

AGENDA ITEM: **8.1**

Application Number: Application Number: 02/3668/P; Land adjoining East Croydon Station, George Street (including 1 – 4 Station Approach), Dingwall Road (including the Warehouse Theatre and Wettern House) and Lansdowne Road, Croydon.

1. SUMMARY

- 1.1 The application seeks the demolition of existing buildings (including Wettern House, Warehouse Theatre, retail premises fronting Station Approach, storage and maintenance yards and Dingwall Road Multistorey car park) for the comprehensive redevelopment comprising an arena, public plaza and spaces, car rental franchise, offices, leisure and recreational facilities, retail, food retail restaurants and bars, residential (for sale and affordable) together with improvements to surrounding highways and public transport facilities, including a new pedestrian link to East Croydon Station, and provision for a potential future new platform to serve the arena, the construction of car parks, new and amended access and service roads, the partial closure of Lansdowne Road and landscaping (amended description).
- 1.2 Development Control Committee resolved to grant conditional planning permission for the above scheme on the 18 December 2003 and on the 10 February 2005 subject to:
- (a) Referral to the First Secretary of State under the 'Shopping Development' Direction 1993 .
 - (b) Referral to the First Secretary of State under the 'Departure' Direction 1999.
 - (c) Referral to the Mayor under the Town and Country Planning (Mayor of London) Order 2000.
- 1.3 This report updates members on
- a) the Mayors decision on the application.
 - b) the recommendations of the UDP Inquiry Inspector in relation to the Gateway Site.
 - c) The proposed modifications to the UDP agreed by the UDP Sub Committee and the UDP Cabinet Committee
 - d) The Inquiry into the Council's non-determination of the application for planning permission for a mixed office and housing scheme submitted by Croydon Gateway LP.
 - e) the Secretary of States decision to call in the application for his own determination.

2. RECOMMENDATIONS

That the contents of this report be noted by the Development Control Committee.

3. Mayors Comments on the Application.

- 3.1 The Mayor was consulted on the application during the course of its consideration by the Council. However, following the Council's resolution to grant conditional planning permission at Development Control Committee in February 2005 the application was referred to the Mayor (Greater London Authority) and the Secretary of State (SoS).
- 3.2 On 14th April 2005 the Mayor informed the Council that he did not wish to direct the Council to refuse the application.

4. UDP Inquiry and Modified Replacement UDP

- 4.1 In the summer of 2005 a Public Inquiry was held into the proposed Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan).
- 4.2 The Inspector published chapter 15A of his report following the inquiry in advance of the remainder of his report in July 2005. Chapter 15A deals with objections to policy LR4 (A New Indoor Arena for London and the South –East). The Inspector recommended that there should be two policies: one allowing for the development of Proposal Site P3 for a mixed use development including offices and housing and the other to allow for the inclusion of an arena and its enabling development as part of a mixed use development subject to tests of need and location.
- 4.3 The Inspector was not convinced that the level of certainty demonstrated at the time of the UDP inquiry that an arena would be built justified a policy which includes an arena as a pre requisite and therefore must exclude all schemes without one or that a scheme without an arena is intrinsically unacceptable on its own planning merits. In his view an office and residential scheme with careful policy criteria implemented through the development control process would meet the regeneration aims for the site and the wider town centre.
- 4.4 The Councils proposed modified policy in respect of the Gateway Site was presented to and approved by the UDP Sub Committee and the UDP Cabinet Committee on the 6th February 2006.
- 4.5 The proposed policy reads as follows:

“On the Croydon Gateway site shown on the Proposals Map, planning permission will be granted for a comprehensive mixed use development which regenerates and helps to re-brand and change perceptions of Croydon Metropolitan Centre as a modern centre capable of meeting future needs, provided that:

- *the scheme includes landmark buildings of high quality and originality;*

- *there is a high quality in the design and provision of public spaces throughout the site;*
- *the scheme includes offices and housing;*
- *at least 800 dwellings are provided;*
- *the scheme maximises the site's accessibility by public transport, cycling and walking and provides for and enhances pedestrian linkages to other nearby strategic sites within the Metropolitan Centre;*
- *the scheme facilitates or makes allowance for improvements to East Croydon Station and public transport services in the area;*
- *the proposal is based on a Master Plan for the development of the whole site. The Master Plan should include phasing proposals and demonstrate how the comprehensive development of the whole site will be secured;*
- *it can be demonstrated that the proposal is capable of development and completion within the time frame of this Plan.*

In order to help to lead the regeneration and re-branding of Croydon Metropolitan Centre, the Council's strong preference is for a comprehensive mixed-use development which incorporates an arena development capable of attracting major entertainments events. Planning permission will be granted for other forms of comprehensive mixed use development only if they demonstrate a similar ability to regenerate, re-brand and change perceptions of Croydon Metropolitan Centre as a modern centre capable of meeting future needs.

Conditions will be imposed or a planning obligation sought to address the following matters:

- *the provision of affordable housing;*
- *highway and access works and improvements including improved pedestrian links to the rest of the town centre;*
- *improvements to the capacity of East Croydon station and pedestrian links between the station and the site;*
- *safeguarding of part of the site for improved passenger access to East Croydon Station in accordance with a scheme of improvements or redevelopment for the station;*
- *the provision of local community facilities to meet the additional demands from the increase in residential population on the site;*
- *the timing of the start and completion of any enabling development in relation to the start and completion of the development it is intended to enable;*
- *the phasing and development programme in accordance with the agreed Master Plan.*

4.6 This policy therefore addresses the UDP Inspector's main concern with the original proposed LR4 policy i.e. the exclusion of any non-arena development. However, the modified policy expresses a "strong preference" for an arena led development and provides a requirement that development of the Gateway site should lead and contribute to the regeneration and rebranding the image of Croydon Town Centre.

4.7 The Council has published the proposed modifications to the Plan and given notice to objectors and those making representations. The UDP Sub Committee and the UDP Cabinet Committee will consider any objections and representations to the modifications before recommending the final text of Gateway Policy to be included in the Plan to be adopted by resolution of the Council at its meeting in June. It is possible there will be further changes to the text of the policy depending on the content of any further objections and representations.

5.0 **Croydon Gateway LP Application/Inquiry**

5.1 In March 2005 an appeal was received from Croydon Gateway LP in relation to application 04/4777/P on the basis that the Council had failed to determine the application within the statutory 16 week period for an application accompanied by an Environmental Statement. The application was for a development comprising:

Demolition of existing buildings(including Wettern House, Warehouse Theatre, retail premises forming Station approach and storage and maintenance yards) for the development of a 26 storey land mark office building and a further 3 office buildings ranging in height from 10 -14 storeys, residential development comprising 560 flats (Private, Affordable and Live work units) a replacement 200 seat theatre, ground floor café and restaurant uses, health and fitness club, landscaped public realm including a winter garden and associated parking

5.2 In July 2005 the Development Control Committee resolved to contest the appeal on a number of grounds.

5.3 Following this decision of the Council the appellants submitted significant amendments and revisions to the appeal scheme during the period from September 2005 up to the opening of the Inquiry in January 2006 to both the Planning Inspectorate and the Council in order to try and overcome the Council's reasons for contesting the appeal.

5.4 At the Public Inquiry it was considered that the amendments submitted by the appellants had largely overcome the Council's reasons for contesting the appeal and that the differences between the parties related to recommended conditions and the content of the proposed Section 106 agreement/unilateral undertaking. Therefore the Council chose not to present witnesses to the Inquiry.

5.5 The Secretary of State has advised the Council that his decision relating to this appeal is likely to be published in early June of this year.

6.0 Secretary of State's call in of the Arrowcroft application.

- 6.1 Whilst in April 2005 the Mayor confirmed that he did not wish to direct the Council to refuse the application, shortly after the Secretary of State issued a holding Direction preventing the Council from determining the application.
- 6.2 Following the findings and report of the UDP Inspector the applicant requested that the Secretary of State put the application in abeyance and commissioned further work to demonstrate the need for an arena to serve the region and sequential rests relating to the proposed retail element of the scheme.
- 6.3 The applicants then submitted the following reports to the Council and GOL:
- a) The Case for Arena Led Development at Croydon -Volterra Consulting Ltd October 2005.
 - b) Retail Impact Assessment – Comparison Goods Floor space – Prepared on instruction from Donaldsons by DPDS Consulting – October 2005.
 - c) Croydon Gateway – Review of retail need and Sequential Site Assessment, Final report – Donaldsons October 2005.
- 6.5 The findings of these reports support the provision of the arena and the enabling retail development on this site.
- 6.6 On the 14th March 2006 the Council received formal notification from the Government Office for London that the Secretary of State has now issued a Section 77 Direction referring the application to him for his own determination instead of being dealt with by the Council.
- 6.7 The letter states that it is the Secretary of State's policy to be very selective about calling in applications and that he will in general only take this step if planning issues of more than local importance are involved. The letter further states that it is the Secretary of States opinion that this application is one that he ought to decide himself because he considers that the proposal may conflict with national and regional policies on important matters.
- 6.8 The Secretary of State has decided that in order to consider all relevant aspects of this proposal that it would be appropriate to hold a Local Inquiry. The arrangements for this Inquiry have yet to be confirmed. Based on the information currently available to the Secretary of State he has advised the Council of the matters on which he particularly wishes to be informed for the purposes of his consideration of the application. These matters include;
- a) whether the proposal accords with his policy in PPG 13 Transport particularly with regard to:
 - i) the adequacy of conditions to ensure the necessary improvements to public transport were provided;
 - ii) promoting accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
 - iii) the impact of the proposals on traffic generation and overall travel patterns having regard to the desirability of achieving development that minimises the need to travel, particularly by private car; and
 - iv) promoting more sustainable transport choices.

- b) the extent to which the proposed development is consistent with his policies in Planning Policy Statement 6: Planning for Town centres-with particular regard to:
 - i) the degree to which the proposal would be accessible by a choice of means of transport, and specifically whether the proposal would have an effect on local traffic levels and congestion, after public transport and traffic management measures have been secured;
 - ii) whether need has been adequately demonstrated in terms of quantitative need for additional floor space for the proposed class of goods or services and whether there are any qualitative considerations;
 - iii) whether it has been demonstrated that a sequential approach has been applied in selecting the location for the proposed development, and specifically, whether the applicants have demonstrated flexibility in terms of the format, design and scale of their proposals, the amount of car parking, and the scope for disaggregation; and whether and sequentially-preferable alternative sites are available suitable or viable;
 - iv) the degree to which the proposal would have an impact on the existing centres; and
 - v) the degree to which other considerations, such as physical regeneration employment, economic growth and social inclusion, are material to this application;
- c) whether the proposal accords with his policies in PPG 3 Housing, particularly those on affordable housing and whether the proposal meets the housing requirements of the whole community, create mixed communities and a more sustainable pattern of development, and promote good design;
- d) whether the proposed development accords with the relevant provisions of Croydon's Unitary Development Plan adopted [1997 and 2nd deposit draft revision];
- e) whether the proposed development accords with the relevant provisions of the London Plan 2004 – Spatial Development Strategy for Greater London;
- f) whether any permission should be subject to conditions (in addition to that in a)i)) and if so, the form they should take; and
- g) any other relevant planning considerations.

7. Compulsory Purchase Order.

7.1 On the 20th March 2006 a report was presented to Cabinet with a recommendation to make a Compulsory Purchase Order for the Gateway Site because it is considered that ;

- (i) the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land; and

- (ii) the development, re-development or improvement is likely to contribute to the achievement of any one or more of the promotion or improvement of the economic social and environmental well-being of the borough of Croydon;

and for new rights including rights to oversail the adjacent land, under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 with cranes to facilitate the development re-development or improvement on or in relation to the Site shown on the CPO Plan;

- 7.2 At this Cabinet meeting it was resolved to make the CPO Order and authorised the Director of Planning and Transportation to determine the date of making the CPO.

8. Conclusion

- 8.1 This application has been the subject to detailed committee reports considering the proposal on two separate occasions. On both of these occasions the Development Control Committee has supported the proposal and resolved to grant conditional planning permission for this development.

- 8.2 The further material submitted by the applicant addresses the concerns raised by the UDP Inspector about the enabling retail development. The Volterra report supports how the diversity, vitality and distinctiveness of an arena led project has the similar ability to regenerate, rebrand and change market and public perceptions of Croydon town centre and attract visitors to the town centre.

- 8.3 It is therefore appropriate to update members of the Development Control Committee of the current status of this application. The application is likely to be considered back to back with an inquiry into objections to the CPO.

9. ENVIRONMENTAL CONSIDERATIONS

- 9.1 The Gateway Site is a key development site within Central Croydon which is crucial to the wider regeneration aims of the Town centre for an arena led based mixed use development. The proposal is supported by the Vision 20:20, the Community Strategy and the Replacement UDP.

- 9.2 The Arrowcroft planning application for the development of this site has been accompanied by an Environmental Statement. This considers the sustainability of the scheme with particular reference to impacts relating to socio-economic impacts, town and streetscape, visual impact, transport, soil and groundwater, ecology, archaeology, noise and vibration, air quality and microclimate.

10. EQUALITIES CONSIDERATIONS

- 10.1 It has been the long-standing policy objective of the Council that the development of the Croydon Gateway should be inclusive in every respect. A mixed-use scheme should provide an attraction to and provide benefits for all members of the community. The construction of any scheme will also need to facilitate access by everybody including disabled people and those with other mobility difficulties.

Case Officer: Nicola Townsend

Background Documents: Development Control Report 18/03/03
Development Control Report 10/02/05
Unitary Development Plan
Second Deposit Draft Replacement Unitary Development
Plan (the Croydon Plan)
UDP Inspectors Report.
2nd Deposit Draft Replacement Unitary Development Plan
for Croydon, The Croydon Plan, Incorporating proposed
Modifications, February 2006
CPO Report to Cabinet – March 2006

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