantee residential amenity of future occupiers but also to minimise visual impacts of the five towers in a maximum development scenario as it relates to townscape views and heritage impacts. The scale of these spaces is considered acceptable. Officers are satisfied that in general the detail provided around built edges and public realm surfaces and materials, would result in significant improvements to the environment of the town centre.

9.137            However, the new frontage contains cross-over points to vehicular parking structures in both the north and the south component which result in two areas of concern: firstly, the quality of the external expression of the car park mass and access ramps; secondly, the impact of these vehicular crossing points on pedestrian comfort and safety. With regard to the external expression of these elements, it is noted that the Design Guidelines correctly treat them as very different frontages. The southern car park ramp is noted as requiring detailed consideration in conjunction with Tower 1 given the marked difference in this location between minimum (where Tower 1 is not constructed) and maximum parameters and the need for a strong and coherent urban edge to Wellesley Road to be presented regardless of the massing scenario. The northern car park ramp is required to be complementary to the adjacent residential towers but subordinate to them so as to maintain a hierarchy of built form within the streetscape.

9.138            The public realm issue is more challenging. The Design Guidelines require the crossover area at the southern car park entrance to be allocated to vehicular movements to be minimised, and for pedestrian crossings that are straight and parallel to the main road to be prioritised. It is noted that in guidance around ventilation in the case of both access ramps, air quality is noted as a concern: this guidance should be extended to require appropriate treatment to ensure visual amenity. Otherwise, the Design Guidelines and the material quality envisaged by the application materials, are supported. However, it is noted that this crossing is to be a controlled crossing and is located in close proximity to the uncontrolled crossing to the service vehicle entrance to the south, and an area of relatively narrow pavement width with a fixed building line to the north. As a result, officers have concerns about pedestrian comfort. The legibility of the northern car park entrance crossing with regard to pedestrian movements and proposed ground plane materials are supported; however, it is noted that this is

intended as a controlled crossing as a result of crossing movements from the east side of Wellesley Road. Whilst this is acceptable, the impact of the intermittent use of the left turn is unclear. This is an important aspect to be controlled through subsequent details, secured through reserved matters.

9.139 Generally the residential components of the frontage are well resolved. The maximum footprint for the towers of 950m<sup>2</sup> and the separation between towers of a minimum of 19.5m as set by the Parameter Plans are acceptable. It is noted that while residential layouts are reserved, and as such it is premature to comment on the quality of residential accommodation provided, the proposed 8 units per floor proposed by the Design Guidelines, the separation between towers, provision of private open space by means of balconies or winter gardens, and provision of shared open space at rooftop level of the shopping centre, all indicate acceptable amenity of future residential occupants. As detailed design of the towers would be the subject of future reserved matters applications, the primary focus of the Design Guidelines is in setting out the considerations that should influence the sculpting and refinement of any detailed design. The basic strategy set out is to define the primary orientation of different parts of the tower and then give consideration to how this will influence the form. To this end, two sub conditions of orientation are identified: the lower levels of the towers that are constrained by their direct interface to the retail and parking core; and, the higher levels of the towers that rise above the retail and parking core that are freed of that constraint. It is envisaged that the orientation of the lower levels will influence the future form of the towers by resulting in a design that narrows to the east in the direction of Wellesley Road in order to maximize the distance between towers to increase the number of dual aspect units possible and maximize opportunities for daylight and sunlight access. The upper levels would narrow to the west in the direction away from Wellesley Road so as to maximize views over Croydon and beyond. In all cases the maximum width of any individual tower would be limited to a width of 38m on the east or west façade. The interface of these two sub-conditions is at the level of the shared open space provided at rooftop level of the retail and carpark core which would be given singular definition through articulation.

9.140 A potential scenario exists where Tower 1 is not implemented as residential; Plan PS005 shows the minimum building footprint, which maintains the same Wellesley Road building line as the maximum scenario (albeit with a potential offset from the Galleria). The Design Guidelines ensure that in the scenario residential does not come forward, a retail building would occupy this space and create “a strong horizontal element, as a continuation of the massing of the southern parking ramps”. This ensures a building is provided in the Tower 1 location to allow a satisfactory solution at reserved matters. This is important given the prominent location, next to the car park ramps and in front of the retail development with car parking above. It is fair to say officers preferred option would be the delivery of Tower 1 as residential to mark this important location on Wellesley Road and frame the Galleria. However, balancing all of the material considerations including the wider public benefits, it is not considered that the minimum parameter in this single location would justify a refusal of planning permission and that a satisfactory solution can be achieved with a retail building.

9.141 Officers are satisfied that the Design Guidelines will ensure a design of acceptable variety, visual interest, and slenderness will be achieved whether the maximum or minimum development heights are sought through reserved matters. The need to test any resultant design in long range views with particular reference to the impacts on the Whitgift Almshouses and St. Michael and All Angels Church as noted by the Design Guidelines is supported and emphasised by officers.

#### Open Space

9.142 The Parameter Plans locate a shared open space for the residential units on the roof of the core development. Direct access to the amenity space will be provided from each tower via the interstitial 'sky-lobby' floors. Such areas will function as internal multi-use spaces potentially including internal amenity, as set out in Design Guideline 4.3.2i. The scale of shared open space provided is sufficient to the number of dwellings proposed but will need careful consideration at detailed design stage to ensure that it results in attractive and useable amenity area for residents. This is particularly important with regard to screening of substantial plant areas in the immediate vicinity of the open space. Where possible, additional shared spaces at ground floor or lower levels, will be provided. It is anticipated that there is a strong likelihood of this due to other requirements around the design of residential spaces, particularly those spaces at lower levels between residential towers fronting Wellesley Road below the roof level of the core development, and provision for the future design of these has been outlined with regard to the Wellesley Road frontage. Private open space for each unit will be by means of balconies or winter gardens as appropriate to unit location. Generally, the provisions made by the Design Guidelines for the future resolution of the space are acceptable.

#### Secondary elevations

9.143 The scale of the proposed development and location within an area surrounded by a number of existing and proposed taller buildings means careful consideration must be given to the appearance of the roofscape and secondary elevations, for example where the proposals back onto adjacent buildings or step up towards the centre of the site. Secondary elevations visible from Conservation Areas would also need to be treated with increased sensitivity. The exact location and level of visibility of secondary frontages from the public realm would, to a certain extent, be determined by the massing proposed at reserved matters stage. In general, the strategies outlined by the Design Guidelines to ensure the appropriate treatment of secondary elevations, especially where they will have an impact on the Conservation Area or heritage assets, are appropriate and supported by officers, with more specific concerns where they arise outlined in more specific locations in the commentary above. The rooftop shared space for residents has been noted previously with regard to open space amenity, but it is important to note the other function of this space as a secondary elevation that will form one of the principal outlooks for residents of the proposed development as well as, due to the scale of the subject site, that of other recently permitted taller residential schemes in the town centre.

#### Townscape

9.144 Townscape and visual impacts are comprehensively assessed against 31 viewpoints agreed in advance with officers in Volume II to the Environmental Statement. The Built Heritage Addendum submitted as part of the Supplementary Environmental Information Report in March 2017 provided additional information in respect of 2 of the 31 viewpoints. These townscape view impacts have been discussed where relevant with regard to heritage matters (in the 'Heritage' section below), but are given more general consideration here.

9.145 In longer medium sensitivity views of the town centre, townscape visual impacts are minor and to a degree positive as the taller elements consolidate the varied skyline of the central Croydon cluster of taller buildings while remaining subordinate to the existing development at Saffron Square forming a powerful visual marker of the alignment of Wellesley Road and the grid of central Croydon from the medium and long distance. The proposed massing within the parameters would need to be carefully determined at reserved matters stage, but Officers are satisfied that the Design Guidelines and parameter plans provide an appropriate framework to ensure a good design is achieved.

9.146 In closer townscape views, especially those along Wellesley Road, the proposed development should provide better definition to the Wellesley Road frontage than that offered by currently existing buildings. The variation in height and/or expression of the towers as well as the separation distances between towers imposed by the parameter plans are capable of providing a street wall that will be well articulated vertically which should mitigate the significant change in scale at maximum parameter between new and existing street wall elements. Again, the massing and articulation of individual towers within this street wall will need careful consideration, but Officers are satisfied that the Design Guidelines and parameter plans provide an appropriate framework to ensure a good design is achieved.

#### Phasing and Meanwhile Uses

9.147 The development is proposed to be undertaken in two main phases as described in paragraph 9.293 and following.

9.148 It is essential that a development of the scale proposed gives due consideration to the interim condition of the site during the construction period. While the extension of the site boundary to incorporate the Whitgift car park and Green Park House is ultimately beneficial in the potential it has to deliver positive change to important town centre frontages in the long term, it also increases the potential detrimental effects on the activity of the town centre as these long term changes are being delivered. To this end, satisfactory consideration of on-site meanwhile uses is critical. The Meanwhile Code as described in Section 9 of The Design Guidelines is satisfactory with regard to the aspiration for meanwhile use on the site, the type and quality of meanwhile uses as may occur, and the process for their consideration on individual merits at a future date. In addition, appropriate conditions have been applied in relation to requirements for meanwhile activities, including temporary uses, buildings, public realm and surface treatments.

## **HERITAGE AND CONSERVATION AREA IMPACTS**

9.149 As noted, 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. Paragraph 133 of the NPPF advises that where there is substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

9.150 The proposed development affects the Central Croydon Conservation Area, and the immediate setting of two Grade I listed buildings (the Almshouses and St Michael and All Angels Church) and a Grade II listed building (Electric House). In considering the heritage impacts of the overall scheme, it is considered that the development, at its minimum parameter, would enhance the setting of the Almshouses and Electric House, but would cause harm to the setting of St Michael's Church. The Conservation Area is harmed by the loss of two positive contributors at both minimum and maximum parameters. Additionally, the development at its maximum parameters has the potential to harm the setting of the Almshouses and cause additional harm to the Conservation Area through the massing of the proposed development located in its setting.

9.151 Overall, the identified adverse effects of the entire development are considered to cause less than substantial harm to the significance of adjacent heritage assets. Policy DM19.4a of CLP2 sets out that the demolition of a building that makes a positive contribution to the special character and appearance of a conservation area will be treated as substantial harm. Whilst it is recognised that in assessing the application against this emerging policy, two individual elements, are considered to result in "substantial harm", (namely the demolition of 96-98 and 114-118/120-126 North End, which are positive contributors to the Central Croydon Conservation Area), and specific consideration is given to these elements in the analysis below, they are only elements of the overall impact on the conservation area, and the overall impact on the conservation area is assessed as amounting to less than substantial harm. Paragraph 133 of the NPPF states that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'. Paragraph 134 of the NPPF identifies

that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposed development provides significant demonstrable public benefits, including acting as a catalyst for regeneration of the town, creation of a substantial number of jobs, provision of much needed housing, including affordable housing, provision of infrastructure and strong urban design benefits (such as improved legibility, the creation of additional public realm, development of a high design quality). Whilst acknowledging that this scheme is larger than the 2014 planning permission, it is considered that the public benefits of the scheme are an improvement over those granted planning permission in 2014 and the scale of the development is necessary to achieve those benefits. As noted, the Council must give considerable importance and weight to any level of harm to heritage assets and the statutory objective of preserving them. Whilst giving proper importance and weight to that objective, it is considered the harm identified is considered necessary to achieve the public benefits and regenerative value of the current proposal which is sufficiently strong to outweigh the different levels of harm identified to the affected heritage assets, taken individually and in combination.

9.152 The effects of the proposal on each of the listed buildings and the Conservation Area is considered in more detail below.

Whitgift Almshouses (Grade I)

9.153 The Heritage Statement identifies the significance of these buildings as: historic interest through association with Archbishop Whitgift; architectural interest through its rarity, completeness and simple traditional form; high architectural value of the street frontage and garden courtyard, including the silhouette of roof and chimneys; the remains of the medieval flint boundary wall (para 3.25).

9.154 The document states that the setting of the Almshouses has been demonstrably altered since their construction (para 6.12). The materials and form of the building denote its historic character in contrast to the post-war development which rises above its roofline. Views from outside the Almshouses and within the courtyard are identified as important.

9.155 The Heritage Statement discusses the impact of the proposed residential towers, the positive impact of removing Centre Tower and the rear elements of the George Street Alders Store, and the latter's replacement. As such, officers are satisfied that the proposal preserves and indeed enhances the setting of the Almshouses at the minimum parameter.

9.156 The Heritage Statement also concludes that at the minimum parameters the proposed development would at least preserve the setting and special interest of the Almshouses. At the maximum parameter, however, the commercial element (including retail and car parking) is visible both outside the Almshouses and within the courtyard (views 11 and 25 of the TVIA). This is a significant additional massing in relation both to the existing situation and to the 2014 planning permission. The maximum massing results in a loss of clear sky across the roofline to the Almshouses in both external and internal views. This

roofline silhouette is identified in para 3.25 as contributing to the significance of the buildings. Additional information submitted by the developer in the Supplementary Environmental Impact Report (March 2017) has further clarified this relationship, by providing views which show the buildings to be demolished removed from the views. The additional massing of the commercial element and the impact on the roofline cause less than substantial harm to the setting of the Almshouses. It is acknowledged that the proposed development has additional bulk in comparison to the 2014 planning permission. However as noted in paragraph 2.1, there is significant doubt as to whether the 2014 planning permission would now be implemented given the developer's intention to pursue this current planning application and on that basis, reduced weight should be accorded to it as a material consideration.

9.157 The inclusion of a buffer zone and area without basement around the Almshouses is appropriate. Information will be required by condition to ensure appropriate consideration and protection of the buildings during demolition and construction on adjacent sites.

9.158 Overall, it is considered that the public benefits of the scheme are sufficiently strong to outweigh the less than substantial harm to the setting of the Almshouses that would occur at the maximum parameter.

Parish Church of St Michael and All Angels (Grade I)

9.159 The scale of development to the south side of Poplar Walk has the potential to harm the setting of the church. The Design Guidelines seek to divide the proposed development into 5 units along Poplar Walk, in order to resolve the change in environment between North End and Wellesley Road whilst also breaking down the bulk of the development. The blocks fronting the road sit below the church's ridgeline when viewed from the north. At the maximum parameters, however, the silhouette of the church is disrupted by the proposed commercial element which rises above Poplar Walk Block 3 (Department Store A). It is acknowledged that the proposal has been designed such that the number of elements visible in this view is reduced to only one, and that this element is set back substantially from the church. The disruption of the silhouette nevertheless impacts the setting of the church.

9.160 Residential tower 5 is a tall building located in near proximity to the church. It replaces an existing large scale modern building, of poor architectural quality. There are also a number of tall buildings (existing or permitted) already within the church's setting. The tower does not directly impact views of the silhouette of the church, but is viewed in close proximity to it and forms part of its setting. Viewed cumulatively with the massing of the remainder of the proposal, and with other permitted/existing schemes in the immediate vicinity, it is considered that this additional scale contributes further to the scale of development which has been identified in the Heritage Statement (section 3) as detracting from the setting of the church.

9.161 The harm that would be caused to the setting of the church is appropriately identified within the Heritage Statement and TVIA as being less than substantial. Although not explicitly mentioned in the Heritage Statement, the existing particularly narrow width of parts of Poplar Walk and poor existing

public realm currently detracts from the setting of the church. The proposal seeks to provide significant public realm improvements to the immediate setting of the church. It also increases the extent of publicly accessible open space (para 6.40 of Heritage Statement). These elements of the proposal contribute positively to the setting of the church. Overall, it is considered that the less than substantial harm to the setting of the church would be outweighed by the public benefits of the scheme as a whole.

#### Electric House (Grade II)

9.162 The Heritage Statement identifies the dramatic effect that 1960s development had on the setting of Electric House and also identifies the setting as poor. The Built Heritage Addendum (submitted in March 2017) identifies the significance of the building as being primarily derived from its historic and architectural value as an early example of a purpose-built showroom and offices for an electricity company. Its two Portland stone elevations and prominent concave corner entrance form its principle architectural elements.

9.163 It is acknowledged that the existing junction between Electric House and its neighbour is poor, and that there is an opportunity to improve this. There is also an opportunity to improve the public realm and built environment of Dingwall Avenue and the car park which would be replaced by Department Store B. The inclusion of an entrance to the Department Store via Dingwall Avenue will re-integrate the road into the urban environment, which will improve the setting of the listed building.

9.164 The Design Guidelines set out the minimum height of the Department Store to be no lower than Electric House. Although this is considered appropriate particularly in urban design terms, the height of this element within the maximum massing impacts on the silhouette of Electric House (and the neighbouring locally listed building). The Built Heritage Addendum indicates that the roof form and silhouette do not make any particular contribution to the significance of the building. Although it is acknowledged that the contribution of the roof form is limited, it is considered that it is of some significance due to its consciously plain form, subservience to the main frontages, in giving prominence to the main elements through parapet design, in expressing the horizontality of the building and consistency with its locally-listed neighbour. Indeed this is supported by the Heritage Statement in that it states railings and other discordant features detract from the clarity of its silhouette. The Design Guidelines (2.3.7.8. iv) appropriately ensure the new development remains uncluttered and of high design quality where it forms the backdrop to the listed building. Officers are satisfied that the proposal would enhance the setting of Electric House.

#### Other Listed Buildings

9.165 The impact of the scheme on Croydon Minster and Old Palace School, which are both Grade I Listed Buildings, is not considered as part of the Heritage Statement on the basis that the Heritage Statement is only considering those heritage assets which are likely to experience change to their heritage significance as a result of the proposed development. However, it does form one of the views in the TVIA. The verified view shows some additional bulk in the proposed scheme, relative to the development approved in 2014. The proposed towers along Wellesley Road, are nevertheless still set further away from the

Minster tower than the existing Centre Tower in a similar arrangement as the towers that were approved as part of the 2014 scheme, and the remaining development is at a relatively low level. All development is set at some distance from the church, (more than 500m distant), such that the impact of the scheme is minimal and the changes to the scheme, compared to that approved in 2014 would have a negligible impact on the setting of Croydon Minster. The overall assessment is that no harm would be caused and thus the setting of the listed buildings would be preserved.

#### Central Croydon Conservation Area

- 9.166 The full extent of the North End frontage and George Street frontage of the development site sit within the Central Croydon Conservation Area, and include a number of locally listed buildings and buildings which make a positive contribution to the area. There is an opportunity to provide significant enhancements to the public realm and built environment within the Conservation Area.
- 9.167 The principle of demolition as proposed by Parameter Plan PS002 and detailed in CA001 Relevant Demolition in the Conservation Area is generally considered to be acceptable. The Heritage Statement provides justification that the buildings at 7 George Street and 42-56 North End proposed for total demolition make no positive contribution to the character of the Central Croydon Conservation Area. The former Alders facades at 2-28 North End and 5 George Street are proposed to be retained, whilst the built form behind the facades at 2-28 North End and 5 George Street are proposed for demolition, whilst 9A George Street would be for retention, refurbishment and alteration/reconfiguration. This approach was deemed to be acceptable in the 2014 planning permission and is acceptable now.
- 9.168 The most significant impact on the Central Croydon Conservation Area contained within the proposal is the direct loss of historic fabric proposed by the demolition of the existing Marks and Spencer building (114-126 North End) and the 'rear' section of the Thomas Cook building (at 96-98 North End), which are both recognised within the Central Croydon Conservation Area Appraisal and Management Plan 2013 as making a 'positive' contribution to the Conservation Area (a designated heritage asset), and therefore in accordance with the NPPF and policy UC2 of the UDP, in principle should be retained.
- 9.169 With regard to 96-98 North End; the rear portion of this building is identified as a positive building within the Conservation Area Appraisal and Management Plan. The street frontage is however formed of a one storey shopfront which is neutral in the conservation area. The recessed nature of the rear portion also creates an unclear definition of the building line. The loss of this building was accepted as part of the permitted Chapel Walk application (ref 14/02824/P). The Heritage Statement identifies the architectural significance of this building to be limited, whilst the Built Heritage Addendum provides some narrative demonstrating the limited options for re-use and the urban design opportunities afforded through its loss, in line with policy UC2. It should be noted that emerging policy DM19 in CLP2 (particularly DM19.4), states that 'The demolition of a building that makes a positive contribution to the special character and appearance of a Conservation Area will be treated as substantial harm'.

Policy DM19 of CLP2 is subject to main modifications in part, but sub-section DM19.4, which refers to proposals affecting a conservation area, is not subject to any main modifications. Therefore significant weight can be given to this emerging policy. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area and creates a presumption against granting planning permission for development which would harm its character or appearance. However, that presumption may be outweighed by material considerations, if they are strong enough to do so. Weighing the benefits to the conservation area against the loss of this building fabric, overall harm would be less than substantial. Taking into account the weight afforded to both planning permission 14/02824/P and emerging policy DM19.4 of CLP2, which are both material considerations, officers are satisfied that it has been demonstrated that adaptive re-use of the building is not appropriate in this case and that despite its demolition causing significant harm to a designated heritage asset, and having afforded considerable importance and weight to that harm, it is considered that this would be outweighed by the substantial public benefits of the overall scheme, as outlined in paragraph 9.4 of this report.

9.170 In considering the proposals for this location, the section of the Design Guidelines concerning Chapel Walk West identifies design issues, opportunities and outcomes that should guide the creation of a new public space and/or new frontage in this location in maximum and minimum scaled parameters of development. In each scenario, it is considered that the Design Guidelines provide sufficient detail to ensure that any future development secured through reserved matters the objectives of preservation and enhancement of the character of the Conservation Area would be met, and the potential public realm benefits would be secured.

9.171 With regard to the Marks & Spencer's building; the building is formed of two elements, both of which are identified as positive contributors in the Conservation Area Appraisal and Management Plan. The Heritage Statement indicates the significance of 120-126 North End as limited. This is set out from para 3.159, and relates to its relatively typical architecture, low height/legibility, ability to turn the corner and inactive frontage. 114-118 North End has some architectural presence in the streetscene; however its (likely) original symmetry has been lost. The Heritage Statement sets out justification as to why the existing Marks & Spencer's building is no longer fit for purpose and its limitations in relation to the Conservation Area (starting at para 6.135), which is supplemented by the narrative provided in the Built Heritage Addendum in relation to limited options for re-use, in line with policy UC2. As in the case of 96-98 North End in paragraph 9.169 above, consideration must be given to emerging policy DM19, the provisions of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. As above, whilst policy DM19 is emerging policy, the relevant section – DM19.4 – is not subject to any main modifications and significant weight can be given to this emerging policy. It is acknowledged that a replacement building to the existing M&S building could provide heritage benefits by providing an appropriate focus at the entry to the conservation area/corner site and through activation of the ground floor, and provide significant

urban design benefits through the enlargement and improvement of the public realm to Poplar Walk. Officers are satisfied that the urban design limitations of the existing building have been demonstrated and whilst the loss of a positive contributor to the conservation area would be resisted, the benefits of the redeveloped scheme, particularly in Poplar Walk and at the corner with North End counterbalance and limit the substantial harm caused by the demolition of the building. The Design Guidelines specifically set out a strategy for the design of a future replacement building that will create a strong corner to North End and Poplar Walk and improve ground floor activity to turn the corner. Furthermore, the existing scale and massing would be replicated while the façade composition would be based on patterns of solid window to wall ratios, articulation, and visual interest found in the existing building. The Design Guidelines and Parameter Plans are considered to be sufficiently detailed to control the scale and quality of development for the replacement building and to ensure that future development in this particular location, preserves and enhances the character of the Conservation Area.

9.172 To conclude on 114-126 North End and 96-98 North End, the loss of the two buildings is considered to result in substantial harm to the character or appearance of the conservation area, when assessed against emerging policy DM19.4a, which must be given considerable importance and weight. As provided for in the NPPF, whilst there is a presumption against the grant of planning permission where substantial harm is identified, the substantial public benefits of the scheme can be weighed against that harm. As explained above, this has been done and in view of the extent of the substantial public benefits of the scheme, the demolition of these buildings is considered to be acceptable.

9.173 With regard to the South Building West (the indicative cinema block); in the maximum parameters this building has the potential to be prominent in the streetscape within the Conservation Area, particularly where blank facades of the cinema (should it come forward) may be evident from, for example, Grammar School Yard. TVIA View 11 (exterior of the Almshouses) is significant as the entry point to the Conservation Area. In this view the massing of South Building West at its maximum parameter rises above the street elevation, including above Allders. It is acknowledged that this is to a similar level to the 2014 planning permission but does impact on the scale and historic character of the street and causes less than substantial harm. However, given that the permitted scheme has weight as a material consideration and the overall benefits that the current scheme provides, on balance it is considered that the overall less than substantial harm is outweighed by the overall benefits of the scheme.

#### Wellesley Road (North) Conservation Area

9.174 Due to the inclusion of Green Park House compared to the 2014 planning permission, it is necessary to consider the impact on the Wellesley Road (North) Conservation Area. The proposed development would be consistent with the highly-urbanised setting of the Conservation Area. The Built Heritage Chapter of the ES concludes that significance of effect would be negligible to minor and, overall, beneficial. This is accepted.

#### Heritage Conclusion

9.175 The scheme enhances the setting of the Whitgift Almshouses in the minimum parameter and enhances Electric House in both minimum and maximum parameters. Less than substantial harm is identified to the setting of the Whitgift Almshouses in the maximum parameter and in both minimum and maximum parameters to the setting of the Parish Church of St Michael and All Angels. Safeguards within the Design Guidelines seek to ensure the final scheme (to be approved at reserved matters) falls within the lower limits of less than substantial harm. The substantial public benefits of the scheme (identified in 9.4 of this report) are considered to outweigh the less than substantial harm identified in accordance with paragraph 134 of the NPPF.

9.176 It is to be noted that the 2014 planning permission provided neutral or beneficial impacts on all Grade I and Grade II listed buildings; the significance of the beneficial impacts varied depending on the scheme envelope being considered (minimum parameters, illustrative or maximum parameters), with the majority being moderate beneficial significance. However, given the doubts as to whether the 2014 planning permission would now be implemented, the weight to be accorded to that permission is reduced.

9.177 The main harm to the conservation area can be summarised as the loss of two buildings that are positive contributors to the conservation area (96-98 North End and 114-118/120-126 North End) and the additional bulk to the South Building West in the maximum parameter. The loss of 96-98 North End was accepted in the permitted scheme (14/02824/P) and whilst the loss of 114-118/120-126 North End is additional to this, the public benefit from the greater area of public realm in this area, together with the wider public benefits of the scheme and the controls imposed by the Design Guidelines are sufficient to outweigh the harm identified. Whilst the additional bulk at South Building West has the potential to cause harm in the maximum parameter scenario, safeguards have been provided within the Design Guidelines to ensure the building is of the highest quality. Furthermore, it must be acknowledged that a similar bulk was approved in the 2014 planning permission, which is an important material consideration. It is considered that the less than substantial harm caused to the conservation area by the loss of these heritage assets is outweighed by the substantial public benefits provided by the proposals and that the loss is necessary to achieve those benefits in accordance with paragraph 134 of the NPPF.

9.178 The impact of the 2014 planning permission on the Central Croydon Conservation Area were assessed as beneficial, with impact significance varying depending on the scheme within the parameters; minor for the minimum scheme, minor-moderate for the illustrative scheme and moderate for the maximum scheme.

## **TRANSPORT**

### Comments of statutory consultees on transport

9.179 The GLA and TfL raised a number of issues relating to the impact of the proposed development on transport and highways in the Mayor's Stage 1 statement. Since that time further work has been undertaken on modelling and assessment and officers from Croydon Council, TfL and the GLA have worked

with the applicants on the issues raised. Significant progress has been made and TfL is now satisfied that the Transport Modelling and public transport assessment is acceptable, and that the residual transport impacts are acceptable subject to securing the measures by conditions and the section 106 and section 278 processes, taken together with the proposed Public Infrastructure Measures. In addition to conditions and section 106 obligations, the immediate impacts on Wellesley Road will be managed by the section 278 process which deals with the development accesses to the Highway Network. Other infrastructure works in the vicinity of the application site, which are required to be upgraded, are to be addressed as part of the Public Infrastructure Measures. The latest heads of terms for the section 106 legal agreement and draft planning conditions are covered elsewhere in this report (see the officers' recommendations in paragraphs 3.1 and 3.2 and paragraph 9.397 and following).

#### Access

- 9.180 Chapter 8 of the OAPF states that if there is significant investment in the Retail Core along with an increase in car parking (which is the case for this development), new car parking should ideally gain access/egress by other means i.e. via the underpass, or by other alternative arrangements that would help to mitigate traffic impacts on Wellesley Road. Closing the underpass on Wellesley Road could be considered as part of the long term aspirations for Wellesley Road. The preferred solution would be to place as much car parking as possible underground, but it is recognised that where the creation of new underground car parks, or the linking of existing car parks, is deemed impracticable, access arrangements to above-ground car parks in the Retail Core may be acceptable.
- 9.181 Approval of details of vehicular external access to and from the site are to be determined as part of this planning application. The necessary works to Park Lane, Poplar Walk, George Street Wellesley Road, Barclay Road, Croydon Flyover and Dingwall Avenue are subject to the agreement of relevant Highways Agreements.
- 9.182 The development will increase traffic levels on Wellesley Road north of Bedford Park and South of Lansdowne Road, the latter necessitating retention of the underpass.
- 9.183 Vehicular access to the development car parks and the basement servicing area is proposed via Wellesley Road for the retail and leisure element of the scheme, and Poplar Walk for the residential element (albeit residential car parking is only for disabled bays), as shown in drawing nos. 7572-GA-01F and 7572-GA-02F.
- 9.184 The existing Whitgift Car Park, Whitgift Open Air Car Park and Allders Car Park structures are proposed to be demolished and a new rooftop multi-storey car park providing 3,140 spaces would be provided for the retail and leisure element. The illustrative scheme indicates this as set across 5 levels. This car park would be accessed via new signal controlled junctions from two points on Wellesley Road with a southern access located between Dingwall Avenue and Lansdowne Road and a northern access opposite Sydenham Road.

- 9.185 The southern access would comprise a single left-in entry from the northbound carriageway of Wellesley Road; a two-lane right-out exit onto the southbound carriageway of Wellesley Road; and a separate retail service basement entrance and exit. The northern access will comprise single lane entry from the north and southbound carriageways of Wellesley Road with a gap in the central reservation to allow a right turn into the site; a two-lane left-out exit onto the northbound carriageway of Wellesley Road. The physical layout of the northern access would accommodate a left turn into the site in certain circumstances such as an incident on the southern ramp.
- 9.186 A basement residential car park is to be provided for disabled parking and deliveries of the residential only, which will be accessed from Poplar Walk via a right-in / right-out access. Residential disabled parking spaces may also be provided within the new rooftop multi-storey car park. This would be confirmed at reserved matters stage.
- 9.187 The approval of the final designs for the on-highway site access arrangements will be managed under the S278 process under the Highways Act 1980.
- 9.188 Provision of the retail/leisure car parking at basement level has been explored with the applicant, as has accessing parking directly from the Wellesley Road underpass. All were considered impractical by the applicant and the proposed arrangement has been fully assessed and is considered acceptable.
- 9.189 A Parking Management Plan (including signage to alternative parking during the construction period and a strategy for variable message signing (VMS) for the car park) will be required by condition. Funding for a VMS strategy for the town centre will be secured as part of the Public Infrastructure Measures. This will enable mechanisms to be put in place to provide assurances that traffic from the proposed car park and from other car parks in the town centre will not queue back from the accesses onto the highway and that drivers are reliably informed of the locations of available car parking spaces. The Parking Management Plan will also need to specify how the occasional permitting of traffic from the south to enter at the northern entrance will be safely managed.
- 9.190 The access proposals at the southern end of the development may require re-profiling of the northern end of the Wellesley Road underpass. This will be clarified when detailed engineers drawings are prepared and provided for in relevant Highways Agreements if required. Preliminary design details for Wellesley Road and Park Lane have been provided by the applicant along with confirmation that these accord with the Design Manual for Roads and Bridges. These designs have been assessed regarding construction feasibility, and the principle is supported but detailed design work and associated evidence will be required as part of the process for the Highways Agreements.
- 9.191 In order to ensure these new vehicular accesses are safe and 'fit for purpose', Stage 1 Independent Road Safety Audits have been provided by the applicant along with a further statement from the auditor regarding pedestrian safety at the proposed northern access junction on the Wellesley Road. These are considered acceptable. The detailed design process is continuing including

progression of the safety audit as part of the S278 process and the approval of Croydon as the Highway Authority will be required, in conjunction with TfL plus all necessary approvals from London Trams.

9.192 The applicant has applied for a Stopping Up Order for Dingwall Avenue in respect of the development proposed in the current planning application. The required publicity and site notices in respect of a draft of the Order have been given and placed and no objections have been received during the statutory period. If planning permission is granted the Stopping Order may be made by the Council. Following stopping up, Dingwall Avenue would become a shared surface and provide a taxi rank with turning area, dial-a-ride and disabled parking bay for vehicles whose height prevents them accessing the multi-storey car park. Vehicular access will also be maintained to existing properties. A taxi and dial-a-ride management strategy will be secured by condition. As soon as the applicant has acquired the necessary land interests, it will be required to enter in an agreement with the Council under section 16 of the Greater London Council (General Powers) Act 1974 to safeguard access rights for existing properties and pedestrians, and to secure the management and maintenance arrangements for the area. The principle of the stopping up of Dingwall Avenue has been established through the stopping up order confirmed in relation to the 2014 planning permission. As Dingwall Avenue will be subject to an Access Management and Maintenance Agreement, it is not subject to the S278 process and the developer will be expected to cover the cost of public realm and highway arrangements in this area.

9.193 The new area of public realm to be provided at Poplar Walk will also require a Stopping Up Order for a small strip of land in Poplar Walk and the dedication and adoption of small area of land to straighten the highway boundary. The applicant will be submitting an application for a Stopping Up Order for these works.

9.194 The applicant has submitted details of the capacity, operation and proposed layout of the taxi rank and turning areas, vehicular access to the retained buildings within the Transport Assessment Addendum dated March 2017. Details of how safe pedestrian access and movement would be accommodated within Dingwall Avenue will also be required at reserved matters stage. At this stage, officers have agreed in principle to a taxi set-down point in Dingwall Avenue subject to further detail being required at reserved matters stage if a new taxi facility is to be provided in the detailed design. A taxi strategy is required by condition.

9.195 Subject to the above matters, which can be dealt with appropriately through a combination of reserved matters, conditions, the access management and maintenance agreement and liaison with TfL and the Council as Highways Authority, the proposals for accesses on Wellesley Road and Poplar Walk are considered both acceptable and capable of being achieved at this stage.

#### Impact on Highways

9.196 The OAPF acknowledges that there are pre-existing highway capacity issues in the COA and that growth is likely to have effects on the highway network within the COA and a wider area. In the COA there are high traffic flows on key

routes and at key junctions, such as Wellesley Road. Some stretches of road and junctions in the COA, such as Wellesley Road and Park Lane Gyratory are currently approaching capacity at peak periods and further increases will impact on bus journey times and reliability. Croydon Tramlink also operates along key sections of the town centre highway network, including Wellesley Road, and its interaction with cars and buses will be a key consideration. The A23, although outside the COA, provides important links into the COA from London, the M25, Gatwick Airport and the south coast. The A23 is particularly congested on both the weekday and weekend due to sections of the road being single carriageway and the large volume of traffic using the road, including buses. The Fiveways junction suffers congestion which will require improvement during the life of the Local Plan period and proposals for the junction are well advanced. It is recognised that additional investment in infrastructure is also required in the town centre to address insufficient and dated infrastructure, including transport infrastructure. The Public Infrastructure Measures include improvements to highways and transport infrastructure that would benefit the town as a whole, as well as being in close proximity to this development. The OAPF is clear, that notwithstanding specific access arrangements for parking in the Retail Core, new development and the resulting parking arrangements will need to demonstrate, through a robustly evidenced Transport Assessment, that the parking proposals deliver both the car parking principles and the Wellesley Road principles in the OAPF.

#### *Retail and Leisure Trip Generation*

9.197 The methodology for predicting travel to the proposed retail and leisure element of the development was agreed by Council and TfL transport officers with the applicant's transport consultants. It was based on data from footfall and questionnaire surveys carried out for the Council at the Whitgift Centre in May 2012 (considered by officers to remain relevant, as Centre patronage is likely to have declined since 2012 with the closing of Allders), Quod Retail Analysis, and Westfield London visitor data. The total number of annual visitors to the development is predicted to be 27.7 million, an increase of 8.6 million trips (45%) over the 2012 baseline total of 19.1 million.

9.198 The increase in daily visitors to the development is predicted to be 20,272-24,110 on a weekday, 33,792 on a Saturday and 23,452 on a Sunday. Increases in two-way trips during peak times are predicted to be 3,690 (Thursday 17.00-18.00), 5,677 (Saturday 13.00-14.00) and 5,769 (Sunday 13.00-14.00).

#### *Retail and Leisure Modal Split*

9.199 The Council's Whitgift Centre surveys provided address/postcode data for current visitors. This was assessed to establish existing travel modes from various areas and the predicted modal split for the new development.

9.200 For the weekday PM peak, 33% of trips to the new retail and leisure development are predicted to be made by car, 39% by bus, 20% by train/tram and 7.3% by foot. At weekends, 36-37% of trips are predicted by car, 34-34.5% by bus, 18-19% by train/tram and 9-10% by foot.

#### *Trip Length/Distribution*

9.201 64.5% of trips are predicted to originate within an area bounded by Sutton, Merton, Streatham, Dulwich, Sydenham, Beckenham, Hayes, New Addington, Sanderstead and South Croydon. A further 4% of trips are predicted to originate in an area including, Purley, Coulsdon, Kenley and Hooley. In broad terms, around two thirds of all trips are likely to be under 5 miles in length.

*Residential Trip Generation and Modal Split*

9.202 The applicant has assessed residential trip generation on the basis of 1100 dwellings. The number of two-way trips generated by the residential element during the AM weekday peak is predicted to be 802, and during the PM weekday peak, 715. Of these, 83% would be public transport trips and 16% walk trips.

9.203 On Saturdays, the number of peak hour (14.00-15.00) two-way trips is predicted to be 429 and, on Sundays (14.00-15.00), 286. Weekend modal splits are predicted to be 73% public transport trips and 26% walk trips.

9.204 The applicant has also assessed two alternative options where the number of residential units is reduced to 950 and either a 250 bed hotel (assuming double occupancy, equating to 500 bedspaces) or 500 bed student accommodation is provided. This assessment concluded that the option of 1,100 dwellings provided the worst case scenario.

9.205 The assessment of highway effects in the Transport Assessment (dated October 2016) and Transport Assessment Addendum (dated March 2017) is based on the application of local VISSIM modelling. The 'with development' scenario also includes an additional left turn lane from the Croydon Flyover A232 into Park Lane at the Gyratory. The modelling was focussed on the busiest periods, namely the weekday AM peak, weekday PM peak and the Saturday PM peak. The effects on the wider strategic highway network were assessed using TfL's South London Highway Assignment Model (SoLHAM) as part of the determination of the previous application. TfL and Croydon Transport Team are satisfied that SoLHAM need not be re-run. The changes in the development proposals are not considered significant enough to warrant a new modelling exercise and the conclusions of the original strategic modelling exercise are considered to remain valid. Future growth forecasts are unlikely to have changed significantly since SoLHAM was deployed and in any event would not be expected to affect the outcome of the assessment. The strategic highway impact assessment identified seven junctions and seven individual junction approaches predicted to be close to or over capacity with the proposed development. Journey times were also forecast to increase along some assessed routes primarily due to delay forecast at Lombard Roundabout, St James Gyratory and at the London Road / Sumner Road junction. Previously it was considered that overall the effects (with the mitigation proposed) would not justify a refusal of planning permission on highway grounds. When balanced against the wider regeneration benefits of the development to the town centre (bearing in mind the mitigation measures proposed at potentially affected locations on Croydon Council administered highways and other measures proposed as part of the Public Infrastructure Measures), the impact on highways is considered to be acceptable. The post development monitoring for the current proposal will further aid management of impacts on Croydon Council highways.

so that if impacts arise they can be identified and potentially addressed post opening of the shopping centre through the Public Infrastructure Measures.

#### *Local Network Effects*

9.206 The proposal would retain an at grade pedestrian crossing on the Wellesley Road at Bedford Park i.e. at the same locations as has been delivered as part of the public realm improvement works on Wellesley Road. An additional crossing critical to access to the development from East Croydon Station is proposed at Lansdowne Road and will be implemented as part of the Public Infrastructure Measures. Highway works to achieve the northern car park access works (Wellesley Road opposite Sydenham Road) would be secured by condition requiring works to be undertaken by the developer pursuant to a S278 agreement. Highway works to achieve the southern accesses (including re-profiling of the underpass, if required) would similarly be secured by condition requiring works to be undertaken by the developer pursuant to a S278 agreement.

9.207 Morning and evening weekday peaks have been modelled along with the Saturday peaks. The proposed development will generate the peak highway trips during the PM and Saturday peak periods. During the weekday PM peak, the Wellesley Road corridor is predicted to operate close to capacity for southbound traffic and at St James' gyratory in the north. Park Lane gyratory in the south operates with spare capacity. However queuing is generally accommodated in available storage and generally clears in one signal cycle. During the Saturday peak the VISSIM model indicates the network operating close to capacity along Wellesley Road and at the Park Lane gyratory with queuing traffic accommodated in available storage capacity of the highway. The St James's Gyratory is shown to be very busy with the westbound approach over capacity in the PM peak. Slow moving northbound queues in the AM peak are forecast to extend along the majority of Wellesley Road. However queues are rarely observed blocking back to upstream junctions. The northbound queue approaching the southern access to the proposed development is predicted to extend through the Wellesley Road underpass almost as far back as the Park Lane Gyratory. However it is not predicted to extend through the gyratory or cause any significant reduction in the capacity of the gyratory.

9.208 The effects of the additional development traffic on the Wellesley Road/Park Lane corridor can be illustrated by the predicted journey times along it. Northbound bus journey times are predicted to increase by a maximum of 50 seconds on route 50 in the weekday pm peak, and the southbound journey time would increase by 71 seconds. On average, bus journey times would increase by 13% along the corridor in the weekday peak. Similar effects are predicted for the Saturday peak with an average increase in bus journey times of 12% with increases in journey times of up to 76 seconds north bound and 46 seconds southbound. The developer has worked with TfL to propose and assess bus priority measures that will mainly be implemented as part of the required S278 works on Wellesley Road and through the Public Infrastructure Measures in other areas as a means of mitigating the bus journey time effects. Much of the effects are predicted to be mitigatable via bus priority delivered as part of the S278

requirements. The highway works on Wellesley Road will be required to be implemented by the developer through the S278 process

9.209 General traffic is predicted to similarly experience some delays/increases in journey time along this Wellesley Road/Park Lane corridor, which would equate to approximately a 30 second increase northbound and 51 second increase southbound. Overall, general traffic journey times are forecast to be 9% higher averaged out along this Wellesley Road/Park Lane corridor. However, this increase should be assessed in the context of the substantial public benefits and regenerative value that the proposed development would bring to the town.

9.210 The modelling assumed that Trams retain the same priority at traffic signals and the same maximum speed in both the reference base model and with development model along Wellesley Road with physical segregation from vehicle traffic along Wellesley Road. The modelling results thus suggest limited impact on tram journey times. In summary, VISSIM modelled the operation of the Wellesley Road/Park Lane corridor between and including the Park Lane and St. James's Gyratory's, taking into account the new access and junction arrangements for the development, at grade pedestrian crossings and an additional left turn lane from the eastbound A232 into Park Lane. With the development traffic, the corridor is predicted to operate closer to capacity, with resultant increases in journey times for both buses and general traffic. The predicted longer queues at traffic signal junctions would generally be expected to clear within a single cycle at junctions. It is not expected that queuing would cause issues with backing up across either the Tram route or highway junctions. The new accesses and junction changes associated with the Wellesley Road corridor south of the St James gyratory including at the Park lane Gyratory would be designed and implemented under the S278 process on Wellesley Road (to be secured by condition) and through Public Infrastructure Measures in other areas, providing the opportunity for further refinement to optimise junction and access performance for all road users of the corridor.

9.211 In addition to the Wellesley Road S278 works, Public Infrastructure Measures are also proposed near to the site including:

- Post permission monitoring of the highway conditions and in particular highway improvements for roads and junctions for which Croydon Council is Highway Authority where there is an identified need for improvements for pedestrians and cyclists
- Investment in public transport infrastructure in the town centre including to bus and tram operations (as discussed later in this report)
- Investment in improving cycle access in the town centre and in the vicinity of the proposed development to contribute towards improving cycling facilities in the town centre and to release the significant potential to cycle to the development identified through the Transport Assessment, which would have the effect of reducing the use of the car within the town centre and to access the development. This ties in with the cycle strategy required by planning condition and the potential for the inclusion of a cycle hub on site.

- Extension of the Poplar Walk contraflow cycle lane to North End
- Provision of a town centre car park variable messaging system including installation of signs that are linked to this and other developments.
- Provision of coach parking within or close to the town centre
- Provision of improved disabled access to the platforms at West Croydon Station from the main entrance on London Road.

The above items form part of the proposed Public Infrastructure Measures. In addition, the planning conditions will require the developer to produce Travel Plan(s), a cycle strategy, a car park management plan, coach strategy and a taxi, private hire and dial-a-ride strategy, and to implement the measures within the plans and the strategies.

9.212 The performance of certain links and junctions identified via the VISSIM modelling are predicted to be affected by traffic associated with the development with some resultant delays/increases in journey time including along the Wellesley Road corridor. It is considered that overall the effects (with the mitigation proposed and the provision of the Public Infrastructure Measures) would not justify a refusal of planning permission on highway grounds. When balanced against the substantial wider regeneration benefits to the town centre, subject to the proposed S278 works being agreed, and in the light of the Public Infrastructure Measures providing for the design and implementation of mitigation measures at potentially affected locations on highways administered by the Council and other measures proposed, it is considered that the impact on highways would be acceptable. Post permission monitoring of the highway conditions as part of the Public Infrastructure Measures would also facilitate further refinement of mitigation at junctions on the Croydon Council administered network.

#### Car Parking

9.213 The Retail and Leisure car parking proposed is in excess of the standard in the London Plan. However the OAPF puts forward two scenarios for public car parking in the COA, dependent on the level of investment. Car parking scenario 2 is relevant to this application, which is based on an assumption of significant retail expansion. This scenario looks to:

- Increase the amount of higher quality car parking directly in and adjacent to new retail development in the Retail Core;
- Reduce the amount of lower quality surplus car parks in peripheral areas and redevelop them, primarily for housing; and
- Where possible, increase the amount of underground car parking including underground links between car parks.

9.214 Whilst this scenario promotes an overall increase/retention of a broadly similar number of parking spaces to the current number of spaces (approximately 7,150 across the COA), the main change would be the distribution. There were 3,092 car parking spaces within the Retail Core at the time of making the OAPF and this scenario in the OAPF would result in approximately 1,000 new car park spaces being created in the Retail Core with a corresponding reduction in the peripheral locations.

### *Retail and Leisure Car Parking*

- 9.215 The proposal is for up to 3,140 retail/leisure car parking spaces in a new rooftop multi-storey car park. The TA confirms that there are currently 2,142 spaces across the site in three separate car parks, so the proposal would result in an additional 998 spaces to the site. There are 950 car parking spaces within the Centrale development, so bringing the total level of car parking across the Retail Core to 4,090 spaces.
- 9.216 In relation to this, the OAPF and its associated transport modelling assumed 4,092 parking spaces across the Retail Core, and so the proposal would accord with that.
- 9.217 The Transport Assessment indicates that not all parking demand in the Saturday and Sunday peaks could be accommodated within the retail and leisure car park. It suggests that cars which could not be accommodated would be accommodated in the Fairfield Halls Car Park (based on the future supply indicated on the OAPF of circa 800 spaces at the Car Park) and the Dingwall Road Car Park. However, the recently approved Fairfield planning application (ref 16/00944/P) has significantly reduced the number of car parking spaces in that location. Therefore, other alternative town centre car parking locations will need to be sought by drivers who are unable to access the retail and leisure car park (and Travel Plan measures will need to be effective at further reducing the demand for travel by private car). Therefore, the provision of variable message signage to be implemented as part of the Public Infrastructure Measures will be a key component in managing the distribution of car parking across the town centre.
- 9.218 The Transport Assessment demonstrates that the highway effects arising from this level of parking are not such as to warrant refusal. This is considered acceptable, being broadly compliant with the OAPF cap as set out in Scenario 2. However, the provision is in excess of London Plan Standards. The effects on the wider highway network were assessed via SoLHAM modelling, the results considered as part of the determination of the previous application. The Public Infrastructure Measures include highway improvements on roads for which Croydon Council is Highway Authority, in order to alleviate the traffic impacts from this and other developments in the COA. In the light of those measures, the effects on the wider highway network are considered to be acceptable.

### *Residential Car Parking*

- 9.219 In addition to the 3,140 retail/leisure parking spaces, blue badge spaces are proposed for the residential units in accordance with London Plan standards to provide for 10% of units. No further parking is proposed for the residential units. Given the PTAL for the site (6b) a car-free residential development (with the exception of the disabled bays) at this location is acceptable, subject to provision of an appropriate number of car-club bays, as discussed in the Travel Plan section of this report.

### Pedestrians

- 9.220 The main pedestrian access from Wellesley Road would be opposite Lansdowne Road and this would incorporate an at-grade, signalised pedestrian

crossing across Wellesley Road. This access would therefore link directly with the new footbridge at East Croydon station. Improving the at grade crossing at this point would improve east-west pedestrian flows in the COA and would assist in linking East Croydon with Old Town. This is of wider public benefit to the town and therefore this crossing and the removal of the pedestrian subway would form part of the Public Infrastructure Measures.

9.221 Pedestrian access to the South Mall would be provided via a new entrance in George Street near to the George Street Tram stop and close to the existing position of the entrance to the walkway through the former Alders store.

9.222 Three accesses would be provided from North End. The main access would be into the Galleria and providing a direct 24 hour east-west link to the Lansdowne Road entrance, which would remain open at all times. This link would provide improved permeability and connectivity between East Croydon station, the Whitgift Centre, Centrale and the wider town centre. Other accesses would be provided at the existing 'Chapel Walk' entrance to the north and the existing 'Arcade' entrance to the south.

9.223 The existing northern entrance in Poplar Walk, adjacent to Marks & Spencer, would be retained. This would connect with the proposed West Croydon Masterplan 'Whitgift Passage' link, and given the public realm area proposed adjacent to this entrance to the development, would have increased prominence as an entrance in comparison to the existing situation, thereby providing an improved pedestrian connection to the West Croydon transport interchange.

9.224 Pedestrian access to the proposed residential units would be via dedicated entrances on Wellesley Road.

9.225 The removal of the pedestrian subway in Wellesley Road by Lansdowne Road will form part of the proposed Public Infrastructure Measures. The replacement of this with an at grade crossing would improve the legibility of this route.

9.226 Legible London way-finding signing would be secured outside the site through CIL receipts and would be provided and secured within the site through a planning condition.

9.227 The pedestrian trip generation has been assessed on the basis of all those travelling to the proposed development by public transport, completing their journey on foot. To this have been added the number of visitors predicted to make their whole journey on foot. The busiest period is predicted to be the Saturday peak with just over 3,985 entering or exiting the retail and residential elements on foot. The consequences of additional pedestrian trips arriving at and departing from the development have been assessed in the light of pedestrian trips to other previously permitted developments, by means of a pedestrian comfort analysis of footways and crossings in the vicinity of the proposed development. The analysis results in Pedestrian Comfort Levels based on the density of pedestrians ranging from A (highest) to F (lowest) for footways. At pedestrian crossings, E is the lowest result achievable in the analysis

framework. Taking account of the proposed development and other permitted development, footways are generally predicted to provide a comfort level of either A or B. The exception is the section of Poplar Walk by Marks and Spencer, which currently has a very narrow pinch point. This will however be improved to A+ as a result of the footway widening brought about by the landscape package. The pedestrian crossings assessed in the vicinity of the proposed development are currently within the range Comfort level A or B with the exception of the London Road / North End pedestrian crossing across Station Road, which is assessed as B- to D due primarily to its modest width and providing the direct link to West Croydon station; and the Lansdowne Road crossing which is assessed as B to C based on the assumption that all pedestrians from East Croydon Station will access the site via Lansdowne Road, which represents a worst case scenario. The proposal is considered acceptable in terms of pedestrians and their future network, subject to the details at reserved matters, conditions and obligation within the S106 Agreement, achievement of the S278 agreement requirements, and the provision of proposed Public Infrastructure Measures.

### Cycling

9.228 Cyclists would be required to dismount and push bikes along the Galleria through the mall (this is considered acceptable due to the pedestrian densities and the level change), but would not be permitted to use other routes within the development.

9.229 The Public Infrastructure Measures will include implementation of improved arrangements for cyclists in the COA including an extension to the contraflow cycle lane on Poplar Walk and improved access to the site (and the residential units), A detailed Travel Plan (in part to encourage and promote cycling to the development) will need to be secured by condition. The Travel Plan(s) will be required to include a range of measures. Measures to be examined or included in Travel Plan include:

- Investigating options to make the secure and covered visitor cycle parking (to be provided with the basement of the development) into a Cycle Hub, to include some or all of the following: secure cycle parking for staff and visitors to the development and workers and other visitors to the wider Metropolitan Centre, cycle hire facilities (e.g. a Brompton Dock style facility), cycle maintenance facilities, accessories/spares shop, café, lockers, showers, etc., which should be provided at an accessible and suitable location within the development. The developer has agreed to make provision for the Cycle Hub and to use reasonable endeavours to procure an operator;
- Facilities and access points to the development;
- Cycle safety measures where necessary;
- Phased implementation of cycle parking to London Plan standards;
- Investigating potential additional locations in and around the site for further cycle hire;
- Cycle vouchers for residents and incentives for shoppers

9.230 The Transport Assessment states that two forms of cycle storage will form part of the development irrespective of land use: Short-stay/visitor cycle parking and Long stay/employee or resident cycle parking. The information submitted with the planning application includes a commitment to provide 300 short-stay spaces within the public realm in close proximity to main entrances; long-stay parking for centre management staff and retail employees within secure enclosed areas; and long-stay parking for the residential uses within secure, enclosed areas. This is not considered acceptable. In line with the 2014 planning permission, a planning condition will require that 50 of those spaces will be provided as secure, covered cycle parking within the development and further expansion of visitor cycle parking towards London Plan standards should be within the development. The final total for the residential use cannot be determined until the exact number and size of units is finalised. Hence, an agreed final figure that ensures appropriate standards are met across the range of uses should be submitted to and approved by the Council as part of the Cycling Strategy element of the Travel Plan.

9.231 In order to encourage cycling to work, the applicant has agreed to provide showers and lockers for Centre Management staff, to be secured by planning condition.

9.232 As mentioned above, prior to opening for trade of the retail centre, an initial minimum of 300 cycle spaces will be required to be provided in and around the site, of which a minimum of 50 of these spaces are to be provided in the basement (as secured by planning condition). These should then be located at the most convenient locations for cyclists in the public realm and the development. The use of the cycle spaces shall be monitored annually and if the monitoring demonstrates 90% occupancy at peak times, a further 100 spaces shall be provided inside the development. This should be carried out as part of the Cycling Strategy (within the Travel Plan(s)) and resolved at the reserved matters application stage.

9.233 Given the measures outlined above, including the Public Infrastructure Measures, the proposal is considered acceptable in terms of provisions for cyclists and their future network, subject to the additional details required at reserved matters stage and the details to be agreed as part of the Travel Plan(s), which is secured by condition.

#### Trams

9.234 There is high demand for trams across the network and crowding occurs in both directions between Wimbledon and the COA in the morning, and on the eastern approach. In 2010, TfL and Croydon jointly funded six new trams to provide additional capacity and these became operational in 2012. The OAPF identifies further enhancements could be necessary. Proposed interventions in the OAPF include upgrading of tram stops in order to provide good quality and safe passenger waiting environments, investigating the feasibility of repositioning the George Street tram stop to improve accessibility and provide additional tram line capacity through the COA.

9.235 There is considered to be a need for significant mitigation measures to address the impacts of known and predicted developments coming forward

within the COA. The TfL Tramlink report 'Tramlink Measures Priorities and Costs' dated 14 October 2013, (appended to the Supplementary Environmental Information Report submitted March 2017), identified this development as one of those which will contribute to the increased demand for tram services. The additional passenger demand generated by developments within the COA plus associated dwell time effects will require mitigation in the form of capacity enhancement provided by way of tram network enhancements including the 'Dingwall Loop' scheme or a suitable alternative. The development will result in additional visitors to the Metropolitan Centre who will travel by tram and this will result in a requirement for additional capacity in the tram network to cater for the increased demand. TfL have advised that a cost effective way of doing this is through the provision of the Dingwall Loop. Whilst Tram Network Enhancements are required for this development due to increased patronage on the tram as a result of this development, it is recognised that the provision of the Dingwall Loop, and other improvements to the tram network such as improvements to tram stops, will be of wider benefit to the town as a whole.

9.236 Funding for tram enhancements in the COA, together with passenger capacity enhancement at the Wellesley Road tram stop, is to be provided in the main, as part of the Public Infrastructure Measures. Capacity enhancement at George Street tram stop is also to be provided in this way. Given the wider public benefit of increasing the capacity of the tram network and improvements to tram stops, balanced with the regenerative value of this proposed development, funding for the Dingwall Loop (or a suitable alternative) will be provided for by the Public Infrastructure Measures, the GLA and potentially other development contributions. The lack of requirement for a S106 obligation towards tram infrastructure has to be viewed against the £15 million secured by the 2014 planning permission for this purpose. However, the developer has indicated that they are at the current time not intending to implement the 2014 planning permission and due to the passage of time since that permission, the Council has a greater understanding of the requirements of the Dingwall Loop and the wider benefits that this could have for the town, (although it still needs to be fully committed and funded and may require the submission of a Transport and Works Act Order (TWAO)). The Council and the GLA recognise the wider benefits of the Dingwall Loop to the town and have taken the decision to contribute financially to bringing this forward, although it should be recognised further work will need to be undertaken by the Council and the GLA to finalise the appropriate tram network enhancements and the programme for delivery. In addition to the Public Infrastructure Measures, the GLA will be contributing £5 million towards the Dingwall Loop (or suitable alternative).

9.237 Proposals for access and junction designs off Wellesley Road and Poplar Walk will undergo consultation with the London Trams Modifications Panel in due course who may require additional safety measures and satisfactory assurance processes to be met in the submitted access junction designs. These approvals will be secured prior to implementation of the scheme through the S278 process.

#### National Rail

9.238 The OAPF states that West Croydon station is less busy than East Croydon, but passenger numbers have risen as a result of the London Overground. Proposed OAPF interventions include redevelopment of West Croydon station to form part of an integrated public transport interchange and a much improved passenger environment. The redevelopment of West Croydon Station is also outlined in the West Croydon Masterplan.

9.239 The proposed development is forecast to generate over 200 additional passengers using West Croydon station in the weekday PM peak hour and over 300 in the Saturday peak hour and nearly 300 in the Sunday peak hour, which is a significant uplift. Despite recent improvements in the form of a second station entrance/exit, the main entrance to the station experiences congestion at peak times and the second station entrance/exit is currently closed on Sundays.

9.240 TfL, in the Stage 1 GLA response, raised concern about the accuracy of the information presented in relation to West Croydon Station and that the impact on the station may have been underestimated. Additional information has been provided by the developer (in the form of a Transport Assessment (TA) Addendum within the Supplementary Environmental Information Report, March 2017), and this matter is now considered to have been satisfactorily addressed by the developer. An assessment of the capacity of the entry gates to the station has been undertaken in the TA Addendum and concludes that there will not be a gateline capacity issue as a result of the development. However, given the additional passenger loading identified at West Croydon Station (particularly at weekends), and in order to cater for predicted growth in demand arising from the regeneration of the COA, the Public Infrastructure Measures include funding to make access to the station platforms from the main entrance on London Road more accessible to those with disabilities and those with buggies etc.

9.241 Although a similar level of increase is also forecast at East Croydon station, it is considered that there is sufficient capacity to accommodate additional demand, following the recent improvements to the station concourse and the new pedestrian bridge.

#### Buses

9.242 The proposed development is predicted to generate a number of additional bus trips: over 1,600 in the weekday peak, over 2,100 in the Saturday peak, and over 2,000 in the Sunday peak.

9.243 TfL currently estimates that two routes will require frequency increases and one route will require an extra journey in order to accommodate the additional demand.

9.244 In order to accommodate additional bus services, there is a predicted requirement for additional bus standing space. A precise location for these additional bus stands has not yet been confirmed.

9.245 The bus service mitigation specified in the preceding two paragraphs is proposed to be provided for as part of the proposed Public Infrastructure Measures.

9.246 The measures brought forward will take into account additional bus journeys arising from all parts of the development (including in particular the residential development) and other developments within the COA to ensure that the measures are the most appropriate in order to mitigate the impacts on bus capacity.

9.247 The Public Infrastructure Measures will also provide for physical alterations to the local highway network to assist with journey time reliability as identified in paragraph 9.211.

9.248 The stops on Wellesley Road adjacent to the development would be upgraded as part of the Public Infrastructure Measures. Other stops requiring upgrading are to be finalised by TfL.

#### Taxis, Private Hire Vehicles and Dial-a-Ride

9.249 Over 400 taxi and minicab (private hire vehicle) trips are made on Saturdays to the existing Whitgift Centre (taken from 2012 survey) and the development is likely to generate a significant number of additional trips by these modes. The Transport Assessment predicts a peak taxi movement of 32 total trips to and from the development in the busiest hour on a Saturday. It is therefore considered that additional provision for taxis and Private Hire Vehicles will be required.

9.250 A taxi rank is proposed in Dingwall Avenue, although this is to be kept under review as part of the detailed design, as discussed in the Access section of this report. There are no further proposals for taxi ranks and/or taxi set down/pick up provision within the TA; the addendum TA shows the taxi bay in Poplar Walk being relocated. This is likely to be acceptable subject to agreement by TfL and not hindering the extension of the Poplar Walk contraflow cycle lane. Arrangements for provision of safe and adequate taxi drop off and pick up to meet demand will need to be developed and approved by the Planning Authority as part of the taxi strategy to be secured by a planning condition.

9.251 It is considered that separate provision for Private Hire Vehicles set down/pick up will also be required if the taxi facility in Dingwall Avenue is proposed to be a rank, as PHVs are not allowed to use taxi ranks or ply for hire.

9.252 Strategies for the management of taxis, private hire and dial-a-ride vehicles will be secured by condition.

#### Coaches

9.253 Currently there is significant demand for coach parking arising from hotel and other uses in the Town Centre but no coach parking facilities exist either within or in close proximity to the COA. Therefore, there is a need to provide suitable off-street coach parking in the COA. The London Plan seeks to ensure that development proposals which create a demand for coach access will provide for coach parking capacity to meet demand. Given the nature of existing and future uses there is an expectation that coach parking will be provided whether through site specific development proposals or through the safeguarding of land for layover space and parking.

9.254 The development is predicted to generate additional trips by coach and the TA identifies that it is likely that the development will generate 1-2 coaches per day, based on the experience of Westfield Stratford. Appropriate arrangements for set down/pick up and coach parking are therefore required as part of the development proposals and will be required at the detailed design stage. The Transport Assessment Addendum is proposing a coach set down/pick up space in Poplar Walk. The trip generation and mode share assessment for the hotel proposal does not indicate any arrivals by coach. However the London Plan requirement for one Coach Parking bay per fifty bedrooms suggests a potential requirement for five bays associated with the proposed hotel use. It is recognised, however, that the hotel element of the scheme may not come forward, in which case, it will not generate a coach parking requirement. Aside from any hotel requirements, whilst a coach drop-off and pick up facility is proposed on Poplar Walk for coaches associated with the retail and leisure element of the scheme, no provision has been made at or adjacent to the site for the parking of these coaches once they have dropped-off their passengers. The TA makes reference to the use of a site in Lower Sydenham and a site in Tooting for layover coach parking. In light of the lack of existing provision for coaches in the COA, the Public Infrastructure Measures will provide for the acquisition of land for coach parking within the Borough. A strategy for the management of coaches should be secured by condition.

#### Freight and Servicing

9.255 All servicing and refuse collection for the development will take place within designated service areas at basement (lower ground floor) level, controlled by on-site management to ensure security of those areas. Servicing areas for the Retail / Leisure component will be accessed from the Wellesley Road. The service area for the residential component will be accessed from Poplar Walk. Should the Student Accommodation or Hotel proposals be pursued servicing arrangements will need to be confirmed and agreed. All delivery and servicing arrangements for the development will be secured by condition.

9.256 A key objective of the Plan is to ensure deliveries and servicing are achieved in a safe, efficient and environmentally friendly-way. A procurement strategy will encourage site occupiers to contract suppliers affiliated to the Freight Operator Recognition Scheme and operating green fleets complying with London LEZ emission standards. Other measures supporting reduced vehicle emissions include discouraging peak hour deliveries, co-ordinating deliveries where common suppliers are used, a Freight Information Portal to encourage good practice in servicing and delivery strategies and a computer/web-based vehicle booking system. A full Delivery and Servicing Management Plan will be secured by condition.

9.257 An outline Construction Logistics Plan framework is included within the TA. A detailed plan will need to contain detailed phasing and timing of impacts, given the scale of the likely construction impacts on Wellesley Road and their consequent effects on traffic and tram movements along this road. The detailed Construction Logistics Plan will be secured by condition.

#### *Construction Phase*

9.258 The TA includes a predicted profile of movements each month of HGVs associated with demolition and construction relating to the proposed development. The draft programme indicates that the greatest movement of material would occur when demolition overlaps with construction stages. This is predicted to occur in focussed stages of the overall 48 month programme during months 10-17 and 39-42 with the average number of HGVs per hour across the programme being half that in these two peak periods. The average number of vehicle movements for phase 1 is circa 5,000 two-way trips per month (2,500 vehicles), equivalent to around 100 vehicles per day. The applicant would be required by condition to submit a Construction Logistics Plan for approval by the Council. This will aim to minimise the number of required vehicle movements through freight consolidation and other mechanisms. It will plan to minimise the effects arising from construction vehicle movement by controlling the timing and routing of deliveries.

9.259 Cyclist safety will be a consideration in determining vehicle routing. Potential effects on cyclists will be further reduced by linking supply contracts to the Freight Operator Recognition Scheme and the safety benefits it brings through driving training and vehicle specification and construction. The transport effects arising from construction to achieve changes to the Wellesley Road / Park Lane corridor, will be assessed (and any required mitigation provided) as part of the Construction Logistics Planning processes. The scale and significance of those effects and the degree to which they can be mitigated will need to be agreed with the Council through the submission of additional detail to discharge conditions. The scale and significance of transport effects will also be dependent on the phasing and timing of works. For example, the effects on trams will vary depending on the degree to which work close to the tram system can be conducted at night and/or coincide with planned temporary closures of the town centre loop line etc.

#### Travel Plan

9.260 A framework Travel Plan is included within the TA, covering both residential and retail/leisure uses. It includes objectives to reduce the need to travel, promote sustainable transport modes and influence travel choice, and targets for reduced car use and increased use of sustainable modes. The framework Travel Plan also commits the developer to the appointment of a Travel Plan Co-ordinator and to an on-going programme of monitoring and review in collaboration with the Council. The detailed Travel Plan will be secured by condition.

9.261 The framework Travel Plan does not include any reference to car clubs. An obligation on the applicant to provide 15 car club parking spaces will be required to be included in the final Travel Plan, to be secured by condition.

#### Overall Comment on Transport

9.262 Vehicular access and egress to the development are not reserved matters, being matters for determination as part of this outline planning application. The proposals for access and egress are considered to be acceptable, subject to the conclusion of the section 278 process and in light of the Public Infrastructure Measures. The section 278 agreement process for highway works in Wellesley Road will both manage the finalisation of the access

designs and ensure the arrangements meet the approval of the Highway Authority in consultation with TfL.

9.263 The retail and leisure development proposal and associated parking is predicted to attract 27.7 million trips, an increase of 8.6 million trips (45%) over the baseline total of 19.1 million to the current Whitgift Centre. For the weekday PM peak, 33% of trips to the proposed development are predicted to be made by car, 39% by bus, 20% by train/tram and 7.3% by foot. At weekends, 36-37% of trips are predicted by car, 34-34.5% by bus, 18-19% by train/tram and 9-10% by foot. The TA, TA Addendum and TfL analysis identify impacts arising on the highway, tram, bus and rail network. However, as identified, significant investment in infrastructure in the COA is required to address existing deficiencies in addition to the impact of the proposed development. Public Infrastructure Measures have been identified above for specific matters.

9.264 As described above, the performance of the highway network is predicted to be affected by traffic associated with the development with some resultant delays/increases in journey time including along the Wellesley Road corridor. It is considered that overall the effects, with the mitigation proposed and in the light of the Public Infrastructure Measures, which is to be the subject of a planning obligation in the section 106 agreement to ensure the proposed funding is finalised and available at the appropriate times, would not justify a refusal of planning permission on highway grounds. When balanced against the wider regeneration benefits to the town centre, and taking into account the Public Infrastructure Measures to improve conditions at potentially affected locations on Croydon Council administered highways and other proposed measures, it is considered that the impact on highways would be acceptable. The inclusion of post development monitoring should further aid management of impacts on Croydon Council highways. Such monitoring will enable any impacts which are greater than those currently predicted to be identified and addressed post opening of the shopping centre.

9.265 The impacts on trams and buses have been assessed. Impacts are predicted to arise on trams principally from increased passenger demand from predicted growth in the COA. Impacts on buses are predicted to arise from additional demand and journey time effects due to traffic increases on the Wellesley Road. The funding for trams and the works and other measures to be provided as part of the Public Infrastructure Measures and through the S278 process on Wellesley Road are considered sufficient to address the demand.

9.266 As identified above, an investment to improve accessibility at West Croydon station is proposed to form part of the Public Infrastructure Measures. On balance taking account of the regeneration benefits to the wider town centre, the effects of increase in passenger demand predicted to arise at West Croydon station as a result of the development are not considered a sufficient reason to recommend refusal.

9.267 Impact reduction would be further achieved through the implementation of the Travel Plan(s) (and associated Cycle Strategy) and Car Park Management Plan plus monitoring and review.

9.268 The impacts that are identified, although limited do trigger consideration of London Plan policies 6.3 (assessing effects on transport capacity) and 6.13 (parking). As regards policy 6.3, East Croydon station will have the capacity to accommodate the additional passengers attracted to the development. Significant local effects are predicted to arise on both the bus and tram systems but these should be capable of being addressed via the proposed Public Infrastructure Measures. The development will give rise to an increase in passenger travel to and from West Croydon station. The capacity consequences at the station are not considered so severe as to warrant refusal. The effects on the highway network are similarly not considered to warrant refusal when balanced against the wider regeneration benefits of the development proposal and in the light of the Public Infrastructure Measures.

9.269 Subject to the above points, the proposal, in conjunction with the Public Infrastructure Measures and the S278 works to Wellesley Road, is considered to be acceptable from a transport perspective for the scale and nature of development proposed.

9.270 Having regard to the representations from TfL, the Council is satisfied that appropriate transport mitigation for buses and trams (and also any works related to the local highway network) can be delivered through the Public Infrastructure Measures and via the developer S278 works within the appropriate timescales. In the event of any unexpected delays in relation to delivery of the required public transport measures beyond scheme opening, the Council and TfL (in collaboration with the developer as appropriate) will seek to ensure such delays are minimised as far as reasonably practicable. It should also be noted that in respect of the works to Wellesley Road, these will be subject to a planning condition requiring that they are undertaken prior to opening of the development, under a S278 agreement entered into prior to commencement of development (including demolition). All necessary agreements from London Trams will need to be agreed.

## **LOCAL IMPACT**

### Location

9.271 There are a number of commercial and residential properties surrounding the application site. There are approximately 20 residential properties (including those with planning permission for residential development) located along George Street, North End and Poplar Walk, as well as 1 Lansdowne Road on the opposite site of Wellesley Road.

9.272 In accordance with the OAPF, the tallest built form of the development would be located along the Wellesley Road frontage. The maximum height of the residential towers would have a range between 146.3m and 194.3, with the tallest tower in the central section of the Wellesley Road frontage of the site and the shortest towers as Tower 5 (on the corner of Wellesley Road and Poplar Walk) and Tower 2 (to avoid the coalescence of the towers from the Almshouses). This location of the tallest elements of the scheme is supported, subject to the detail below.

### Construction Impacts

9.273 The ES assessment in terms of demolition and construction assumes the maximum massing scenario as this has the greater potential for impacts. This is accepted.

9.274 The demolition and construction phase is anticipated to take up to 90 months to complete. The works are expected to take place in two phases (see later phasing section for more detail).

- Enabling works (including works to utilities, asbestos removal, erection of scaffolding, etc.) will commence approximately 6 months prior to start of demolition and will last approximately 10 months.
- Demolition works (including strip out, demolition and clearance) will take approximately 13 months. This will commence with the vacant office buildings followed by the Whitgift Shopping Centre.
- Construction will commence once sufficient areas have been cleared, approximately 6 months from closure of the existing Whitgift Centre. It is proposed the substructure works for basements for Phase 2 towers will be completed during Phase 1.

9.275 The Phase 1 demolition and construction of the commercial element would take 42 months with the completion of Tower 1 and Tower 2 within the 52 month period. It is proposed that Phase 2 of construction would take a total of 42 months and would involve the construction of Towers 3, 4 and 5. The alternative Phasing option is not expected to alter the duration of the overall Phase 2 programme.

9.276 The ES assesses the potential impacts during demolition and construction on noise, vibration, dust/air quality, storage of materials, contaminated land, waste, water, archaeology, ecology, energy, traffic, pedestrian access and views (see later sections of the report for more detail on specific topics). The ES has identified the potential for some temporary adverse effects throughout demolition and construction:

- Potential vibration effects to sensitive buildings in close proximity (such as Whitgift Almshouses and Electric House) as a result of piling for the substructure works. The ES assumed the worst case to identify potential major to moderate adverse effects. However taking into account mitigation involving piling techniques to reduce levels of vibration, and a Piling Method Statement (secured by condition), it is considered the likely effects can be reduced to negligible / minor adverse in significance.
- Anticipated changes in pedestrian and cycle journeys due to works causing inconvenience to their movements (from hoarding and construction access arrangements, and increase in HGV movements). An effect of negligible / minor adverse in significance has been identified.
- Potential adverse impact on existing retailers in the Town Centre during the works, particularly Phase 1 which involve the demolition of the existing Whitgift Centre, substructure works and construction. The mitigation proposed has the potential to reduce the adverse impact on the existing

retailers to an extent resulting in a minor adverse effect. It is important to note this effect would be relatively short term.

- Local microclimate conditions have the potential to change as a result of site clearance and construction works. Whilst mitigated to some extent by the hoarding, there is the potential for several off-site locations to be temporarily affected by wind conditions (negligible to minor adverse effects).
- The proposed works are likely to have a temporary adverse effect (ranging in significance between negligible to moderate adverse) visually in terms of views and on the setting of heritage assets as a result of the site being cleared and on-site construction activities (including cranes and state of the construction of the buildings)

9.277 Environmental management measures will be secured by condition to minimise and reduce impacts associated with the demolition and construction phase on the surrounding area. All demolition and construction will be carried out in accordance with Croydon's Code of Practice, which provides best practice guidance to limit environmental impacts. This includes the provision of a Construction Logistics Plan (secured by condition), guidance on access arrangements, control of vibration and noise, dust and air pollution and monitoring requirements. An Environmental Management Plan will also be secured by condition, which will contain details on mitigation measures to be implemented throughout the demolition and construction works to minimise disruption. Details of the layout arrangements (including requirements for temporary works), vehicular movements, delivery and site access/egress, plans for storage and accommodation will be included in the Demolition and Construction Method Statement within the EMP.

9.278 Two important differences between the 2014 planning permission and the current scheme in relation to construction impacts are as follows:

- Reduced traffic during demolition and construction compared to the 2014 planning permission ES and therefore cycle and pedestrian amenity is considered to be negligible to minor adverse from moderate adverse.
- Construction vibration effects of the proposed development have been identified as being of moderate adverse significance (to the Whitgift Almshouses only) whereas the 2014 planning permission ES identified the effects as being of negligible to minor adverse significance. This is due to a differing assessment methodology; the assessment in the current scheme has been based on a worst case short-term scenario where high levels of vibration are generated in close proximity to sensitive receptors, whereas the 2014 planning permission ES assumed that no high generating vibration activities would take place in close proximity to receptors.

#### Overlooking and loss of privacy

9.279 The nearest surrounding residential properties are located 120m to the west of the towers on North End, 160m to the south on George Street and

70m to the north-west on Poplar walk, 60m to the north-east within the Saffron Tower, and 60m to the east within St Anne House (both on Wellesley Road). Delta Point located 45 metres to the north of the proposed location of Tower 5, is currently in the process of being converted from offices to residential. This would be the closest residential uses to the proposed towers.

9.280 It must be noted that this application is for outline permission with all matters reserved (other than details of vehicular external access to and from the site), so there are no details of the position, size and number of windows. The Design Guidelines do require the tower designs to have an east/west orientation, so it can be assumed the primary windows would face east and west. Full details would be submitted at reserved matters stage. Nevertheless, given the degree of separation between existing (and permitted) residential properties and the proposed development the scheme is considered acceptable in terms of overlooking and loss of privacy.

#### Visual Intrusion

9.281 The proposed development would be visible from surrounding residential properties. However, just because something is visible does not mean that it causes harm. The relationship and the distances involved are such that it is considered that the proposed scheme would not materially harm residential amenity through visual intrusion.

#### Daylight, Sunlight and Overshadowing

9.282 The following matters have been considered by the Environmental Statement, in accordance with the 2011 BRE Guidelines:

- Daylight and sunlight amenity to existing surrounding residential receptors during the demolition and construction phase;
- Overshadowing of surrounding amenity areas during the demolition and construction phase;
- Daylight and sunlight amenity to existing surrounding residential receptors on completion of the proposed development; and
- Overshadowing of existing surrounding amenity areas on completion of the proposed development.

9.283 The report presents results that test the minimum building envelope, the maximum building envelope and with the maximum building envelope look at the cumulative impacts of other permitted schemes. A comparison has also been undertaken with the 2014 planning permission.

9.284 During demolition and construction the level of effect in relation to daylight, sunlight and overshadowing to surrounding properties would almost certainly be less than the final built out development, as the extent of the permanent massing increases throughout the construction phase. As the scheme nears completion, the impacts will gradually adjust to those of the completed development.

9.285 For the completed and occupied development, in terms of daylight, the building envelopes demonstrate a relatively high rate of compliance with BRE Guidelines in the maximum scenario, ranging between 89% and 90%. The

effects on daylight are considered to be of negligible significance. The adverse effects are predicted to occur in a number of locations including properties on all roads surrounding the development in the maximum scenario. In the context of the overall scheme and the urban setting, this is considered to be acceptable.

9.286 The sunlight effects on 96% of the surrounding properties in the maximum parameters comply with the BRE Guidelines 2011 and overall, the impacts are considered to be of negligible significance.

9.287 The effects of permanent overshadowing and transient overshadowing on private gardens and public open space are considered to be minor adverse in significance. However, the main impact is limited to mornings in Poplar Walk and during the afternoon the impact is not significant. This is considered to be acceptable in the context of its urban setting.

9.288 Taking into account all factors it is considered that the daylight, sunlight and overshadowing impacts on the neighbouring residential properties are acceptable.

#### Hours of Use

9.289 Given the separation to the nearest residential properties, the location within the CMC, the aspiration for evening/ night economy leisure uses (Croydon Local Plan: Strategic Policies SP3.8) and the 24 hour East/West route, it is considered that it would be acceptable for the centre to be open 24 hours a day. It is anticipated that the uses along the main East/West route and potentially the leisure uses would be the only 24 hour uses.

#### Other impacts

9.290 Furthermore, the proposal is considered acceptable in relation to noise, wind, microclimate and telecommunication interference (please see paragraphs 8.376, 8.393 and 8.400 for greater detail) all of which have been assessed in the Environmental Statement and further environmental information.

9.291 Solar glare impacts and light spillage were scoped out of the Environmental Impact Assessment and were not therefore included in the Environmental Statement. This was agreed at pre-application stage and is consistent with the approach taken on the 2014 planning permission. In light of this and the scoping report, the scoping opinion and the Environmental Statement, it is considered that significant solar glare and light spillage impacts from the development are not likely, and it is considered that controls over detailed design at the reserved matters stage will ensure that this is the case. This will be secured by condition.

9.292 It is considered that the local impact from the proposed development on surrounding residential (and other) amenity would be acceptable and in accordance with the policies of the London Plan, Croydon Local Plan: Strategic Policies and OAPF. Consultation responses regarding solar glare impacts have been taken into account.

## PHASING

- 9.293 It is proposed that the scheme will be constructed in two main phases (albeit it is recognised that Phase 2 could contain sub-phases).

### Phase One

- 9.294 It is proposed that this phase of construction would take a total of 52 months to complete. It would include a continuous sequence of demolition of all the existing buildings proposed to be demolished (as shown on parameter plan PS002) and the construction of the commercial element of the scheme (retail, leisure, office, community, car parking and back of house uses). It would also include the residential buildings Tower 1 and Tower 2, and the sub-structure for Towers 3, 4 and 5. The demolition and construction of the commercial element would take 42 months with the completion of Tower 1 and Tower 2 within the 52 month period.

### Phase Two

- 9.295 It is proposed that this phase of construction would take a total of 42 months and would involve the construction of Towers 3, 4 and 5.

### Alternative Phasing Option

- 9.296 As an alternative to the division of works between the two phases above, there is an option to move Tower 2 from Phase 1 to Phase 2, where it is proposed to be constructed in parallel with Tower 3. According to the ES, it is not anticipated that moving Tower 2 into Phase 2 would alter the duration of the construction period for either Phase. It should be noted that in the minimum parameter of the scheme, Tower 1 would not be constructed.

- 9.297 The applicant has assessed the likely environmental impacts of the proposed scheme for both alternative phasing options and there are not considered to be any materially different likely significant environmental effects overall.

- 9.298 The Applicant has provided information on the likely significant environmental effects of the development within the submitted ES. Time slices of 'worst case scenarios' have been assessed. Given the planning conditions that are proposed to be attached, it is considered that effects from demolition and construction have been reduced as far as practicable and that the phasing that has been proposed is acceptable. Whilst it is recognised that there will be some temporary adverse effects, the benefits of the proposed scheme outweigh these.

- 9.299 The phasing of the scheme will involve a complete closure of the Whitgift Shopping Centre, once works commence, although it is likely that Marks and Spencer would continue trading for a period after this had occurred, until works to enable their temporary relocation to Centrale are completed.

- 9.300 The applicant will work closely with the Council to minimise construction disturbance on adjoining occupiers. A strategy pursuant to the CPO to seek to decant existing occupiers into the Centrale Shopping Centre (or elsewhere in the town centre) to allow where possible continuation of trade

during the construction programme and reduce impact on adjoining occupiers has already commenced.

- 9.301 Phasing impacts will be further addressed through a combination of the Environmental Construction Management Plan and Construction Logistics Plan, recommended conditions and the phasing section of the section 106 agreement.
- 9.302 In the event that Tower 1 is not constructed in Phase 1, as noted, it will not be constructed at all as residential. The Parameter Plans and Design Guidelines ensure a retail component is delivered here in the no residential scenario (see section 9.140 above for more detail). Therefore the development of the site identified for Tower 1 as a retail building will be controlled through the approval of reserved matters and this is also the subject of a condition.
- 9.303 The developer will confirm the detailed phasing strategy for the Towers across Phase 1 and 2 prior to the submission of the first reserved matters application.

## **SUSTAINABILITY AND ENERGY**

- 9.304 At the heart of the NPPF is a presumption in favour of sustainable development, seen as a golden thread, running through it. The NPPF requires local planning authorities to help increase the use and supply of renewable and low carbon energy.
- 9.305 The application is accompanied by an Energy Statement and a Sustainability Statement (which contains a BREEAM pre-assessment).

### Energy

- 9.306 The developer has followed the London Plan's Energy Hierarchy in assessing the impact of the development within the Energy Statement. Proposals should seek to reduce carbon dioxide emissions through the energy efficient design of the site, buildings and services. Energy assessments should reduce carbon dioxide emissions through the use of decentralised energy where feasible, such as district heating and cooling and combined heat and power. Since October 2016, policy 5.2 of the London Plan has required residential buildings to be zero carbon. Non-domestic buildings are required to be in compliance with the requirements of the Building Regulations.

### *Be lean: use less energy*

- 9.307 The key passive design and energy efficiency measures identified in the Energy Statement to reduce carbon dioxide emissions are improved building fabric and envelope, a Building Management System (to improve control and to monitor and measure energy consumption), mechanical ventilation with heat recovery and low Specific Fan Power for air distribution systems, high efficiency gas boilers, low energy lighting, and low water use fittings. These measures would result in a 31.2% saving in carbon dioxide emissions over the Building Regulations 2013 for the non-domestic areas; 28.7% reduction for the non-domestic areas and the minimum residential parameter; and a 27.8% reduction for the non-domestic areas and the maximum residential parameter. Conditions

will be imposed to support this in relation to details of mechanical equipment and water consumption.

*Be clean: supply energy efficiently*

9.308 The low carbon technology currently proposed by the applicant is a Combined Cooling, Heating and Power (CCHP) system, with a total capacity of 2.19MW capable of delivering cooling, heating and electrical power to the development. It is anticipated that this would be located in an energy centre located within the basement plant area of the development and this is identified on Parameter Plan PS008. The CCHP system alone would result in a 6.4% reduction in carbon dioxide emissions over the Building Regulations 2013 for the non-domestic areas; 10.5% reduction for the non-domestic areas and the minimum residential parameter; and a 12.3% reduction for the non-domestic areas and maximum residential parameter.

9.309 There is currently no district heating scheme in Croydon town centre. To future proof the development, provision would need to be made for connections and space within the buildings to allow connection to any future Croydon District Heating Network, should such a network come forward, to allow the import and export of heat. This provision will be secured through an appropriate obligation in the section 106 Agreement and by conditions to secure all relevant pipe work from the buildings to the edge of the site (to allow easy connection).

*Be green: use renewable energy*

9.310 In terms of renewable energy technologies, the developer has investigated the potential for accommodating these. Measures such as wind turbines, solar thermal heating, air source heat pumps, ground source heat pumps and biomass heating have been determined not to be feasible. Photovoltaic panels have been assessed as being an appropriate renewable technology. However, their contribution to the reduction of carbon emissions is considered to be negligible as the availability of roof area for their installation is restricted by the provision of the rooftop amenity space and the requirement for green roofs. A roof area of 1,000sqm has been modelled and only a 0.7% reduction in carbon emissions was achieved. However, when the detailed designs for the scheme are progressed and the rooftop requirements for amenity space, green roofs and other plant are known, there may be the opportunity for the inclusion of photovoltaic panels. It is considered appropriate to impose conditions requiring green roofs to be provided, the details of the rooftop amenity space, and also a condition requiring details of the installation of any photovoltaic panels, although the limitations on the extent of photovoltaic panels is recognised.

*Reduction in carbon emissions*

9.311 The combination of the measures outlined above result in a 35.5% saving in carbon dioxide emissions over the Building Regulations 2013 for the non-domestic areas; 36.2% reduction for the non-domestic areas combined with the minimum residential parameter; and a 36.7% reduction for the non-domestic areas combined with the maximum residential parameter. This achieves the 35% reduction in carbon required by policy 5.2 of the London Plan for the non-domestic element but does not achieve the requirement for the residential

element to be zero carbon, which is contrary to policy requirements. However, the supporting text to policy 5.2 of the London Plan allows for the shortfall in carbon savings to be provided off-site where it is demonstrated that the required reduction in carbon emissions cannot be achieved on site. In this case, it is considered that adequate justification has been provided that the required carbon off-setting cannot be achieved on site. However, this may change once the specifics of the final design for the scheme are known through the reserved matters applications and a financial contribution, secured through the S106 Agreement, will be sought to fund off-site carbon reduction. The financial contribution to be sought is £60 per tonne of CO<sub>2</sub>, for a 30 year period. In addition, the Public Infrastructure Measures seek to address a lack of investment in infrastructure, including infrastructure to mitigate the impact of carbon emissions in the COA.

### Sustainability

- 9.312 The highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new development. The sustainability statement has outlined the measures that will be included in the scheme to conserve energy and natural resources (which includes the measures outlined in the energy statement).
- 9.313 The BREEAM pre-assessment submitted with the application shows that the scheme is capable of achieving a rating of 'Excellent'. This is acceptable and a planning condition can be added to ensure that this is achieved on site. Further details would be required at reserved matters stage.
- 9.314 In relation to the residential buildings, measures such as features to reduce water consumption would be included and a target for water consumption will be imposed as a planning condition.
- 9.315 The development site is located in a highly sustainable location with easy access to public transport options; involves the re-use of previously developed land; and provides a mix of uses within a town centre location. Subject to the imposition of appropriate conditions and mitigation through the S106 Agreement in respect of future connection to district heating, the energy and sustainability aspects of the proposed development are considered to be acceptable.

## **ENVIRONMENT**

### Contamination

- 9.316 Ground conditions were fully assessed and understood during consideration of the 2014 planning permission and on this basis, ground conditions were scoped out of the Environmental Statement for this planning application. However, this current application increases the site area and therefore a 'Ground Conditions Technical Note' has been submitted as part of the ES which confirms that the contaminative status of the site remains as confirmed in the 2013 Environmental Statement and reviews whether or not the increased site has any impact. In order to do this, an updated Envirocheck report has been submitted which identifies that the extended site boundary to the north-west now includes land that was formerly occupied by an engineering

works and a print works and these uses have moderate potential to have an impact on ground conditions. However, there is nothing in the updated information that changes the conclusions of the 2013 assessment of ground conditions and therefore, with the imposition of appropriate planning conditions (to deal with risk assessment, site investigation, mitigation and remediation) and an Environment Management Plan, the impact of the development on ground conditions is considered to be acceptable.

#### Air Quality

- 9.317 The air quality assessment submitted as part of the ES, assesses the effects on local air quality from the construction and operational phases.
- 9.318 During the construction phase, the main effects on air quality would be from construction traffic, plant emissions, dust emissions and off-site highway works. The ES has looked at timeslices to assess the air quality impacts and it has been determined that timeslice 2 represents a worse-case scenario as this represents the greatest amount of demolition and construction activity across the site. Works taking place at this time are the strip out and demolition of the office towers; the strip out and demolition of the existing Whitgift Shopping Centre; and the construction of the retail sub-structure. It has been determined by the ES that the alternative phasing option is unlikely to alter the conclusions for the worst-case scenario. The ES concludes that the impact of construction traffic is unlikely to cause significant adverse effects in terms of emissions and that due to the presence of relatively few plant in any area on-site at any one time, this temporary source of pollution is not considered to be significant. Dust generating activities associated with off-site highway works are small in scale and duration and it has been concluded that the likely effects would be negligible. These effects can be dealt with through mitigation by the imposition of conditions for an Environmental Management Plan, Construction Logistics Plan and adherence to the Council's Code of Practice 'Control of Pollution and Noise from Demolition and Construction Sites' as well as the Mayor of London's Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition'.
- 9.319 During the operational phase, the main effects on air quality would be from traffic changes associated with the development, proposed car parks and mechanical plant (associated with cooling, heating and hot water, and associated with the energy centre). The ES sets out the impacts, which range from moderate beneficial to major adverse impact on air quality. However, the major adverse effect is only in relation to one receptor, other adverse impacts are rated as 'moderate adverse', and the overall likely effect of the proposed development is not likely to cause a significant effect on local air quality.
- 9.320 Conditions can be imposed to assist in mitigating the impact of the development and can cover matters such as emissions within the car parks ventilation and at reserved matters stage, details of the heating plant. However, 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, especially given that the entire Borough is designated as an Air Quality Management Area due to exceedances of NO<sub>x</sub> (nitrogen oxides). To mitigate the impact on air quality, a financial contribution is

required in the S106 Agreement to contribute to an air quality fund which funds actions in the Council's Air Quality Action Plan.

9.321 In line with new Guidance from Defra 'Low Emissions Strategies - using the planning system to reduce transport emissions', Croydon is adopting 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> of commercial floorspace*'. This has been calculated as £73,621 for the commercial element of the scheme and a minimum of £62,600 and a maximum of £96,700 for the residential element of the scheme (on the basis of the indicative number of residential units). This is proposed to be secured as financial contribution under the s106 agreement.

9.322 It is acknowledged that the impact of this scheme and that of others anticipated for Central Croydon over the next few years will have some adverse effect on air quality. The ES considers that there will be, following implementation of mitigation, temporary minor adverse impacts from construction traffic and long-term negligible to minor adverse impacts from the operational traffic and heating plant. However, these effects have to be balanced against the need to regenerate Central Croydon in accordance with the OAPF which would provide significant benefits for the borough by the provision of an improved physical environment and retail offer, increased employment opportunities and new homes.

#### Water Resources and Flood Risk

9.323 At scoping stage, Water Resources and Flood Risk was scoped out of the Environmental Statement. A Flood Risk Assessment (FRA) was undertaken in October 2016 and this has been submitted as an appendix to the Environmental Statement (this is required as although the site is located in an area designated as at a low risk of flooding (Flood Zone 1) on Environment Agency Flood Maps, the site area is greater than 1 Hectare. In addition, although the majority of the site lies in an area of low risk of surface water flooding, there are some small areas at medium and high risk of surface water flooding along North End and along Wellesley Road in the location of the underpass. The site falls within a Critical Drainage Area, which means that runoff from the site is considered to contribute to higher flood risk areas.

9.324 The FRA outlines that the site is primarily at low risk from flooding, but as a basement is planned, site mitigation measures will be required to reduce the risk of groundwater flooding to underground structures. The FRA has provided a Surface Water Management Plan which details SuDS (Sustainable Drainage Systems) opportunities.

9.325 Whilst information has been submitted that assesses flooding and drainage matters associated with the development, there will need to be significant additional information at reserved matters stage, once more specific details of the scheme are known. It is considered that the proposed development should maximise opportunities to incorporate improved sustainable drainage features within the landscaping and incorporate green roofs as much as possible into the new buildings. The London Plan and emerging policy DM26 of CLP2

expect new developments to be achieving greenfield runoff rates or better and the developer must demonstrate robustly that they have made every effort to achieve as close to this as possible. Conditions will be imposed requiring a detailed drainage scheme that incorporates SuDs as requested by the Lead Local Flood Authority. In addition, conditions relating to green roofs and landscaping are also of relevance and will be imposed. The condition for the detailed drainage scheme will require the developer to demonstrate when discharging this condition the runoff rates that they are able to achieve. If greenfield runoff rates are unable to be achieved on site, it will be for the developer, when they come to provide additional information to discharge the condition, once the final form of the development is better understood, to fully justify why greenfield runoff rates cannot be achieved and to show the best runoff rate possible that can be achieved.

9.326 The Environment Agency has requested the imposition of conditions relating to groundwater, hydrology and contamination of land, drainage, piling and flood risk. These conditions are considered appropriate to mitigate any impacts on the underlying aquifer. In addition, conditions will also be imposed in relation to water supply and waste water, to ensure that these matters are dealt with in an appropriate manner.

9.327 On the basis that drainage mitigation can be addressed through the imposition of suitable planning conditions and that more detail will come forward at reserved matters stage, the impact of the development on water resources and flood risk is considered to be acceptable and in accordance with the provisions of local and national policy.

#### Noise and Vibration

9.328 Since the application is in outline, details of certain aspects, such as construction methodology, mechanical plant, and the frequency/timing of deliveries are not yet available. All these aspects will be assessed at the reserved matters stage when detailed designs and methodologies are available.

9.329 The ES includes an assessment of existing baseline noise and vibration environment, and potential noise and vibration effects predicted to arise from the proposed development. The potential noise and vibration effects of the development are considered in relation to those likely during the demolition and construction phase, those likely during the operational phase and those related to increases to road traffic. The assessment also includes a section on the suitability of the site for the proposed uses and the need to provide an adequate internal noise environment.

9.330 During the demolition and construction phase there is likely to be a negligible to moderate adverse impact in terms of noise and a negligible to major adverse impact in terms of vibration at surrounding properties (the major adverse impact is specifically in relation to the Almshouses and can be reduced to a moderate adverse impact through mitigation measures, such as a piling method statement, construction method statement, risk assessment of vibration impact, and a scheme for the protection of the Almshouses during construction, that can be secured via condition). The noise and vibration effects would be managed to reduce effects through the implementation of an Environmental Management

Plan, secured by condition. This could include screening, drop heights of materials minimised, engines switched off when not in use and regular and effective maintenance of machinery. The vibration effects of the construction period would need to be mitigated to ensure that existing residents and buildings/property would not be significantly affected. A risk assessment on vibration from piling, demolition and site excavation activities will also be carried out prior to commencement of construction activities, which would be conditioned and a piling method statement would also be required. Particular attention within the detail required by conditions would need to be given to the vibration impacts on the Grade I Listed Almshouses. Disturbance from construction traffic is assessed as being of negligible significance and can be reduced through compliance with the Construction Logistics Plan and a Construction Management Plan, which will be required by conditions.

9.331 There are a number of off-site highways works which would be undertaken to facilitate the proposed development. The majority of the proposed works do not require significant construction activities (such as the introduction of pedestrian junctions) and as such will represent a short term noise effect. However, more significant activities, such as the works to the Wellesley Road and the Park Lane gyratory are likely to involve activities which may generate significant noise and vibration effects, such as breaking up of the existing road surface. Through appropriate mitigation the effects would be negligible to minor adverse significance for the duration of the works.

9.332 In the operational phase, the key areas to consider are noise from the plant and machinery, from within the retail/commercial premises and road traffic. The plant machinery on the roof will incorporate screening, mufflers, silencers and specially designed plant rooms to minimise noise impact to the most sensitive receptors of the residential towers, Electric House, St Michaels Church and Whitgift Almshouses. Plant machinery on the roof must be screened and this and other mitigation identified will be secured via condition. No operational vibration effects are identified. The assessment concludes that the completed development road traffic noise effects would be of minor or negligible significance. It is noted that the traffic noise assessment uses baseline traffic flows that may be lower than those that are likely – to the extent that the flows are lower, this may mean that the changes in noise level are slightly over-stated, as they would assume a higher percentage change. They are, as noted, all minor or negligible.

9.333 In terms of suitability of the site for residential, through the use of appropriate design measures such as glazing specifications, façade insulation design and sound insulation the noise and vibration affects can be adequately controlled to provide a suitable living environment. This detail will be conditioned and addressed through reserved matters approvals. Similarly, subject to appropriate conditions, the site is suitable for commercial uses.

9.334 It is considered that, through appropriate mitigation (secured by conditions), the effects of noise and vibration arising from the proposed development are acceptable.

#### Biodiversity

9.335 A Phase 1 Habitat Survey of the site was undertaken in April 2016 (as an update to the preliminary ecological assessment that was undertaken in May 2012, as part of the submission for the 2014 planning permission), and concluded that the proposed development does not have the potential to generate significant ecological effects and the site as existing has low ecological value.

9.336 The closest Site of Importance for Nature Conservation is Wandle Park 0.6km to the west of the site. This is considered too far from the site to be affected during construction and operational phases.

9.337 At scoping opinion stage, biodiversity was scoped out of the Environmental Statement.

9.338 In order to ensure that ecological enhancements are provided as part of the detailed scheme, a planning condition will be added to ensure that this is provided.

#### Wind and Microclimate

9.339 The submission contains an assessment chapter in the ES and a full technical wind microclimate report, which includes wind tunnel testing that assesses the current baseline conditions at the site and within the immediate vicinity, and the potential wind microclimate effects of the proposed development when considered in the existing site context and when considered in the context of other surrounding development or 'cumulative' schemes. In order to assess the 'worst case scenario', the maximum massing is considered and the models do not include any planting or landscaping. As there is a phased approach to development, the assessment considers the likely effects for phase 1 and phase 2 (including the alternative phasing option in relation to Towers 1 & 2).

9.340 The results show that across all scenarios, when mitigation is taken into account, the effects would be negligible to moderate beneficial along pedestrian thoroughfares, negligible to minor beneficial at building entrances, negligible in amenity areas on the podium level and negligible to moderate beneficial along thoroughfares in off-site locations. The wind environment throughout the proposed development is considered compatible with the intended use of the site during the windiest season. Mitigation in the form of soft landscaping and planting, porous and glazed balustrades would bring the most benefit.

9.341 The combined effects of the proposed development with other development schemes are considered acceptable with appropriate mitigation.

9.342 It should be noted that when the precise location of building entrances is fixed, a further detailed microclimate study will be required to ensure that the assessed likely impacts remain robust. In addition, the mitigation measures will be secured by condition. Subject to the above, the impact on wind would be acceptable and accords with London Plan Policies 7.6 and 7.7, and Croydon Local Plan: Strategic Policies SP4.6.

#### Electronic Interference

9.343 The ES has not assessed the impact of the scheme on digital and satellite television reception as this was fully assessed in the 2014 planning permission. The ES has included an appendix that has an Electronic Interference Investigative Memo, which highlights the electronic shadow from the proposed development.

9.344 Given that the Government has now switched off the analogue television service, the impacts are likely to be limited. To address the potential for impact, the S106 Agreement will require the developer to mitigate any impacts. This is considered sufficient to address this matter.

#### Environmental Impact Assessment Conclusions

9.345 The ES considers the environmental impacts of the development in terms of the following technical topics: Demolition and Construction (including Waste), Traffic and Transport, Noise and Vibration, Air Quality, Socio-Economics, Wind Microclimate, Daylight/Sunlight and Overshadowing, Built Heritage, Effect Interactions, Residual Effects and Conclusions, and Townscape & Visual Impact.

9.346 The developer has submitted additional information and points of clarification, which included a Supplementary Environmental Impact Report (March 2017), pursuant to Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This information has been taken into account in the determination of the planning application.

9.347 As required, third party representations have been taken into account and where points have been raised they have been worked into the substance of the report where appropriate.

9.348 The methodology for the parameter based assessment of the ES is accepted. This tested the scale and layout of the maximum building envelope and minimum building envelope.

9.349 Chapters 13 and 14 of the ES set out effect interactions, cumulative effects and the residual effects of the scheme. The adverse combined cumulative effects tend to occur throughout the demolition and construction activities of the Proposed Development. Adverse combined cumulative effects have the potential to impact upon:

- *Existing Residential Properties Adjacent to / in Proximity to the Site – primarily along Walk, North Road, George Street and Wellesley Road*
- *Existing Commercial Properties and Local Businesses Adjacent to / in Proximity to the Site – primarily along Walk, North Road, George Street and Wellesley Road*
- *The Whitgift Shopping Centre – Employees, Shoppers and Visitors (General Public) to the Whitgift Shopping Centre*
- *Users of existing surrounding open/amenity space*
- *Air quality*
- *Pedestrians / Passers-by, Cyclists and Road Users*
- *Built Heritage and townscape*

- *Local and long distance views*

9.350 Whilst there is the potential for adverse combined 'nuisance type' effects to last the duration of the demolition and construction programme, they will be managed through mitigation commitments within the Environmental Management Plan, Construction Logistics Plan and be in accordance with LBC's Code of Practice for Demolition and Construction and through use of Best Practicable Means.

9.351 In conclusion, the proposed development is assessed as appropriate in terms of local, regional and national policy and is considered to be of an outline design that addresses and responds to environmental considerations. It is recognised that the development will result in some short-term adverse effects during the demolition and construction works; however, the benefits of bringing the development forward, such as an increase in footfall and retail expenditure, attracting new business and a residential community to the town centre, the improved physical environment and the introduction of new leisure uses, are considered to outweigh the short-term adverse effects.

## **ACCESS AND INCLUSIVE DESIGN**

9.352 An Access Statement was submitted with the application which establishes access and inclusive design principles for forthcoming reserved matters submissions and confirms that the scheme has been designed to meet the Building Regulations Parts K and M. This commits to maximising access to all parts of the development to all, meeting appropriate accessibility standards, designing beyond the minimum requirements of the Building Regulations Part M, addressing the anticipated increase of older people in the near future, meeting the aims of the Equality Act and following design guidance in relevant British Standards on their needs of disabled people.

9.353 In terms of the retail and leisure elements of the scheme, the maximum gradient for the Galleria, where the eastern part of this route is 2-3 metres higher than the western part would generally be 1:31 with sections either side of the western entrance doors at 1:60 maximum. There would be a level landing 2 metres in width for every 500mm increase in height. A similar solution is proposed for The Arcade. This arrangement is accessible. Wherever changes in levels occur that require steps, lifts and escalators where appropriate will also be provided. The Access Statement outlines that for the residential buildings, each core will contain at least two lifts to ensure that access is not compromised if one is out of service. A series of commitments are made within the Design Guidelines that forthcoming reserved matters applications must adhere to. In relation to access and inclusive design, this includes a commitment for all pedestrian routes to have a maximum gradient of 1:20, a minimum clear width for pedestrian routes of 1.5m, all street furniture element accessible for all ages and abilities and seating should be at an accessible height with suitable armrest and seat back with ample space at each end to allow wheelchair users to pull back next to and in line with the front of the seat.

9.354 A condition will be imposed requiring the location of a shopmobility unit to be agreed and to be provided prior to the retail and leisure element of the

development opening for trade. Subject to the finer detail, this would aid members of the public with limited mobility to travel to and visit, independently and with greater ease, local shops, leisure services and commercial facilities usually within the shopping centre.

9.355 The applicant has committed to the provision of an adult changing place facility within the development. This has been secured via a condition.

9.356 In terms of the residential element of the scheme, 10% of the new housing will be built to 'Building Regulations Part M4(3)' and will be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This is secured via condition. All residential units are on upper floors and would be accessed using lift and stair cores onto Wellesley Road. The remaining 90% of units would be built to 'Building Regulations Part M4(2)' requirements, which is accessible and will also be secured via condition.

9.357 Appropriate levels and locations of disabled parking will be provided for both the retail/leisure and residential elements of the scheme as described in the 'transport' section of this report. In addition, an accessible Blue Badge space will also be provided on Dingwall Avenue to accommodate high-top conversion vehicles.

## **SAFETY AND SECURITY**

9.358 The submission includes a series of commitments in relation to safety and security that the reserved matters submission must adhere to. These include, wherever possible, that ground floor accommodation should provide an active frontage where it is facing the street (where back of house accommodation is in such locations, quality public realm is to be provided and opportunities for visual permeability are to be maximised), gates should be included at the perimeter of the site to ensure night time security for pedestrians and avoid cul-de-sac conditions. The 24 hour Galleria generates a different situation. Whilst doors are now provided at each end (where each end was open in the 2014 planning permission), these will remain unlocked to allow continual access by pedestrians. However, with the presence of doors at either end, this provides an added layer of security to the Galleria area during the night. The public realm should be provided with appropriate levels of lighting to allow safe and easy access and movement at night and day and this can be secured by condition. Clear lines of sight for both formal and informal surveillance are required for Secured By Design status.

9.359 Security measures would be incorporated as appropriate and include security-controlled 24 hour accessible routes through the site and the provision of gates at the perimeter of the site (on entrances other than the Galleria) to ensure security for pedestrians on affected routes. At the detailed design stage the development should include details of proposals for lighting, CCTV, cycle storage and gates. Appropriate implementation of these features can be controlled by condition to ensure that they are safe and secure.

9.360 An informative has been suggested to ensure Secured By Design principles are achieved. In addition, given the public use of the development and

the high profile of the developer, it is considered appropriate to impose an informative asking the developer to consult with the Counter Terrorism Security Advisor at the Metropolitan Police. Given that the threat level from international terrorism has been assessed as severe, it is appropriate for the developer to mitigate the risk as much as possible.

9.361 The Metropolitan Police Service have been consulted on the application. The safety and security measures outlined in this section of the report are in accordance with their requirements.

9.362 It is considered that the design of the proposed development would not result in conditions that would raise issues of safety and security. The measures set out in the Design Guidelines which are to be secured through the imposition of planning conditions would assist in deterring crime and the fear of crime. This would be in accordance with the provisions of policy 7.3 of the London Plan, policy SP4.8 of CLP1 and saved policy UD6 of the UDP.

## **HUMAN RIGHTS AND EQUALITIES IMPLICATIONS**

9.363 In reaching their decisions Members should take account of the provisions of the Human Rights Act 1998 as they relate to the outline planning application and the conflicting interests of the applicants and any third party opposing the application. As a public authority, the Council must not act in a way which is incompatible with a Convention right protected by the Act. Human rights of particular relevance to this decision are those under Article 8 of the European Convention on Human Rights (in relation to the right to respect for private and family life), Article 1 Protocol 1 to the ECHR (in relation to the protection of property) and Article 14 (which prohibits discrimination in the enjoyment of human rights). It is an inherent feature of the planning system that these rights are respected and that consideration is given to the impact of development proposals on the human rights of individuals, whilst acting in the wider public interest. The availability of judicial review is considered to be sufficient to provide the procedural safeguards required by Article 6(1) of the ECHR (in relation to a fair hearing in the determination of civil rights). The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report, including the consideration of consultation responses.

9.364 In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It places a local authority under a legal duty ("the public sector equality duty") to have due regard to the following matters in the exercise of all its functions including its planning powers, namely the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
2. advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and

3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.365 The public sector equality duty has been taken into account in the assessment of the application and Members must be mindful of this duty when determining it.

9.366 Members of protected groups in the wider community potentially affected by the proposed development are likely to include current and future:

- visitors to the town centre for work or leisure or to use the retail and other town centre facilities;
- residential occupiers within or around the town centre
- occupiers of other land within and around the town centre, including business and land owners.

9.367 Equality Impact Assessments (EqIA) were undertaken in connection with both the Croydon Local Plan: Strategic Policies 2013 and the Croydon Opportunity Planning Framework (adopted in 2013). An Equality Analysis (EqA) was also undertaken in connection with the compulsory purchase order for the Whitgift site. Most recently, an EqIA was undertaken for the Proposed Submission Croydon Local Plan: Strategic Policies – Partial Review.

9.368 As detailed in earlier sections of this report, the current development proposals are generally in accordance with the Croydon Local Plan: Strategic Policies and the OAPF, both of which have been found to be sound on equality issues on the basis of an EqIA

9.369 The EqIA for the OAPF noted the need for protected groups to have equal access to the new homes, jobs and facilities to be provided in the major growth area of the Croydon Opportunity Area. It re-emphasised that the OAPF should consider how future growth would affect the equality and diversity of the existing communities in these areas, try to remove barriers for the equality groups, and promote social cohesion in the new communities created in these major growth areas. The EqIA for the OAPF concluded that its policies address a wide range of spatial issues which would have far reaching impact on people living and working in the borough. By providing better opportunities for jobs, homes, community facilities and transport network the OAPF would have an indirect but positive impact on community cohesion and equality issues. .

9.370 The EqIA undertaken for the Proposed Submission Croydon Local Plan: Strategic Policies – Partial Review did not identify any elements that are specific to the CMC or the Opportunity Area. However, the following is of relevance:

- The growth in housing will need to take account of the needs of households with disabilities.
- The reduction in the strategic target for 60% of new homes to have 3 or more bedrooms to 50% slightly reduces the aspiration for larger homes in

the borough and may not provide housing stock that can address overcrowding issues, resulting in a disadvantage in the housing market for the BME community who are more likely to live in overcrowded houses.

9.371 Implementation of the present proposals is considered to include the following benefits for protected groups:

- Improving access to and the permeability of the town centre
- Providing more job opportunities and making provision for skills training;
- Providing a choice of housing, such as affordable housing and family homes to meet people's needs at all stages of life and the needs of people with disabilities;
- Conserving and creating spaces and buildings that are safe, accessible and that foster cohesive communities
- Promoting cultural activities which can directly or indirectly celebrate the diversity and multiculturalism of the borough;
- Promoting well designed community and leisure facilities to meet the aspirations and needs of a diverse community;
- Improving transport and access across the Borough and particularly to and from the town centre

9.372 It is considered that the development proposals could have a negative impact on some protected groups, but only over a temporary period. There would be temporary negative impact on groups including age and disability as well as pregnancy and maternity groups due to disruption in the town centre environment during the construction phase. However, suitable mitigation measures will be put in place during the construction process to reduce the adverse effects on these groups.

9.373 A potential negative impact has been identified on businesses around West Croydon station as well as other businesses surrounding the proposed development site in the event that there were to be reduced footfall or a reduction in visitors in the surrounding area either during construction or longer term. Many of these businesses are ethnic minority businesses. However, in the longer term the proposed new 24 hour east-west Galleria to be created by the development will help to ensure that it interacts well with the surrounding retail town centre. Improved north-south connections through the site and a considerably improved public realm in Poplar Walk will also assist in improving linkages to businesses in West Croydon. In addition the Council will work with the developer to create a suitable environment to cater for a diverse range of ethnic business owners and workers in Croydon. Specialist business advice and translation services are also available from the Council to assist with any issues which arise for these protected groups and others during the development process and beyond. This negative impact would in part be addressed by the requirements of the section 106 planning agreement which aims to support local independent businesses.

9.374 It is considered that overall, once the development proposals have been completed, all groups would benefit from the improved physical

environment in Croydon town centre as well as the wider economic benefits stemming from the proposals.

9.375 In summary, the assessment of the application materials has taken into account equalities issues for individual protect groups. Steps are being taken to minimise the adverse effects on protected groups during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, dial-a-ride, shopmobility, employment and training opportunities, public realm and public transport improvements. These features of the proposals will assist in ensuring that equality groups have equal access to the new homes, jobs and facilities in this major growth area.

### **OTHER PLANNING ISSUES**

9.376 Officers have considered the applicants' assessment of the main alternatives to the development that they have studied. These include the development not being undertaken, the 2014 planning permission and design evolution. This assessment is considered acceptable and, having regard to the policy compatibility of the scheme proposals vis a vis the comprehensive redevelopment of the Whitgift Centre, it is not considered any additional alternative assessments need to be undertaken for planning purposes.

9.377 In terms of aviation, the proposed development does not include any wind turbines. Any requirement for warning lights on construction cranes or the proposed towers will be discussed and agreed with the Civil Aviation Authority. This has been secured through a condition and informative. In addition NATS have requested a radar mitigation scheme to mitigate the impact of the development on aircraft radar. This can be controlled by condition.

9.378 Reassurance has been sought by Reigate and Banstead Borough Council about the impact of the proposed development on nearby town centres, including Redhill. This is particularly in relation to new comparison floorspace, and they have requested that appropriate consideration is given to this issue, as detail has not been provided on the split between comparison and convenience floorspace. It is recognised that as Croydon is a large Metropolitan Centre, it will serve a wide catchment. The split between comparison and convenience goods has not been defined as the application is in outline and so this level of detail has not been defined. However, for a centre of this size, it can be expected that there will be a significant proportion of comparison goods relative to convenience goods. Whilst the proposal is likely to draw in visitors from a wide area, as detailed above in this report, the proposal is consistent with the objectives of planning policy in relation to town centre uses. In addition, it was determined during the consideration of the 2014 planning permission that a Quantitative Impact Assessment on the centres of Bromley, Kingston and Sutton was not required, and the approach taken in the consideration of this application is consistent with this. Redhill town centre is located much further away from Croydon than these centres at a distance of approximately 11 miles.

9.379 It is recognised that the applicant does not currently have ownership/control of the whole of the application site. However, since planning permission was granted for the 2014 planning permission, a Compulsory Purchase Order (CPO) has been confirmed for the site and the developer has acquired Green Park House and a number of other land interests in the site including a long leasehold interest in the Whitgift Centre. Land ownership itself is not a material planning consideration, albeit that in the context of a development proposal such as this, the likelihood of delivery may be a material consideration. Officers have considered the likelihood of deliverability in the context of the scheme proposals and have given appropriate weight to this. There is a CPO Indemnity Land Transfer Agreement in place between the developer and the Council and the Council will need to be satisfied that there is a reasonable prospect of delivery of the scheme before exercising its CPO powers.

9.380 Health and Education – the Environmental Statement assesses the impact on both primary and secondary schools from the residential element of the development to be minor adverse for primary schools and negligible for secondary schools. The scheme would generate demand for 1 additional full time GP. The residual effect is negligible for education and health. Funds could be available from the CIL payment as required.

9.381 Archaeology – A portion of the site lies within an Archaeological Priority Zone and therefore, it is appropriate to ensure that the archaeological heritage of the site is properly recorded and if they are found, archaeological remains are retained in situ, where possible. Development should also incorporate measures that identify, record, interpret, protect and where appropriate, present the site's archaeology.

9.382 Archaeology has been scoped out of the Environmental Statement in this application as excavation is mostly limited to existing basement areas. Further detail as to the basis for scoping out archaeology was provided in the ES methodology and is considered satisfactory by Officers. It is considered that this matter can sufficiently be dealt with by the imposition of a condition requiring the developer to seek approval for a programme of archaeological work and for works to be carried out in accordance with a written scheme of investigation.

## **SECTION 106 LEGAL AGREEMENT AND COMMUNITY INFRASTRUCTURE LEVY**

9.383 On 1 April 2013 Croydon Council adopted its CIL charging schedule for the purpose of the Community Infrastructure Levy Regulations 2010. The charging schedule sets out the rates at which the levy is to be charged to fund infrastructure set out in Croydon's Regulation 123 List ("relevant infrastructure"). Items of relevant infrastructure will be funded via a CIL payment.

9.384 As a result of the development there are additional matters that are not included on Croydon's Regulation 123 list that are required to be mitigated as a result of the development. The following additional matters need to be mitigated in a legal agreement made pursuant to section 106 Town and Country Planning Act 1990 (as amended) and other enabling powers in accordance with

CIL Regulation 122 and 123 in order to make the development acceptable in planning terms.

9.385 Paragraph 3.1C of this report contains a summary of the key section 106 Heads of Terms recommended by officers. Further information on each proposed Head of Term is provided below. The total of the S106 contributions outlined below are less than those agreed in respect of the S106 agreement for the 2014 planning permission. This is because some developer obligations are rendered unnecessary on the basis that the Public Infrastructure Measures intended to benefit the COA are to proceed, and also because it is acknowledged that there are some concerns about the level of developer obligations which can reasonably be sustained in the current economic climate and taking into account the current estimated scheme costs and benefits, consistent with current scheme viability. As noted in paragraph 2.1 there is also significant doubt as to whether the 2014 planning permission currently would be implemented by the developer even if permission for the current application is refused which affects the weight to be given to the 2014 planning permission and associated S106 agreement.

9.386 It is a matter for the Council as local planning authority to determine whether, in all the circumstances, permission should be granted for the current proposal, taking into account all the relevant considerations. Members will need to consider whether the mitigation proposed, in conjunction with the Public Infrastructure Measures is sufficient in the context of the substantial planning benefits and regeneration value of the proposals as outlined earlier in this report (summarised in paragraphs 9.3 and 9.4).

#### Deferred contribution

9.387 This is a financial obligation on the developer to contribute to infrastructure or affordable housing provision required by the development. It would be the difference between a predicted CIL payment of £30,117,268 and if less, the actual CIL payment paid in respect of the development. If the CIL payment is less than £30,117,268, the deferred contribution will be paid such that the CIL payment and the deferred contribution will be a combined total £30,117,268. The Council and the developer have agreed to the use of this estimated figure for the purpose of calculating the deferred payment (the actual CIL liability will be calculated at appropriate dates in accordance with the CIL regulations 2010).

#### Cost of monitoring the S106 Agreement

9.388 This is a financial obligation on the developer to contribute to the Council's reasonable costs of monitoring the observance and performance of the obligations in the section 106 agreement. The monitoring fee for the Council is based on the draft Non-Statutory Guidance 'Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy'. This requires a monitoring fee of £1,500 per S106 Head of Term, £1,000 for monitoring car clubs and £6,500 for monitoring travel plans. On the basis of the Heads of Terms identified, the Council's monitoring fee would be £18,000.

#### TV Mitigation

9.389 This is a non-financial obligation to ensure that the development has no detrimental impact on TV signals in the vicinity of the site and that the TV

signal is retained at its current level. Three surveys would (1) establish a base case; (2) establish the impact of the development on television signals and to mitigate any impact; and (3) following completion of mitigation measures, an assessment of success. In addition, the developer is required to set up a 'hotline' to deal with any complaints from members of the public regarding the quality of their TV signal. It is recognised that the further survey (which establishes the impact), could be undertaken on more than one occasion due to the phased nature of the development. This requirement has been negotiated between the Local Planning Authority and the developer and agreement on the processes and requirements has been reached.

#### Public Art

- 9.390 This is a non-financial obligation to secure a strategy for the provision of public art within the scheme. This will assist in enhancing the visual amenity and cultural appeal of the development. In addition, the S106 Agreement will include provision for the re-siting of an existing work of public art within the application site. The Local Planning Authority has been negotiating on the details of the public art requirements for the site with the developer and there is broad agreement on these requirements.

#### Restriction on parking permits

- 9.391 This is a non-financial obligation to ensure that the residential element of the development does not have a detrimental impact on the availability of on-street car parking spaces in the vicinity of the site. It would require the developer to notify future residents of the restrictions on their ability to obtain 'on street' parking permits. This does not apply to the residents of the 10% of units that are adapted or capable of being adapted for disabled residents as provision is made for the allocation of one blue badge car parking space per unit, within the development. The Local Planning Authority and the developer are in agreement regarding this requirement within the S106 Agreement.

#### Use of architects from an agreed list

- 9.392 This is a non-financial contribution to ensure a high quality of design within the detailed development of the scheme. It requires the developer to appoint Executive Architects to ensure design consistency and confirm that Reserved Matters proposals are in keeping with the Design Guidelines and to give their professional opinion on the quality of the design. It also requires the appointment of a specialist design consultant firm to bring forward proposals for key external spaces and facades. The Executive Architects and specialist design consultants are to be from lists agreed between the developer and the Local Planning Authority, and the executive architect is to be retained until completion of final reserved matters, only allowing a change of architect with the agreement of the Local Planning Authority. The Local Planning Authority and the developer are in agreement regarding these requirements within the S106 Agreement

#### District Heating

- 9.393 This is a non-financial obligation to enable a mechanism for providing a link from the development to the town centre district energy scheme if it comes into existence before or during construction and also to future proof the development for any future connection. The Local Planning Authority and the

developer are in agreement regarding this requirement within the S106 Agreement.

#### Public realm

- 9.394 This is an obligation to support the requirement for the developer (secured via condition), to enter into Highways Agreements to undertake highway and public realm works to mitigate the impact of the proposed development. This obligation also includes a requirement to pay a financial contribution should the developer not complete the scheme for any reason. This would involve a sum of £4 million (indexed from 5 February 2014) required by the Local Planning Authority to be secured through the S106 agreement to be spent on further improvements to North End or around the town centre in the event that the development does not proceed. If the development does proceed, this obligation would fall away.

#### Route through Department Store A

- 9.395 This is a non-financial obligation to involve the Local Planning Authority in the reasonable endeavours obligation to secure the northern east-west route to Wellesley Road through Department Store A. The details of this route are to be finalised with the developer.

#### Affordable Housing

- 9.396 The Local Planning Authority requires an obligation within the S106 Agreement to deliver a minimum of 20% of the total number of 'Build to Rent' residential units as Discounted Market Rent (DMR) units to be secured through the S106 Agreement. This minimum quantum of affordable units is to be provided on-site, with rental levels in 40% of the DMR units to match London Living Rent and the remaining 60% to achieve 80% of market rent levels. This will be subject to review mechanisms if there is a delay in delivery of the residential element of the scheme (i.e. more than 2 years, or other period as may be agreed with the Local Planning Authority and in line with the requirements of the Mayor's Housing and Viability SPG), and as the scheme would be delivered over a number of years, further reviews will be required to be undertaken at appropriate milestones. Any affordable housing uplift required as result of the review mechanism(s), will be required to be provided on site, off-site, or a financial contribution to off-site provision, (or through a mix of measures) as appropriate. The maximum cap for the affordable housing review would be 50% quantum to comply with current planning policy and there would also be a 40/60 split required between London Living Rent and 80% of market rent. The mix of the DMR units would also need to be secured through the S106 agreement.

#### Housing

- 9.397 A reasonable endeavours obligation for delivery of the residential component of the scheme will also be required by the Local Planning Authority and is to be secured through the S106 Agreement.

### **Transport**

#### Wellesley Road S278 Works

- 9.398 This is an obligation not to commence development until the s278 agreement has been entered into in respect of the Wellesley Road works and

not to permit occupation of the development until the works have been completed.

#### Car Club

- 9.399 This is a financial obligation to support the condition that requires the developer to provide 15 car club spaces within the development and requires a financial contribution of £180,000 to fund membership of a car club for all residents of the scheme for the first 3 years of occupation. The development is proposed as a car free development for residents (with the exception of disabled parking provision) and therefore these measures are required to discourage car ownership and encourage sustainable travel options and is a requirements as it is a direct consequence of the development.

#### Local Employment and Training Strategy

- 9.400 This is a financial contribution totalling £2.5 million, which is required to mitigate the impact of the development by ensuring that the development provides a benefit to the local economy and community by using 'Croydon Works' to deliver job brokerage and other initiatives. The strategy will include, forecasting labour requirements, recruitment and training initiatives, targeted recruitment towards local residents (particularly towards targeted wards) and vulnerable and disadvantaged groups, monitoring of targets, job brokerage, apprenticeships/internships, education support, sourcing local contractors/sub-contractors/suppliers where reasonable, and having a flexible approach to respond to new initiatives. The financial obligation will be composed of the following elements: a financial contribution of £800,000 for delivering employment and training initiatives as part of the Phase 1 Construction Employment and Training Strategy; £1.35 million for delivering employment and training initiatives as part of the Operational Employment and Training Strategy (which commences 12 months prior to the development Opening for Trade); and £350,000 for delivering employment and training initiatives as part of the Phase 2 Construction Employment and Training Strategy. This also includes a Croydon Works Job Brokerage contribution of £60,000 per annum to broker Croydon residents into roles created by the development. This will be funded from the Phase 1 Construction Employment and Training Contribution and the Operational Employment and Training Contribution. Negotiations are continuing between the Local Planning Authority regarding the level of contribution towards Employment and Training but the terms above are those that the Local Planning Authority will require.

#### Air quality

- 9.401 This is a financial obligation to fund measures within the Air Quality Action Plan to mitigate against the air quality impacts of the development. The contribution sought is calculated on the basis of £100 per dwelling and £100 per 500sqm of commercial floorspace. This equates to a minimum of £62,600 and a maximum of £96,700 for the residential element (based on the indicative maximum and minimum residential unit numbers) and £73,621.20 for the commercial element. The Local Planning Authority and the developer are in agreement regarding this requirement within the S106 Agreement.

#### Carbon emissions

9.402 This is a financial obligation to fund off site carbon dioxide reduction scheme(s) as the residential element of the scheme has not been proposed as being able to achieve zero carbon (as required by policy 5.2 of the London Plan 2016). The financial contribution in lieu of on-site carbon reduction is to be paid at a rate of £60 per tonne of carbon dioxide over a 30 year period. On the basis of the information that has been submitted with this application, the contribution required would be £2,272,450. However, the carbon offset may change once the specific details of the scheme are known through the reserved matters application and it may be the case that additional carbon off-setting may be able to be accommodated on-site. In addition, the Public Infrastructure Measures are able to provide for carbon offsetting infrastructure in the COA. Therefore, a contribution of £849,679 will be sought.

#### Other matters

9.403 As noted above, the developer is required to give a financial commitment equating to £4million (indexed from 5 February 2014) for public realm works enhancement on North End or around the town centre, in the event that the development does not proceed within a reasonable timescale following either substantial closure of the shopping centre, due to demolition works associated with the development or demolition of the shopping centre itself. This commitment would provide some mitigation of impacts in this scenario.

9.404 The S106 agreement will include a restriction on implementation of the 2014 planning permission and the related conservation area consent and the 2014 permission for Chapel Walk if the developer elects to implement the new permission (if granted), in order to provide certainty of scheme implementation. The section 106 agreement will include provisions to ensure that the funding for the required Public Infrastructure Measures is in place for use at the appropriate times and a restriction on opening for trade until specified public realm and highways related Public Infrastructure Measures have been implemented. This is to ensure that the shopping centre is not developed without the provision of adequate public infrastructure or funding for such infrastructure. .

9.405 The proposed terms for S106 Agreement comply with Regulation 122 of the CIL Regulations 2010 (as amended) as the obligations outlined above are (i) necessary to make the proposed development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably relate in scale and kind to the development.

9.406 In addition to the mitigation measures required by the S106 Agreement, the developer will be required to enter into relevant Highways Agreements to undertake highways and public realm works on Wellesley Road to mitigate the direct impacts of the development and to undertake works to access the application site. The specifics of such works will be controlled by condition and are detailed in the section below.

9.407 Financial payments within the S106 Agreement as identified above will be subject to indexation. These financial payments, along with the CIL liability of the development and the costs of S278 works to Wellesley Road are expected to be fully funded by the developer.

9.408 The Executive Director of Place shall have delegated authority to negotiate the detailed terms of the legal agreement outlined in paragraphs 9.388 – 9.413 of this report.

## **SECTION 278 WORKS SCOPE**

9.409 The below identifies the scope of the S278 works required to be undertaken by the applicant. These works would be controlled by condition. The items identified are less extensive than those required in connection with the 2014 planning permission. However, this is considered to be satisfactory provided that the Public Infrastructure Measures for the benefit of the COA as a whole are implemented. Matters that are due to be implemented via the Public Infrastructure Measures are set out separately below the S278 requirements.

### Wellesley Road

9.410 Submitted prior to commencement and implemented prior to opening for trade:

- New signalised site access junction, located between the northern extent of the underpass and Lansdowne Road
- New signalised site access junction, located opposite Sydenham Road
- 
- New road and footway layouts, including a new southbound right turn into the site opposite Sydenham Road
- Provision for trams including priority through the signals at Sydenham and Lansdowne Road junctions
- Re-profiling of the carriageway of the underpass as necessary
- Any necessary works to the side walls of the underpass to facilitate re-profiling.
- Enhanced provision for cycling through the provision of advanced stop lines
- Cycle parking
- Necessary amendments to signalised pedestrian crossings
- Accesses to the site
- New paving on western side of Wellesley Road and minor pavement works where there are interventions on the eastern side of Wellesley Road, carriageway surfacing and kerb alignments to existing standards.
- Provision of bus lanes, bus stops and bus shelters

9.411 The works to Wellesley Road are required to be carried out by the developer as they are works to the highway to enable access to the development by vehicles

### Dingwall Avenue

9.412 Submitted prior to commencement and implemented prior to opening for trade:

- New pedestrian and vehicular layouts

9.413 Submitted 24 months after commencement and implemented prior to opening for trade:

- Provision for taxi's, private hire vehicles and dial-a-ride
- Provision of cycle parking
- New hardsurfacing
- New street furniture
- Hard and soft landscaping

9.414 The works to Dingwall Avenue identified above are to be undertaken in accordance with an Access Management and Maintenance Agreement with the Council rather than under Section 278 of the Highways Act 1980.

#### Public Infrastructure Measures – Public Realm Works

9.415 The following public realm and highway works would be funded through the means described above in paragraph 2.9,) as Public Infrastructure Measures, as they would have a wider benefit to the COA as a whole. They are infrastructure measures that would assist in improving the flow of vehicles and pedestrians around the COA and would contribute to improving the visual amenity of the COA by resulting in public realm improvements.

#### Wellesley Road

- New signalised pedestrian crossing at the junction of Wellesley Road with Lansdowne Road
- The removal of the pedestrian subway under Wellesley Road at the junction with Lansdowne Road, ramp and stairs, including infilling
- New street furniture on the western side of Wellesley Road
- Hard and soft landscaping on the western side of Wellesley Road
- Lighting as required
- Signage as required

#### Park Lane, including Gyratory

- Removal of pedestrian subways, ramps and stairs, including infilling at the Park Lane Gyratory
- Any necessary works to the side walls of the underpass at the southern end of the southbound Park Lane slip road
- New highway and footway layouts, including amendments to the Gyratory
- Widening of the eastbound approach to the gyratory to provide a fourth traffic lane
- Widening of the northbound carriageway of Park Lane to provide two traffic lanes into the underpass
- Cycle parking
- Necessary amendments to signalised pedestrian/cycle crossings and new signalised pedestrian/cycle crossings across Park Lane at the southern end of the Gyratory
- New paving, carriageway surfacing and kerb alignments to existing standards
- Provision of bus lanes and bus standing

- New street furniture as required
- Hard and soft landscaping
- Lighting as required
- Signage as required

#### George Street

- Enhanced tram stop on George Street, including altering levels and removal/relocation of operational equipment.
- New street furniture as required
- Hard and soft landscaping (including repaving)

#### North End

- Hard and soft landscaping (including repaving)
- New street furniture
- Cycle parking

#### Poplar Walk

- New residential site access junction, located between North End and St Michael's Road
- Provision of coach drop off/pick up bay
- Retention of a service bay
- New vehicle and footway layouts (to include widening of the footway along the southern side of Poplar Walk) and extension of the contraflow cycle lane along its length
- New paving, carriageway surfacing and kerb alignments
- New street furniture
- Hard and soft landscaping
- Provision for cycling
- Repaving of footway
- Re-provision of service bay and taxi rank

#### Drummond Road

- Repaving of the eastern section of footway
- New road surfacing on the eastern section
- Lighting to the undercroft to Centrale

## **CONCLUSIONS**

9.416 Under the provisions of the Town and Country Planning (Mayor of London) Order 2008, the application is referable to the Mayor under Categories 1A (provision of more than 150 flats), 1B (erection of a building outside Central London with a total floorspace of more than 15,000sqm), 1C (development more than 30m high outside the City of London) and 3F (development, other than residential, which includes provision of more than 200 car parking spaces). This application is subject to referral to the Mayor of London before planning permission can be granted.

9.417 Paragraph 5 of Town and Country Planning (Consultation) (England) Direction 2009 sets out criteria that, if met, require a local planning authority to consult the Secretary of State before granting planning permission. A portion of the application site is classed as 'edge-of-centre' under adopted policy. This is notwithstanding the fact that this area becomes PSA through the changes to the boundary in CLP2 (and that this change has not been objected to during public consultation and is not subject to any main modifications). Therefore, until CLP2 is adopted, this application is subject to referral to the Secretary of State before planning permission can be granted.

9.418 For the reasons set out above, and taking into account all relevant policies and material considerations, including human rights and equalities, it is recommended that the Committee resolves to GRANT outline planning permission and approval of details of vehicular external access SUBJECT TO the matters specified in the recommendation in section 3. The details of the recommended decision and matters to be addressed are set out in the RECOMMENDATION.

## APPENDIX A – PLANNING HISTORY

- 60/1885/P Demolition of existing school buildings and erection of office, shops, restaurant, drive in bank, multi-storey garages and lock up garages. Outline planning permission granted in February 1962.
- 63/0171/P Erection of offices, shops, restaurant, multi-storey garage and car park. Permission granted in March 1963.
- 63/0584/P Erection of offices, shops, restaurant, multi-storey garage and car park. Permission granted in February 1963.
- 64/1578/P Erection of multi-storey car park and shops. Permission granted in August 1964.
- 85/01780/P Erection of additional shopping units and specialist food court, enclosure of open shopping areas, alterations to pedestrian circulation and external finishes. This was the first phase of the Whitgift Centre enclosure. Outline planning permission granted in December 1985.
- 86/01487/P Erection of additional shopping units and specialist food court, enclosure of open shopping areas, alterations to pedestrian circulation and external finishes. This was the reserved matters pursuant to 85/01780/P. Permission granted in September 1986.
- 91/02028/P Refurbishment and enclosure of open shopping areas to North End, south, north, east and west arcades and Whitgift Square, erection of four storey building within Whitgift Square comprising retail units and restaurant/café facilities, use of first floor of Rothschild House for retail purposes and erection of two storey extension to Southside of North End Court for use as retail and restaurant/café. Permission granted in February 1992.
- 92/01841/P Refurbishment and enclosure of Whitgift Centre between Rothschild House and North End to include the provision of additional floorspace for purposes within use classes A1 and A3, installation of new escalators, lift and stairs and provision of new entrance feature onto North End. Permission granted in January 1993.
- 93/00207/P Extension of basement area to provide retail/storage areas. Permission granted in April 1993.
- 95/00646/P Amendment to permission 91/2028/P and 92/0184/P to include extension of glazed roof area to south arcade mall, reduction in

height to roof lightwell parapets, new entrance canopy and 2 additional glazed signs to Bishops Court.  
Permission granted in July 1995.

01/02116/P Demolition of existing car park between office Blocks B and C on Wellesley Road and associated vehicular access ramp; erection of a five storey extension to the Whitgift Shopping Centre to provide new retail units and extensions to existing shop units at levels 0,1 and 2 comprising a total retail floorspace of 7830sqm, formation of new entrances to office Blocks B and C onto Wellesley Road; alterations to vehicular access and provision of access ramp to serve 255 parking spaces at levels 3 and 4; provision of associated servicing arrangements.  
Permission granted subject to a section 106 agreement in December 2004.  
This was not implemented.

12/1518/DT The Council issued a scoping opinion in July 2012 setting out its view of the matters to be covered in the environmental statement.

12/02542/P Mixed use development of the site through the demolition, alteration refurbishment and retention of existing buildings/structures and erection of new buildings/structures to provide a range of town centre uses including retail and related uses (use class A1-A5) leisure (use class D2) residential (use class C3) community facilities (use class D1) office (use class B1) open space and public realm; vehicular bridge links; alteration of existing and creation of new basements, underground servicing and multi storey car parking; alteration to existing and creation of new vehicular and pedestrian access into the site; utility and energy generation facilities; infrastructure and associated facilities together with any required temporary works or structures required by the development.  
Permission granted subject to a S106 Agreement on 5 February 2014.  
This has not been implemented.

12/02543/P Demolition of no 5 and no 9a George Street and no.s 2-30 North End but with retention of the building facades at no 5 and no 9a George Street and at no.s 2-30 North End; demolition of buildings at no 7 George Street and no.s 42, 44-46, 48-50, 52, 54 and 56 North End including walls and fences and part of the rear of no 34 North End/units 135-137 of Whitgift Centre; creation of basements beneath buildings at no.s 38-40, 94,108 and 114-126 North End and no 9a George Street  
Conservation area consent granted on 5 February 2014.  
This has not been implemented.

13/02536/P Continued use of part of former Alders store for purposes within class A3 (restaurant and cafe) and A5 (hot food take away); siting of extract ducting on frontage.

Permission granted on 2 May 2014.

13/02537/P Continued use of part of former Alders store for purposes within class A3 (restaurant and cafe) and A5 (hot food take away); siting of extract ducting on frontage.

Permission granted on 2 May 2014.

14/05321/DT Mixed use development of the site through the demolition, alteration refurbishment and retention of existing buildings/structures and erection of new buildings/structures to provide a range of town centre uses including retail and related uses (use class A1-A5) leisure (use class D2) residential (use class C3) community facilities (use class D1) office (use class B1) open space and public realm; vehicular bridge links; alteration of existing and creation of new basements, underground servicing and multi storey car parking; alteration to existing and creation of new vehicular and pedestrian access into the site; utility and energy generation facilities; infrastructure and associated facilities together with any required temporary works or structures required by the development (amendment to planning permission 12/02542/P)

Approved 28 January 2015.

This has not been implemented.

16/02968/DT Demolition of existing buildings; erection of shopping centre, leisure uses and residential accommodation with ancillary parking  
Approved scope of Environmental Statement on 26 July 2016.

#### Chapel Walk

14/02824/P Demolition of existing buildings; creation of enhanced entrance and mall environment

Permission granted 24 December 2014

#### Park Place

99/02350/P Demolition and partial demolition of existing buildings; erection of a four level department store fronting Katharine Street and High Street (on the site of 15-37 (odd) High Street and 1-14 Katharine House); erection of a three level shopping mall with internal mezzanine levels comprising approx 110 units (located between the proposed department store and the Whitgift shopping centre) comprising 75,069sqm of retail floorspace; 7567sqm of A3 (Food and Drink) and 4176sqm of ancillary office floorspace to include part closure of Park Street and St Georges Walk; part demolition, refurbishment and facade retention of no.s 2-38 and 3, 3a and 9a George Street; rebuilding of facade at 5-5a George Street on site of 7-7a George Street and retention of existing Alders facade on North End; construction of a glazed pedestrian bridge across George Street and section of mall below George Street; Erection of 5 level extension for office use to St George's House and extension of existing podium frontage on Park Lane; internal and external alterations to Segas House for use as offices with ancillary facilities to include installation

of glazed pedestrian link to St George's House and formation of courtyard square at rear; highway alterations including remodelling of existing roundabout at junction of Barclay Road and Park Lane, the pedestrianisation of High Street between George Street and Katharine Street to include the formation of a landscaped civic square, the closing off to traffic of part of Katharine Street with consequent landscaping; construction of a covered bus interchange between Katharine Street and Park Street; construction of a 10 level car park with basement level ingress from Smiths Yard and egress via a tunnel link onto Fell Road; provision of servicing areas in High Street and Dingwall Avenue.

Permission granted subject to a section 106 agreement in May 2004. This was not implemented.

99/02352/P Partial demolition of 2-14(even) 20-34 (even) and 3, 3a, 9a George Street involving retention of facades; demolition of remainder of buildings involving reconstruction of facade at 5-5a George Street on site of 7-7a George Street.

Conservation area consent granted August 2000.

This was not implemented.

01/0984/CA Demolition to the rear of 11-17 George Street; demolition of 29-31 Park Street and boundary features to the front of 15 Park Street.

Conservation area consent granted May 2002.

This was not implemented.

#### Bishops Court

00/01912/P Demolition and partial demolition of existing buildings including multi-storey car park in Dingwall Avenue; erection of a four level department store with basement, storage and servicing facilities (located between George Street and the Whitgift Centre); erection of two level shopping mall with mezzanine level (located between North End and the Whitgift Centre) comprising a total gross retail floorspace of 62,773sqm; part demolition, retention, refurbishment and relocation of facades at no.s 3-13 (odd) George Street and retention of Alders facade fronting North End; formation of entrance square in George Street; provision of 3 level car park above department store comprising 660 parking spaces, accessed via a ramp from Dingwall Avenue; provision of servicing facilities at basement level accessed via the Whitgift shopping centre and Dingwall Avenue; provision of parking facilities for the Almshouses and cycle bays in George Street and North End.

Permission refused April 2003.

00/1913/CA Demolition of parts of 3, 3a George Street; demolition of 5 George Street with the relocation of its facade to the site of 7 George Street; substantial demolition to the rear of 9a 11, 11a & 13 George Street.

Conservation area consent refused April 2003.

03/03064/P Demolition and redevelopment, with a gross floor area of 46,039sqm, to provide a new department store, two storey shopping mall and 9 flats, including alterations to the Dingwall Avenue car park to provide 529 parking spaces; retention of the North End 'Alders facade', demolition of 5-9 George Street and relocation of part of the George Street frontage; demolition of the rear parts of George Street buildings and alterations and relocation of the George Street tramstop (Bishop's Court at the Whitgift 2).  
Appeal contested and dismissed October 2005.

03/3063/CA Demolition of no 9 George Street partial demolition of 3,3a,5,7,9-13a George Street at rear buildings and relocation of facade of 5-7 George Street to the position of no 9.  
Appeal contested and dismissed October 2005.

#### Drummond Shopping Centre

98/02558/P Demolition of existing buildings and erection of 37,676sqm of retail floorspace, 1,323sqm of A3 (food and drink) floorspace and 2,991sqm of leisure use floorspace (bingo hall) in a multi-level building with pedestrian malls linking North End, Tamworth Road and the existing Drummond Centre Mall together with 990 public car parking spaces; alterations to and closure of existing public highways and footpaths and the formation of new roads and footpaths  
Permission granted subject to a section 106 agreement in August 1999.  
This was implemented.

#### Centrale Shopping Centre

11/00372/P Partial demolition of the existing building; erection of a three storey building with basement/mezzanine levels; alterations to the existing and use of the new units for mixed use purposes comprising D2 (assembly/leisure), A1 (retail), A3, (restaurants and cafes) and A5 (hot food take-aways); erection of new glazed roof over central link  
Permission granted subject to a section 106 agreement in November 2012.  
This has not been implemented.

## APPENDIX B – RELEVANT POLICY CONSIDERATIONS

### Consolidated London Plan 2015 (LP) (including MALP's):

- 2.13 Opportunity areas and intensification areas
- 2.15 Town centres
- 2.16 Strategic outer London development 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
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies (MALP)
- 5.21 Contaminated land
- 6.1 Strategic approach (to transport)
- 6.2 Providing public transport capacity and safeguarding land for transport

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking (MALP)
- Table 6.2 Residential car parking standards (MALP)
- 6.14 Freight
- 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.
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

Croydon Local Plan (CLP1): Strategic Policies 2013:

- SP1.2 Placemaking
- SP2.1 Homes
- SP2.2 Quantities and locations
- SP2.3-2.4 Affordable homes
- Table 4.1 Approach to providing affordable housing on individual sites
- SP2.5 Mix of homes by size
- SP2.6 Quality and standards
- SP3.1 Employment
- SP3.7-12 Town Centres
- SP4.1-2 Urban design and local character
- SP4.4 Croydon Opportunity Area
- SP4.5-6 Tall buildings
- SP4.7-10 Public realm
- SP4.11-14 Character, conservation and heritage
- SP6.1 Environment and climate change
- SP6.2 Energy and carbon dioxide reduction
- SP6.3 Sustainable design and construction
- SP6.4-5 Flooding, urban blue corridors and water management
- SP7.3e Green spaces
- SP7.4 Biodiversity
- SP8.4 Pattern of development and accessibility
- SP8.6-10 Sustainable travel choice

- SP8.12-14 Motor vehicle transportation
- SP8.15-16 Parking
- SP8.18-19 Efficient and clean movement
- Para 7.30 Opportunity Area Planning Framework

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

- SP28 Croydon Metropolitan Centre
- SH3 Locations for shopping development
- SH4 Retail vitality
- EP1 Control of potentially polluting uses
- EP3 Land contamination
- NC2 Specially protected and priority species and their habitats
- NC4 Woodland, trees and hedgerows
- H2 Supply of new housing
- UD1 High quality and sustainable design
- UD2 Layout and siting of new development
- UD3 Scale and design of new buildings
- UD4 Shopfront design
- UD5 Advertisements
- UD6 Safety and security
- UD7 Inclusive design
- UD8 Protecting residential amenity
- UD10 High buildings
- UD11 Views and landmarks
- UD12 New street design and layout
- UD13 Parking design and layout
- UD14 Landscape design
- UD15 Refuse and recycling storage
- UC2 Control of demolition in Conservation Areas
- UC3 Development proposals in Conservation Areas
- UC11 Development proposals on archaeological sites
- T2 Traffic generation from development
- T4 Cycling
- T5-6 Public Transport
- T8 Parking

CLP1.1 (emerging policy)

- SP2.2 Quantities and locations
- SP2.3-2.6 Affordable Homes
- SP2.7 Mix of homes by size
- SP2.8 Quality and standards
- SP4.13 Character, conservation and heritage
- SP6.3 Sustainable design and construction)
- SP6.4 Flooding, urban blue corridors and water management
- SP8.9 Sustainable travel choice

CLP2 (emerging policy)

- DM5 Development in Croydon Metropolitan Centre

- DM5.1 Vitality and viability
- DM5.2 Changes of use at ground floor
- DM5.3 Mixed use developments
- Table 5.2 Changes to boundaries and designations in the town centre
- DM9 Development in edge of centre and out of centre locations
- DM11 Design and character
  - DM11.1 Quality and character
  - DM11.2 Quality of public and private spaces
  - DM11.3 Historic street furniture
  - DM11.4 Residential amenity space
  - DM11.5 Communal residential amenity space
  - DM11.6 Protecting residential amenity
  - DM11.7 Design quality
  - DM11.8 Ceiling heights
  - DM11.9 Landscaping
  - DM11.10 Architectural lighting
- DM12 Shopfront design and security
- DM13 Advertisement hoardings
- DM14 Refuse and recycling
- DM15 Public art
- DM16 Tall and large buildings
- DM17.1 Promoting healthy communities
- DM18.1 Local designated views
- DM18.2 Croydon panorama
- DM19.1 Character, appearance and setting of heritage assets
- DM19.2 Proposals affecting heritage assets
- DM19.3 Listed buildings, scheduled monuments and registered parks and gardens
- DM19.4 Conservation areas
- DM19.5 Locally listed buildings
- DM19.6 Local heritage areas
- DM19.7 Registered and locally listed historic parks and gardens
- DM19.8 War memorials
- DM19.9 Archaeology
- DM20.3 Provision of new community facilities
- DM24 Development and construction
- DM25 Land contamination
- DM26.1 Flooding
- DM26.2 Flood resilience
- DM26.3 Sustainable drainage systems
- DM28 Biodiversity
- DM29 Trees
- DM30 Promoting sustainable travel and reducing congestion
- DM31 Car and cycle parking in new development
- DM33 Facilitating rail and tram improvements )

- DM40.1 Croydon Opportunity Area
- DM40.2 Masterplan for New Town and Retail Core
- DM40.5 Site allocations (Table 11.9; site 393)

There is relevant Supplementary Planning Guidance and draft Supplementary Planning Guidance (as indicated) as follows:

- The Opportunity Area Planning Framework (GLA and LBC supplementary guidance)
- SPG1 – Shopfronts and signs (LBC)
- SPG12 – Landscape design (LBC)
- SPG19 – Public Art (LBC)
- Housing (GLA)
- Accessible London: Achieving an inclusive environment (GLA)
- The control of dust and emissions during construction and demolition (GLA)
- Town centres (GLA)
- Sustainable design and construction (GLA)
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (GLA)
- Play and informal recreation (GLA)
- Planning for equality and diversity in London (GLA)
- Affordable Housing and Viability (Draft) (GLA)

There are relevant adopted Masterplans and Conservation Area Appraisals and Management Plans as follows:

- Central Croydon Conservation Area Assessment and Management Plan
- Conservation Area General Guidance

National Planning Policy Framework (2012)

National Planning Policy Guidance (2016)

Planning Obligations Guidance (2016)