

**1 APPLICATION DETAILS**

Ref: 08/03821/P  
 Location: Land adj East Croydon Station, Cherry Orchard Road (including part of Billinton Hill), 1-5 Addiscombe Road, 7-35 & 40-60 Cherry Orchard Road & 1-48 Cherry Orchard Gardens, Croydon.  
 Ward: Fairfield  
 Description: Demolition of the existing buildings; redevelopment to provide a mixed use development with provision of associated car/cycle parking and servicing at basement level/s. Outline application comprises 307 flats and 42,228m<sup>2</sup> of floor space for use within classes A1/A2/A3/A4, B1(Offices) in 1 twenty-seven and 1 thirty-seven storey building; formation of vehicular access, basement and open space. Full application comprises 735 flats with amenity space, 4039m<sup>2</sup> of floor space for use within classes A1/A2/A3/A4, D1/D2, Sui Generis/B8 in 5 buildings of two, six, seven, twenty-seven and fifty-one storeys with basements; formation of vehicular accesses onto Cherry Orchard/Oval Road; provision of open public space.

Drawing No.: PA0001, PA0002, PA0010 PA0100, PA0200, PA0201, PA0202, PA0203, PA0204, PA0205, PA0300, PA0301, PA0302, PA0303, PA0304, PA0305, PA0306, PA0307, PA1096, PA1097, PA1098, PA1099, PA1100, PA1101, PA1102, PA1103, PA1200, PA1300, PA1301, PA1302, PA1303, PA2300, PA2301, PA31 00, PA3101, PA3102, PA3103, PA3300, PA4100, PA4101, PA4102, PA4103, PA4104, PA4105, PA4106, PA4107 PA4300, PA5100, PA5101, PA5102, PA5103, PA5104, PA5105, PA5106, PA5107, PA5108, PA5109, PA5110, PA5300, A6100,PA6101, PA6102, PA61 03, PA6104, PA6105, PA6106, PA6300, PA7099, PA71 00, PA7101 PA7102, PA7103, PA7104, PA7105, PA7106, PA7107, PA7108, PA7200, PA7201, PA7202, PA7300, PA7301, PA7302, PA8100, PA8150,

51-R-05; 51-R-06; 51-R-07;  
 666\_LAN\_DET/010 00 ,011 0, 01200, 01300, 01400, 01500, 01600, 01700, 01800, 019 00, 020 00, 02100, 2300, 02400, 2500, 02600, 02700 02800, 001 00, 00800001, 00200, 00800, 0090100, 0090200, 0090300, 0090400, 009050, 00090600, 000700, 0100100,

0100200, 01300, 01400, 00200, 00300, 00400, 00500,  
00600, 00700

Applicant : Menta Croydon Ltd

Case officers: N Townsend/S Albrecht

- 1.1 The application is being report to Committee because the development is above the size threshold contained in the scheme of delegation, representations above the number set out in the scheme of delegation have been received and it was referred by Councillor Gerry Ryan.

## **2 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

Land uses

- 2.1 London Plan Policies 2A.5 and 5E.2 identify Croydon as an Opportunity Area. Policy SP28 of the Unitary Development Plan states that the Council will encourage the regeneration of Croydon town centre as a Metropolitan Town Centre capable of accommodating a substantial number of new jobs, homes and new facilities. The proposed office and residential uses are therefore in principle acceptable.
- 2.2 It is intended that a mix of private, intermediate and social rented units would be provided on site consisting of 85% private, 10.5% intermediate and 4.5.% social rent. In order to achieve 35% affordable accommodation a total of 793 habitable rooms would have to be provided off site. The principle of providing a proportion of the larger affordable housing units in more family appropriate off-site locations is acceptable. The applicant's contention that only 35% affordable housing can be provided by the development is not supported by an independent financial assessment of the scheme. The failure to achieve more is therefore contrary to London Plan Policy 3A.10 and UDP policy H13
- 2.3 2,467sm of retail floor space is proposed. The London Plan states that the Mayor will seek to sustain and enhance the vitality and viability of town centres. In the absence of information to demonstrate there is a need and no harm to the Metropolitan Centre the development would be contrary to London Plan policy 2A.8.

Visual appearance

- 2.4 The form of the individual buildings is imaginative, unusual and complex and would be unique to Croydon. However, within the context of this edge of town centre location and the contrasting form of development to the east it is too large. In effect the towers and to a lesser extent the lower rise parts of the development would dominate the area. The general similarity in form between all of the buildings leads to an overwhelming and monolithic effect. The

proposed canopy to link Buildings A-D comprises a very weak feature. Overall the development would be contrary to London Plan policy 4B.10 and policies SP3, UD2, UD3 and UD10 of the Unitary Development Plan.

- 2.5 Although attempts have been made to make the scheme permeable the connections are not in the right places. The proposed connections are inadequate in their dimensions. The development would therefore be contrary to Policies 4B.1 and 4B.10 of the London Plan and UD12 of the UDP.
- 2.6 Overall within the actual application site there is a lack of meaningful public open space and soft landscaping. The proposed landscaping scheme does not relate well to the proposed buildings this would thereby be contrary to London Plan policy 4B.10 and policy UD14 of the UDP.
- 2.7 The development would result in the loss of all of the trees on the corner of Oval Road and Cherry Orchard Road and the 2 Horse Chestnut trees in the rear gardens of the Oval Road properties. However, this has to be weighed against the regeneration benefits of the scheme, which are substantial, and potential for new tree planting in the private and public realm. On balance a reason for refusal based on the loss of these trees would not be reasonable.

#### Local impact

- 2.8 Due to the heights of Buildings A-D there would be overlooking into the gardens of adjacent properties over a wide area. However, the Council has previously granted planning permission for tall buildings in similar circumstances. The nearest residential properties that would face the towers are in Colson Road and the outlook from these would be worsened. Buildings E-F situated directly to the rear of two properties in Oval Road and visible from the front of houses and flats on the opposite side of the street would also have an adverse effect on outlook. This would be contrary to London Plan policy 4B.10 and UDP Policy UD8.

#### Amenities of future occupiers

- 2.9 The floor areas of the proposed units would be adequate and similar to those considered to be acceptable by the Council.
- 2.10 London Plan policy 30.13 sets out that developments which include housing should make provision for play and informal recreation. In this instance the scheme achieves 1,585sm of multi sports courts and informal play areas which is adequate.

- 2.11 The proposal would provide 1,428sm of community floorspace which is considered to be adequate and in compliance with UDP policy CS3 and London Plan Policy 3A.18.

#### Designing out crime

- 2.12 Many issues related to deterring crime could normally be dealt with by conditions. In this instance the proposed pocket park and pedestrian route to it from Cherry Orchard Road would not be sufficiently secure to deter crime. This would be a security risk and thereby contrary to London Plan policy 4B. 6 and UDP policy UD6.

#### Environment

- 2.13 Within the vicinity of the application site locations were assessed with regard to existing and proposed wind conditions including parts of East Croydon railway station. All public locations were found to be suitable for purpose except the entrance to Building A, which could be dealt with by landscaping, and parts of the station platform. However, the effects on the station were not severe. The scheme would be in compliance with London Plan policy 4B.10

- 2.14 The submitted Flood Risk Assessment shows that the area is at low risk of flooding. In order to meet the Mayors targets for a 50% reduction in water run off from land the development itself would make use of green roofs, rainwater harvesting and underground water storage. It could result in a small increase in NO<sub>2</sub> concentrations. The applicants were offered a choice of introducing a Low Emission Strategy for the site or contribute to an Air Quality Fund to finance the Council's Air Quality Action Plan. This would normally be dealt with by a legal agreement and is in accordance with London Plan policy 4A.3.

#### Sustainability

- 2.15 Whilst the GLA have expressed some concerns regarding the sustainability of the development with regard to London Plan policy 4A.3, the developers are committing to Code for Sustainable Homes level 4 and BREEAM 'Excellent' as well as achieving a 21.85% reduction in CO<sub>2</sub> emissions by low carbon technology. The CO<sub>2</sub> emissions from the buildings are reduced by the use of gas-fired CHP and a biomass boiler. This would be acceptable.

#### Transport/parking

- 2.16 The Council and TfL consider that the level of public transport trips likely to be generated by the site and presented in the submitted Transport Assessment are not realistic and subsequently underestimate the impact of the site on the transport network. The failure to properly address this issue is contrary to London Plan Policy 3C.2 and UDP policies T2 and T5.

- 2.17 The development involves alterations to the public highway and a private highway. Despite extensive discussions with the applicants highway consultants various issues have not been resolved. The scheme is therefore not satisfactory and is contrary to Policies 3C.16, 3C.21 of the London Plan and policies SP14, UD12, UD13, and T3 and of the Unitary Development Plan
- 2.18 The proposed car parking provision of 373 spaces is in line with the London Plan standards and an adequate number of disabled parking spaces are proposed.

Other issues

- 2.19 During negotiations with the applicants it has not proved possible to agree an acceptable method of securing necessary planning obligations. Without this the development would not be acceptable and is contrary to policies relating to transportation, highways, employment, and public health; these are 3C2-3, 3C17, 3C.20, 3A.23-24 4A.19 of the London Plan and UDP policies S14, T2, T3, T5, CS3 and EP1,

### **3 RECOMMENDATION**

- 3.1 That the committee resolve to REFUSE planning permission for the reasons stated below plus any other reasons considered necessary by the Director of Planning and Building Control :
1. The Council is satisfied that development could support more affordable housing than the 35% proposed. The application is therefore contrary to London Plan Policy 3A.10 and Unitary Development Plan policy H13
  - 2 The application has not demonstrated that that the proposed amount of retail accommodation is necessary and will not harm the viability and vitality of the Metropolitan retail centre. It is thereby contrary to Policy 2A.8 of the London Plan.
  - 3 The proposal would represent an overdevelopment of the site and due to the similarity between all the buildings would have a significant adverse visual impact, particularly on views from within the adjacent low-rise residential area. The application is thereby contrary to policy 4B.10 of the London Plan and policies SP3, UD1, UD2, UD3 and UD10 of the Unitary Development Plan.
  - 4 The development fails to provide a permeable public realm with satisfactory pedestrian and vehicular linkages. It is thereby contrary to London Plan policies 4B.1 and 4B.10 and UD12 of the Unitary Development Plan

- 5 The proposed development would have an adverse effect on the amenities of adjacent occupiers in Oval Road and Colson Road due loss of outlook and dominance thereby contrary to London Plan policy 4B.10 and polices UD8 of the Unitary Development Plan.
- 6 The proposed pocket park and pedestrian route to it from Cherry Orchard Road would not be secure enough in its discouragement of crime. This would be a security risk and contrary to London Plan policy 4B.6 and Unitary Development Plan policy UD6
- 7 The submitted Transport Assessment does not provide adequate information to assess the development's impact on the public transport and highway network and to determine the necessary ameliorating measures. The application is thereby in conflict with policy 3C.2 of the London Plan and policies SP14, T2 and T5 of the Unitary Development Plan.
- 8 The design and layout of access roads, parking and servicing areas, pedestrian routes, gates and canopies would not be safe, adequate and appropriate for the development and would not cater for adequate manoeuvring areas. It would thereby conflict with Policies 3C.16, 3C.21 of the London Plan and policies SP14, UD12, UD13, T3, T10 and T11 of the Unitary Development Plan
- 9 Within the application site there is a lack of meaningful public open space and soft landscaping and the proposed landscaping scheme does not relate well to the proposed buildings, this would be contrary to London Plan policy 4B.10 and policy UD14 of the UDP.
- 10 In the absence of an appropriate means to secure necessary planning obligations the application is not acceptable and would be contrary to policies relating to transportation, highways, employment, and public health; these are 3C2-3, 3C17, 3C.20, 3A.23-24 and 4A.19 of the London Plan and UDP policies S14, T2, T3, T5, CS3 and EP1.

3.2 That the Committee confirms that it has taken the environmental information into account as required by Article 22(2) of the Town and Country Planning (General Development Procedure) Orders 1995 (as amended).

## 4 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 This is an application for the demolition of buildings and the redevelopment of two areas of land by the erection of seven buildings to provide 40,321sm (Gross internal floor area) of office floor space, 2,467sm (GIFA) of retail floor space, 1,338sm (GIFA) of community/leisure accommodation, 2,141sm of Delivery Office, 1,042 flats, a small public park and parking accommodation for 373 vehicles. The application was accompanied by an Environmental Assessment.
- 4.2 The application has been submitted in a hybrid form – partly outline and partly full. The outline aspect only relates to the ‘appearance’ of two proposed buildings immediately to the north of Addiscombe Road and within the southernmost part of the application site. The applicants have stated that the reason for this is to allow the latter stages of the development to respond to market conditions or other influences such as the final detailing of the office building which will depend on the tenant/occupiers requirements at the time. It also allows flexibility to take account of any future proposals for the development of East Croydon Railway Station.
- 4.3 For ease of reference the application site can be divided into two distinct areas – Area 1 on the western side of Cherry Orchard Road and extending north from Addiscombe Road and Area 2 located on the eastern side of Cherry Orchard Road to the north and east of the junction with Oval Road.
- 4.4 Within Area 1 on the western side of Cherry Orchard Road it is proposed to erect four buildings of 22 to 45 storeys with heights of between 96m and 171m.
- 4.5 Building A, the southernmost building, would comprise 24 occupied storeys with an overall height of 109m. It would be used for retail purposes (A1 – A4) on the ground floor with offices above.
- 4.6 Building B, located to the immediate north of Building A would comprise 32 occupied storeys with an overall height of 128m. It would be used for retail purposes (A1-A4) on the ground floor with 307 flats above comprising 30 studio, 163 one bedroom flats and 114 two bedroom flats. The floor areas of the units would range from 30.8 to 116.38sm. All would have small balconies.
- 4.7 Buildings A and B would occupy the part of the application site that is in outline form.
- 4.8 To the north of Building B Billinton Hill would provide access from Cherry Orchard Road to a taxi waiting and collection area located parallel with the existing railway tracks (this area is not within the application site).

- 4.9 To the north of Billinton Hill would be the podium of Buildings C and D. The podium would provide community/leisure facilities, retail/leisure accommodation, plant rooms and entrances to the flats above.
- 4.10 Building C would comprise 45 occupied floors with an overall height of 171m. At ground floor level would be retail accommodation. Above the podium it would contain 442 flats comprising 56 studios, 233 one bedroom flats and 153 two bedroom flats. The floor areas of the units would range from 30.1 to 116.5sm. All would have small balconies.
- 4.11 Building D would comprise 22 occupied floors with an overall height of 96m. At ground floor level would be plant rooms and community floor space. Above the podium it would contain 199 flats comprising 16 studios, 101 one bedroom flats and 82 two bedroom flats. The floor areas of the units would range from 30.1 to 117.3sm. All would have small balconies.
- 4.12 Buildings A-D would be linked by an extensive canopy that would partly project over the existing footway in Cherry Orchard Road. The applicants have described the area between Buildings A and B as a plaza due to the presence of retail units, walkways and landscaping.
- 4.13 Vehicular access to the 3 basement levels below Buildings A-D would be off Cherry Orchard Road at the northern eastern corner of this part of the application site.
- 4.14 The external appearance of Building A is a 'Reserved Matter' and not for consideration at this time. The design of the Buildings B, C and D has been described by the applicants as 'crystalline' in form made up of a series of angular geometrical facades culminating in asymmetrical apexes. The principal external facing material would be anodised aluminium with a natural finish. Windows and balconies would be recessed into openings with their reveals coloured on a random basis.
- 4.15 Within Area 2 on the eastern side of Cherry Orchard Road it is proposed to erect 3 buildings of 1 to 7 storeys with heights of between 11m and 42m to the top of the roof structures.
- 4.16 Building E would comprise basement, plus 7 storeys. It would have a maximum height of 42m. The ground floor would include retail accommodation and community/leisure uses. The upper floors would contain 58 flats for intermediate ownership. These would consist of 25 one bedroom, 27 two bedroom, 6 three bedroom flats. The floor areas of the units would range from 46.63 to 82.3sm. All would have access to private balconies. The roof of the building would be available for amenity purposes by the occupiers.
- 4.17 Building F would comprise basement plus 6 storeys. It would have a height of 37m. The ground floor would include community leisure uses. The upper floors would contain 36 flats for social rent, consisting of 12

one bed, 13 two bed 10 three bed and 1 four bed flats. The floor areas of the units would range from 45 to 118.1sm. All would have access to private balconies. The roof of the building would be available for amenity purposes by the occupiers.

- 4.18 Extending across the roof of blocks E and F would be a metal framework supporting an extensive metal mesh above the roof top amenity areas.
- 4.19 The foot print of Buildings E and F would be curved following the line of Cherry Orchard Road. The external facing materials of the buildings would be anodised aluminium. Projecting from the front and rear elevations would be encased balconies. These are shown in a variety of colours.
- 4.20 Building G would comprise basement, ground and first floors with a maximum of height of 11m. It would provide warehouse/delivery office accommodation with a loading bay accessed from Cherry Orchard Road. The external facing materials would be as used elsewhere on the development. It is the applicants intention to relocate the existing Delivery Office on the corner of Addiscombe Road and Cherry Orchard Road into this building.
- 4.21 Vehicular access to the basement of Buildings E, F and G would be from Oval Road. The basement would contain an energy centre for the entire development and parking for both residents and post office staff.
- 4.22 To the rear of Buildings E and F would be a first floor amenity area with a depth of between 3.8 and 8m. This would provide private space for the flats at this level. Beyond this at ground floor level a new landscaped park would be provided for the use of the occupiers of the development and the local community. It would contain childrens play equipment.
- 4.23 A total of 373 parking spaces are proposed - 76 commercial and 297 residential. 336 spaces would be situated at basement level beneath buildings A – D and a further 37 at basement level beneath Buildings E –G. Excluding loading bays the Delivery Office would have 25 basement parking spaces. 1,401 cycles parking spaces are proposed for the entire development.
- 4.24 The submitted Phasing Plan states that the development would commence with Buildings E, F, G working northward to Buildings A and B. The construction process would take approximately four and a half years.
- 4.25 The applicants have proposed a 'Masterplan Vision Area' that covers land not only within the application site but includes the western part of Billinton Hill, Oval Road and Addiscombe Road. Within the area between the application site and the station they have suggested a reorganisation of the access and egress arrangements for taxis and

other vehicles calling at East Croydon Railway Station. Other improvements include some alteration to the highway and tree planting with the surrounding road and schools.

- 4.26 As part of the scheme the applicants have agreed to enter into a Section 106 Legal Agreement regarding the following:

- Affordable housing on and off the site
- Sustainable transport
- Highway works
- Travel plan
- Health facilities
- Library facilities
- Open Space
- TV reception studies
- Phasing
- Local employment
- Vision 2020
- Landscaping/public realm works
- Skyline
- Public Art
- Off site material consolidation centre
- Restriction on parking permits for residents of the scheme

### **Site and surroundings**

- 4.27 The application site comprises two areas of land totalling approximately 1.6ha.
- 4.28 Area 1 (1.02ha) is located on the western side of Cherry Orchard Road. It is roughly rectangular in shape. It is occupied by a 6/7 storey 1960's post office sorting office, a two storey public house (The Porter and Sorter), a 7 storey 1970's vacant office building and a car park.
- 4.29 To the south, Area 1 is bounded by Addiscombe Road (NLA Tower roundabout) and to the west by Billinton Hill beyond which is East Croydon Railway Station. To the northwest the site abuts Network Rail land.
- 4.30 East Croydon Railway Station is a large single storey modern glass and steel structure located to the west of the application site on the opposite side of Billinton Hill. In front of it is a tramstop. Further to the west of the station is a large vacant area of land (The Gateway site) and office buildings located within the core of central Croydon. To the northwest on the opposite side of the of the railway land are commercial and residential uses in Lansdowne Road.
- 4.31 To the north are a private car park and modern office building. To the north east on the opposite side of Cherry Orchard is Area 2 of the current application site. Also to the east are three 1960's office

buildings. Beyond these are residential areas characterised by two storey late Victorian terraced houses.

- 4.32 To the south is the NLA tower office building and a bus station, beyond which are further office buildings, a hotel and residential properties.
- 4.33 Area 2 is a curved shaped area of land located on the eastern side of Cherry Orchard Road, it has a second frontage onto Oval Road. The western part of Area 2 is occupied by three 4 storey Edwardian residential buildings that are now vacant. The eastern part is occupied by a variety of single storey buildings used for food processing.
- 4.34 To the south of Area 2 are mainly 2 storey Victorian terraced houses. To the east is a two storey office building and to the south east is the Oval Road Primary School. On the opposite side of Cherry Road is: a car park, a block of flats and a public house.
- 4.35 On the corner of Oval Road a Cherry Orchard Road is a small area of public space containing several mature trees.

### **Planning History**

- 4.36 There have been several planning applications on the application site. The following are most relevant.
  - 44-60 Cherry Orchard Road
- 4.37. 0703034/P In November 2007 the Planning Committee resolved to grant outline permission for demolition of existing buildings; provision of 2,288sqm of sui generis/B8 floor space, with 46 parking spaces for the collection storage and distribution of parcels and letters. This application is awaiting completion of a Section 106 Legal Agreement.
  - 01/00473/P On 2/10/07 planning permission was granted for the demolition of existing buildings; erection of 2 five/six storey buildings comprising 22 one bedroom and 33 two bedroom flats; Formation of vehicular access and provision of 23 parking spaces at basement level. This permission is extant.
- 4.37. Site of the Porter and Sorter PH, Cherry Orchard Road/Billinton Hill
- 4.37. There have been several planning permissions on the site of the Porter and Sorter to erect an office building of 4,275sqm the last of which was in 1989.
- 4.38 In 2008 it was resolved not to place a Tree Preservation Order on the group of Plane trees located on the corner of Cherry Orchard Road and Oval Road.
- 4.39 The Gateway site (to the west of E Croydon Railway Station).
  - 04/04777/P In June 2006 planning permission was granted on appeal for the redevelopment on land on the western side of East Croydon Railway Station. The scheme consisted of demolition of existing

buildings, erection of a 26 storey land mark office building, 3 other office buildings ranging in height from 10 -14 storeys, residential developments of 11- 31 storeys comprising 560 flats 200 seat theatre, café and restaurant uses, health and fitness club, landscaped public realm and 655 parking spaces. ( Extant).

## 5 CONSULTATION RESPONSE

5.1 The views of the Planning & Building Control Directorate are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 The following were consulted regarding the application:

### **Greater London Authority/ Transport for London (Statutory Consultee)**

5.3 The Mayor of London was consulted and responded on 7<sup>th</sup> January 2009 in the form of a stage 1 report. London Plan policies on mixed use, opportunity areas, housing design play space, access energy climate change adaption transport, employment and news are relevant to the application. The application complies with some of these policies but not with others. The GLA have made the following comments:

#### Housing:

- Insufficient information provided regarding the affordable housing.
- Off site provision lacks larger family units
- Discussion is required regarding the Three Dragons Assessment
- On site affordable units are not to the same standards as the private and intermediate units.
- Additional information on the off site affordable housing offer including locations, off site mix is required.

#### Design

- Generally achieves a high standard of design
- Concerns regarding the design of the pocket park and the sacrificial land adjacent to building D. Opportunities for natural surveillance should be explored.

#### Access

- The number of blue badge car parking spaces should be increased.

#### Energy

- Clarification is sought as to the modelling software that has been used to calculate baseline emissions for the residential units.
- Has the Combine Heat and Power System been sized to maximise benefits
- How is cooling to be provided for phases 1 and 2

#### Transport

- Further information on a variety of transport matters has been requested including impact of the development on the highway and public transport network, construction management, pedestrian and cycle linkages, and mitigation measures and financial contributions within the Section 106 agreement.
- Car parking provision should be reduced preferably to a car free development.
- Car club is supported as is preventing the occupiers from obtaining on street parking permits
- Car park management plan should be produced and secured
- The proposed layout of Billinton Hill does not address taxi needs
- The cumulative impact of town centre development on all Public Transport modes should be addressed.
- Mitigation measures towards rail improvements to East Croydon station should be addressed.
- TFL would encourage the applicant to explore the provision of standing space for buses.
- Provision of a detailed travel plan is welcomed. However, in its current form it is not acceptable.

#### Noise

- More suitable noise mitigation measures for habitable rooms should be incorporated.
- Habitable rooms should be re-orientated away from noise sources.

#### Employment

- Local training and employment initiatives should be secured through Section 106 agreement.

### **The Commission for Architecture and the Built Environment (CABE)**

5.4 CABE were consulted at the pre application stage and on submission of the application. They have commented:

- This is a significant site in Croydon and we broadly welcome many of the design principles.
- The string of crystalline towers is potentially successful. But we are disappointed at the limited amendments to the scheme.
- The northern part of the site needs to be resolved and the public realm and the towers require further consideration.
- We support a public square between East Croydon Station and the site. But its design could feel like “back of development”. The landscape design does not give a sense of place.
- The site is suitable for tall buildings. But the hybrid nature of the application is disappointing. We are not convinced that the design quality of the 2 outline buildings will be consistent with the remainder of the scheme.
- How has the townscape analysis informed the design.

- The wind and daylight studies have not adequately influenced the design of the public realm, site organisation and building form.
- The success of the buildings will depend upon quality of materials and detailing of the development. The Affordable Housing block does not respond well to the existing 2 storey terraces or the proposed towers. The large footprint, height and roof form has led to a bulky building which may be overbearing.
- The mesh covering are an unnecessary addition
- Block E and F are detached from the main site and should have a distinct identity.
- Block E and F have a predominance of single aspect units and the quality of this accommodation could have been improved.
- The Pocket park is cut off from the development and has limited natural surveillance.
- The form of the canopy is a strong concept however; its relationship with the towers has not been developed from the concept stage.
- Welcome the aspiration to achieve Code for Sustainable Homes Level 4.
- This is a promising scheme but the application does not address concerns previously expressed by CABE.

### **Post Office**

5.5 The Post Office is part of the application site they have commented:

- The facility at 1 Addiscombe Road is vital to the Royal Mails operational efficiency and service obligations.
- The application only addresses the relocation of one delivery office (which is inadequate) not all three which are located at this site.
- The design of the new delivery office is unacceptable. It is too small to meet current and future requirements and insufficient parking is provided.
- Vehicle access is inadequate. A dedicated exclusive road access for operational and security reasons.
- The parking for the Royal Mail operational vehicles is not separate from those for the residential units.
- It is not clear whether it will be possible for the Sorting Office to operate on a 24 hours basis.
- It should be noted there is no commercial relationship or agreement between the Royal Mail and the applicant.

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

5.6 Natural England welcomes and supports the provision of a new public park and the provision of recreation/green/brown and biodiverse roofs on buildings E – G, and the provision of grey water recycling facilities. They do not object to the proposal.

### **The Environment Agency**

- 5.7 The Environment Agency has confirmed that it does not object to the proposal subject to the inclusion of appropriate conditions regarding surface water drainage, green roofs and land contamination.

### **The Crime Prevention Design Advisor**

- 5.8 The CPDA has commented :
- Secured by design principles should be applied and secured.
  - Lighting should meet British Standard BS 5489.
  - Defensible space with natural surveillance should be provided.
  - The covered walkways, streets and plazas must offer necessary activity and open straight pedestrian routes.
  - The Pocket Park requires review and the tunnel access path between the post office and block F should be removed.
  - A 24 hour concierge service or a good quality access control system with video recognition should be provided. Recessed doors should be avoided.
  - CCTV would be appropriate in the car park, public thoroughfares and main access points and be constantly monitored.
  - The car park access should be controlled by automatic gates or shutters.
  - The car parks should achieve the Park Mark Accreditation.
  - Careful consideration of access control and parking areas of building G is required.

### **Metropolitan Police Authority**

- 5.9 A representation has been submitted on behalf of the Metropolitan Police Authority. The development should include a police related facility with a floorspace of at least 125sqm to accommodate a safer neighbourhood base team. The whole development should comply with Secure by Design Principles.

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

- 5.10 The London Fire and Emergency Planning Authority have provided advice of what a full Fire Strategy should contain.

### **English Heritage (Statutory Consultee)**

- 5.11 English Heritage (Archaeology) has stated that the on going archaeological issues with the site can be progressed by the application of a suitable programme of trial trench evaluation. If geo technical field study is to take place prior to determination such work should be combined with the intended archaeological field work. A suitable specification of work would need to be approved prior to work being undertaken on site. However, if this work is to be undertaken

post determination an appropriately worded condition has been recommended.

- 5.12 English Heritage (Historic Buildings) have stated that the application should be determined in accordance with national and local policy and local conservation advice.

### **The Health and Safety Executive**

- 5.13 The Health and Safety Executive have stated that they have no observations on the proposal, but confirm that they will monitor the construction work on site if planning permission is granted.

### **Network Rail**

- 5.14 Network Rail has stated that they are contributing to the work of Croydon Council towards a regeneration strategy. They have advised:

- Network Rail objects to the application but will remove the objection when satisfactory binding arrangements enforceable by Network Rail are in place
- Dialogue between the applicant and Network Rail has only been of a conceptual nature.
- The existing station concourse capacity at certain times is insufficient.
- Without substantial improvement East Croydon will be subject to frequent station closures. To prevent this the developer should help to fund Station improvements through a Section 106 agreement.
- The stations location between the Menta and Ruskin Square developments is likely to have an adverse impact on the station environment including wind tunnelling.
- The height and volume of this proposal will diminish the stations role as a Gateway to Croydon.
- Limited amount of public realm increases the sense that the station is an immovable barrier.
- The set down and pick up arrangements by car have been removed.
- Increased track capacity enhancements are necessary and safeguarding of land adjacent to the station and tracks are required.

A second representation has been received from network Rail advising the following:

- In order to mitigate the impacts of the development on concourse capacity an increase in the number of tickets gates (particularly to the East of the Station would be required to meet the demand from this proposal).
- As a result of this development remodelling of the ticket office will be required to provide the additional gates.

- Network Rail's preferred solution would be to extend the ticket office to east (towards the taxi rank). Network Rail is currently undertaking a Master planning exercise to consider options for the station.
- NR has confirmed that they do not wish to maintain the objection to the scheme on the grounds of wind effects on the station.
- The redevelopment of East Croydon Station is a vital component to meeting the needs of passengers but it also has to fulfil a regenerative ability to link all the strategic development sites together.
- Menta propose changes to the taxi rank. NR do not wish to make changes to this area without reference to the future master plan for the East Croydon Area.

### **Defence Estates**

- 5.15 Defence Estates has confirmed that the site lies outside Ministry of Defence Safeguarding areas and therefore has no objection to this proposal

### **The Civil Aviation Authority (Statutory Consultee)**

- 5.17 The Civil Aviation Authority has made general comments on the proposal.

- The operator/licensee of Biggin Hill and London City Airports should be provided with the opportunity to comment on the proposals.
- There would be a need for an aviation warning light.
- If the development exceeds 300 feet, it will need to be plotted on aviation maps and the information provided to the Defence Geographic Centre.
- The Ministry of Defence and NATS should be consulted.

### **National Air Traffic Services (NATS) (Statutory Consultee)**

- 5.18 The National Air Traffic Services (NATS) have confirmed that they do not have any safeguarding objections to this proposal.

### **London City Airport**

- 5.19 Have been consulted. No comments have been received.

### **London Biggin Hill Airport**

- 5.20 Has stated that the buildings are unlikely to be of a height which would impact on Safeguarding Zones and do not object to the proposal.

### **Thames Water**

- 5.21 Thames Water commented:
- Thames Water do not object to the proposal in relation to the sewage infrastructure.

- If planning permission is to be granted an informative should be attached in relation to Thames Waters provision of Water.
- This development forms part of a much larger town centre redevelopment programme and it cannot be considered in isolation. Thames Water has requested a condition be attached to any future permission requesting the submissions of impact studies on the existing water supply infrastructure.
- There are large water mains adjacent to the site. Thames Water will not allow any building with 5m of these mains and will require 24 hour access for maintenance. Thames Water therefore objects to the proposal subject to agreeing specific measures with the developer to protect the source.
- Details of foundations, piling methods and deep excavations are also requested.

### **Southern Gas Network**

- 5.22 Southern Gas Network have commented on the application and set out practices for where work would be within a certain distance of a Gas Main.

### **Adjoining Boroughs**

- 5.23 The London Boroughs of Merton, Lambeth, Bromley and Sutton have no objections to the application.

## **LOCAL REPRESENTATION**

### Pre-Submission

- 5.24 In accordance with the Council's Statement of Community Involvement prior to the submission of the planning application the applicants liaised with the Council, Greater London Authority, English Heritage, Commission for Architecture and the Built Environment and other relevant bodies. In March of 2008 a series of consultation events at a variety of local venues were organised by the applicants following the distribution information brochures to residents. Two hundred and thirty attended these and offered comments. The scheme was also advertised in the local press. There was a public exhibition in September 2008.
- 5.25 The applicants have advised that the scheme was amended to take account of the comments made prior to the submission of the planning application.

### Post –Submission

- 5.26 In total 1,256 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in Croydon Guardian and on site. The number of

representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 255    Objecting: 244    Supporting: 11

The following local groups/societies made representations:

- Morland Park Residents Association
- Canning and Clyde Residents Association
- The HOME Residents Association

The following Councillor/MP/MEP made representations:

- Councillor Gerry Ryan

5.27 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Height/Street Scene

- Towers are too tall, out of character and an eyesore
- Not all of the buildings are in the designated high building zone.
- The buildings should be no higher than 5 storeys. The East India Estate Conservation Area will be dwarfed by the development
- Dominant effect on Cherry Orchard Road.
- Over development and excessive density.
- Amy Johnson House and the Post Office should be converted.
- Loss of trees and open space in Cherry Orchard Road.
- Adverse effect on skyline
- Addiscombe is a residential area and not Central Croydon
- The tower would be visible from behind the Grade II Listed Church St Mary Magdalene on Canning Road.
- Proposal is unnecessary and inappropriate. This area is in need of investment but not of this scale.
- The development would create a canyon effect
- This development will not help Croydon's image.
- High rise buildings do not have architectural merits
- Adverse impact on environmental conditions

Impact on Adjoining Occupiers

- Overlooking, loss of privacy, light and sunlight to adjoining residential properties and the wider area.
- Taxi's in residential streets will cause noise and disturbance.
- The proposal will be socially and environmentally detrimental.
- Affect on quality of life for the residents of Addiscombe
- Park planting should provide a visual and noise screen.
- Noise and disturbance from the construction period

## Impact on Services

- Excessive intensification of population and workforce would have an adverse effect on local services.
- Loss of a Public House and of the Post and Sorting Office.
- Mayday hospital lacks capacity to deal with additional patients.
- Local Schools lack capacity to accommodate additional children
- Retail will impact upon Whitgift and Centrale Centres
- Combined pressure of this development and the Gateway Proposals on local facilities
- Network Rail lacks a plan to redevelop E Croydon Station
- Water, gas electricity and drainage services in the area will be over stretched and TV reception will be adversely affected.

## Housing Type

- Lack of family units proposed, too many studios and 1 bed units.
- Insufficient open space and play space for the residents.
- Who will occupy these flats?
- Insufficient social housing and less on Cherry Orchard Gardens.
- The proposal will not allow a real community to develop.
- Houses should be provided not flats.
- The development should create community not a commuter hub.
- The affordable units are not really affordable.
- Tower blocks are inappropriate for family accommodation.
- Poor quality environment would be provided for future residents.
- High rise flats can lead to social isolation as seen in the 1960's and 1970's. High rise living works best with luxury flats.

## Transport and Parking

- Insufficient parking and adverse impact on car parking in the local area. Negative impact on local traffic in the area.
- Increase use of E.Croydon Station which is overcrowded.
- Prevents the Taxi's from providing an effective service to the station.
- Construction traffic will have an adverse impact on roads
- Croydon does not have drop off zones near bus stops
- Victoria and London Bridge Stations will not be able to cope.
- The proposed improvements to the Station are only minor.
- There is not information regarding parking for the office users.
- Car club initiative is welcomed.
- Public transport is poor so people will own cars.
- Proposal will increase demand on tramlink which is at capacity.
- Two way taxis on Billinton Hill will be dangerous to pedestrians.
- The surrounding roads are unattractive to cyclists.

## General Comments

- There are new flats in Addiscombe which remain empty.
- Croydon already has empty offices and shops.
- The development will be a ghost town as it will not be let.
- People will move from Croydon if the application is granted.
- Skyscrapers breed crime. The towers will be a terrorist target
- The land should be turned into a Public Park.
- The meatpackers company should be retained.
- The Gateway site should be developed at the same time.
- It would not result in a significant number of long term jobs.
- Given the current financial situation what reassurances are there that the development would be partially completed or delayed.
- Addiscombe is already the most populated area in the Borough.
- The replacement for the Porter and Sorter is unacceptable.
- Adverse effect on wind conditions in the area.
- The combined construction impact of the Gateway Site and this site should be taken into account

5.28 The following issues were raised in representations, but they are not material to the determination of the application:

- The proposal will de-value adjoining property prices. (Officer Comment: The protection of private interests is not a planning matter)

## **MATERIAL PLANNING CONSIDERATIONS**

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

- Land use policies
- Visual appearance
- Local Impact
- Amenities of future occupiers
- Designing out crime
- Environment
- Sustainability
- Transportation/parking

### **Land Use Policies**

6.2 The London Plan Policies 2A.5 and 5E.2 identify Croydon as an Opportunity Area. That is a locality that has an opportunity for accommodating large scale development to provide substantial amounts of new employment and housing i.e. within the region of 5,500 jobs and 2000 new homes by 2016. Such development should be mixed and involve the intensive use of land assisted by good transport accessibility.

6.3 Policy SP 28 of the Unitary Development Plan states:

The Council will encourage the regeneration of Croydon's town centre as a Metropolitan Town Centre, one of London's two strategic office centres outside Central London and as South London's main Opportunity Area capable of accommodating a substantial number of new jobs, homes and new facilities. It will build upon the Council's strategy to re-brand the offer of Croydon to meet modern commercial needs and to improve market and public perceptions of the town centre. Croydon Metropolitan Centre will be the preferred location in the Borough for major town centre type development which is intended to serve or have as its catchment area as all or most of the Borough and part or all of the surrounding sub-region. Croydon town centre will be promoted and enhanced as a:

- (i) Metropolitan Shopping Centre and the preferred location for major and new retail development;
- (ii) Strategic Office Location and the preferred location for major and new office based employment development;
- (iii) Major Centre for leisure, entertainment, cultural and tourist facilities and the preferred location for major and new developments of these types;
- (iv) Centre of high sub-regional accessibility and the preferred location and destination for improvements to public transport capacity.
- (v) Place to live in and location for new housing.

- 6.4 Policy CMC5 of the UDP identifies part of the eastern half of the application site as a Development Site where the appropriate uses would be offices, hotel, Royal Mail operational uses and residential.
- 6.5 The eastern part of the application site is not located within the designated town centre. However, the provision of residential accommodation with supporting retail and community facilities would be in compliance with the general land use policies of the of the London Plan and UDP and in particular, subject to caveats, UDP policy H2. UDP policy H3 allocates 44-60 Cherry Orchard Road which currently in light industrial use for future residential use and such a permission has already been granted.
- 6.6 The GLA advise that the application proposes a total of 39,659sm of commercial floorspace. Adopting their research benchmark figures for employee space standards of between 13.9sm and 6sm per office worker, this scheme has the potential to accommodate between 2,400 and 2,850 employees, which is approximately half way to achieving the indicative London Plan Opportunity Area employment target of 5,500 new jobs. This quantum of commercial development is welcomed.
- 6.7 In view of the above the proposed office and residential uses with the relocation of the Royal Mail facility is acceptable. Indeed such a development could make a significant contribute to the regeneration of Central Croydon.

- 6.8 Notwithstanding the above the proposed development includes a substantial amount of retail floor space. That located on the corner of Cherry Orchard Road and Oval Road (234sm) could be viewed as necessary to support the immediate needs of the new residents. However, that situated along the southern part of Cherry Orchard Road adjacent to East Croydon Railway Station cannot be considered as meeting immediate needs and is of sufficient quantity (2,233sm) to potentially prejudice the vitality and viability of the retail Metropolitan Centre.
- 6.9 Policy 2A.8 of the London Plan states that the Mayor will seek to sustain and enhance the vitality and viability of town centres. In the absence of information from the applicants to demonstrate there is a need for the proposed amount of retail accommodation and that there will be no harm to the Metropolitan Centre primary retail area the development would be contrary to London Plan policy 2A.8.
- 6.10 Network Rail have objected to the development in that amongst other things it may prejudice future improvements to East Croydon Railway Station. Whilst work is underway by Network Rail, the Council, TfL and others to plan for station improvements and the area immediately adjacent to the station, there are no firm proposals at present. In their absence there would be no reason to refuse the current application on the basis that it may prejudice future station improvements.
- 6.11 London Plan Policy 3A.10 requires borough Councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition Policy 3A.10 encourages Councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements. Policy 3A.10 is supported by paragraph 3.52, which urges borough Councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control tool kit is recommended for this purpose. The results of a tool kit appraisal might need to be independently verified.
- 6.12 UDP Policy H13 seeks to achieve 50% affordable housing on large sites having regard to the size of the site, economics of providing affordable accommodation, extent to which the provision of affordable housing would prejudice other planning objectives and that the mix of units is necessary to meet the local needs and achieve a successful

development. UDP Policy H4 states that new housing development should provide in the region of 55% family accommodation and 45% non family accommodation unless there are particular reasons for not achieving this mix.

- 6.13 The residential content of the development would be 1,042 units or 2,406 habitable rooms. This would include:

Studios	9.9%	102 units
1 Bed	51.2%	534 units
2 Bed	37.3%	389 units
3 Bed	1.6%	16 units
4 bed	0.1%	1unit

- 6.14 The applicants have stated that the scheme would provide 35% affordable accommodation on the basis of habitable rooms. It is intended that a mix of private, intermediate and social rented units would be provided on site. Building F would comprise the social rented units. Not all social rented accommodation would be on site; the applicants propose to provide any deficit by way of off site provision or cash in lieu payments. The resulting on site accommodation would consist of 85% (2046hr) private, 10.5% (252hr) intermediate and 4.5% (108 hr) social rent. In order to achieve 35% affordable accommodation a total of 793 habitable rooms would have to be provided off site.
- 6.15 Given the nature of the Croydon Metropolitan Town Centre, the limited access to open space, the constrained nature of the site along with both the Mayor's and Croydon Council's aspirations to significantly increase density and development within the Town Centre, the principle of providing a proportion of the larger affordable housing units in more family appropriate off-site locations is acceptable in this instance
- 6.16 The GLA has objected to the scheme in that the applicants have not at this stage identified specific sites to accommodate the off-site affordable housing. However, it is considered that adequate arrangements could be secured by a Legal Agreement and as such a reason for refusal on this ground is unlikely to be sustainable on appeal.
- 6.17 Given that the proposed 35% amount of social housing is below the 50% normally required the applicant has provided a financial viability assessment. Due to the complexity and size of the scheme this was referred to an independent expert assessor to examine whether this low level was justified. The consultants provided their final report in June 2009, after discussion with Council officers and the developers agents; their key conclusion was that:

‘with a 50% affordable quota scenario, there is a surplus land value in excess of current use value, capable of supporting affordable housing. Similarly, there is a surplus in respect of 35%

affordable housing.’

6.18 Their report also recognises that:

‘This is a highly complex and very large development scheme which has not yet been subjected to a detailed cost analysis. Minute variations in costs or indeed revenue pounds per square foot can have a marked impact on land value.’

6.19 Whilst current uncertainty about the housing market makes it difficult to state the exact level of affordable housing that is financial viable on the development, the consultant has demonstrated that a level of affordable housing in excess of the 35% proposed is viable. The developer’s agents have not disputed the figures but have not proposed an increase in the level of affordable housing on the site.

6.20 The affordable housing provision is therefore contrary to London Plan Policy 3A.10 and UDP policy H13 of the Croydon Plan, which requires that 50% of the housing should be provided as affordable housing or, where a lower level of affordable housing is proposed, that this is supported by a financial appraisal.

### **Visual Appearance**

6.21 London Plan policies 4B.1 to 4B.10 set out a series of overarching design principles for development in London. These seek to maximise the potential of sites, improve the quality of new housing provision, allow for tall and large-scale buildings.

6.22 UDP Policy SP3 requires a high standard of design in all development, so that it complements nearby buildings and activities, and that it protects and enhances the quality of the Borough’s environment. Policies UD1 and UD2 also require sustainable designs and that developments :

- (i) Reinforce and respect the existing development pattern, plot and building frontage widths, where they contribute to local character;
- (ii) Address the street to provide active frontages;
- (iii) Create clear distinctions between public, semi-private and private space;
- (iv) Are based on a series of spaces defined by buildings;
- (v) Allow adequate daylight and sunlight to penetrate into and between buildings, taking account of opportunities to optimise solar gain and energy

6.23 UDP policy UD3 states proposals will be permitted provided they:

- (i) Respect the height and proportions of surrounding buildings which play an important role in determining the character of the street.

(ii) Accommodate higher densities in areas of good accessibility to public transport and access to services. High density residential development within these areas should achieve the highest possible standard of environmental benefits to ensure cost effective, comfortable and quality homes with relatively low utility costs.

(iii) Where appropriate, incorporate roof designs to create visual interest.

(iv) Place emphasis on the design and craftsmanship of architectural features.

(v) Where appropriate, have ground floor windows and doors facing public areas; and

(vi) Where appropriate, incorporate established materials used in the locality. Alternative materials should be chosen for their quality and durability

6.24 UDP Policy UD10 states that high buildings will be permitted within that part of Croydon Metropolitan Centre defined on the Proposals Map and that they should be seen as an opportunity to create high quality, distinctive landmark structures that enhance Croydon's skyline whilst having regard for their context at street level. The opportunity of such high density development should be taken to incorporate aspects of sustainable construction into development proposals. Policy H10 states the Council will permit proposals for residential development at densities higher than those specified in policy H9 on appropriate sites in areas of high accessibility to services and public transport provision.

6.25 UD12 Planning permission will not be granted for new development unless:

(i) the detailed design of roads, footpaths and cycle routes ensures the safety of all users, and

(ii) the layout of the scheme is based on a series of spaces, rather than a network of roads.

6.26 The comments made by the GLA and CABE are noted. The principle of developing this site with commercial and residential buildings of exemplary design quality is to be welcomed. The submitted proposals are of a high architectural quality in terms of detail, and are appropriately expressive of Croydon's encouragement of imaginative modern design. However, whilst the initial concept for the scheme – a series of bold crystalline sculptural towers sitting on a continuous plinth – was initially supported it is considered that the scheme has lost some of its clarity and failed to resolve critical issues through the detailed design process it is therefore contrary to policy 4B.10 of the London Plan and policies SP3, UD2, UD3 and UD10 of the Unitary Development Plan.

6.27 The detailed evidence base, urban analysis and capacity studies undertaken for the Croydon Metropolitan Centre Action Area Plan

(CMCAAP) will be used to set out a comprehensive, coordinated, spatial strategy for the urban design of the whole Croydon Metropolitan Centre and will include:

- The creation of a permeable, legible network of pedestrian routes.
- The creation of a strong urban grain and a strong and flexible block structure in the CMC formed using perimeter blocks with carefully placed tall buildings integrated in to the block where appropriate.
- Careful transitions in building height to respond to context, orientation, microclimate and environment and edge-of-centre locations.
- The creation of a comprehensive Masterplan for the East Croydon regeneration area, including a new railway station.
- Two new east/west links from Cherry Orchard Road to Dingwall Road, the one to the north of the station a new vehicular bridge.

6.28 The comments made by the GLA and CABE are noted. The principle of the developing this site with commercial and residential buildings of exemplary design quality is to be welcomed. The submitted proposals are of a high architectural quality in terms of detail, and are appropriately expressive of Croydon's encouragement of imaginative modern design. However, whilst the initial concept for the scheme – a series of bold crystalline sculptural towers sitting on a continuous plinth – was initially supported it is considered that the scheme has lost some of its clarity and failed to resolve critical issues through the detailed design process it is therefore contrary to policy 4B.10 of the London Plan and policies SP3, UD2, UD3 and UD10 of the Unitary Development Plan.

6.29 Although attempts have been made to make the scheme permeable, permeability in and of its self is not particularly desirable unless the connections are in the right places and appropriately designed. The proposed connections are not in appropriate locations. The one between Buildings A and B is too close to Addiscombe Road - and assumes the current position of the station - and the one between Buildings B and C is not sufficiently far north. It should be located to line up with Cedar Road, to make the potential for a future direct link across to Dingwall Road through the middle of the whole East Croydon regeneration site. The proposed connections are also not ideal in their dimensions. For instance, Billinton Hill is too narrow. A shared surface is appropriate for such an important pedestrian link (potentially much more important in future) but in combination with the constrained dimensions proposed leads to the concern over vehicular pedestrian conflicts. The connection should be more generous in width. The development would therefore be contrary to Policies 4B.1 and 4B.10 of the London Plan and UD12 of the UDP.

- 6.30 The applicants have not acquired complete ownership of the application site and intend to undertake the development in a phased manner. Should they not be able to purchase land to be occupied by Buildings A and B it is possible that only C, D, E, and F may be erected. The inability to guarantee the whole development is considered to be highly undesirable. It would not result in a comprehensive development and there would be no significant improvements to the environment of East Croydon Railway Station. Furthermore, a reduced development would appear isolated, unfocused and of insufficient magnitude to make a positive contribution to the townscape of Central Croydon.
- 6.31 The proposed buildings are of a scale appropriate for parts of the CMC. However, within the context of this edge of town centre location and the contrasting form of development to the east it is considered that the development is too large. The general principle of a gradation from lower buildings to the north to higher buildings towards the south (with appropriate local variation) is supported. However the combination of several close, tall buildings leads to a sense of overwhelming bulk. From many angles, the towers would combine to read as one large monolithic mass. This would have a significant adverse visual impact on views from within the adjacent low-rise residential area to the east. In effect the towers and to a lesser extent the lower rise parts of the development would dominate the area.
- 6.32 The form of the individual buildings proposed is imaginative, unusual and complex and would be unique to Croydon. But they also appear as aggressive and potentially alienating. The general similarity in form between all of the buildings leads to an overwhelming and monolithic effect and – despite the variation applied in geometry and colour – a sense of monotony. However, the detailed design is impressive, involving the sophisticated detailing of complex geometries and the imaginative use of high quality materials. Whilst the use of colour to animate the scheme is welcomed it should seamlessly integrate with other aspects of design. At present its random use does not.
- 6.33 The proposed canopy to link Buildings A-D whilst of a design that reflects the angular nature of the form of the towers comprises a very weak feature of the development. It would be preferable to see a strong and well defined base/plinth – possibly several storeys high, with strong, well-defined active frontages. The roof of such a feature would have the potential to be used for amenity purposes.
- 6.34 Overall the design of the scheme would be contrary to policy 4B.10 of the London Plan and policies SP3, UD1, UD2, UD3 and UD10 of the Unitary Development Plan.

- 6.35 A landscape scheme is a requirement for all appropriate forms of development, secured where necessary by the use of conditions. Applicants are expected to provide sufficiently detailed landscape information to enable the scheme to be considered in context.
- 6.36 Notwithstanding rather superficial shared references to geology and tectonic plates, the landscape design and architecture appear to have been developed in isolation. This is best exemplified by the way the structural supports associated with the canopy land in the middle of pedestrian routes designed by the landscape architects, presenting significant obstacles to movement. These structural supports should have been designed to coincide with planters – or vice versa – to ensure a pedestrian landscape that actually works. Instead, formal geometric concepts have been applied in isolation (in the design of the canopy and the design of the landscape) and have ended up creating a dysfunctional public realm. Overall within the actual application site there is a lack of meaningful public open space and soft landscaping. It is noted that much of the applicant's suggested tree planting actually lies outside of the application site, within privately owned areas of the public realm where there would be no guarantee of delivery having regard to property rights or the presence of statutory undertakers services. Even the public park proposed to the rear of Buildings E and F comprises an adjunct to the development rather than an integral part of it. Overall the proposed landscaping would be contrary to London Plan policy 4B.10 and policy UD14 of the UDP.
- 6.37 Within Area 1 on the west side of Cherry Orchard Road there are 4 trees along the road frontage and several others within the site. Those along the frontage have been classed by the applicants as either Category C - of low quality and value, or Category R - in such a condition they would be lost within 10 years. Elsewhere there are 3 trees and two groups of Holly and Leylandi. All of these are classed as Category C with one exception - a Lime adjacent to the railway which is identified as Category B – of moderate quality and value. In this instance the applicants conclusions that the existing trees within Area 1 make no significant contribution to the appearance of the locality are not disputed.
- 6.38 Within Area 2 on the east side of Cherry Orchard Road are 6 trees located along the road frontage. Five of these are situated in a group on the corner of Cherry Orchard Road and Oval Road. Of these 4 are mature London Planes and have been classed by the applicants as within Category B – of moderate quality and value and in such a condition to make a significant contribution to the appearance of the locality. One is a small specimen of no value. A False Acacia further along the frontage is classed as a Category C. Immediately adjacent to the application site in the rear gardens of houses in Oval Road are 2 Horse Chestnuts classed as Category B.

- 6.39 The applicants conclusions about this group of trees are not disputed. Only the mature 4 London Planes located on the corner of Cherry Orchard and Oval Road make any significant contribution the townscape or visual character of the area. These are not subject to a Tree Preservation Order and it should be noted that their loss was not ruled out in consideration of previous schemes for the redevelopment of the adjacent Cherry Orchard Mansions.
- 6.40 The proposed development would result in the loss of all of the trees within Area 2 and the adjacent 2 Horse Chestnut trees in the rear gardens of the Oval Road properties. Whilst the latter of these are mature specimens of some amenity value they are not worthy of Tree Preservation Orders. The removal of the group of London Planes on the Corner with Oval Road is regrettable but has to be weighed against: the regeneration benefits of the scheme which are substantial; the proposed new public areas within both Areas 1 and 2; new tree planting as part of a landscaping scheme for the site including the park, and the financial contribution the applicants will make towards physical improvements to the locality outside of the application site which could include substantial new tree planting. Combined these factors outweigh the contribution the trees currently make to Central Croydon.

### **Local Impact**

- 6.41 London Plan policy 4B.10 and UDP policy UD8 states that regard should be had to protecting residential amenities.
- 6.42 The applicants have carried out an extensive daylight and sunlight assessment using four different techniques to demonstrate how the proposed development would affect nearby properties. This shows that some houses in Colson Road and Oval Road will be adversely affected. However, it concludes that the effects will be negligible.
- 6.43 The houses in Colson Road will be impacted upon by the four towers comprising Buildings A-D adjacent to East Croydon Railway Station, which it should be noted are located in a designated High Building Zone. The effects will be more than 'negligible', as stated by the applicants. The actual extent of the impact varies along the road. However, any development of this part of the application site when higher than Stevenson House, which is located to the east of the site and west of Colson Road, is bound to have some adverse impact on Colson Road. The houses do benefit by receiving sunlight from the south and south west.
- 6.44 Properties in Oval Road would principally be impacted upon by the proposed 6/7 storey residential blocks, Buildings E and F, on the east side of Cherry Orchard Road. Those most affected would be 51, 53 and 54 -70 consecutively with any loss reducing rapidly further from the corner with Cherry Orchard Road. In determining the impact of the scheme the applicants assessment has assumed that all of the

proposed buildings would be solid, when in fact the substantial roof enclosure would allow a significant amounts of light to penetrate. Thus the actual impact on daylight loss will be less than predicted. It should be noted that in previous pre-application discussions regarding the redevelopment of Cherry Orchard Mansions Officers took the view that a development of approximately 6/7 storeys could be acceptable. This would have represented a continuation of the scheme granted planning permission at 40-60 Cherry Orchard Road, which was for a six storey development.

- 6.45 Given the proximity of the affected residential properties in Colson Road and Oval Road to Central Croydon any major development on the application site which makes full use of the designations and policies of the UDP and London Plan which encourage tall buildings and high density schemes would inevitably have some adverse impact on local residential amenity. In this instance the number of properties that will suffer a noticeable impact is very small. In view of the overall regeneration benefits that will flow from the development it is not considered that the adverse impacts are such that they would warrant a refusal of permission on these ground alone.
- 6.46 The development will have some adverse impact on natural light conditions to adjacent non residential buildings. However, within this locality it is not considered that any of the effects would justify a refusal of planning application.
- 6.47 Due to the heights of Buildings A-D there would be overlooking into the gardens of adjacent properties over a wide area. However, the Council has previously granted planning permission for tall buildings in similar circumstances such as Wellesley Square (44 storeys) on the corner of Bedford Park and Wellesley Road and Altitude 25 (25 storeys) on the corner of Fairfield Road and Altyre Road. In each case the height of the building and separation from affected properties was considered to mitigate any unacceptable overlooking effects.
- 6.48 Buildings A – D would comprise substantial structures within the immediate locality and would be visible over a wide area. The nearest residential properties that would face the towers are in Colson Road approximately 90m away. The outlook from the front of these houses is already affected by Stephenson House. It accepted that part of the application site containing the towers is within a high building zone and that a 26 storey office building located approximately to west of the application site on the Gateway site already has planning permission. However, the height and close grouping of the towers is considered to sufficiently adversely affect the outlook from the houses in Colson Road to justify a reason for refusal. This would be contrary to London Plan policy 4B.10 and UDP policy UD8.
- 6.49 Buildings E-F would be 6/7 storeys and be situated directly to the rear of two properties in Oval Road and be visible from the front of houses and flats on the opposite site of the street. The applicants intend to

provide screens to balconies and terraces to ensure that there would be no direct overlooking into houses and gardens. This would be acceptable and details of such could be secured by condition.

- 6.50 At present north views from rear of 51/53 Oval Road are interrupted by the 4 storey Cherry Orchard Mansions and single commercial buildings at 44 – 60 Cherry Orchard Road, with 41 Cherry Orchard Road as a distant backdrop. The outlook from north facing rooms and rear gardens would be substantially changed by the proposed development. Firstly, Buildings E and F have high ground floors with floor to ceiling heights which adds to their overall height and presence. Secondly, a 5m high wall is proposed along the boundary with the Oval Road properties. Thirdly, the proposed roof structures would result in a maximum height of 42m, well beyond the height of a typical 6 storey residential building. Officers have on several occasions sought the removal of this part of the development without success. Although the roof structures would allow for some light to penetrate through them they considerably increase the perceived bulk of the building. Overall, this part of the development would be unacceptably overbearing to adjacent residents and detrimental to their reasonable amenities. This would be contrary to London Plan policy 4B.10 and UDP policy UD8.

#### **Amenities of future occupiers**

- 6.51 The floor areas of the proposed units would be acceptable and similar to those considered to be acceptable by the Council. They would comply with Lifetime Home requirements.
- 6.52 Each flat is provided with a private balcony space, ranging in size between 3.5 and 4.5sm, which is welcomed and will provide a useable private space for each unit.
- 6.53 The GLA has expressed concern that 47 of the social rented units in Buildings E and F are not dual aspect. However, it is not considered that this would constitute sufficient justification to warrant a refusal of planning application on grounds of a poor standard of accommodation.
- 6.54 The GLA has expressed concern over the noise environment that the new residents would occupy. However, any development at this location will suffer some disturbance and sound insulation measures could be secured by the use of conditions
- 6.55 London Plan policy 30.13 sets out those developments which include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 159 children within the development. The guidance sets a benchmark of 10sm of useable child playspace to be provided per

child. As such this development should make an overall provision of 1,590 sm. of playspace.

- 6.56 The scheme includes two dedicated play areas, both of which are located in close proximity to the larger social rented units. The first space is the Cherry Orchard Road Pocket Park, which provides 1,023 sm of space and has been designed to allow for younger child and parent play and includes hard and soft landscaping, seating and play facilities. The second space is located on the roof tops of buildings E and F and provides 562 sm of dedicated play space. Combined, the park and roof spaces, provide a total of 1,585 sm of multi sports courts and informal play areas. These spaces will be made accessible for all residents of the scheme and are considered to be adequate.
- 6.57 London Plan policy 3A. 18 seeks the protection and enhancement of social infrastructure and community facilities. UDP policy CS3 states that the Council will seek opportunities for the provision of new community facilities in major mixed use developments, including the re-use of existing buildings. The proposal to provide 1,428sm of community floorspace is considered to be adequate and is welcomed.

### **Designing out crime**

- 6.58 London Plan policy 4B. 6 and UDP policy UD6 states that the Council will require that issues of safety and security are an intrinsic consideration in the detailed design and layout of buildings and the spaces around them, helping to deter crime and reduce the fear of crime.
- 6.59 In the context of national security both East Croydon Railway Station and the Post Office premises constitute potential terrorist targets. It is therefore important that the development is designed to minimise any unnecessary risks.
- 6.60 The public areas in and around Buildings A – D and the taxi rank would need to be illuminated to the appropriate standard during night time hours. This could be secured by conditions. The covered walkways and plaza all offer an appropriate amount activity due to the provision of the retail/commercial units to discourage crime.
- 6.61 The provision of CCTV would be appropriate in the car parks, public thoroughfares and main access points. This could be secured by conditions.
- 6.62 The Royal Mail has stated that there is a security issue with the proposed shared use of the basement of Buildings E – G. Clearly, the Post Office has to achieve a satisfactory level of security for its staff and premises. As a landowner, should it participate in the scheme it would be able to negotiate satisfactory security measures with the developer.

- 6.63 The proposed pocket park could not be sufficiently overlooked from the upper floors of Blocks E and F due to the need to prevent overlooking to adjacent residential properties, or by the ground floor community activities. This would be a security risk and contrary to UDP policy UD6. In addition the proposed pedestrian route from Cherry Orchard Road to the park would not be secure in the absence of overlooking, lighting or CCTV.
- 6.64 The Crime Prevention Officer has commented on a need for youth facilities on such a large development and the Police have requested some floor space. As the scheme provides a substantial floor area available for community type uses a Section 106 Legal Agreement could require the applicant to investigate the local demand for youth facilities, make reasonable provision for them, and the Police.

### **Environment**

- 6.65 London Plan policy 4B.10 requires regard to be had to implications of new development on the micro climate.
- 6.66 Within the vicinity of the application site 139 locations were assessed with regard to existing and proposed wind conditions including parts of Oval Road and the platforms at East Croydon railway station. All public locations were found to be suitable for purpose except the entrance to Building A and to some platforms of the railway station. In the first instance the effects to the frontage of Building A could be resolved by the provision of suitable landscaping. In the second instance it should be noted that the effects could not be considered to be serious and Network Rail has removed its objection on the issue of adverse wind conditions.
- 6.67 The applicant has carried out a Flood Risk Assessment in relation to the development. This shows that the area is outside of the 1 in 100 year floodplain. It is therefore at a low risk of flooding.
- 6.68 In order to meet the Mayors targets for a 50% reduction in water run off from land the development itself will make use of Green roofs, rainwater harvesting and underground storage. This is acceptable.
- 6.69 The development could result in a small increase in NO<sub>2</sub> concentrations. The applicants were offered a choice of introducing a Low Emission Strategy for the site or contribute to an Air Quality Fund to finance the Council's Air quality Action Plan. This issue could be dealt with by a Section 106 legal agreement.
- 6.70 In order to mitigate any adverse effects during the construction of the development a detailed Construction Management Plan would be required. Its acceptability could be dealt with by condition.

### **Sustainability**

- 6.71 Policies 4A.2 to 4A.7 of the London Plan require new development to be sustainable.
- 6.72 The developers have addressed all of Croydon's sustainability requirements by committing to achieving Code for Sustainable Homes level 4 and BREEAM 'Excellent' as well as achieving a 21.85% reduction in CO<sub>2</sub> emissions by low carbon technology. The CO<sub>2</sub> emissions from the buildings are reduced by the use of gas-fired CHP and a biomass boiler.
- 6.73 The development has achieved a Code for Sustainable Homes level 4 for the residential units and BREEAM 'Excellent' for the non-residential units with scores of 71.76% and 74.75% respectively. These are both in line with Croydon's requirement for the highest possible standard of environmental design.
- 6.74 Whilst the GLA has sought further information from the applicant it is not considered that there outstanding issues other than those that could be dealt with by condition.

#### **Transportation and parking**

- 6.75 London Plan policies 3C.1 - 3C.3, 3C.16, 3C.17, 3C.20 - 3C.23 and policies SP14, T3, T2, T4, and T5 of the UDP seek to ensure that sustainable transport will be promoted, that traffic generated by new development can be safely accommodated on the road network and that adjacent to public transport interchanges any increased usage should be enabled.
- 6.76 Given the scale and location of the development, a significant volume of public transport trips will be generated by the site particularly on rail, bus and tram services. Due to the number of major developments proposed in the town centre, including this site there is concern over the cumulative impact on the public transport network. The Council and TfL consider that the level of public transport trips likely to be generated by the site and presented in the submitted Transport Assessment are not realistic and subsequently underestimate the impact of the site on the transport network. This concern is further enhanced by the fact that bus and tram services in the town centre currently suffer from a significant lack of spare capacity within the peak hours. The failure to properly address this issue is contrary to London Plan Policy and UDP policies T2 and T5 of the UDP.
- 6.77 The development involves alterations to the public highway and a private highway - Billinton Hill. Despite extensive discussions with the applicants highway consultants various issues have not been resolved for example: the provision of taxi parking, siting of bus stops and pedestrian crossings, siting of columns, design of carriageways and footways, the implications of any construction on the public highway and detailed layout of the car parks. The failure to resolve these issues

is not satisfactory and therefore the application would not be acceptable.

- 6.78 The proposed car parking provision of 373 spaces located in the basements of the buildings is in line with the London Plan standards. Given the site's excellent PTAL rating of 6b, TfL would like to see a car free development. However, given the restricted parking availability in the locality this is not considered to be reasonable. An adequate number of disabled parking spaces are proposed.

### **Other Planning Issues**

- 6.79 The following matters could normally all be resolved by the use of conditions or a Section 106 legal agreement were planning permission to be granted and would not raise issues that would warrant reasons for refusal:

- Transportation
- Archaeology
- Construction Management
- Air safety
- Water supply
- Parking management
- Contamination.
- Public art
- Employment/training
- Libraries
- Health
- Skyline
- Education

- 
- 6.80 However, during negotiations with the applicants it has not proved possible to agree an acceptable method of securing obligations from that part of the application site not within their ownership and that would comprise a separate and final phase of the scheme. Government advice contained in Circular 05/2005 makes it clear that legal agreements can be used to make unacceptable development acceptable in planning terms. Without an appropriate means to secure the required obligations the development would not be acceptable and is therefore contrary to policies relating to transportation, highways, employment, and public health; these are 3C2-3, 3C17, 3C.20, 3A.23-24 4A.19 of the London Plan and UDP policies S14, T2, T3, T5, CS3 and EP1,

## **7. CONCLUSION**

- 7.1 The proposed development would form an imaginative, unusual and complex scheme unique to Croydon. It also has the potential to

significantly assist in the regeneration of the central area. However, the overall bulk and massing of the buildings and their similarity in form results in a development that would be over dominant when viewed from the adjacent streets and from a distance. The height and massing of the buildings would also have an adverse effect on adjacent residential occupiers. It is regrettable that the applicants have failed to resolve issues relating to affordable housing, public transport, highways and security, which are critical to ensure an acceptable environment. The application is therefore recommended for refusal.

---