1 SUMMARY OF APPLICATION DETAILS

Ref: 17/01046/FUL (Link to associated documents on the Planning Register)

Location: Former site of Taberner House and the Queens Gardens

Ward: Fairfield

Description: Erection of four buildings ranging in height from 13 to 35 storeys comprising 514 residential units (Use Class C3), flexible A1/A2/A3/A4/B1/D1 space at ground floor level of the buildings, new basement areas (including demolition of parts of existing basement), landscaping (including re-landscaping of Queens Gardens), new pavilion café in Queens Gardens (Use Class A3), access, servicing and associated works.

16026_P_(00)_001; 002; 003; 008; 009; 010; 020; 021; 022; 023; 030; 031; 091; 150; 154; 180; 181; 400; 401; 402; 403. (all above plans Rev P01 received 28/02/17).
16026_P_(00)_090; 108; 109; 110; 111; 112; 113; 114; 115; 116; 117; 151; 152; 153; 160; 200; 201; 202; 203; 300; 301; 302; 303; 304; 305 (all above plans Rev P02 received 03/05/17).
16026_P_(12)_008 Rev P02; 009 Rev P02; 010 Rev P01.

Applicant: Taberner House LLP
Agent: Mr K Watson, Gerald Eve LLP
Case Officer: Kate Edwards

<table>
<thead>
<tr>
<th></th>
<th>1 bed</th>
<th>2 bed</th>
<th>3 bed</th>
<th>4 bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houses</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Flats</td>
<td>208</td>
<td>233</td>
<td>73</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>208</td>
<td>233</td>
<td>73</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th>1 bed</th>
<th>2 bed</th>
<th>3 bed</th>
<th>4 bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Rented</td>
<td>30</td>
<td>40</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Shared ownership</td>
<td>51</td>
<td>26</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>81</td>
<td>66</td>
<td>32</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of floorspace</th>
<th>Amount proposed</th>
<th>Amount retained</th>
<th>Amount lost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>48,281 m2</td>
<td>0 m2</td>
<td>0 m2</td>
</tr>
<tr>
<td>Office</td>
<td>0 m2</td>
<td>0 m2*</td>
<td>17,800 m2*</td>
</tr>
<tr>
<td>Retail</td>
<td>0 m2</td>
<td>0 m2</td>
<td>0 m2</td>
</tr>
<tr>
<td>Industrial</td>
<td>0 m2</td>
<td>0 m2</td>
<td>0 m2</td>
</tr>
<tr>
<td>Flexible space - A1(retail)/A2(financial and professional)/A3(restaurant and café)/A4(drinking establishment)/B1(office)/D1(non-residential institution)</td>
<td>1,159 m2</td>
<td>0 m2</td>
<td>0 m2</td>
</tr>
</tbody>
</table>
Loss of/retention of office accommodation will depend upon the level of office space provided within the flexible use class space.

<table>
<thead>
<tr>
<th>Number of car parking spaces</th>
<th>Number of cycle parking spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 - all for future occupiers who are disabled</td>
<td>820 for residential, 10 for flexible space, 50 for short stay – 880 total</td>
</tr>
</tbody>
</table>

1.1 This application is being reported to Planning Committee because the Ward Councillors (Cllr Helen Pollard and Cllr Vidhi Mohan) made representations in accordance with the Committee Consideration Criteria and requested Planning Committee consideration; objections above the threshold in the Committee Consideration Criteria have been received and the Director of Planning and Strategic Transport considers Planning Committee consideration to be necessary.

2 RECOMMENDATION

2.1 That the Planning Committee resolve to GRANT planning permission subject to:

A. Any direction by the London Mayor pursuant to the Mayor of London Order
B. Any direction by the Secretary of State pursuant to the Consultation Direction
C. The prior completion of a legal agreement to secure the following planning obligations:
   a) Retention of scheme architects
   b) Employment and training strategy
   c) Restrictions on parking permits
   d) TV signal mitigation
   e) Car club – 2 years membership
   f) Contribution to TfL
   g) Carbon offsetting payment and/or connection to future district energy network- £705,672
   h) Air quality offsetting payment - £51,400
   i) Any other planning obligation(s) considered necessary by the Director of Planning and Strategic Transport

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

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

Conditions

1. Materials samples for whole scheme, including details of anti-glare interventions, and balcony balustrades of suitable height and material for wind mitigation
2. 24 hours public access maintained to all of Queens Gardens
3. Details of landscaping. Approved details provided on site in accordance with phasing programme and triggers previously agreed in writing by the LPA.
4. Detailed design of the café building
5. Provision of detailed Tree Protection Plan, Relocation and Replacement Strategy
6. Café unit for this purpose only (permitted development rights withdrawn)
7. 250m2 GIA of A1 retail only within the flexible space. This retail shall be for convenience retail only.
8. Typical façade details at 1:25
9. Window elevations to be obscure glazed as discussed in housing conditions considerations below
10. Details of window design and method of opening
11. Full details of proposed playspace and provision prior to first occupation
12. Provision of heritage information in the Gardens in accordance with agreed strategy
13. Provision of signage identifying nearest public toilets to the gardens
14. Compliance with Energy Strategy to deliver 44% offsetting
15. Non-residential elements to meet BREEAM excellent
16. Water use not to exceed 110 litres per head per day
17. Vibration risk assessment to be submitted and necessary mitigation carried out
18. Provision of cycle parking, electric Vehicle Charging Points and disabled parking prior to first occupation
19. Provision cycle spaces and facilities allocated to the retail units prior to first commercial occupation
20. Provision of dropped kerb to access ramp, on street disabled visitor bay and car club bay prior to occupation
22. B1 use within flexible space restricted to B1(a) (office) only
23. Details of access ramp signals
24. 90% units built to Building Regulations M42 and the remaining 10% to M43
25. Details and provision of Sustainable Urban Drainage Systems (SUDS)
26. Wind mitigation strategy covering balconies and area to south east corner of site
27. Pre-commencement intrusive site investigation to investigate potential contaminants.
28. Cease development should any previously unidentified contamination be found, and obtain written approval for a remediation strategy prior to recommencing works.
29. Provide verification of completion of remediation prior to occupation.
30. No infiltration of surface water drainage into the ground shall take place other than with the express consent of the Local Planning Authority.
31. No piling or other foundation works without express consent
32. Archaeological investigation
33. Signage strategy for Queens Gardens identifying walking and cycling routes
34. Car park oil interceptor
35. Scheme to mitigate potential for sewerage surcharge at time of storm (e.g. through provision of non-return valve.
36. Development to meet Secured by Design New Homes standards
37. Lighting strategy for both the buildings and the Queens Gardens to be submitted, provided and retained. Gardens lighting strategy to consider reuse of existing lamp standards.
38. The residential Management Policy to be submitted to allow consideration of security
39. Provision of CCTV to both the buildings and the Queens Gardens (including the sunken garden)
40. Incorporate design features to make future connection to District Energy Network possible
41. Plant within the buildings to be installed in accordance with details in ES
42. Control of internal noise environment
43. Low emission strategy
44. Details of NOx/NO2 filters
45. Submission of Ecological Management Plan, to include details of peregrine friendly design features
46. In accordance with drawings and documents
47. Time limit for commencement - 3 years
48. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport, and

Informatives
1) Informatives requested by Thames Water
2) Aviation guidance and information regarding surveillance radar
3) Removal of site notice
4) CIL liability
5) Subject to s.106
4) Any [other] informative(s) considered necessary by the Director of Planning

2.4 That the Planning Committee confirms that it has taken the environmental information that accompanied the application into account as required by Article 31(2) of the Town and Country Planning (Development Management Procedure) Order 2010.

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

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

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

2.8 That, if by 18/08/2017 the legal agreement has not been completed, the Director of Planning and Strategic Transport has delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

3.1 Proposal
- Erection of four buildings of 35, 21, 13 and 19 storeys in height
- Provision of flexible space to the ground floor of each building – for use class A1(retail)/A2(financial and professional)/A3(restaurant and café)/A4(drinking establishment)/B1(office)/D1(non-residential institution)
- Provision of 514 flats on the upper floors – 208x1 bedroom, 233x2 bedroom 73x3 bedro
• Provision of 35% of units as affordable housing – 179 in total
• Provision of private balconies for all flats
• Re-landscaping of Queens Gardens to include the provision of new east-west route, play space, café and steps down from Katharine Street to the north-western corner of Queens Gardens;
• Demolition of the existing store in the sunken garden area to accommodate the proposed new café and stair link
• Provision of double height basement to include 20 disabled parking spaces, cycle storage and servicing/plant area
• Provision of vehicular access ramp from the basement from Fell Road.

Site and Surroundings

3.2 The site is located on the western side of Park Lane and is also bound by Katharine Street to the north, Fell Road to the west and the Flyover to the south.

• Taberner House, the wide 19 storey building which previously occupied the southern part of the site, has now been demolished with only the baseplate and basement remaining and surrounded by site hoardings.
• Queens Gardens is a valuable civic amenity space which is predominantly laid to lawn with several established trees and a historic sunken garden area to the north.
• The Gardens are designated as Local Open Land. The site is also within an Archaeological Priority Zone and an Area of High Density.
• The northern part of the Gardens is within the Central Croydon Conservation Area which stretches to the west of the site. The northern part of the Gardens is also a Locally Listed Historic Park and Garden.
• The surrounding area is mixed and predominated by civic functions.
• The primary Council office, Bernard Weatherill House is situated to the west, whilst the Grade II Listed Town Hall is to the north-west. Segas House to the north (a currently vacant former office building) and the Friends Meeting House to the southern side of the Flyover (a place of worship) are also Grade II Listed Buildings.

Planning History

6 The following planning decisions are relevant to the application:

13/04398/P Demolition and clearance of building above ground floor slab and associated works.
Approved, and implemented.

14/00196/P Demolition of existing building; erection of 5 buildings ranging from 6 to 32 storeys comprising 420 residential units and 2 retail units; provision of landscaping (new and re-landscaping of Queens Gardens), servicing and new access. The application proposed 15% affordable housing.
Approved, but not implemented.

16/03857/PRE Pre-application engagement - the residential led redevelopment of the site. The emerging scheme was considered by Planning Committee on 20 October 2016, at which point it proposed 503
residential flats within four buildings of 34, 21, 13 and 17 storeys. 14 basement disabled user car parking spaces were proposed, and 30% of units were proposed to be affordable. The matters raised by Members at the Committee were:

- Concept positive and forthcoming
- Base of tower needs further development
- Need for a link between the two towers - perhaps a pavilion, rather than a podium
- This was welcomed but inclusion of 4-bed units required
- Understanding of how Council's community/commercial space will work
- Amenities in buildings important
- Use of gardens for events
- Importance of access to the park during development period
- Cafe space supported
- Community garden and play space well received
- Retention of as many trees as possible
- Relationship working well with regards to heritage assets
- Avoiding coalescence with the Clocktower important
- Community engagement was welcomed
- Plans for car parking and car club need to be further considered
- Need to look at cycle spaces more flexibly - 750 too many
- Importance of getting infrastructure happening
- Need to consider further opportunities for disabled car parking - maybe at the expense of cycle parking/consider possibility of small amount of parking in the public realm adjacent to Fell Road

16/05114/ENVS Environmental Impact Assessment scoping request for the development which is the subject of this application. The detailed scope of the Environmental Statement which accompanies this application was agreed.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

4.1 Although the previous office building has now been demolished, this remains the lawful use of the land. The loss of the land for office is acceptable and the provision of residential accommodation will contribute towards addressing the Borough’s significant demand for new housing and is fully supported. The development on Local Open Land is acceptable given that the quantity created will exceed that lost and the quality will be equal or improved.

4.2 The site is not a preferred location for retail development (A1 – shops). The provision of A1 on the site is therefore a departure from policy, but this is acceptable given that the amount is proposed to be limited by planning condition. Overall therefore, the proposal is acceptable in principle subject to the details considerations below.

4.3 The proposed residential density would significantly exceed the range outlined in the London Plan but is acceptable given the high standards of residential quality (including amenity space and neighbour relationships), the need to deliver on strategic housing
4.4 The layout of the proposed development would be acceptable and would significantly increase accessibility throughout the site providing a welcoming public amenity space between the buildings. Although the scale, height and massing of the development would are significant, this impact is sufficiently mitigated through the provision of a high quality, simplified façade expression to the buildings.

4.5 The proposal would create a less than substantial harm to heritage assets, particularly in relation to the grade II Listed Town Hall and Clocktower. However, harm to heritage assets is on balance acceptable given the significant public benefits of the scheme.

4.6 The emerging scheme for improvements to the Queens Gardens is supported although further details and agreement as to the most appropriate location for the proposed play area will need to be matter for later determination. The connectivity through the site and provision of facilities would be significantly improved, particularly by the provision of a new primary east-west route, the provision of steps down from Katharine Street, the provision of a café and the provision of play space facilities. The indicative materials and planting for the Gardens are also supported.

4.7 The environmental conditions within the Gardens would be acceptable. Sunlight within the Gardens would be acceptable and although there would be a slight deterioration in wind conditions, this would not be significant and would still afford a suitable environment to this highly valued amenity space.

4.8 13 trees would be lost as a consequence of the proposal, but this would be acceptable given the benefits of the development and fact that tree planting is proposed to create an overall net gain in the number of trees.

4.9 The mix of units proposed would be acceptable. Although the target of 20% three bedroom units would not be achieved, the 14% provision would be acceptable – and represents an enhanced provision compared to the previous extant planning permission.

4.10 The development would provide 35% of units as affordable accommodation, with 50.2% of the provision proposed as affordable rent. An independent assessor has confirmed that this is the maximum viable level for the site. The mix is considered suitable given that it aligns with the physical constraints of the buildings within which each tenure would be situated. There is an existing partnership between the Council’s Housing Team and the applicant to facilitate delivery of the affordable housing with the specified mix. Although an affordable housing review mechanism would not be included as part of the S.106 Agreement (as required by policy) this would be acceptable given that exceptional circumstances exist – with the scheme already delivering a high level of affordable housing which the GLA support and in view of the extant consent and emerging CLP1.1 policy position. The development overall would make a welcome contribution to affordable housing levels and is fully supported in this regard.

4.11 The development would provide high quality living conditions for future residents. All flats would meet or exceed the National Technical Standards for internal floorspace and London external amenity space standards. The units would have sufficient
daylighting, internal noise environments and a commensurate provision of play-space would be made available within the publicly accessible Gardens.

4.12 The development would be generally well distanced from surrounding residential properties and the light, outlook and privacy standards of surrounding accommodation would not be significantly harmed. Although there would be a minor adverse impact on the daylighting to some homes on Park Lane, this would not be significant and is justified given the more flexible policy context to residential densities in an established urban situation – especially in Opportunity Areas.

4.13 The development would not otherwise significantly adversely affect the environmental conditions surrounding the site with the imposition of suitable planning conditions for mitigation.

4.14 The 20 disabled parking spaces proposed within the basement, would not meet the full desired quantum of 51 spaces. However, the level has been maximised bearing in mind the site constraints and would be acceptable. Cycle parking would be provided in accordance with policy requirements. The trip generation caused by the development would not have a significant impact on the surrounding road network and impacts of the increased trips generated on public transport infrastructure would be mitigated by way of a financial contribution. The development is therefore acceptable with regards to transportation impacts.

4.15 The development would meet all relevant sustainability standards, offsetting 44% of carbon emissions on site and meeting BREEAM ‘Excellent’ for the non-residential element of the scheme.

5 CONSULTATION RESPONSE

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

5.2 The following were consulted regarding the application:

Greater London Authority (Statutory Consultee)

5.3 The application is preferable to the GLA under the Mayor of London Order. The Mayoral Stage 1 Response raised the following issues/comments:

- A residential led, mixed use redevelopment of the site is strongly supported, as is the increase in number of units provided, affordable housing and Local Open Land compared to the consented scheme.
- It should be demonstrated that the proposed residential use can coexist alongside the planned redevelopment of the Fairfield Halls without an unsuitable noise internal noise environment being created for residents [OFFICER COMMENT – a suitable response has been received form the applicant’s noise consultant which has been accepted by the Council’s Environmental Health Specialist Pollution Control Team].
- The approach to massing is supported and the Mayor is satisfied that there would not be any harm to heritage assets. The architectural treatment is supported subject to sufficiently high quality materials and detailing being secured by condition.
The scheme density, housing mix, residential quality and play space provision is supported.

The affordable housing offer of 34% represents a significant uplift in value from the extant consent, but independent review should take place to ensure that this is the maximum viable level. The applicant should also explore the possibility of grant funding. [Officer Comment – An Independent Assessor has since found that the offer of 34% is the maximum viable level on the site. The applicant has since increased their offer to 35% and has also advised that 40% would be offered if grant funding is available.]

Design changes from the consented scheme, including the provision of a more open relationship between the buildings, more commercial space at ground floor level and a café within the gardens is supported. The layout is therefore well resolved.

The cycle storage access lift sited in the link between the south western and north western buildings would create clutter and detract from the openness of the route [OFFICER COMMENT – The plans have since been revised and the cycle lift removed from this location].

The proposed energy efficiency measures are acceptable if a suitable contribution is sought to ensure that the development achieves zero carbon standards.

Transportation comments echo those of TfL below.

The principle of the application is supported, and when the issues above are addressed the proposal will comply with the London Plan.

The application must be referred to the Mayor for stage 2 comments when the Council has reached a resolution as to whether to grant permission.

Transport for London (Statutory consultee)

5.4 TfL have made the following comments:

- A contribution of £330,000 is requested to offset impact on bus and tram infrastructure of the additional trip generated by the development [OFFICER COMMENT – this provision has been included in the heads of terms associated with the eventual S.106 Agreement. The exact amount to be agreed is under discussion with the applicant and TfL.
- The provision of 20 blue badge parking spaces is acceptable
- Electric vehicle charging points, a Travel Plan, a Delivery and Servicing Plan, Construction Logistics Plan, an on-street car club bay with free membership and restrictions on residents applying for on street permits should be secured via the legal agreement or condition. [OFFICER COMMENT – these provisions have been included in the recommended condition schedule].
- The cycle parking meets quantum standards. The long stay cycle parking and staff shower facilities proposed for the commercial units should be provided by the developer rather than it being the responsibility of future tenants to provide [OFFICER COMMENT – this matter would be secured by condition.]

Lead Local Flood Authority (Statutory consultee)

5.5 The LLFA commented that they have no objection to the proposal provided that conditions are attached should consent be granted to deal with sustainable drainage. [OFFICER COMMENT – this is included as a recommended planning condition].

Natural England (Statutory consultee)
5.6 NE commented that they have no objection to the proposal. They also commented that the loss of open space has potential to have a negative impact on ecology, but that a net ecological gain on the site should be sought through the provision of green infrastructure. [OFFICER COMMENT – an Ecological Action Plan would be secured by condition].

Environment Agency (Statutory consultee)

5.7 The EA commented that they have no objection to the proposal provided that 5 recommended conditions with regards to land contamination are attached should consent be granted [OFFICER COMMENT – these conditions have been included in the recommended list of planning conditions].

Historic England – Built Heritage (Statutory Consultee)

5.8 Historic England stated that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

The London Parks and Gardens Trust

5.9 Queens Gardens is included on the LPGT’s register. They therefore made the following comments -

- The increase in amount of public park, provision of a café and play space are commended.
- Concern over the loss of trees, height of the blocks and overall density.
- Concern over overshadowing impacts on the amenity value of the park.
- On balance, object to the proposal as an overdevelopment with a net negative impact on the historic landscape. [OFFICER COMMENT - These matters are discussed below in further detail].

Historic England – Archaeology

5.10 The Archaeological advisory service recommended a condition to require assessment works.

HSE

5.11 HSE advised that the site is not near a major hazard site of accident pipeline and therefore the organisation has no comments to make.

NATs safeguarding office

5.12 NATs commented that there is potential for the buildings to interfere with secondary Surveillance Radars, and recommended that the developer engage with them as proposals develop. They noted that they have no objection to the proposal.

Gatwick Airport

5.13 The Airport commented that the site is outside of their physical safeguarding zone, but that they should be notified if wind turbines are proposed [OFFICER COMMENT – no wind turbines are proposed]

Heathrow Airport
5.14 The airport has no safeguarding objections to the proposal.

**Thames Water**

5.15 Thames Water recommended informatives regarding water pressure, water drainage and a sewer crossing the site. They also recommended conditions requiring no pilling unless in accordance with agreed details, the provision of a non-return valve and the provision of a fat trap. [OFFICER COMMENT – these informatives and conditions are recommended].

**Mid/Croydon Conservation Area Advisory Panel**

5.16 The Panel made the following comments:

- The development will be detrimental to the conservation area
- Concerned about loss of open space, use of the gardens by down and outs and contravention of the masterplan in terms of the height of the tower.
- Also concerned about the overall appearance which will change the character of the area.
- Also concerned about the cumulative impact of the development alongside other largescale town centre schemes, making the centre of Croydon into a building site and a no go area.

6 LOCAL REPRESENTATION

6.1 The application has been publicised by way of one or more site notices displayed near the application site. The application has also been publicised in the local press. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

<table>
<thead>
<tr>
<th>No of individual responses: 29</th>
<th>Objecting: 26</th>
<th>Supporting: 1</th>
<th>Commenting: 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of petitions received: 0</td>
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</table>

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

<table>
<thead>
<tr>
<th>Summary of objections</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Scale and massing</strong></td>
<td>The height and massing has been assessed in detail through the visual impact assessment (within the Environmental Statement) and found to be satisfactory. It has been determined that the development would cause less than substantial harm to heritage assets which is outweighed by the public benefits of the scheme. The parameters in the Masterplan are exceeded but this does not represent a reason for refusal given that the detailed townscape assessment indicates that the proposed dimensions are acceptable. Refer to paragraph 8.13 of this report.</td>
</tr>
<tr>
<td>Impact on the gardens</td>
<td></td>
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<tr>
<td>Concern regarding loss of light to the gardens and that the applicant’s environmental study in this regard is unbelievable. The tower should be re-sited to allow for more sunlight, or the north-western block should be removed.</td>
<td>There would be a loss of light to the Gardens from existing cleared site conditions. However, overall the Gardens would experience greater levels of light compared to the situation when Taberner House was in place. The light levels would meet standards for parks and gardens outlined by the BRE. Given this, there is no need to either relocate the tower or remove the north-western block. The applicant’s technical study of this matter is considered to be sufficiently robust and detailed. Refer to paragraph 8.26 of this report.</td>
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<thead>
<tr>
<th>Loss of open space</th>
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<tbody>
<tr>
<td>The area of new open space provided by the development would exceed of areas occupied by the existing Queens Gardens – with the space being publicly accessible. Refer to paragraph 8.5 of this report.</td>
<td>The proposed development would provide a net gain in trees overall. The removal of the identified trees would be acceptable given their replacement and the aim of securing a suitable layout. Refer to paragraph 8.29 of this report.</td>
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<thead>
<tr>
<th>Loss of trees</th>
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<tr>
<td>The proposed development would provide a net gain in trees overall. The removal of the identified trees would be acceptable given their replacement and the aim of securing a suitable layout. Refer to paragraph 8.29 of this report.</td>
<td>Details of landscaping would be secured by condition to ensure the status of the Gardens as a heritage asset would be maintained. The proposal to include the play-space in the sunken garden area is indicative only and will be further considered through the determination of future planning conditions. Refer to paragraph 8.24 of this report.</td>
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<table>
<thead>
<tr>
<th>The gardens are a heritage asset which will be damaged by use by a developer. The play space should not be sited in the sunken garden area.</th>
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<tbody>
<tr>
<td>There would be a loss of light to the Gardens from existing cleared site conditions. However, overall the Gardens would experience greater levels of light compared to the situation when Taberner House was in place. The light levels would meet standards for parks and gardens outlined by the BRE. Given this, there is no need to either relocate the tower or remove the north-western block. The applicant’s technical study of this matter is considered to be sufficiently robust and detailed. Refer to paragraph 8.26 of this report.</td>
<td>Details of landscaping would be secured by condition to ensure the status of the Gardens as a heritage asset would be maintained. The proposal to include the play-space in the sunken garden area is indicative only and will be further considered through the determination of future planning conditions. Refer to paragraph 8.24 of this report.</td>
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<tr>
<th>The café should be located in the ground floor of the main development and not in the sunken garden area where there will be access issues, delivery and waste difficulties, loss of green space and loss of toilets which are accessible in the evenings.</th>
<th>The location of the proposed café is considered suitable. Access for all would be provided. Refer to paragraph 8.24 of this report.</th>
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<tbody>
<tr>
<td>The detailed plans for the Queens Gardens have not yet been finalised. The proposed ‘Design code’ outlining the overarching principles of the re-landscaping does not prohibit the use of the space for cultural activities or photography. It is not possible to prevent residents from objecting to noise, but it</td>
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</tbody>
</table>

<p>| Space for cultural activity such as an amphitheatre, bandstand or area which can be cordoned off for paid events has not been provided. Loss of an existing photo venue for the register office would also occur. Future |  |</p>
<table>
<thead>
<tr>
<th>residents should be prevented from complaining about noise from events in the park.</th>
<th>would be expected that parks may have temporary events at certain times. Refer to paragraph 8.23 of this report.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposals for the Gardens do not meet the parameters in the Masterplan</td>
<td>Some aspects of the proposed garden works do not comply exactly with the Masterplan, but overall would include many important features identified in the document and would be acceptable. Refer to paragraph 8.24 of this report.</td>
</tr>
<tr>
<td>The use of water for play would result in wastage and water shortage</td>
<td>If water play is contained within the play space when proposals are finalised at condition stage, it is not considered that the level of usage would result in significant water wastage or shortage.</td>
</tr>
<tr>
<td>Hillocks would reduce natural surveillance and the removal of planting is not supported</td>
<td>The proposals for the Gardens are currently indicative only and would be secured by condition. The Gardens would have sufficient natural surveillance resulting in an improved position from that which exists currently. The proposed replacement planting is sufficient to offset any loss. Refer to paragraph 8.24 of this report.</td>
</tr>
<tr>
<td>Tall buildings will result in strong winds</td>
<td>The wind assessment which forms part of the environmental statement submitted with the application indicates that satisfactory conditions would remain in the Gardens. Refer to paragraph 8.27 of this report.</td>
</tr>
<tr>
<td>The Gardens will no longer be quiet</td>
<td>Levels of use within the Gardens will need to increase in line with the increased number of residential units proposed on site and in the immediate vicinity, which may mean that the space will be more fully occupied and more active.</td>
</tr>
</tbody>
</table>

**Housing quantity and quality**

<table>
<thead>
<tr>
<th>Too much housing in the town centre</th>
<th>The centre of Croydon is designated as an Opportunity Area, indicating capacity for significant growth in housing which is fully supported by local and national policy. The development would contribute significantly towards housing growth and securing overall borough housing targets. Refer to paragraph 8.2 of this report.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The areas for future residents are small and would be detrimental to health due to pollution</td>
<td>The residential accommodation is of high quality, which complies with or exceeds all relevant standards. It is not considered that the site is unsuitable for residential occupation due to pollutant levels. Refer to paragraph 8.35 of this report.</td>
</tr>
</tbody>
</table>

**Transportation**

<p>| Concern regarding insufficient parking for 514 flats | The site is in a highly accessible location and therefore a zero-parking development is supported. Sufficient provision would be made |</p>
<table>
<thead>
<tr>
<th><strong>Other planning matters</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The development would result in an increase in traffic</td>
</tr>
<tr>
<td>The development would not provide energy efficiencies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Summary of comments in support (including from remarks listed as ‘comments’/’objection’)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The development will bring Croydon into the 21st century</td>
</tr>
<tr>
<td>Architectural high quality and good use of materials</td>
</tr>
<tr>
<td>The landscape design is excellent and picks up the exotic character of the sunken gardens</td>
</tr>
<tr>
<td>Support for the provision of active frontages</td>
</tr>
<tr>
<td>Support for the gaps between the buildings which allow light to reach the gardens</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Non-material issues</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Misuse of Council resources donating public land to a developer to provide play space</td>
</tr>
<tr>
<td>No details of given of how Queens Gardens will be maintained and residents may try to restrict use. The playspace and outdoor seating area to the café will be hard to maintain.</td>
</tr>
</tbody>
</table>
would be responsible for the maintenance of the space in perpetuity. It is not proposed that any of the Gardens (including the play space and land between the buildings) would be for the use of residents only.

The Gardens are a separate land parcel to Taberner House and do not form part of it.

The separation of sites under the land registry is not a planning consideration. An applicant may submit a plan on land covering several titles.

No details have been provided of how local residents would integrate into their community.

Future residents of a development cannot be required to participate in community activities or events.

The flats will not be affordable.

The development will make a significant contribution towards the provision of affordable housing at 35%. The cost of the remaining units is controlled by market forces and is not a relevant planning consideration.

Small independent shops should occupy the ground floor accommodation rather than chain shops.

The independence or otherwise of commercial facilities is not a relevant consideration within this residential led scheme.

**Procedural issues**

The Design and Access statement (D&A) gives misleading images that depict the buildings as smaller than their actual size.

The images in the D&A are for illustrative purposes only and have been not used for the technical assessment of the scheme. The visual impact assessment (within the environmental statement) contains accurate visual representations of the proposed buildings and has formed the basis of the assessment of townscape and heritage impacts.

The application is invalid because it does not comply with the requirement in the Localism Act 2011 for developers to undertake pre-application consultation with local residents that identifies all relevant issues. Specifically, the pre-application consultation did not highlight that the scheme exceeds the Masterplan parameters when local opinions were sought.

The Localism act does not formally require developers for schemes which do not contain wind turbines to undertake consultation. Notwithstanding this, the applicant did undertake an extensive consultation process at pre-application stage which generated significant participation. There are no concerns that this consultation was not significantly comprehensive. Statutory consultation has also taken place following receipt of the application by Croydon Council.

The financial appraisal of the scheme is not open to the public.

The submitted financial appraisal is commercially sensitive and therefore has not been published as an application document. The appraisal has been reviewed by officers and subject to a detailed assessment by an independent viability assessor.
6.3 Cllr Helen Pollard and Cllr Vidhi Mohan has made the following representations:

- Councillors object to the scheme and wish for it to be referred to Planning Committee for the following reasons:
  - Poor design, which is blocky, unimaginative and out of character
  - Loss of green space as the Gardens will be built on

7 RELEVANT PLANNING POLICIES AND GUIDANCE

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

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

- Requiring good design.
- Promoting sustainable transport and requiring transport assessments
- Supporting the provision of housing
- Requiring any loss of designated Local Open Land to be replaced by a provision of equal quantity and quality
- Supporting the concentration of a1 retail (shops) within designated centres

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

7.4 Consolidated London Plan 2015 (LP):

- 2.13, 2.14, 2.15 Opportunity areas, regeneration areas and Town Centres
- 2.18 Green infrastructure
- 3.3 and 3.4 Increasing housing supply and optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Childrens playspace
- 3.7 Large residential developments
- 3.8-3.13 Provision of affordable housing
- 4.7 Retail and town centre development
- 5.2 Minimising carbon dioxide emissions
- 5.5 Decentralised energy networks
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.13 Parking
- 7.4-7.6 local character, public realm and architecture
- 7.7 Location and design of tall and large buildings
• 7.8 Heritage assets and archaeology
• 7.14 Improving air quality
• 7.15 Reducing and managing noise
• 7.18 Protecting open space

7.5 Croydon Local Plan: Strategic Policies 2013 (CLP1):

• SP2 Homes
• SP3 Employment
• SP4 Urban design and Local character
• SP6 Environment and climate change
• SP7 Green grid

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

• UD2 Layout and siting of new development
• UD3 Scale and design of new buildings
• UD6 Safety and security
• UD7 Inclusive design
• UD8 Protecting residential amenity
• UD13 Parking design and layout
• UD14 Landscape design
• UD15 Refuse and recycling storage
• UD16 Public art
• UC3 Development proposals in Conservation Areas
• UC10 Historic parks and gardens
• RO8 Protecting Local Open Land
• NC3 Nature conservation opportunities
• NC4 Woodland, trees and hedgerows
• EP1 Control of potentially polluting uses
• T2 Traffic generation from development
• T4 cycling facilities
• T8 car parking standards

7.7 CLP1.1 & CLP2

• The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) have been approved by Full Council on 5 December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3 February 2017. Policies which have not been objected to can be given some weight in the decision-making process.

7.8 There is relevant Supplementary Planning Guidance as follows:

• Croydon Opportunity Area Planning Framework (The OAPF, LBC & GLA)

7.9 There are relevant adopted Masterplans/Conservation Area Appraisals and Management Plans (CAAMPS) /Other Guidance as follows:

• Mid Croydon Masterplan (The Masterplan)
7.10 There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG March 2016 (GLA)
- The London Mayoral (Draft) Affordable Housing SPG (GLA). This document is currently out for consultation which seeks to provide a more robust, transparent and clear approach to the delivery of affordable housing (both on and off site). The SPG also recognises a wider range of affordable housing tenures and how the value of these tenures might be maximised whilst ensuring overall affordability for Londoners to either rent a home or purchase a property. Whilst the London Mayor is encouraging all boroughs to adopt the approaches outlined by this draft SPG and it indicates a clear direction of travel, the weight to be afforded to this document is limited at present.

8 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development and residential density
2. Townscape, visual impact and impact on heritage assets
3. Impact on Queens Gardens
4. Housing typology and tenure
5. The acceptability of the living conditions created for future residents
6. Impact on the residential amenity of adjoining occupiers
7. Transportation considerations
8. Sustainability considerations
9. Environmental impacts of the proposed development

Principle of Development and Residential Density

Loss of Office Use and Provision of Residential Accommodation

8.1 As detailed above, prior to the demolition of the former Taberner House, the site provided a significant level of office accommodation. Whilst the principle of the loss of office use was accepted (following the previous grant of planning permission) it is still relevant to consider whether the loss of the land for office purposes complies with policy. The site is outside of the office retention area (situated to the north-west of East Croydon Rail Station) and there are no development plan policies which prevent the loss of office accommodation in this location. The development would therefore accord with all policy in this regard.

8.2 The provision of residential accommodation within the Opportunity Area is fully supported and encouraged by local and London wide housing policy, the NPPF and the OAPF. The Mid Croydon Zone (as specified by the OAPF) is identified for housing growth through the Masterplan. The provision of 514 residential units would make a significant contribution towards the achievement of the borough’s housing targets and should be welcomed along with meeting a significant identified local demand for housing.
Impact on Local Open Land

8.2 Queens Gardens is designated as Local Open Land. The section to the south of the existing fountain area is identified in the Masterplan (MCM) as potentially suitable for some form of residential development, provided that land is re-provided elsewhere on the site. The key policy consideration for any development of the land should therefore be that outlined in paragraph 74 of the NPPF. This states that the land should not be built on unless one of various exceptions are met. In this case, the relevant exception for consideration is whether the loss would be replaced by “equivalent or better provision in terms of quantity and quality in a suitable location.”

8.3 The Gardens has been proposed as a Local Green Space in the submitted CLP2. No objections were received against this designation although it is the subject of a general question by the appointed Examining Inspector over the number of proposed Local Green Spaces in the submitted Local Plan. Moderate weight can therefore, be applied to this policy and the designation of the Queens Gardens as Local Green Space.

8.5 The policy for Local Green Space, in line with paragraph 78 of the NPPF and emerging Policy DM27.1 of the submitted CLP2, is that the same policies as apply to Metropolitan Green Belt should apply to Local Green Space. Under both, key policies allow for the reconfiguration of the Queens Gardens Local Green Space in the same location, if there is no loss of open space in total and the space provided is of sufficient quality. The existing Queens Gardens has an area of 8,614m² and the total level of space proposed would exceed this equating to 9,155m², or 9,591m² if the spaces between blocks 2 and 3 and 1 and 4 are included (both figures excluding the footprint of the café proposed in the gardens). This is also in excess of the level of publicly accessible land provided by the previous scheme, which was 8,906m² including the spaces between buildings. The quantity is therefore exceeded and the development is acceptable subject to the detailed assessment of the quality of the new proposed space outlined below.

The Acceptability of the Proposed Commercial Accommodation

8.6 Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses, in particular the provision of A1 retail accommodation (shops) that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 27 states that where an application fails to satisfy the sequential test it should be refused. There are currently no policies precluding town centre uses (except for retail) in this location. The applicant has carried out a sequential test for the Class A1 use of the commercial units and has identified that there is sufficient vacant space elsewhere within the Croydon Metropolitan Centre to accommodate the A1 use proposed. The approval of the scheme with retail therefore represents a departure from planning policy.

8.7 The previous grant of planning permission allowed for a limited amount of retail floorspace as part of the development (irrespective of previously failing the sequential test) and it would seem appropriate and reasonable to allow a similar level of retail as part of this current application. It is recommended therefore that the level of retail should be restricted to 250m² of floorspace (which would provide sufficient space for a local convenience store which would serve the local shopping needs of the new residents of the development). This would be controlled through the use of planning conditions.
Residential Density

8.8 The density of accommodation on the site is 1,131 habitable rooms per hectare (including the Gardens) and 2,485 habitable per hectare (excluding the Gardens other than that between the buildings). London Plan Policy 3.4 indicates a density of 650-1100 as suitable for this site. The density of the proposed development without the gardens significantly exceeds this density range. However, given the excellent accessibility of the site, the very close proximity to local shops and services, the presence of development and design quality, limited neighbour effects and the need to facilitate growth within the OAPF area, the overall density would be acceptable. The scheme should deliver a high-quality townscape and living environment.

Townscape, Visual Impact and Effect on Heritage Assets

Layout

8.9 The Queens Gardens would be extended to the south which is fully supported, as is the focus of development towards the south of the existing Queens Gardens (with any encroachment on to existing green space offset by re-provision and extension elsewhere). This is in line with the Mid Croydon Masterplan (MCM).

8.10 New public routes through the site to connect the extended Queens Gardens to the pedestrian crossing on Park Lane and to the surrounding pedestrian network would help ensure that the new areas of public open space continue to feel “open” when viewed in the context of the proposed development and would continue to provide clear views and routes in and out. The link through the site to the south would also be in line with the MCM. Creating these new routes and spaces has helped define the four object towers as part of the landscape, rather than a more continuous urban form as indicated in the MCM and to a certain extent provided by the previous grant of planning permission. Notwithstanding the above, the effects of such an approach has been mitigated by the applicant having worked hard to ensure that the ground floors of the buildings are all active and generous (with residential entrance lobbies and commercial spaces on all but one of the individual building’s frontages) alongside positive relationships with surrounding landscapes and public realm.

8.11 Given that the car parking is proposed to be placed in a basement and for servicing to be from Fell Road, the impact on the landscape, public realm and active frontages proposed around the ground floor of the scheme would be suitably minimised and acceptable.

8.12 There is some concern that the north-western block would extend further north than the building line of the north-eastern block and more importantly, further beyond the existing Bernard Weatherill House building line which might well reduce the visibility and legibility of the main entrance to the Council’s public entrance. Notwithstanding this, officers are satisfied overall that the proposed layout should function well and would create active and attractive new public routes and spaces. The proposal would therefore in line with LP policies 7.4, 7.5, 7.6, 7.7 and 7.8, CLP1 Policy SP4 and UDP Policies UD2, UD3 and UC3 in this regard.

Scale, Height and Massing
8.13 The proposed scale, height and massing of the scheme would exceed the guidance set out in MCM. In particular, the Masterplan refers to a six to nine storey ‘courtyard’ development with potential for a 20 storey tower facing the Flyover on the south eastern corner and the potential for another 12-14 storey tower on the south western corner. On this basis that the proposed scheme with building heights of 35, 21, 13 and 19 storeys would exceed height expectations, the scheme must be assessed on its own merits, with particular regard to impact on heritage assets (notably including the Town Hall, the sunken area of the Queens Gardens, the Central Croydon Conservation Area, the Fairfield Halls, Chatsworth Road CA and Segas House), impacts on the use and character of Queens Gardens, impacts on street-scene and local views, impact on more distant views and environmental impacts. It is worth noting however that that the scheme proposed in the extant permission also exceeded height expectations outlined by the MCM.

8.14 Based on these assessments there have been some concerns raised around the overall height of the proposed towers which do impact on the Queens Gardens and the Town Hall. However, these impacts are mitigated by:

- The slender proportions and refined massing of the proposed buildings
- The careful composition of the proposed buildings
- The high-quality architecture and detailing of the proposed buildings
- The proposed gaps and routes between the buildings which create a sense of relief, views and routes through
- The extension to the Queens Gardens, the increase in its material quality and new connectivity to and through the gardens

Impact on Heritage Assets

8.15 There have been some concerns about the impact of the proposed height and massing on designated heritage assets. The four towers set to the south of Queen’s Gardens impact on the setting of the grade II listed Municipal Buildings (Town Hall). In views from Katharine Street, Block 1 is shown to be visible above the roof line and in conjunction with the clock tower, which forms a prominent feature of the Municipal Complex and represents an important part of its heritage significance. The Cultural Heritage Chapter of the ES identifies that this is a dynamic view, of which the tower would only feature in part of this view. This would none the less cause some harm (albeit less than substantial) to the setting of the Municipal Buildings and the clock tower as an identified landmark. Block 3 would also be visible from this view (albeit by only a limited amount which is further limited by the transparency of the proposed building at this level). Even so, the silhouette of the listed asset would be affected which would add to the harm caused. In addition, the proposals are considered to cause some harm to the setting of the eastern elevation of the Town Hall, given the proximity of the buildings, the use of outboard balconies and the overall scale and proportions.

8.16 The proposed development would also impact on the setting of other listed buildings including Segas House and Society of Friends Hall. It is considered that the impact on these assets is more limited and comparable to that of the consented scheme. The impact on Almshouses as shown in view 16 of the TVIA is comparable to that of the consented scheme, but nevertheless constitutes less than substantial harm to the setting of this Grade I listed building.
8.17 In addition to listed buildings, the proposal also needs to be assessed against the impact on neighbouring conservation areas. Chatsworth Road Conservation Area is near the site and the proposal is evident from within the conservation area - in linear views along Friends Road and above the roof-scape from other streets such as Beech House Road - causing some harm to the setting of the conservation area. It is however acknowledged that the impact is comparable to the consented scheme. The impacts on Central Croydon Conservation Area primarily relate to those impacts on the Municipal Building from Katharine Street as considered above and the impacts on Queen’s Gardens as set out below.

8.18 Overall, whilst the proposed development would cause some harm to heritage assets, these impacts and the degree of harm would be less than substantial, including in relation to Queens Gardens as identified below. As outlined in the NPPF, the acceptability of this needs to be assessed by weighing the level of harm against the public benefits of the scheme. The scheme would provide significant public benefits, particularly –

- The townscape benefits of high quality architecture as outlined in paragraph 8.14
- The provision of improvements to the permeability, connectivity and facilities within Queens Gardens
- The provision of 514 new homes to make a significant contribution towards the need for new housing in the borough
- The provision of many additional affordable homes (35% of overall provision with a mix of shared ownership and affordable rented tenures).

8.19 Considering the level of harm to designated assets caused against the public benefits outlined above, on balance the development would be acceptable. It therefore complies with the provisions of the NPPF and Policies SP4 of CLP1, UC3 of the UDP and 7.8 of the London Plan.

Architecture and Detailed Design

8.20 The scheme proposes a refined architectural approach which treats the proposed buildings as a family/cluster of buildings with a refreshingly simple form and massing that share a sophisticated architectural language with subtle differences introduced between each building. This is fully supported, as is the pared down approach to detailed architectural expression that creates an appropriate architectural backdrop to nearby listed civic buildings and to the Queens Gardens (notwithstanding comments about the impact of scale and height). The proposal demonstrates an architectural focus on simple forms and several critical and well-judged details and material choices. These details and materials will need to be carefully controlled by condition to ensure that the quality of these details and material choices and followed through in delivery on site.

8.21 There are some concerns regarding the proposed outboard balconies and the impact these will have on the clarity of the otherwise refined forms, the bulk and mass of the development and the sense of encroachment of the scheme on the setting of the Town Hall. It is however acknowledged that to bring the balconies inboard would result in an increase in bulk which would be problematic. This aspect of the detailed design is therefore considered acceptable on balance.

Impact on Queens Gardens
Quality in relation to Connectivity, Materials, Planting and Facilities

8.22 The scheme proposes re-landscaping of the Gardens to include the provision of new east-west route, play space, café and steps down from Katharine Street to the north-western corner of the Gardens. The scheme’s inclusion of Queens Gardens and surrounding public realm and proposals to improve these spaces would be in line with the MCM and is strongly supported. The works to the Gardens would represent a significant improvement in terms of connectivity and facilities. New public routes would be created through the development site in line with MCM and is also supported. The provision of a new public steps from Katherine Street down to the sunken garden area did not form part of the previous planning permission and would represent a significant improvement in connectivity and visibility in line with MCM.

8.23 The indicative design approach, use of materials and planting shown is broadly supported. Design discussion within the context of the Design Code will continue and be further refined once planning conditions come to being considered and discharged. These discussions will be used to ensure that the design of the Gardens meets the requirements of the Croydon Public Realm Design Guide, the MCM, users of the park (including for instance wedding parties having photographs taken, and attending potential cultural events) and those who will be responsible for its management and maintenance within the Council.

8.24 The proposal to integrate a new café in to the sunken gardens (subject to sensitively addressing heritage matters) in line with MCM is supported and would encouraged activation and increased natural surveillance of the lower garden section. The principle of integrating public play facilities into Queens Gardens in line with MCM and fully supported. There are however concerns about whether the indicative location in the sunken garden is the optimal location for this, but the Design Code allows sufficient flexibility to allow this matter to be discussed further at discharge of condition stage. This approach would also apply to the assessment of the character of the landscape interventions that extend in to the sunken gardens, within which the indicative drawings present some concerns in relation to historic character. The use of conditions to secure interpretative heritage information within the Gardens might help to further overcome these concerns.

Environmental Impacts on the Gardens

8.25 The Environmental Statement assesses the proposed scheme against both the existing (baseline) conditions with a cleared site and the previous conditions when Taberner House was existing. Given the development history of the site, it would be unreasonable to ignore the fact that a very substantial building recently occupied the site and therefore the planning assessment of impacts outlined below predominantly compares the scheme to conditions prior to the demolition of the former Taberner House.

8.26 In relation to the sunlight impacts on the gardens, 80% of the existing garden area to be retained would receive more than two hours of sunlight on the 21st March (which is taken as the annual ‘average’ sunlight in line with the standard BRE approach for the assessment on sunlight impacts on amenity space). 45% of the useable area between the proposed buildings would also receive 2 hours or more of sunlight on 21st March. The development would allow greater light penetration to the new gardens overall
compared to when Taberner House was in situ, with gaps between the proposed buildings. Following development, the direct sunlight to the Gardens would remain in excess of the 50% suggested in the BRE guidance. The development is therefore acceptable in this regard.

8.27 The development would result in a slight worsening of wind conditions within the Gardens from those which existed when Taberner House was in place. With the development complete, in the windiest season predominant conditions would be suitable for standing, with some areas at the centre of the proposed buildings suitable for sitting. This is compared to the baseline of Taberner House which created many areas at the centre of the gardens which were suitable for standing only. This is acceptable given that short term ‘sitting’ could still take place in overall standing conditions and that some areas of the Gardens would remain as suitable for sitting. In the summer season, sitting conditions would predominate with some areas to the south east of the Gardens and between the proposed buildings suitable for standing. This is considered acceptable and fit for purpose.

Impact on Trees and ecology

8.28 Given the extensive tree coverage of the existing site, the development would have arboriculture implications. 13 trees across the whole site are proposed for removal, including two adjoining the flyover, a group in the north western corner of the gardens which are currently overcrowded and one which is dead/dying. Only 1 tree which was not identified for removal in the previous consent would be removed, as the more detailed assessment undertaken with this application has indicated that this is necessary to facilitate the provision of the access steps from Katharine Street. The two large chestnuts between the buildings would also be removed, as was proposed with the previous consent.

8.29 It is considered that tree loss has been minimised within the context of developing the site. All ‘memorial’ trees to the south east would remain. A small memorial tree, a Gingko, currently in an isolated position to the western lawn, would be relocated to allow retention of the specimen. There will be a net increase in tree planting over the site with ample and appropriate new tree planting proposed, including landmark tree species. The species proposed for replacement tree planting are acceptable, as are the proposed tree sizes and planting locations. The development is therefore acceptable with regards to policy NC4 of the UDP.

8.30 Given the extensive tree and shrub coverage of the existing site, any development is likely to have an impact on existing ecology, including birds and invertebrates. Any potential harm, however, could be mitigated through the use of an Ecological Management Strategy, which is recommended to be secured by condition. The previous building (Taberner House) was identified as a perching location for peregrine falcons, and it would therefore be appropriate to ensure that the Ecological Management Strategy includes proposals to provide a suitable replacement habitat for these birds.

Housing Typology and Tenure

8.31 14% of units would have three bedrooms and whilst this would be below the 20% target for the Mid Croydon Area outlined in the OAPF, it is considered to be an acceptable level given that the quantum overall would be high and that the market demand for
units of this scale within the development may not be able to support more provision. The extant scheme previously granted planning permission included a lesser proportion of three bed units at 9.8%. A good balance of one and two bedroom units is also proposed and the development overall, would be acceptable in this regard.

8.32 35% affordable housing is offered (or 40% should GLA grant funding be available) with a split of 50.2% affordable rent and 49.8% shared ownership. Policy SP2.4 of the Croydon Local Plan: Strategic Policies states that the Council will negotiate to achieve up to 50% affordable housing on sites of 10 or more units and a 60:40 ratio between affordable rent and shared ownership products unless agreements are in place between the Council and a Registered Provider confirming that a different tenure split is justified. The applicant’s previous affordable offer (34%) with a 52/48 split in favour of affordable rent was found to be the maximum viable level which the scheme could reasonably support and it follows that the raised offer (to accommodate the GLA SPG requirements) would be slightly in excess of the schemes overall viability envelop. Although the tenure split would not be 60%/40%, the mix would still be biased towards affordable rent and it has been designed to fit within the physical parameters of separate buildings which works in townscape terms (with the south-western block adjacent to Bernard Weatherill House set aside as affordable rented tenures). Furthermore, the Council’s Housing Team intends to act as provider of the units and supports the split. The development would therefore be acceptable in broad accordance with the main aspects of Policy SP2.4.

8.33 Policy SP2.4 advises however that where schemes offer below the 50% affordable housing target (based on up to date viability information) there is a general expectation that the scheme would need to be subject to a future viability review – to ensure that any increases in sales values and gross development value is captured to deliver higher levels of affordable housing or a different affordable housing mix. Whilst this request has been made by officers, the applicant has argued that in this case, such a review should not be required for the following reasons:

1. There is an extant consent for the site with an affordable offer of 15% with no review mechanism
2. The GLA do not require a review mechanism for schemes which offer 35% or more affordable (based on their Draft Affordable Housing and Viability Supplementary Planning Guidance (SPG) and have not requested one for this scheme.
3. The emerging CLP1.1 policy SP2.5, which has been submitted to the Inspectorate and may be fully adopted by December this year, states that schemes which provide 30% affordable housing in this location should not be required to comply with review mechanisms.

8.34 Notwithstanding the extant consent, the current policy position indicates that developments should be able to support a higher level of affordable housing and therefore represents a material change in circumstances. The affordable housing level associated with the extant scheme does not justify (in-itself) the applicant’s refusal to agree to review viability at a later date. Whilst the GLA’s SPG is in draft and cannot be afforded significant weight and may be subject to change, the Stage 1 letter has not requested a late viability review. Finally, draft CLP1.1 Policy SP5.2 cannot be afforded significant weight either, given that it has not yet been considered by the Inspectorate and has been subject to a significant level of representation. None of these factors in themselves would therefore be sufficient to justify refusal to undertake a later viability review. However, in combination and since failure to agree a review mechanism might
well otherwise obstruct progressing with this key strategic site with the contribution the site makes to overall housing and affordable housing targets, it is considered on balance that exceptional circumstances exist which suggests that the requirement for a review mechanism should be set aside in this instance.

The acceptability of the living conditions created for future residents

8.35 The proposed residential units would all meet or exceed the internal floorspace standards in the ‘Technical Housing Standards – nationally described space standards.’ All units would also have an amenity space provision in line with the standards outlined in the London Housing SPG. Communal roof gardens are also provided to Blocks 3 and 4 facing the Gardens, which is fully supported.

8.36 Playspace to serve the development should also be provided in accordance with the London Play and Informal Recreation SPG. In accordance with SPG assessment methodology, the development would generate a need for 1,250m² of play space. 1,318m² of play-space would be provided within the Gardens which would meet this quantum and would have the added benefit of being fully accessible for members of the public. This provision is therefore supported and should be provided prior to the first occupation of any residential units.

8.37 A daylighting consultancy was instructed early in the design process and have guided the development of the detailed design in order to ensure that internal daylighting is maximised. A detailed daylight assessment has been submitted with the application. The assessment indicates that only 9 habitable rooms over the whole development, representing 0.6% of the 1,407 habitable rooms proposed (all at first or second floor level) do not meet or exceed the BRE recommended Average Daylight Factor. Those rooms which fall short would be bedrooms, which are used less in the day in any case, or living rooms which only just fall short of the recommended level. Given the scale of the development overall and the sites urban location, these internal daylighting levels are considered very good and are supported.

8.38 Levels of internal overlooking within the development also need to be considered. The separation distances between Block 1 (35 storeys, to the south-west) and Block 2 (21 storeys to the south-east) and between Blocks 3 (13 storeys to the north-west) and Block 4 (19 storeys to the north east) would be ample to prevent overlooking at 26m and 36m respectively. The separation distance between blocks 2 and 3 would be less at 12m. This is not considered sufficient to prevent overlooking and therefore it is recommended that all the windows at 13th floor and below of Block 2 are obscure glazed below 1.7m. As most the rooms to this elevation have windows to two elevations, this would only result in lack of outlook to one bedroom at each level within dual aspect units, which is considered acceptable.

8.39 The separation distance between Blocks 1 and 4 would also be below the normally expected level at 11m. Given the presence of outboard balconies to the southern elevation of Block 4, privacy screens would be required if views from this elevation were to be obscured, which would be too visually prominent. Therefore, it would be appropriate to require the windows at the 19th floor and below in the northern elevation of block 1 to be obscure glazed below 1.7m. This would result in two bedrooms at each level losing outlook, which is considered acceptable. It is worth noting that a number of windows were required to be obscure glazed in respect of the extant scheme.
8.40 Overall, only 48 of 1,407 habitable rooms within the scheme would not have outlook to prevent overlooking, equating to only 3.4% of the development, which is not a significant proportion – bearing in mind the scale of development proposed. All of these are bedrooms where outlook is likely to be less required and would be mitigated in any case as a consequence of these units being dual aspect.

8.41 Given all the above considerations, the proposal is therefore acceptable with regards to LP Policy 3.5.

Wind impacts on residential quality

8.42 The submitted Environmental Statement indicates that the wind conditions at all entrances to the site would be suitable for their intended use, including through the mitigation provided through the detailed design of the building with a recessed area to the ground floor to the north elevation of Block 1.

8.43 The wind conditions on all balconies would be suitable for sitting (the desired level) or, for a minority of balconies a high level, standing (one level windier than desired). With mitigation in the form of 1.5m high solid balustrades, satisfactory conditions would be created. It is recommended that this matter is secured through a condition for a detailed Wind Mitigation Strategy.

Impact on the Residential Amenity of Adjoining Occupiers

8.44 Most the buildings which surround the site are civic, commercial or religious premises. The nearest residential accommodation to the proposed buildings are situated on the opposite side of the Park Lane Gyratory within the upper floors of 69 Park Lane, which is 80 metres from the eastern boundary of the site. Given these large separation distances it is not anticipated that the outlook of these residencies would be adversely affect by the proposal and there would not be significant potential for overlooking.

8.45 The Environmental Statement contains an assessment of the daylighting impact on nearby residential properties, which has been conducted in accordance with BRE methodology. This concludes that there would be no noticeable change in daylighting to 33 Edridge Road or 69 Park Lane. It identifies some noticeable reduction in Vertical Skylight Component to both 74 Park Lane and the consented (but not implemented) residencies proposed to be provided within Edridge House (currently a vacant office). However, these reductions are predominantly minor and relate to the fact that the daylighting within these buildings is already below BRE standards for many windows (in the case of 74 Park Lane due to overhanging balconies, and in the case of Edridge House due to existing large surrounding buildings). All windows would also meet the No Sky Line Contour test.

8.46 The OAPF advises the following

“It is recognised that in heavily built up areas such as the COA, new development will inevitably result in some level of overshadowing and overlooking of neighbouring properties and amenity spaces. It should be noted that the existing pattern of development in the central part of the COA is not conducive to the application of normal planning guidelines for sunlight and daylight. As such, as part of new development proposals, there will need to be a flexible approach to the protection of natural light for existing properties.”
8.47 Within this context it is considered that the overall minor level of harm caused is therefore acceptable. Therefore, overall the residential amenity of adjoining occupiers would not be significantly adversely affected by the proposal, which accords with Policy UD8 of the UDP.

Transportation Considerations

8.48 In relation to the Transportation issues the application is supported by a Transport Assessment, Framework Logistics Plan, Framework Delivery and Servicing Plan, Operational Waste and Recycling Management Strategy, and a Framework Travel Plan

Transport Assessment

8.49 The site is located within Croydon Town Centre with a PTAL of 6b. It is therefore considered acceptable for this to be a car free development except for disabled parking spaces. The proposal is to provide 514 residential units and 4 commercial units. The proposal provides 20 disabled parking bays in the basement for the residential use and 1 on-street disabled bay in a lay-by for use by visitors and commercial uses. Given the constraints of the site this provision is considered acceptable. Although 8 of the proposed 20 units would have headroom partially below 2.6m (the level required for high top vehicles adapted for some disabled users) given that most spaces would have the required headroom, this is considered acceptable. Vehicle swept path drawings are provided that all the bays would be easily accessible and the layout of the parking is therefore acceptable.

8.50 The site is located within a Controlled Parking Zone and the subsequent S.106 Agreement would include a clause preventing future residents from applying for an on-street parking permit. The TA states that Electric Vehicle Charging Points will be provided in accordance with the standards set out in the London Plan. Details of this should be conditioned to any granting of planning permission. A car club space is also proposed within the lay-by adjacent to the on-street disabled parking bay. This should have an EVCP to accommodate an electric vehicle.

8.51 The 20 disabled spaces would be accessed off Fell Road via a ramped access. This access would be wide enough to accommodate a single vehicle and would be managed by a traffic signal control system with a passing bay at the entrance which would be acceptable. Unfortunately – and in view of the construction constraints, a structural column is shown within the passing bay which would prevent it from being fully utilised by a vehicle waiting to enter the site and would result in the waiting vehicle partially obstructing the footway of Fell Road. However, this is unlikely to be a regular occurrence. Details of the signal control system and layout of the passing bay could be secured by condition.

8.52 Cycle parking for the residential element is provided at both basement levels with a total of 820 spaces and accords with London Plan standards. Each commercial unit would have a cycle store within the confines of the unit, providing a total of 10 spaces. In addition, 50 short stay spaces will be provided by means of Sheffield type stands within the landscaped areas for both residential and commercial uses. This is all considered acceptable.
8.53 The TA has responded to the Council’s previous comments regarding trip generation rates to be used being updated from the previously approved scheme and has prepared a new set of trip rates based on the recently approved Galaxy House development. The methodology used and model splits are all considered acceptable. The TA also takes into consideration other committed developments. The TA also has a section dealing with Construction Traffic. This states that delivery hour would be 8am – 6pm Monday to Friday and 8am – 1pm Saturday. This would not be acceptable and during weekdays construction deliveries should avoid the morning and evening peak hours. The level of construction traffic is expected to be 40-45 vehicles a day during the peak period of construction and average 30 vehicles per day for the rest of the duration.

8.54 A full Travel Plan will need to be secured by condition and any measures proposed secured through a S106 agreement.

8.55 The applicant has agreed, following TfL’s request to make a financial contribution to offset the additional trip demand of the development on public transport infrastructure. The contribution would go towards improvements to bus and tram infrastructure. This is further highlighted on the heads of terms required as part of a subsequent S.106 Agreement process.

Framework Logistics Plan

8.56 In addition to the information provided in the TA, the Framework Logistics Plan provides additional information regarding routing of vehicles, loading and unloading arrangements, traffic management, location of welfare facilities and material storage. It is noted that a hoarding is to be provided along the centre of Fell Road where the existing loading bay is situated to allow vehicles to pull into and out of the bay for unloading. This will require Fell Road to be made one-way. Details of this will need to be agreed by the Council’s Network Management Team and a Temporary Traffic Management Order will be required. A full Construction Logistics Plan will need to be secured by condition should planning permission be granted.

Framework Delivery and Servicing Plan

8.57 All deliveries and servicing to the site would take place from a 32 metre long service bay located on Fell Road, large enough to accommodate either 4 smaller vehicles or 2 large one or a combination of both. The TA and FDSP provide predicted trip generations for deliveries and servicing and these indicate that on average there will be a requirement to accommodate 40 vehicles a day, with 4 vehicles during peak period. It is therefore considered that the service bay provided will be suitable to accommodate likely demand.

8.58 All pedestrian routes within the site – connecting Blocks 1, 2, 3 and 4 will have shallow gradients to allow the goods to be transferred easily. There will also be an on-site consolidation area between Blocks 2 and 3 where goods can be left if the residents are not available to take delivery. It is proposed that a booking system will be used to ensure that peak hours for pedestrian activity around the site are avoided.

8.59 A large oil store is proposed within the basement. Deliveries to this will be infrequent and an inlet valve is to be located between Blocks 2 and 3. The DSP will have a designated person from the Management Company responsible for implementing and
monitoring the plan and it is recommended that continued implementation and monitoring of the DSP be secured by condition.

**Operational Waste and Recycling Management Strategy**

8.60 Details of waste storage and collection have been developed by consultation with the Council’s Waste Management Team. Blocks 1 and 4 would have refuse stores in the basement area and Blocks 2 and 3 have their stores at ground level fronting onto Fell Road. For collection, 2 holding areas are proposed within the site between Blocks 2 and 3 where bins will be able to be transferred by the Management Company. Those bins located in the basement stores would be transferred through the car park and up the access ramp to the ground level holding areas using bin tugs, whilst the bins located in the ground level stores will be collected directly from the stores. Each commercial unit is to have its own storage area and will be responsible for transferring waste to the holding areas on collection days. These arrangements are considered acceptable and it is recommended that continued implementation and monitoring WMP be secured by condition.

**Sustainability Considerations**

8.61 The development is required by the London Plan to meet zero carbon standards. The application proposes to use a Combined Heat and Power System and Photovoltaic Panels to do this, alongside other energy efficiency measures in the building envelope. Based on the energy strategy, the scheme is compliant both for the residential and commercial elements of the scheme. The flats would meet the zero-carbon standard by achieving 44.38% reduction onsite with the remainder met via an offset payment. The commercial element exceeds the 35% carbon reduction target at 44.96%. The submitted Sustainability Statement indicates that a pre-assessment indicates that the scheme will achieve the required BREEAM “Excellent” standard. Compliance with domestic water use minimisation standards could be secured by condition.

8.62 The scheme is compatible with the proposed district heating scheme as there will be a central energy centre based on gas CHP, boilers and heat storage. A plan has been supplied which indicates space allocated within the energy centre for heat exchanger plan which would enable connection to the wider scheme. The plan also indicates the access point where the network would enter the energy centre. Given current timings, the Council may have procured the design, build and operation of the town centre scheme before the Taberner site completion. Future connection is therefore proposed to be sought through the S.106 Agreement. This could include a reduction in the required offset payment should the connection to the wider scheme deliver increased onsite CO2 reduction.

**Other Environmental impacts not covered by the considerations above**

**Wind to pedestrian thoroughfares**

8.63 The wind conditions to all highway areas surrounding the site would be suitable for their intended uses, except for one point to the south-eastern corner of Block 1. This point would also be subject to strong winds. There are limited opportunities to mitigate these adverse impacts through landscaping due to proximity to TfL maintained land (which is not in the control of either the Croydon Council Highways Authority or the applicant) but the Environmental Statement suggests that a physical
structure in this location, such as a totem or sculpture could be used effectively to mitigate the wind impact. It is recommended that this matter is secured by condition.

8.64 The wind conditions to the pedestrian thoroughfares in front of Bernard Weatherill House to the west of Fell Road and the Friends Meeting House to the south of the Flyover would be suitable for their intended use without any mitigation.

Flooding

8.65 The application was accompanied by a detailed Flood Risk Assessment and Sustainable Urban Drainage Strategy (SUDS). The Local Lead Flood Authority are satisfied that the assessment provides a comprehensive picture of conditions on the site and that the SUDS would be over sufficient scale to mitigate the surface water run-off, subject to a condition to secure further details. The provision of SUDs would represent an improvement to the previous condition with Taberner House in place, where the large footprint building did not benefit from contemporary drainage solutions. The development is therefore acceptable with regards to flooding impacts and SUDs, subject to condition.

Socio-economic effects

8.66 The Environmental Statement submitted with the application indicates that the development would have a minor beneficial impact in terms of socio economics. 74 jobs are anticipated to be provided within the commercial units to the ground floor. Additional spending in the local area would also be generated by the new occupiers of the development. 36% of the annual housing targets for the London Borough of Croydon would be accommodated on site, indicating a significant beneficial social provision. The development would generate additional demand for health and education facilities, but this could be mitigated through the Community Infrastructure Levi (CIL) associated with the development. The socio-economic benefits of the development overall are supported.

Noise and vibration

8.67 The construction phase of the development would take place in accordance with the Council’s Construction Code of Practice and it is possible to ensure adherence to this using a Construction Logistics and Environmental Management Plan (CLEMP). It is therefore considered that significant adverse impacts with regards to noise and vibration can be avoided through good management.

Air quality

8.68 The development does have potential to generate adverse impacts in terms of dust during the construction phase, but this could be fully mitigated using suitable management techniques, which could again be secured through the CLEMP. The additional number of vehicular trips which would be generated by the development would be minimal given the large number of units and the Environmental Statement concludes that impacts in terms of pollutants on surrounding roads would be imperceptible. The CHP and boiler plants used in the development would meet Air Quality Neutral standards. Given the comparatively poor air quality of the site currently, NOx filters would be required at levels 1,2,3 and 4 of the building to meet national standards. These filters could be secured by condition. Considering all of the
above matters, it is considered that the development would not result in adverse impacts in terms of Air Quality, either for future residents or users of the surrounding area.

**Solar Glare**

8.69 Although there would not be significant potential for solar glare created by the development at most points surrounding the site, there is one point to the east of the site where there is potential for a moderate adverse impact. This is the point when traveling west at the traffic lights on Barclay Road when entering the roundabout. However, the technical glare assessment does not consider the trees which sit between the site and the development in question. It is considered that the trees would significantly reduce the potential for glare and therefore the development is acceptable in this regard. In any case, this can be further considered when discharging planning conditions.

**Ground conditions**

8.70 The site is within a Source Protection Zone whereby ground contamination has the potential to enter the water course if suitable measures are not taken during condition. However, with the conditions recommended in this regard by the Environment Agency, adverse effect can be avoided and the development is satisfactory in this regard. Investigations have not identified significant ground contamination or gas risks at the site, but given the sensitivity of the intended residential use to contamination, it is recommended that detailed assessments and any mitigation found to be necessary are secured by condition.

**Conclusions**

8.71 Overall, the proposal will bring valuable benefits, including the provision of 514 new homes, 179 of which would be of affordable tenure. It would make an appropriate contribution to the townscape and the less than substantial harm identified to heritage assets would be outweighed by the benefits of the scheme. An improved Queens Gardens would also be provided to the benefit of local residents. It is therefore recommended that planning permission is granted.

8.72 All other relevant policies and considerations, including equalities, have been taken into account.