

1 APPLICATION DETAILS

Ref: 23/00872/FUL
 Location: Croydon Park Hotel, 7 Altyre Road, Croydon, CR9 5AA
 Ward: Addiscombe West
 Description: Demolition of the existing buildings and retention of the existing basement, site preparation and enabling works to allow for the erection of a residential building (Use Class C3) comprising a maximum 447 homes with a maximum height of 36 storeys and community floorspace (Use Class F.1/F.2) on the ground floor, highways and access works, landscaping, car and cycle parking, and other associated works
 Drawing Nos: See Appendix 1
 Applicant: Amro Fleymn Croydon Limited
 Agent: Mark Knibbs of Avison Young
 Case Officer: Georgina Betts

	Housing Mix				
	Studio (1 person)	1 bed (2 person)	2 bed (3 and 4 person)	3 bed (5 and 6 person)	TOTAL
Proposed (Market Rent)	84	106	75	96	361
Proposed (Discount Market Rent)	0	46	22	0	68
Proposed (London Living Rent)	0	0	4	14	18
TOTAL	84 (18%)	152 (34%)	101 (23%)	110 (25%)	447 (100%)

Type of floor space	Amount proposed
Residential (Use Class C3)	44,193sqm (NIA)
Community (Use Class F.1/F.2)	208sqm (NIA)
Total	44,401sqm

Vehicle and Cycle Parking (London Plan Standards)	
PTAL: 6b	
Car Parking maximum standard	Proposed
Car free with 3% disabled provision	13x disabled bays only
Long Stay Cycle Storage minimum	Proposed
775	788
Short Stay Cycle Storage minimum	Proposed
13	13

1.1 This application is being reported to committee because:

- The ward councillors (Cllr Fitzsimons and Cllr Hay-Justice) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

- Objections above the threshold in the Committee Consideration Criteria have been received.
- It is a residential development containing 200 or more new dwellings.

2 RECOMMENDATION

2.1 That the Committee resolve to GRANT planning permission

2.2 That the Director of Planning and Sustainable Regeneration is delegated authority to issue the planning permission subject to:

- A. Any direction by the London Mayor pursuant to the Mayor of London Order
- B. The prior completion of a legal agreement to secure the following planning obligations:

Housing

- a) Build to Rent criteria, including covenant, clawback mechanism and management
- b) Secure 20% affordable housing (by habitable room) as 30% London Living Rent (LLR) level and 70% as Discount Market Rent (DMR) level
- c) Affordable housing review mechanisms (early and late-stage reviews)

Transport

- d) Sustainable Transport financial contribution of £491,700 (to include improvements to Barclay Road pedestrian crossing)
- e) Transport for London (TfL) financial contribution of £550,000
- f) Provision of a car club bay (with EVCP) to Hazledean Road
- g) Car club membership for every home for 3 years
- h) Restriction on residential parking permits in Controlled Parking Zone (CPZ) and in town centre car parks
- i) Travel plan and monitoring

Public Realm

- j) Enter into a S. 38 and 278 highways agreement to secure the following:
 - Resurfacing of public footpath on all pavements around the site
 - New layby to Altyre Road (with pedestrian footpath inset into application site and then adopted)
 - Removal of redundant dropped kerbs
- k) Tree planting to Altyre Road (a minimum of 7 trees) secured through financial obligation of £7,840.

Design

- l) Architect retention clause
- m) Financial contribution of £10,892 for off-site play space for over 12-year-olds
- n) Public art clauses – location defined and a) brief and section agreed with LPA b) final strategy agreed with LPA and c) implementation

Environmental

- o) Carbon offsetting financial contribution of £315,164 (subject to review if the energy performance improves during the detailed design stages)
- p) 'Be Seen' monitoring clause
- q) Air quality financial contribution of £44,700
- r) TV signal mitigation measures

Employment and Training

- s) Local Employment and Training strategy (LETS)

- t) LETS construction phase financial contribution of £100,000 and operational contribution of £6,770.00

Other

- u) Community space management plan (how the space will be marketed, what will be provided in the space and reporting on an annual basis which groups use it, as well as a commitment to making the space is available to rent at a subsidized rate of 50% below market value for 15 hours per week for charities or community groups in Croydon)
- v) Community use agreement
- w) Relevant monitoring fees (per £1,500 per obligation above)

2.3 That the Director of Planning and Sustainable Regeneration is delegated authority to negotiate the legal agreement indicated above.

2.4 That the Director of Planning and Sustainable Regeneration is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Commencement time limit of 3 years
- 2) Carried out in accordance with the approved drawings
- 3) Development to have 447 homes (Use Class C3) across all buildings at heights of 9, 33 and 36 storeys

Pre-commencement (pre-demolition)

- 4) Demolition and Construction Logistics Plan (discharged in consultation with TfL and London Trams)
- 5) Demolition and Construction Environment Management Plan
- 6) Submission of a Piling Method Statement

Pre-commencement (post-demolition)

- 7) Public Art strategy, designs and implementation (brief and commissioned pieces for elevations including physical samples)
- 8) Wind mitigation in relation to ground entrance and the 33rd floor roof top amenity area
- 9) Sustainable urban drainage strategy
- 10) Intrusive site investigation

Prior to above ground floor slab level

- 11) Typical façade materials and detailing 1:1 mock-up's, with 1:5/1:10 details to confirm following approval
- 12) 1:1 mock-up's of the crown, showing interface, and of the amenity levels and window/sill details
- 13) External facing materials, including physical samples and detailed drawings of design elements 1:5/1:10
- 14) Building lighting scheme, to include night-time illumination and wildlife sensitive lighting design
- 15) Achieve Secured by Design accreditation
- 16) Vehicle Dynamics Assessment with hostile vehicle mitigation and anti-terrorist measures
- 17) Sufficient ducting space for full fibre connectivity infrastructure
- 18) Air Quality and Dust Management Plan
- 19) Final details of cycle parking

20) Details of aviation lights to the top of the two interlocking towers

Pre-occupation

- 21) Hard and soft landscaping (including planting / boundary treatment, furniture and structures / play space / equipment and rooftop amenity)
- 22) Urban Greening Factor to result in a minimum of 0.4 (scheme achieves 0.42)
- 23) Communal area management plan stipulating access to all communal areas (rooms and outside space) for all residents within both blocks
- 24) Detailed Delivery and Servicing Plan
- 25) Refuse Collection Management Plan
- 26) Building maintenance strategy including window cleaning
- 27) Parking Design and Management Plan (including details of the maintenance of the electronic gates and traffic light system utilised)
- 28) Community use cycle parking review for use of facilities and spaces within the basement
- 29) Development in accordance with WLC assessment and post-construction assessment to review emissions against submitted report
- 30) Development in accordance with Circular Economy assessment and post-construction assessment to review against submitted report
- 31) Travel Plan
- 32) Building fully accessible to all with step free access and evacuation lifts provided
- 33) Confirmation that either all water network upgrades required to accommodate the additional demand to serve the development have been completed or a development and infrastructure phasing plan agreed (from Thames Water)
- 34) Wind mitigation provided as specified

Compliance

- 35) 10% of units build to Part M4(3) and 90% to Part M4(2) of the Building Regulations
- 36) Access for all residents (across all tenures) throughout all buildings (being the Tower, Villa and Mansion Blocks) provided and maintained in perpetuity
- 37) Compliance with measures in Noise and Vibration Assessment August 2023
- 38) Noise from air and plant units should not increase background noise
- 39) Securing biodiversity mitigation and enhancement measures within Biodiversity Net Gain Statement August 2023
- 40) Minimum 35% CO2 reduction secured on site
- 41) Compliance with Air Quality Assessment March 2023 and the letter of conformity dated August 2023
- 42) Compliance with Energy and Overheating Assessment August 2023
- 43) 110 litre/person/day water consumption target
- 44) All car parking spaces equipped with electric vehicle charging infrastructure
- 45) Compliance with fire statement and detailed design of fire strategy
- 46) All features and materials must comply with Part B of the Building Regulations in relation to fire safety
- 47) Obscure glazing to the south facing windows of Tower and north facing windows of Mansion Block
- 48) Compliance with the Television and Radio Signal Survey and Reception Impact Assessment
- 49) Community use as Use Class F.1/F.2 in perpetuity
- 50) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

Informatives

- 1) Granted subject to a Section 106 Agreement
- 2) Community Infrastructure Levy

- 3) Material/detailing conditions information
- 4) Code of practise for Construction Sites
- 5) Site notice removal
- 6) Thames Water guidance related to working near or diverting assets
- 7) Thames Water Groundwater Risk Management permit info
- 8) Thames Water Minimum pressure and flow rates
- 9) Obstacle lighting (Aviation)
- 10) CAA Crane Notification (Aviation)
- 11) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

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

2.6 That the 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.

2.7 That, if within 3 months the legal agreement has not been completed, the Director of Planning and Sustainable Regeneration is delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The proposal is for full planning permission for:

- Demolition of existing hotel structures with the basement retained
- Site preparation and enabling works
- Construction of two buildings (the Towers/Villa and the Mansion Block) with a shared basement and ground floor level
- Building heights ranging between 9 storeys (Mansion Block) to 36 storeys (highest part of The Towers)
- Delivery of 447 residential homes (Use Class C3) as Build to Rent
- 208sqm of community floorspace (Use Class F.1/F.2)
- Highways/access works, landscaping, car (disabled parking only), cycle parking, and other associated works.

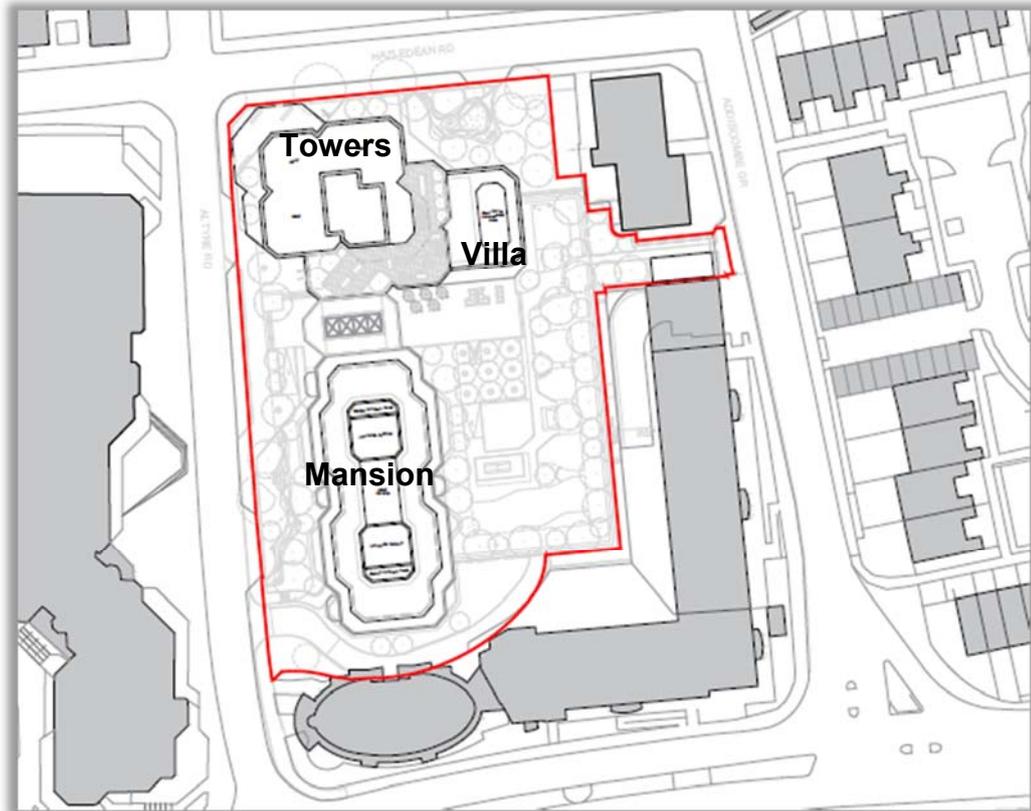


Figure 1: proposed site layout plan

Towers

- Located on the north-western corner of the application site
- The interlocking tower forms are at a height of 33 and 36 storeys
- A 208sqm community floor space on the ground floor to the north-eastern section of the floor plate
- Residential communal amenity spaces on the ground floor and 33rd floor of the tower including a gym, bar area and roof terrace. All units across the development have access to these spaces within the Towers.

Villa Block

- Located to the north-eastern corner of the site and is attached to the two interlocking towers to the west
- The Villa has a total height of 9 storeys, set back by approximately 17 metres from Hazledean Road to the north
- Multi-functional residential amenity is provided on the ground floor area

Mansion Block

- Located to the south end of the application site and is visually detached from the interlocking towers with a single storey glazed greenhouse link at ground floor level only
- The Mansion Block has a total height of 9 storeys and sits adjacent to the 9 storey blank façade of Altitude 25
- Balconies are provided on both the eastern and western elevations
- Vehicular access would be maintained to the south of The Mansion Block as per the current basement access arrangements to the hotel use

Outdoor/Amenity space

- The development provides a series of external spaces, comprising a communal courtyard garden of 1,802sqm, a pocket garden of 454sqm, a communal roof

terrace of 273sqm, and improved public realm areas of 1,022sqm totalling 3,351sqm

- An urban greening factor of 0.42 is achieved on site
- On site play space is provided for 0-5 and 6-12 year-olds with an offsite contribution secured for children over 12

Amendments

3.2 During the course of the application assessment significant amendments to the scheme were secured as a result of officer feedback. A re-consultation exercise took place on 23rd August 2023.

3.3 The improvements broadly comprise:

Design

- Reduction in height of the Towers from 39/38 storeys to 36/33 storeys.
- Reduction in the number of proposed units from 455 to 447 Build to Rent homes.
- Reduction in height of the Villa Block from 12 to 9 storeys.
- Reduction in height of Mansion Block by 600mm.
- Increase in dual aspect homes (7% increase from submission).
- Separation distances between the Towers and Mansion Block increased to 10m (originally 9m at submission).
- The Towers form has developed and been accentuated through the use of shadow gaps, contrasting colours, material and texture refinement.
- The Towers form refined/articulated to improve slenderness.
- The Mansion Block plan has been refined to reduce its length and width.
- The Mansion Block corridors have been straightened, reduced in length and made more generous in width.
- Residential entrance space relocated to the greenhouse.
- Increase of community room size by 120sqm and relocation to prominent position on Hazledean Road frontage.

Public Realm

- Resurfacing of public footpath on all pavements around the site
- Contribution towards junction crossings to Park Hill Park
- Tree planting along Hazledean and Altyre Road.
- Creation of a pocket garden to north of the Villa.
- Public realm increased by 376sqm along Altyre Road and Hazledean Road (totalling approximately 1,570sqm) through:
 - Villa Block separation from Hazledean Road increased by 1.2m (so 7m to edge of site)
 - Towers separation from Altyre Road increased by 1.5m (so 7.2m to edge of site)
 - Mansion Block separation from Altyre Road increased by 2.4m (so 13.3m to edge of site)

Neighbouring and Future Residents' Impact

- Higher Vertical Sky Component pass rate on surrounding residential properties (8% increase from planning submission) and similar uplift in the daylight performance of the proposed homes (7% increase from planning submission).
- Villa Block shifted south to provide 18m separation from Longitude Apartments.
- Separation distances between the proposed development the flats at Altitude 25 and Longitude apartments increased.

Transport/Serviceing

- Basement car parking area reduced in size by circa 450sqm with 3% wheelchair parking provision.
- Cycle access improved via dedicated cycle access lift from Altyre Road to basement level.



Figure 2: CGI of the proposed scheme

Site and Surroundings

- 3.4 The existing site currently houses a large purpose-built hotel which is currently vacant. Croydon Park Hotel opened in 1984 and was previously operated under an international hotel brand. In recent years the hotel has closed and become disused and dilapidated. The building comprises two sections; the primary accommodation block is constructed over ground and five upper floors, with the second block built over two floors comprising both front and back of house facilities.
- 3.5 A public car park is provided partially at ground level and within the basement of the existing hotel, providing 87 parking bays.
- 3.6 The site is located approximately 200m south of East Croydon Station, on the south-eastern corner of Altyre Road and Hazledean Road. The site forms part of an existing perimeter block with the site directly to the south occupied by Altitude 25, a 25 storey residential tower, with lower elements to the east known as Latitude Apartments. Latitude Apartments turn the corner of Barclay Road and extend up Addiscombe Grove, falling in height to 4 storey. The final building in the block is Longitude Apartments, a 5 storey building on the corner between Addiscombe Grove and Hazledean Road.
- 3.7 The surrounding streets to the east are predominantly residential buildings of 2-4 storeys, with Croydon Crown Court located directly opposite on Altyre Road and the large Park Hill Park to the south off Barclay Road.



Figure 3: aerial photograph of site in context



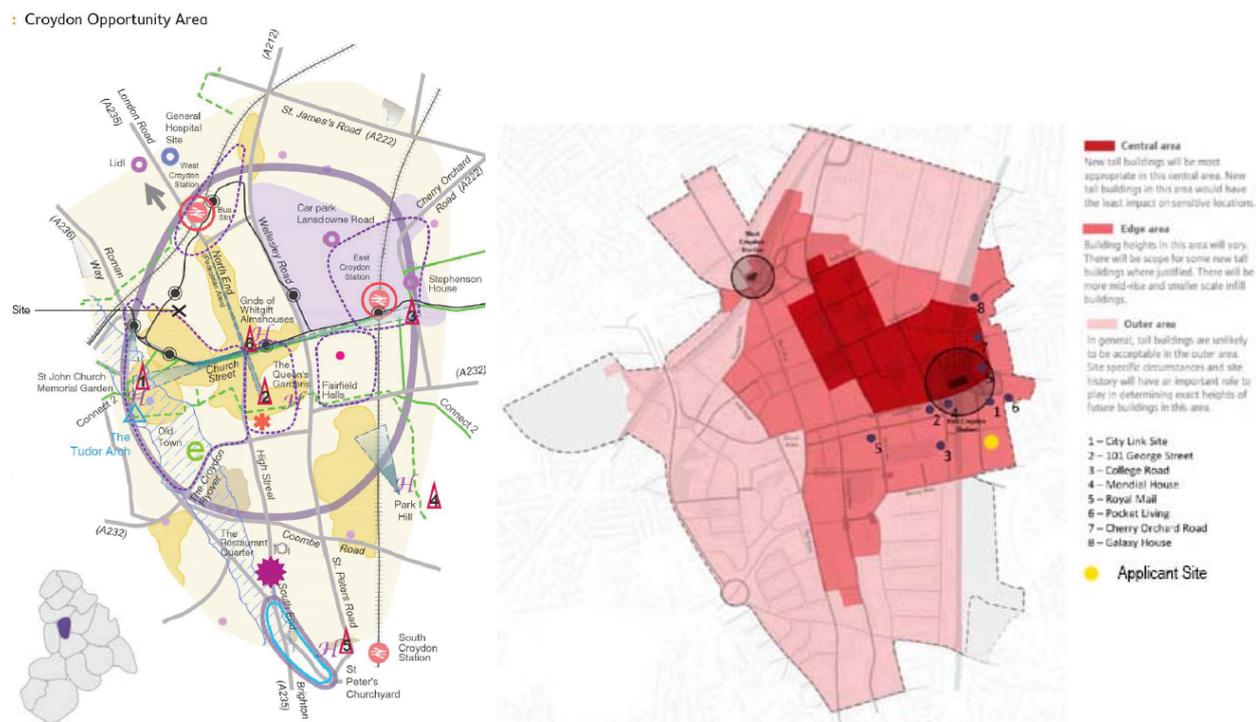
Figures 4 and 5: birds eye views of the existing hotel building

3.13 The surrounding area towards East Croydon Station contains a wide variety of building types and scale, with a number of tall buildings either under construction or benefiting from planning permission. College Tower (19/04987/FUL) is nearing completion on site, which is part 49 and part 34 storey tower and Ten Degrees (17/04201/FUL) part 38 and part 44 storey in height. It is also important to note the Citylink scheme (21/02912/FUL) for a part 14 storey and part 28 storey building with basement, comprising 498 co-living units and 84 residential units. This was refused permission on grounds of impact on the NLA Tower; this decision was allowed on appeal by the Planning Inspectorate. This is located 90m to the north of the application site.

Planning Designations and Constraints

3.14 The site is located within the Croydon Opportunity Area (so policy DM38 applies) and within the 'Edge Area' for tall buildings (See *Images 4 and 5: Extracts from Croydon Local Plan 2018*). The site has excellent Public Transport Accessibility (PTAL 6B), being

in close proximity to East Croydon Station and numerous bus and tram links. The site in totality is at a 1 in 100 year and a 1 in 1,000-year risk of surface water flooding and is at risk of ground water flooding.



Figures 6 and 7: Extracts from Croydon Local Plan 2018

3.15 All of the roads around the site are within the Central Croydon CPZ. The site is not subject to a Tree Preservation Order although there are a number of established trees towards to the northern boundary. The site lies near to the Chatsworth Road Conservation Area (approximately 74m to the south of the site), the Central Croydon Conservation Area (approximately 400m to the west of the site) and the NLA Tower which is a locally listed building (approximately 127m to the north of the site).

Planning History

3.16 The following planning decisions are relevant to the application:

92/00968/P Erection of five/six/seven storey hotel extension comprising 115 bedrooms, syndicate and function rooms and additional underground parking for 37 cars; erection of 2/3 storey and 4 storey buildings comprising 1 two bedroom, 13 one bedroom and 24 studio flats with underground parking for 45 cars. **Permission Granted and Implemented.**

97/01367/P Alterations; erection of two single storey ground floor extensions to include installation of rotary and automatic doors. **Permission Granted and Implemented.**

21/06269/PRE To demolish the existing buildings. To erect buildings to provide approximately 550 residential units, internal and external amenity space, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas and associated works. **Pre-application scheme that was presented to Place Review Panel and came to Planning Committee as a developer**

presentation (see below). Officers had concerns with a number of aspects of the scheme.

22/04535/ENVS Environmental Impact Assessment (EIA) Screening Opinion Request for the demolish all structures on site and construct two new buildings (linked by basement and ground floor) with the tallest building up to a maximum 43 storeys. The Proposed Development will provide: Up to approximately 500 residential Build to Rent dwellings within three building blocks, Accessible parking spaces incorporating active or passive EV charging, Bicycle parking facilities and new landscaping and publicly accessible formal and informal play space, new tree planting and quality hard landscape areas at ground floor level. **EIA Not Required.**

Pre-Application background (21/06269/PRE)

Place Review Panel 1 (PRP)

- 3.17 An early iteration of the scheme was presented to the Council's PRP in October 2022. This version of the scheme was for the erection of a part 31/36/39 storey tower, a 10 storey linear block and 6 storey villa block comprising approximately 430 Built to Rent units and associated parking, servicing, amenity spaces, landscaping and public realm works.



Figures 8, 9, 10 and 11: proposal presented to PRP in October 2022

- 3.18 The Panel were very concerned with the tower's height and width and the lack of private amenity, as well as the mansion block's height and distance from Altitude 25. They felt there was potential to link the scheme better into the cluster of tall buildings to the west of the railway line, but that there should also be a distinction from them. The Panel felt that the public realm was of critical importance to make the scheme attractive for over 1,000 people. The Panel encouraged the applicant to think more about the users of the building and the sense of community and shared amenity spaces. A summary of comments and key recommendations are provided below:

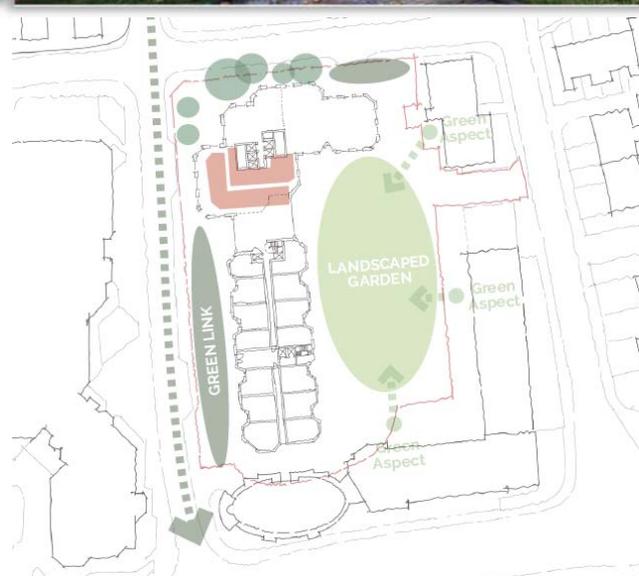
- Need to revisit the principles that guide the design and massing with sufficient assessment of the environmental and townscape impacts.
- Specific commitments to energy need to be detailed with specification.
- More external private balcony space for fresh air and sitting out for residents.
- Strongly recommended lowering the height of the tower due to its “Edge” location by 10 storeys and of the mansion block to a maximum of 9 storeys considering the 9 storey flank of Altitude 25.
- Strongly advocated for significantly increasing the proportion of dual aspect units and the redistribution of some family units into the mansion block.
- Recommend revisiting the form and function of the corner entrance area to be more public and sociable.
- Natural daylight to the tower core and all cores is vital and essential.
- Emphasised the need to have some bike storage on the ground floor.
- Advised that improvements to the public realm would enhance the pedestrian experience.

Developer Presentation to Committee

3.19 The scheme was revised and presented to Committee Members on the 16th December 2022. This proposal was to demolish the existing buildings and erect a development to provide approximately 450 residential units (Use Class C3, as Build to Rent), internal and external amenity space, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas and works.



Figures 12, 13 and 14: views from the north of Altyre Road (left) and from South Park Hill Park to the south (top right), then proposed site plan (bottom right)



3.20 The main issues raised at this meeting by Members of the Committee were as follows:

Principle

- Sorry for loss of much-loved Hotel

- Prime location 200m from East Croydon station
- Do not want site derelict and abandoned
- Loss of employment from loss of hotel
- Need for housing
- Questioned whether student accommodation had been considered
Officer response: There is no protection for the existing hotel use, so the principle of its loss and a residential redevelopment is supported. There is currently no identified need for purpose built student accommodation, so this matter was not pursued by Officers.

Height

- Site can take some height, but a concern at this height could set a precedent
- Concerned not part of the cluster of tall buildings, distinction between sides of the railway line
- Height more akin to NLA Tower, Altitude 25 and Pocket could be more appropriate
- *Officer response: Officers agree that the site could accommodate a tall building. The scheme has been reduced in overall height terms, but officers acknowledge it remains taller than NLA Tower, Altitude 25 and Pocket.*

Design

- Should not compete with NLA Tower
- Materiality competes, should consider a softer palette
- Contrast between surroundings is too much of a change
- Needs to relate better to Pocket and Altitude 25
- Questions around terracotta and materials
- Balcony materials important - linked to privacy
- Relationship between blocks successful and design works
Officer response: The proposed development does not compete with the NLA tower given the separation distance and the contrasting material palette. The scheme takes cues from surrounding buildings in terms of detailing which respect the architectural style of the NLA tower and nearby new buildings known as Ten Degrees and College Tower. The contrasting materials are supported by officers, explained later in the design section of the report.

Affordable housing

- Questions around location, type, service charges, use of facilities and maintenance and whether secured in perpetuity
- Questioned where 20% has come from and need for viability to have been worked through
Officer response: The affordable housing units would be pepper potted throughout the scheme, with access to all facilities and maintenance controlled through unified ownership and management of the private and affordable elements of the scheme. The 20% affordable housing has been tested under the viability tested route; officers have reviewed the final FVA alongside independent advise and concur with the applicants' findings that the 20% offer is the maximum reasonable affordable housing provision.

Mix and standard

- Questioned mix beyond family provision - seems high proportion of one-bed
- Dual aspect units important
- Questions around Build to Rent experience of the developer
- Pollution from the road and impact for future occupiers
- Spaces needed for different uses, including prayer and disabled/elderly

Officer response: The applicant has now increased the number of family units and now stands at 25% which is in excess of the 20% policy requirement. The number of dual aspect units have increased.

Residential impact

- Residents concerned about what is coming forward
- Questioned how the scheme has amended through consultation
- Questions around microclimate and noise
- Daylight and sunlight impacts need to be considered, bearing in mind lower rise in Altyre Road
- Relationship to Altitude 25 important

Officer response: Details in 3.3 and 3.23 show how the scheme has been amended prior to submission and during the course of the application process. Microclimate including wind and daylight/sunlight impacts have been independently verified by the Councils expert consultants and covered in detail in the main body of this report.

Public realm

- Generosity of pavement and public realm needed
- Welcome public realm approach of green link and tree retention
- Links to Park Hill should be improved - suggestion of working with Park Hill community groups
- Blue infrastructure important

Officer response: Officers have worked with the applicant's team to set the buildings deeper into the site to provide more generous public realm and green link, as well as a contribution towards improvement to the Barclay Road pedestrian crossing into park Hill. Full details are addressed in more detail below.

Other

- Car parking numbers and impact on congestion
- Refuse and bulky items need to be factored in
- Support the sustainability approach
- Questioned the name of the development

Officer response: The proposal is car free with the exception of 3% disabled parking provision that will be provided within the basement area. Refuse arrangements have been worked through and covered in detail below, as well as sustainability credentials. The question of the scheme is not a planning matter.

PRP2

- 3.21 The proposal was further amended and presented to a second PRP in January 2023, this time for the erection of a part 39/38 storey tower with a 12 storey shoulder, plus a 9 storey linear block comprising approximately 453 Built to Rent units and associated parking, servicing, amenity spaces, landscaping and public realm works.



Figures 15, 16, 17 and 18:
 site layout at part of PRP 2 (top
 left and right)
 January 2023 visual from
 Barclay Road (left)
 January 2023 visual, north of
 Altyre Road (below)



3.22 The Panel were very concerned with the height of the tower and the appendage block, the eastern boundary treatment and landscaping, articulation of the mansion block, and the impact of wind to pedestrians and sunlight losses to the flats to the north. A summary of comments and key recommendations are given below:

- The definition of dual aspect needs to be clarified and adhered to.
- Need to account for microclimate analysis to inform the design particularly at street level to create a welcoming space that is comfortable to socialise in and sit out in and be pleasant all year round.
- Emphasised the need to be convinced of the robustness of the public realm.

- Recommend lowering the height of the tower due to its “Edge” location and of the appendage block, due to its increased negative impact on the flats across the street.
- Recommend revisiting the massing and architectural expression of the mansion block to appear less bulky and of the corner of the tower to be more generous within the public realm.
- Advised that clarity is needed on the eastern landscape and boundary treatment, as well as the access route from Hazledean Road.
- Good design is what Croydon Council is looking for.

3.23 A number of key changes have been made to the scheme following PRP and Planning Committee feedback, as well as ongoing dialogue with officers both before and during the assessment of the application, are summarised below:

- Reduction in the height of the towers from 36/39 storey to 33 and 36 storey.
- Reduction in the height of the Villa from 12 storey to 9 storey.
- Reduction in the height of the Mansion Block from 12 storey to 9 storey.
- Increase in the depth of the public realm to Altyre Road by approx. 1.8m.
- Creation of a pocket park to the northeast.
- Car free except for 3% disabled parking
- Reduction in the number of units from 455 to 447
- Greater separation between the Towers and the Mansion Block with further details provided in terms of the materiality of the balconies.
- Number of dual aspect units has been increased which single north facing units have been provided with ‘enhanced’ outlooks as a result in the elbows of the façade.
- Air quality has been addressed and Officers of the Council are satisfied with the results of the surveys.
- Multi-functional communal amenity space is now provided on the ground and 33rd floor of the towers.
- A commitment from the applicant to contribute to improvements to the footway and pedestrian crossing to Barclay Road including the planting of street trees.
- Refuse matters have been resolved with a servicing layby provided on Altyre Road and refuse chutes provided throughout the development which will be managed by the operations team.
- Whilst not a planning matter, the name of the development has changed from the ‘Lilibet’ to ‘Botanical House’.

3.24 The key changes secured during the course of the planning application determination period are summarised in paragraph 3.3.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of two intersecting Towers (33/36 storeys), Villa Block (9 storeys) and Mansion Block (9 storeys) comprising residential accommodation is supported and aligns with the desire for growth in the Croydon Opportunity Area and Metropolitan Centre.
- The principle of a 208sqm unit secured for community use (Use Class F.1/F.2) is supported in this location.
- The proposed development would provide 20% affordable housing by habitable room, which amounts to 86 homes, at a 68 to 18 split between Discounted Market Rent and London Living Rent. This offer has been independently scrutinised and is the maximum reasonable affordable housing policy compliant provision.

- The mix of units is appropriate and includes 25% family accommodation in compliance with the 20% target set out within the Croydon Opportunity Area Framework.
- The application site is situated within an appropriate location for a tall building; the height and mass of the Towers, Villa and Mansion Blocks have been assessed in relation to their impact from a wide range of viewpoints and found acceptable.
- The design, appearance and detailed façade treatment of the development is of high quality as required for tall buildings and would significantly improve the quality of public realm, particularly given the redundant status of the hotel with the introduction of a new pocket garden to the north.
- Officers have sought to limit any heritage harm, with less than substantial harm on heritages assets identified, however, the impact is outweighed by public benefits.
- Whilst there would be harm to the amenities of surrounding occupiers, particularly in relation to daylight and sunlight impacts to the flats within Harrington Court, Latitude and Longitude apartments, these would not be so unduly harmful as to refuse planning permission on this ground.
- The standard of residential accommodation would be acceptable, as all homes would meet the Nationally Described Space Standards. Where private external amenity space is not provided all affected units are suitably oversized while all units would have access to 962sqm of internal and 2,529sqm of external communal amenity areas. All homes would have acceptable outlook, with the majority receiving good lighting levels.
- The proposed development is located in a highly sustainable well-connected location which makes it suitable to be car free, with exception of disabled parking provision. The proposed development would not have an adverse impact on the operation of the highway generally would contribute to highway improvement works secured as part of the legal agreement.
- The environmental impacts, including wind, noise, light, air quality, biodiversity, land contamination and flooding, are acceptable subject to mitigation proposed through a combination of conditions and s.106 agreement.
- Sustainability aspects have been properly assessed and their delivery can be controlled through planning obligations and planning conditions.
- There are no aviation or archaeological impacts. Television mitigation, delivering employment opportunities and crime prevention through design can be secured through conditions and s.106 agreement.

4.1 The following sections of this report summarise the officer assessment and the reason for the recommendation.

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 (GLA) (Statutory Consultee)

5.3 A summary of the comments on strategic matters are provided below.

Land use principles: Residential-led redevelopment of this vacant hotel site within the Croydon Town Centre / Opportunity Area is supported.

[Officer comment: The recommendation endorses this position].

Housing: 20% affordable housing is proposed as part of a Build to Rent scheme. The affordable housing would be intermediate Discount Market Rent (DMR) housing, of which, 30% would be at London Living Rent levels and the remaining DMR homes at up to 80% of market rent. GLA officers are currently scrutinising the applicant's FVA. The proposed level of affordable housing is considered to be unacceptable at present in the absence of a verified and agreed viability position and noting the significant size and scale of the development. A Build to Rent management plan, covenant and clawback mechanism would need to be secured.

[Officer comment: LBC officers are now satisfied through extensive testing that the maximum level of affordable housing has been achieved. A Build to Rent management plan, covenant and clawback mechanism would need to be secured through the S.106 agreement].

Urban design: Further information is required in relation to the proposed internal layout and residential quality. The architectural and materials quality of the proposed development is supported. Whilst the proposed tower is in a broadly defined location where tall buildings can be supported, there are a number of concerns regarding the potential environmental impact in terms of wind microclimate conditions which must be addressed to ensure compliance with London Plan Policy D9.

[Officer comment: These matters have now been addressed as part of the amended proposal, Officers at the GLA have met with Council Officers and are now satisfied that this matter has been fully addressed].

Heritage: The application would cause a low level of less than substantial harm to heritage assets which must be outweighed by public benefits at the Mayor's decision-making stage.

[Officer comment: LBC officers agree with GLA officers' assessment of harm and are now satisfied that the public benefits outweigh this harm, with further details have been provided below].

Transport: Standard car parking should be removed from the proposals. Further detail should be provided for the cycle parking and additional servicing options should be considered. A contribution of £550,000 is requested to mitigate the cumulative impact on public transport services.

[Officer comment: The proposal is now car free with the exception of 3% disabled parking in line with TfL's requirement. The financial obligation would be secured via the legal agreement.].

Climate change: The energy, drainage and urban greening strategies are generally supported, subject to certain key details being secured.

[Officer comment: All matters are addressed and can be secured via appropriately worded condition].

GLA Viability Team (part of GLA, who are a Statutory Consultee)

- 5.4 The GLA provided comments in June 2023 based on the initial Financial Viability Assessment (FVA) requesting that a revised FVA should be undertaken assessing the viability on a forward funded approach given the Build to Rent nature of the proposal. The GLA raised concerns with the applicants' inputs in respect of the operational costs, approach to appraisal, yield, costs and fees, fiancé rate, profit, Benchmark Land Value and the overall deficit.

[Officer comment: During the course of the application LBC officers and the applicant met with the GLA to seek to address the concerns raised above regarding the nature of the FVA and the inputs. This resulted in the applicant undertaking a 'Forward Funded' FVA while further evidence was submitted by the applicant to support their assumptions and inputs. No formal response was received from the GLA based on the revised FVA at the time of drafting this report, however, LBC officers have sought independent advice from our viability consultants. This matter is discussed in more detail below, but the conclusion of LBC officers, supported by advice from our viability consultants, is that the 20% affordable housing is the maximum reasonable offer that can be secured. Early and late stage review mechanisms are also recommended].

Transport for London (TfL) (Statutory Consultee)

5.5 Comments were received raising the following concerns:

- a) Healthy Streets – TfL raised concerns regarding wind conditions on the junction of Altyre Road and Hazledean Road
[Officer comment: This matter was raised by the LPAs Wind Consultants and has now been addressed].
- b) Support for the removal of the vehicular access to Hazledean Road supporting the Major's Healthy Streets initiative.
[Officer comment: The recommendation endorses this position].
- c) On-street loading and parking should be reconsidered
[Officer comment: There is no on-street parking and on street loading has been subject to discussions with the Councils highway team of which support can be given].
- d) The removal of the existing surface level car park will reduce the number of vehicle trips, which is welcomed.
[Officer comment: The recommendation endorses this position].
- e) A financial contribution is requested to be secured in the S106. Based on the trip generation presented in the TA a contribution in the region of £550,000 should be secured
[Officer comment: This is recommended in the heads of terms above].
- f) It is proposed to provide 15 disabled persons car parking spaces, which equates to 3% of the total number of dwellings and is accepted. However, a further 39 standard car parking spaces are proposed within the basement.
[Officer comment: Standard parking bays have now been omitted from the proposal and 13 disabled parking spaces has been provided equating to 3%].
- g) This amount of cycle parking meets the minimum standards set out in table 10.2 of the London Plan. A further four Sheffield stands are proposed within the public realm to support the community use, which is accepted.
[Officer comment: The recommendation endorses this position].
- h) Lift access to the basement level cycle parking will be provided. These should be designated cycle lifts, rather than servicing lifts.
[Officer comment: Separate cycle lifts have now been provided].
- i) it appears the proposed inset bay would remove existing on-street car parking. Provided that a minimum 2m clear footway is retained behind the bay, this could be supported. A Delivery and Servicing Plan (DSP) is expected to be secured by condition.
[Officer comment: A condition is recommended].
- j) An outline Construction Logistics Plan (CLP) has been submitted with the application. Further detail should be provided in the detailed CLP, secured by condition.
[Officer comment: A condition is recommended].

Active Travel England (Statutory Consultee)

- 5.6 Active Travel England have stated that the LPA should refer to the comments made by Transport for London, and confirmed they will not provide additional comments within London.

Health and Safety Executive (Statutory Consultee)

- 5.7 Following a review of the information provided in the planning application, the HSE is content with the fire safety design to the extent that it affects land use planning.

Building Control (Consultee)

- 5.8 Building Control reviewed the application in relation to the consideration of fire. They have raised no objection, stating that the design allows for some flexibility at the build stage should any issues arise at the detailed design stage. Officers note that following recent regulatory changes the scheme will be legally required to have obtained the approval of the regulator.

[Officer comment: Conditions are recommended].

Metropolitan Police Service (Design out Crime Officers)

- 5.9 No objection subject to conditions in respect of Secured by Design.

[Officer comment: A condition is recommended].

Network Rail

- 5.10 No objection.

Environment Agency (Statutory Consultee)

- 5.11 Responded stating that no consultation was necessary.

Lead Local Flood Authority (Statutory Consultee)

- 5.12 Have not raised an objection to the proposal subject to the imposition of appropriately worded conditions to address SuDS.

[Officer comment: Conditions are recommended].

Thames Water (Consultee)

- 5.13 Have not objected to the proposal but have raised concerns over water and sewage capacity and have therefore recommended that conditions be attached to any approval.

Historic England (Statutory Consultee)

- 5.14 Have raised no objection and do not consider as conditions to be necessary.

National Air Traffic Services (NATS) Safeguarding (Consultee)

- 5.15 Have not objected subject to details of aviation lights at the top of the towers being secured via condition.

[Officer comment: A condition is recommended].

Civil Aviation Authority (Consultee)

- 5.16 Have not objected subject to details of aviation lights at the top of the towers being secured via condition.
[Officer comment: A condition is recommended].

London Fire Brigade (Consultee)

- 5.17 No response was received as part of the initial consultation period or as part of the consultation following the amendments.

Natural England

- 5.18 Responded stating that no consultation was necessary.

6 LOCAL REPRESENTATION

- 6.1 A total of 638 neighbouring properties were notified about the application and invited to comment. The application has been publicised by way of one or more site notices displayed in the vicinity of the application site and has also been publicised in the local press. Following the receipt of amendments, a further consultation exercise was carried out in August 2023 and therefore the following comments capture both the initial consultation period and the amended consultation period. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 715 Objecting: 495 Supporting: 215

Neutral comments: 5

- 6.2 The following local groups/societies made representations:

- Croydon Voluntary Action Team Croydon [Supporting]
- Asian Resource Centre [Supporting]
- Legacy Youth Zone [Supporting]
- HM Courts and Tribunals Service [Objecting]
- Park Hill Residents Association (PHRA) [Objecting]

- 6.3 The following Councillors made representations:

- Councillor Sean Fitzsimons [objecting]
- Councillor Patricia Hay-Justice [objecting]

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

Objection	Officer comment
Character and design	Concerns in this respect are covered in paragraphs 8.12-8.43
Overdevelopment	
Scale and height of buildings too great	
Inappropriate colour of materials	
Too many towers in the centre	

Ugly with no design merit	
Neighbouring amenity	Concerns in this respect are covered in paragraphs 8.125-8.166
Too close to neighbouring building at Altitude apartments, smell nuisance from nearby smoke vent	
Loss of daylight/sunlight	
Noise and general disturbance especially during construction works	
Overshadowing and/or visual intrusion	
Increase in anti-social behaviour	
Inaccuracies in the daylight and sunlight reports	
Loss of privacy	
Transport and Highways impacts	Concerns in this respect are covered in paragraphs 8.167-8.193
Increase in localised traffic in a heavily congested area	
Not enough parking	
Busier public transport	
Tress and ecology	Concerns in this respect are covered in paragraphs 8.12-8.43 and paragraphs 8.214-8.229
Loss of trees	
Harm to ecological interests	
Other matters	
Lack of investment in local services	Officer comment: such matters will be address through the CIL contribution and Legal Agreement
Block phone, radio and television signals	Officer comment: such matters will be covered through the use of Planning conditions
Lack of affordable housing	Concerns are covered in paragraphs 8.66-8.80
Greater levels of pollution	Such matters are covered in paragraphs 8.214-8.229 and will also be addressed through financial contribution towards air quality
Wind tunnel effects/impacts	Such matters are covered under paragraphs 8.81-8.166
Lack of private amenity/ shortfall in London Plan internal size requirements/ single aspect units	Such matters are covered under paragraphs 8.81-8.124
Viability needs to be independently reviewed	The viability has been independently reviewed and is covered in paragraphs 8.66-8.80
Loss of gym, pool and meeting area	Such matters are covered under paragraphs 8.2-8.11
Harm to heritage assets such as the NLA tower	Such matters are covered under paragraphs 8.44-8.65
Greater strain on water and waste facilities	Such matters are addressed through appropriately worded conditions, this follows the advice received from Thames Water as a result of the consultation process.

Concerns over the impact of the stability of Altitude 25	Officer Comment: there are no known land stability issues in areas which the impacts arising from the construction phase would subject to building control approval
Overheating	Such matters are covered under paragraphs 8.214-8.229
Creates a transient community	Officer comment: the London Plan supports this type of housing and there is no evidence that Build to Rent creates such communities.
Pollution/air quality	Such matters are covered under paragraphs 8.214-8.229 with financial contributions towards air quality secured via the legal agreement
Increase in flood risk and surface water run-off	Such matters are covered under paragraphs 8.214-8.229 with further details secured via condition. No objection to the principle of the development has been received from the LLFA or EA.
Non-material matters	
Loss of views	Officer Comment: there are no rights to view, the impact upon the adjoining occupiers are covered under paragraphs 8.125-8.166
Devaluation of existing properties	Officer Comment: this is not a material planning consideration.
The ownership of the site and the Council profiteering from the development	The site is no longer a Council Asset as it was sold to the applicant. This is not a material consideration.

Support	Officer comment
	The below matters are noted unless indicated otherwise
This will provide homes for young people who desperately need them/more accessible homes	
Provision of affordable housing	
Regeneration of the area	
More green spaces/public space/children's play areas	
Croydon needs to be a better place; this development would contribute to this aspiration	
Will bring back more businesses	
Creation of more jobs	
Good quality accommodation	
Energy efficiency	
A landmark for Croydon, attracting more talent to the borough	
High quality of accommodation	
Good use of derelict land	
Supports the amendments that have been made since the initial submission	Officers note that a large numbers of objections were received prior to the re-consultation process.

7 RELEVANT PLANNING POLICIES AND GUIDANCE

Development Plan

7.1 The Council's adopted Development Plan consists of the London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2022). Although not an exhaustive list, the policies which are most relevant to the application are:

London Plan (2021)

- GG2 Making best use of land
- GG4 Delivering homes Londoners need
- SD1 Opportunity Areas
- SD6 Town centres and high streets
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D9 Tall buildings
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H10 Housing size mix
- H11 Build to rent
- S4 Play and informal recreation
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S13 Energy Infrastructure
- S14 Managing Heat Risk
- S15 Water infrastructure
- S16 Digital connectivity infrastructure
- S17 Reducing waste and supporting the circular economy
- S112 Flood risk management
- S113 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T4 Assessing and mitigating transport impacts
- T5 Cycling

- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the Plan and Planning Obligations

Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban design and local character
- SP5 Community facilities
- SP6 Environment and climate change
- SP7 Green Grid
- SP8 Transport and communication
- DM1 Housing choice for sustainable communities
- DM10 Design and character
- DM13 Refuse and recycling
- DM14 Public art
- DM15 Tall and large buildings
- DM16 Promoting healthy communities
- DM17 Views and landmarks
- DM18 Heritage assets and conservation
- DM19 Promoting and protecting community facilities
- DM23 Development and construction
- DM24 Land contamination
- DM25 Sustainable drainage systems
- DM27 Protection and enhancing biodiversity
- DM28 Trees
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development
- DM32 Facilitating rail and tram improvements
- DM33 Telecommunications
- DM38 Croydon Opportunity Area

7.2 The Development Plan should be read as a whole, and where policies conflict with each other, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (in accordance with s38(5) of the Planning and Compulsory Purchase Act 2004).

Planning Guidance

National Planning Policy Framework (NPPF)

7.3 Government Guidance is contained in the NPPF, updated on 5th September 2023, and accompanied by the online Planning Practice Guidance (PPG 2021). 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:

- Achieving sustainable development (Chap 2)
- Delivering a sufficient supply of homes (Chap 5)
- Promoting sustainable transport (Chap 9)

- Making effective use of land (Chap 11)
- Achieving well designed places (Chap 12)
- Meeting the challenge of climate change, flooding and coastal change (Chap14)
- Conserving and enhancing natural environment (Chap 15)

SPDs, SPGs and LPGs

7.4 There are also several Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) documents (including London Planning Guidance) which are material considerations. Although not an exhaustive list, the most relevant to the application are:

- Croydon Opportunity Area Planning Framework (2013)
- Conservation Area General Guidance SPD (2013)
- Central Croydon Conservation Area Appraisal and Management Plan SPD (2014)
- Chatsworth Road Conservation Area Appraisal and Management Plan SPD (2016)
- Waste and Recycling in Planning Policy Document (October 2018)
- Section 106 Planning Obligations in Croydon and their relationship to the Community Infrastructure Levy (2019)
- London Housing SPG (March 2016)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- Circular Economy Statements LPG (2022)
- Sustainable Transport, Walking and Cycling guidance (2022)
- Whole-life Carbon Assessments LPG (2022)
- Characterisation and Growth Strategy LPG (2023)
- Housing Design Standards LPG (2023)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Urban Greening Factor LPG (2023)
- Technical Housing Standards: Nationally Described Space Standard (2015)
- National Design Guide (2021)
- National Model Design Code (2021)

8 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development
2. Design and impact on character of the area
3. Heritage
4. Housing mix and affordable housing
5. Quality of residential accommodation
6. Impact on neighbouring amenity
7. Access, parking and highway impacts
8. Environmental impact
9. Sustainable design
10. Other planning issues
11. Conclusions

Principle of development

Loss of hotel

- 8.2 Croydon Local Plan SP3.9 states that Croydon Metropolitan Centre will remain the principal location in the borough for office, retail, cultural (including a diverse evening/night-time economy) and hotel activity, and also be the largest retail and commercial centre in South London. Policy SP8.2 states that the Council and its partners will enhance the borough's sub-regional transport role to support its position as a major business, hotel and conferencing destination serving London's airports and the Coast to Capital economic area. Policy E10 of the London Plan promotes visitor accommodation but does not currently protect such uses.
- 8.3 Therefore, residential use on this site can be supported in principle as the existing use a hotel is not 'protected' within the Development Plan.

Loss of car park

- 8.4 Part of the site is currently occupied by a Public Car Park. Policy SP8 of the Croydon Local Plan 2018 states that land used for public transport and land required to facilitate future transport operations will be safeguarded unless alternative facilities are provided to enable existing transport operations to be maintained.
- 8.5 The applicant has undertaken a parking stress survey (outside of school holidays and formal industrial action) which demonstrates that the loss of the public car park would not result in an unacceptable loss of parking spaces across the Croydon Metropolitan Centre. The surveys have been reviewed by Officers and are acceptable.

Residential

- 8.6 The Croydon Local Plan sets out a housing target of 32,890 homes over a 20-year period from 2016-2036 (1,645 homes per year). The London Plan requires 20,790 of those homes to be delivered within a shorter 10-year period (2019-2029), resulting in a higher target of 2,079 homes per year.
- 8.7 The Croydon Local Plan also sets out a target for development on Windfall sites of 10,060 homes (approximately 503 per year). The London Plan requires 6,410 net completions on small sites (below 0.25 hectares in size) over 10 years, with a small sites housing target of 641 per year.
- 8.8 In addition, the redevelopment of this 'brownfield' site would support the provision of 447 much needed homes, making a significant contribution to the Borough's housing delivery; such delivery is encouraged within the Local Development Plan and the National Planning Policy Framework (NPPF 2023). While the principle of the development can be supported in land use terms a balance must be struck between developing land for more efficient housing use and protecting character/heritage/neighbouring amenity etc. Therefore, the principle of providing residential use (Use Class C3) in this location can be supported subject to satisfying the criteria of other relevant policies; such are addressed below.

Build to Rent

- 8.9 The scheme is for Build to Rent which is Use Class C3. London Plan Policy H11 sets out criteria that Build to Rent schemes need to comply with. Build to Rent homes should be secured under a covenant for a least 15 years. A clawback mechanism should also be secured which would be triggered in the event that the covenant is broken during the 15-year period. Other provisions set out in Policy H11, including unified ownership and on-site management, length of tenancy and certainty over rent levels should also be secured. London Plan Policy H11 confirms that, where these requirements are met, it is acceptable for a Build to Rent scheme to provide affordable housing as solely Discount Market Rent at a genuinely affordable rent, preferably London Living Rent levels. The

legal agreement recommended would secure the covenant for at least 15 years, the clawback mechanism and the management plan. This secures the requirements of Policy H11. Affordable housing aspects considered in 8.68 and beyond of this report.

Community use

8.10 Policy DM19 of the Croydon Local Plan states that the Council will support applications for community uses where they:

- a. Include buildings which are flexible, adaptable, capable of multi-use and, where possible, enable future expansion;
- b. Comply with the criteria for D1 class uses in industrial locations set out in Table 5.1;
- c. Are accessible to local shopping facilities, healthcare, other community services and public transport or provides a community use in a location and of a type that is designed to meet the needs of a particular client group; and
- d. Are for a use that is a town centre use, as defined by the National Planning Policy Framework, are located within Croydon Metropolitan Centre or a District or Local Centre, have no more than 280sqm of floor space (net) and are in the vicinity of a Neighbourhood Centre, or are a change of use of an existing unit in a Shopping Parade.

8.11 The proposal would be located within the CMC and would not exceed 280sqm at 208sqm. The applicant has approached several end users to ensure that the space is flexible to accommodate a multitude of uses. The provision of a community use in this location can therefore be supported.

Design and impact on character of the area

8.12 London Plan Policy D9 requires locations appropriate for tall buildings to be identified through the development plan (see below) and requires assessment of impacts from a visual, functional and environmental impact. All these aspects are considered throughout the various sections of this report. Policy SP4.5 of the Croydon Local Plan relating to tall buildings states that they will be encouraged only in the Croydon Opportunity Area, areas in District Centres and locations where it is in an area around well-connected public transport interchanges and where there are direct physical connections to the Croydon Opportunity Area, Croydon Metropolitan Centre or District Centres. The application site lies within the 'edge area' of Croydon Opportunity Area and within the Croydon Metropolitan Centre and has an excellent PTAL, as such the provision of a tall building in this location can be supported. This position is endorsed by the GLA in their Stage 1 comments.

8.13 CLP Policy SP4.6 (and supported by DM15) states four criteria for tall buildings in order for them to be acceptable in these locations:

- a. Respect and enhance local character and heritage assets;
- b. Minimise the environmental impacts and respond sensitively to topography;
- c. Make a positive contribution to the skyline and image of Croydon; and
- d. Include high quality public realm in their proposals to provide a setting appropriate to the scale and significance of the building and the context of the surrounding area.

8.14 CLP Policy DM15 requires their location in PTAL4 and above, to be of exceptional quality, respond positively to nearby heritage assets and include active ground floor and inclusive public realm.

8.15 The Croydon Local Plan 2018 has a place specific policy DM38, Croydon Opportunity Area Framework, which is relevant to this site. The site lies within the defined 'Edge

Area' of the Croydon Opportunity Area. The policies seek to enable development opportunities, including public realm improvements, to be undertaken in a cohesive and coordinated manner complemented by masterplans. Policy DM38.4 (edge area) states a tall building may be acceptable where it can be demonstrated that there will be limited negative impact on sensitive locations and that the form, height, design and treatment of a building are high quality.

8.16 It is considered that the proposed building does comply with the above criteria, discussed in detail in the design and environmental impact sections of this report.

Height and Massing

8.17 The massing of the building has been rigorously tested in terms of its townscape impact. During pre-application discussions the overall massing and height remained a contentious issue as the design grappled with fitting in with the surrounding townscape, the quantum of development proposed and the potential for harm to surrounding residential amenity. In its final iteration before members, a number of positive amendments have been made to address many of these earlier concerns (see paragraph 3.3 above for the full list secured during the course of the application), such as pulling the building lines back from Hazledean Road and Altyre Road, reducing the overall height of the Towers (from 39/38 storey down to 36/33 storey) and reducing the height of the Villa Block from 12 storey down to 9 storeys.

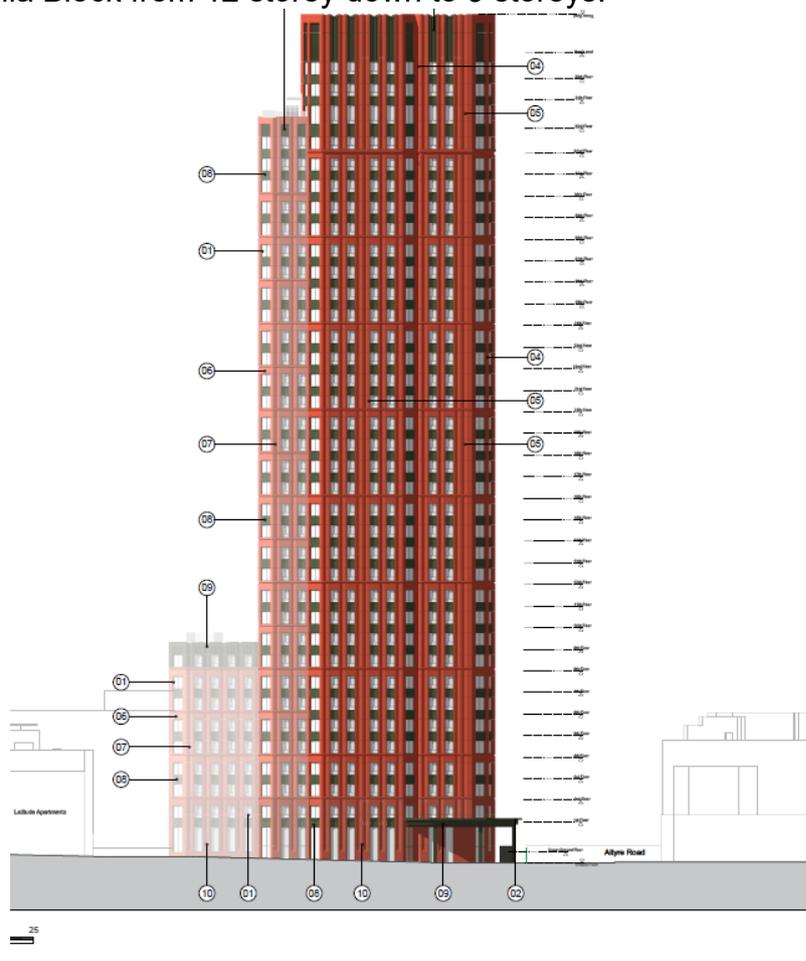


Figure 19: north elevation

8.18 Officers are aware that the Towers to a maximum height of 36 storey are significantly taller than the immediate context, as well as Altitude 25 (25 storey), Pocket Living (21 storey) and the recently allowed on appeal Citylink (28 storey). This was a matter raised at both PRP and the Developer Presentation to Members.

- 8.19 However, the proposed 36 storey maximum height is comparable with the height of Ten Degrees (part 38 and part 44 storey) and College Tower (part 49 and part 34 storey). Whilst officers acknowledge these lie on the opposite side of the railway to the west, all of these buildings are within the 'Edge Area' of the COA where DM38.4 states tall buildings may be acceptable. Officers have worked with the applicant to reduce the height of the Towers, and as a result the scheme has been reduced by three storeys compared to the originally submitted scheme. This has sought to ensure the overall height would be lower than both College Tower and Ten Degrees to the west, as shown on Figure 20 below.
- 8.20 Officers accept that a lower overall maximum height to the Towers could potentially result in a more sensitive response to the built character within this Edge Area and would create a clearer distinction between either side of the railway line. That said, the 36 storey maximum height is the scheme for consideration and determination, not a hypothetical alternative.
- 8.21 The GLA have stated in their Stage 1 response *"The CGIs and townscape views provided suggest that the building has the potential to make a positive contribution to these immediate / local views in terms of townscape character and legibility by providing an attractive, slender and well-articulated tall building"*. Important to note is the fact that this was based on the originally submitted scheme, so the proposal has been reduced in height since that consultation was reached.

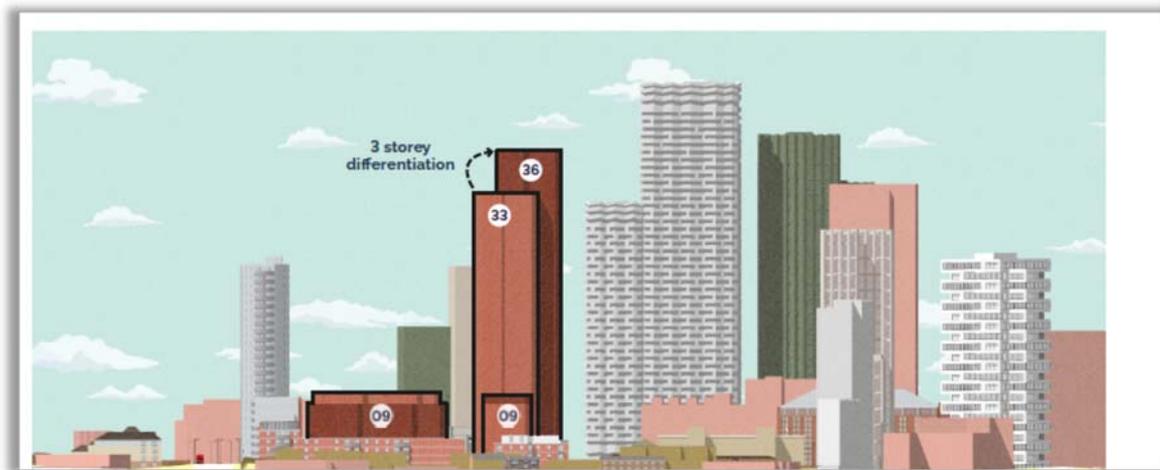


Figure 20: cross section

- 8.22 Whilst officers do identify some harm to townscape as a result of the extent of height proposed for the Towers which weighs against the scheme, this needs to be carefully balanced against the public benefits that this proposal would bring forward. This is discussed in more detail in paragraph 8.64 below).
- 8.23 Officers are supportive of the macro massing narrative to the Towers which is defined by two interlocking tower forms. Its purpose is to break up and enhance verticality within the massing form and thus create the impression of slenderness. Additional vertical recesses have been added into each tower elevation to further break up the massing form and enhance verticality. This form has the added benefit of allowing for a high proportion of dual aspect units.

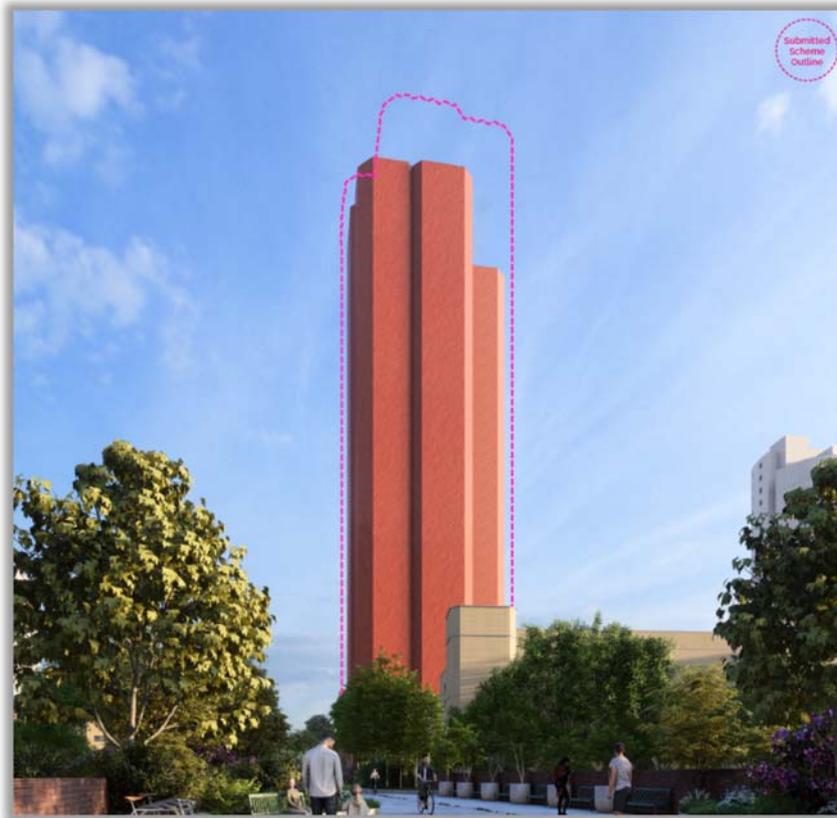


Figure 21: view looking east from Hazledean Bridge (red outline shows the height as originally submitted, with officers securing a reduction in height)

8.24 To the northeast lies the Villa Block which is a 9 storey element to the side of the Tower fronting Hazledean Road. The Villa Block contains a mix of amenity space on the ground floor with self-contained flats above. The height of the Villa Block has been reduced from 12 storey on submission to 9 storey allowing it to better integrate in the street scene and align with the height of the Mansion Block to the south. This provides a consistent height of the lower elements of the scheme which enables the proposal to integrate into the surrounding area with reference to the nine-storey blank façade of Altitude 25. The treatment of the façade of the Villa Block follows that of the Towers to ensure that the development appears well-articulated and knits into the local Croydon vernacular.

8.25 Officers are supportive of the height and mass of the 9 storey Mansion Block on Altyre Road. The Mansion Block infills the gap between the Towers proposed as part of this scheme and Altitude 25, completing the perimeter block. The block responds positively to surrounding constraints with the height aligning with the existing blank flank wall on Altitude 25, separation gaps either end between the two towers and a top floor setback, helping to create a visual and spatial break between the built forms which is supported. The existing hotel is currently stands at 7 storeys, whilst the proposal would see an increase of two storeys, this would align with the with the 9 storey blank façade of Altitude 25.

Layout and Public Realm

8.26 Officers are supportive of the general site principles defined by a perimeter layout with the Towers located on the north-western corner and lower buildings infilling the edges to the existing buildings within the urban block. In respect of street side, an appropriate balance across the sites accesses and servicing has been struck with improvements to the public realm and landscape. The middle of the urban block provides space for a residential communal landscape and amenities for the new occupiers of the scheme, which is supported.

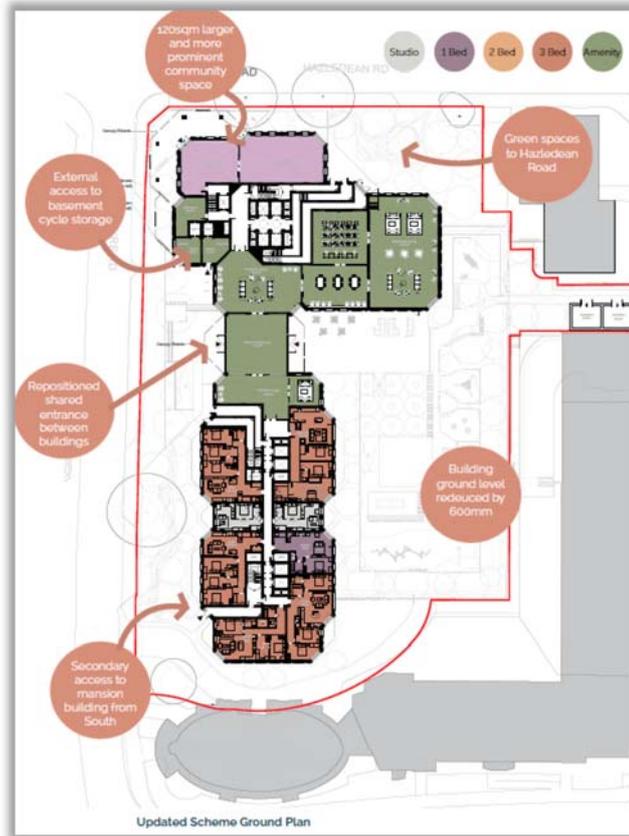


Figure 22: Ground floor plan

8.27 Ground floor uses include a community space, communal residential amenity and ground floor residential dwellings, which are appropriate. The community space is located on and the entrance to on the prominent corner of Altyre Road and Hazledean Road (see Figure 23 below), accessible to both the wider community and the buildings residents. The primary residential entrance is positioned on Altyre Road within the 2-storey link between the Towers and Mansion Block, creating a visual connection through to the rear landscape. A means of escape is available from the northern side of the Villa Block, on the inner elbow of the junction with the Towers. The remainder of the Tower and Villa Block ground floor provides communal amenity space for residents including lounges, shared dining and a cinema room. The Mansion Block ground floor is primarily single storey residential dwellings with a secondary entrance to the southern end. Overall, the layout is fully supported.



Figure 23: View of community space entrance

- 8.28 A series of public realm and landscaped spaces have been formed within the frontage between the pavement and the building edges. Officers are supportive of the principle of enhancing this strategic green link along Altyre Road which connects East Croydon station to Park Hill Park. Within the site boundary, play along the way, green landscaping, hard surface upgrades and tree planting are welcomed and help accommodate the increase in built scale. Tree planting along this route is recommended as part of the S.106 legal agreement to further mitigate the impacts of the development and deliver this important green link. On the corner of Altyre Road and Hazledean Road, a small plaza is created adjacent to the community space and beneath a canopy, which is required to mitigate wind downdrafts. A pocket garden is proposed on Hazledean Road which integrates play and has been identified as a location for the public art required as part of the scheme. This would be secured by S.106 legal agreement.



Figure 24: View looking north along proposed green frontage on Altyre Road

- 8.29 The existing basement is proposed for re-use with some increase in area. The existing basement ramp would be remodelled with the vehicle crossover recited further south along Altyre Road to provide access to a servicing bay and 13 disabled parking bays at basement level. The removal and relocation of the existing vehicular crossovers will provide opportunities for greater levels of soft landscaping along Altyre Road with play on the way which would contribute to the green link from East Croydon train station southwards towards South Park Hill Park. Positively, most of the car parking, refuse and cycle storage would be contained at this lower level within the basement (accessed via a lift from the Altyre Road frontage), freeing up the ground level for active uses, public realm and landscaping.
- 8.30 Overall, the location of the built form back from the pavement edge that facilitates a combination of pocket garden, small plaza and greening of the frontage, as well as the delivery of public realm, are supported.

Appearance

- 8.31 Officers are supportive of the buildings proposed architectural appearance. Across the development, the different buildings share a common language with variations, allowing different buildings to respond to their individual roles within the setting.

Towers

- 8.32 The Towers' role is to contribute to and mediate between the emerging tall building cluster and the local neighbourhoods. The architectural expression draws upon

Croydon's modernist heritage, using a façade grid to articulate groupings, floors and bays. The design subtly varies the composition of these elements to distinguish the massing components such as the interlocking tower forms. This approach speaks to a similar underlying language used by College Tower and Ten Degrees, and ensure the buildings have a shared character within wider townscape views. The material red terracotta tone and texture helps to mediate the buildings scale to the immediate context, where brick is predominantly used while providing a visual change and/or backdrop to Croydon post war heritage.

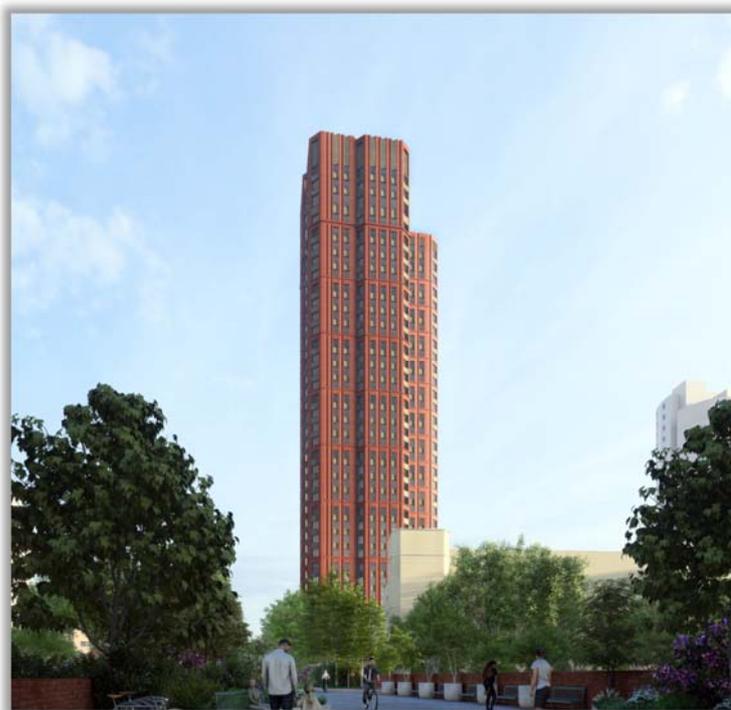


Figure 25: View from Hazledean Bridge where only the Towers are visible

8.33 The base of the buildings is defined by both a material and textural change compared to the body above and links a continuous datum across all buildings in the development. Within this lower zone, canopies are used to mitigate adverse wind impacts and help express the location of entrances. The PRP panel suggested a more formal plinth to the building with the body stepping back, to better mediate to neighbouring scales and protect from wind. Wind matters have been addressed through other forms of mitigation and therefore Officers feel the base would be appropriate given that a more prominent base would result in a significant loss of floor space and ultimately would reduce in the number of units.



Figure 26: Altyre Road view with the Towers (left) and Mansion Block (right)

- 8.34 The top of the tallest tower is expressed through a crenelated crown and solid green chamfers, whilst the lower tower takes a more subtle capping. This approach provides a degree of richness to the top of the building which is reflective of the character of recent developments in the immediate area.



Figure 27: crown articulation at top of the Towers

- 8.35 The body of the tower uses a repeating bay detail as a base component to form the overall composition. The bay detail is designed in a way to assist the building in meeting its environmental requirements such as overheating, daylight levels, thermal comfort and ventilation. For example, the window openings have a deep reveal which provides overhang to help control the amount of sunlight in summer months.

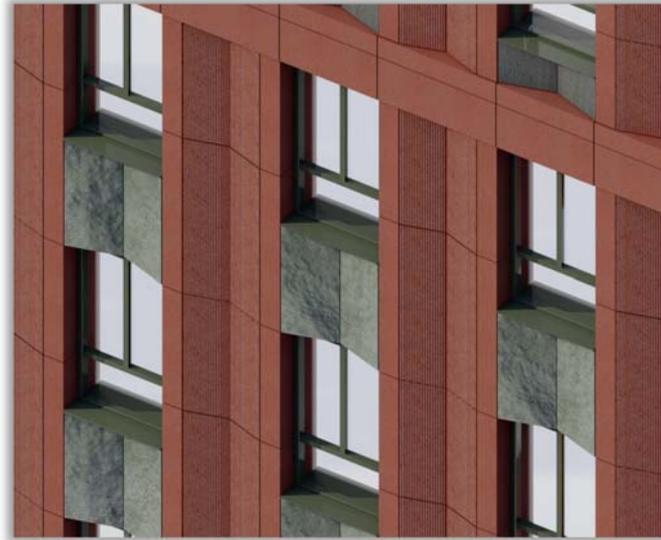


Figure 28: model view of typical bay

Villa Block

- 8.36 The Villa block would be sited adjoining the Towers to the east and would have an overall height of 9 storeys, matching that of the Mansion Block. The amendments received during the course of the application have seen the Villa Block reduced from 12 to 9 storeys to provide consistency in the heights of the lower elements. Furthermore, this has reduced the height of the development closest to Longitude Apartments to the east therefore improving this relationship. The Villa Block shares its architectural style and fenestration with the Towers. The Villa Block would be set back 14.6m from Hazledean Road to allow for the provision of a pocket garden. The pocket garden would not only seek to benefit residents and the wider public, but it would also seek to enhance the setting of the Villa Block at pedestrian level.

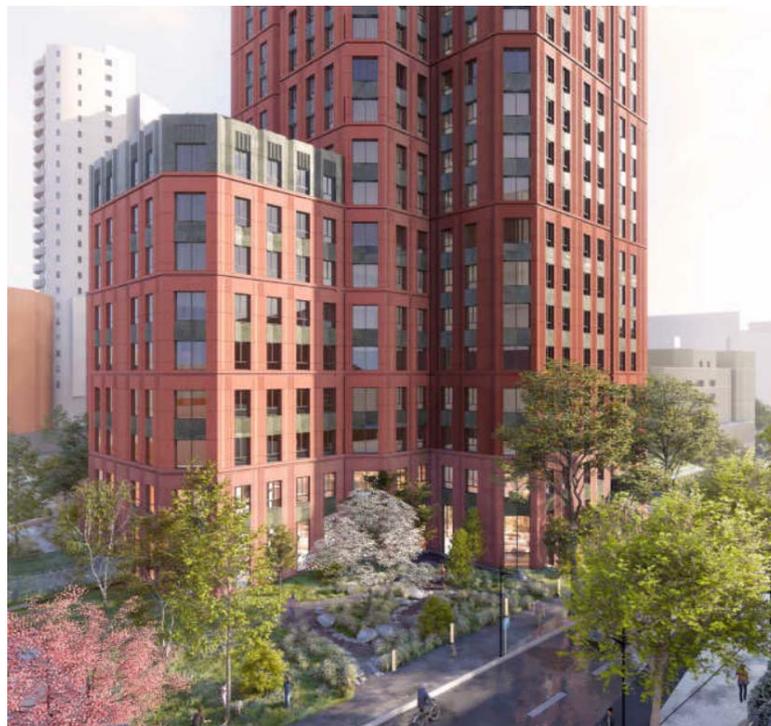


Figure 29: the Villa Block

Mansion Block

- 8.37 The Mansion Block is similar but with subtle differences. The façade principles share features such bay proportions, rhythm, datums and some aspects of materiality, whilst

differs by having balconies (conditions more comfortable at lower levels compared to the tower) and a more textured aggregate within the terracotta.

Materials

- 8.38 The primary materials combine red tones from terracotta's and precast concrete, with green tones from ceramic panels and fenestration features. In addition, the design uses ribbing to the surface and changes in the aggregate mix to vary the texture of these base materials and create visual interest. The pallet is different to a number of the other buildings in the locale such as the NLA Tower, Pocket and Altitude 25 and officers are aware of the views of members from the Developer Presentation. The applicant explored lighter tones as options, but it was considered that the warmer tones, that pick up on the colour of the current Hotel on site, Latitude and Longitude apartments and red brick buildings beyond, with green elements that pick up on Ten Degrees and reference the name of scheme as 'Botanical House' were the most appropriate and high-quality response. Furthermore, the change in material palette seeks to allow the mid-century buildings of Croydon to prevail in the wider townscape.



Figure 30: material palette

Landscaping

8.39 The development is proposing some tree removal (15), the most significant being a Cat B Honey Locust on Altrye Road. To offset the loss, the development proposes 45 new tree spread across public (street frontages) and private (residential courtyard) areas.



Figure 31: landscape plan

8.40 London Plan policy G5 requires major development to contribute to greening, setting a target score of 0.4. The development provides public realm landscaping improvements and a landscaped courtyard garden for future residents. Extensive landscaping is proposed across the development, which includes the retention of 5 trees, and the introduction of 45 new trees with further soft landscaping designed to deliver visual interest and contribute to a net gain in biodiversity, with an Urban Greening Factor of 0.42 against a policy target of 0.4.

8.41 London Plan policy G6 requires that any development seeks to provide biodiversity net gain. The Biodiversity Net Gain Assessment identifies a net increase in ecological value of 50.99% for habitat units and 100% for hedgerow units which significantly exceeds policy and is fully supported.

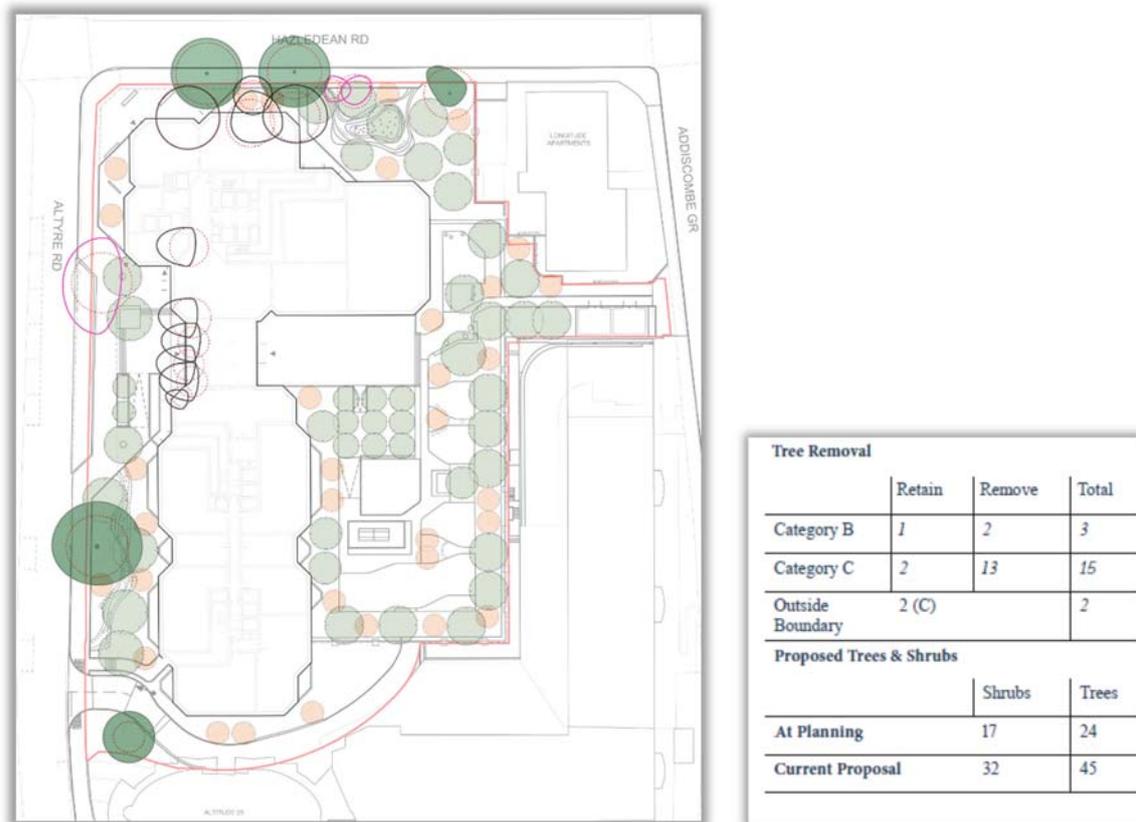


Figure 32: tree strategy table and plan

8.42 Overall, the landscape proposal would result in a high-quality development that would have real environmental benefits, not only for the residents but the wider public. To ensure that the landscaping does not result in a generic approach full details would be secured via an appropriately worded condition. Such appropriately worded conditions would help to ensure that the landscaping proposals are ambitious and evolve a narrative more closely linked to this part of Croydon.

8.43 The LPG on Optimising Site Capacity 2023 states that, “good growth across London requires development to optimise site capacity, rather than maximising density. This means responding to the existing character and distinctiveness of the surrounding context and balancing the capacity for growth, need for increased housing supply, and key factors such as access by walking, cycling and public transport, alongside an improved quality of life for Londoners. Capacity-testing should be the product of the design-led approach, and not the driver.” Throughout the course of the pre-application discussions and application amendments the changes made by the applicant have sought an appropriate balance, optimising site capacity and density. Overall building heights and unit numbers have been reduced to ensure that a high quality and exemplar design is achieved while ensuring that the large number of homes (447 in total) are located in highly accessible locations which actively encourage walking through improvement public realm and pedestrian crossings (as of which would be secured as part of any legal agreement)

Heritage

8.44 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires (at section 66) with respect to listed buildings, that special regard is paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With regard to conservation areas (at section 72), it requires

special attention to be paid to the desirability of preserving or enhancing their character or appearance.

- 8.45 The NPPF places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets and affords great weight to the asset's conservation. It states that:

“great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm”

- 8.46 Any harm to a designated heritage asset, including from development within its setting requires *“clear and convincing justification”*, with less than substantial harm weighed against the public benefits delivered by the proposed development.

- 8.47 With regard to non-designated heritage assets, paragraph 203 of the NPPF states that:

“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing...applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 8.48 Policy DM18 of the Local Plan permits development affecting heritage assets where the significance of the asset is preserved or enhanced. Policy SP4 requires developments to respect and enhance heritage assets, and Policy DM15 permits tall buildings which relate positively to nearby heritage assets. London Plan Policy HC1 states that developments should conserve historic significance by being sympathetic of the assets' significance and setting along with HC3 that protects strategic and local views. This policy goes on to state that new development can make a positive contribution to the views, and this should be encouraged.

- 8.49 The setting of a building is defined as 'the surroundings in which a heritage asset is experienced' in the glossary to the NPPF *“It's extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance of may be neutral.”*

- 8.50 The site is not within a Conservation Area; however, the site lies in close proximity to the Chatsworth Road conservation Area (approximately 74m to the south of the site) and the Central Croydon Conservation Area (approximately 400m to the west of the site). There are no statutorily designated heritage assets on the site, but a number of listed and locally listed buildings are located within the wider area. In terms of non-designated heritage assets, the NLA Tower (local listed building) lies 160m to the north and Fairfield Halls (local listed building) lies 270m to the west. Park Hill Locally Listed Historic Park and Garden lies 80m to the south. The development will be visible in the setting of the Conservation Areas and some other nearby heritage assets due to its height and form.

- 8.51 A detailed Townscape, Heritage and Visual Impact Assessment (HVIA) was submitted as part of the application and was amended following the scheme amendments. This assesses the impacts of the proposal on a range of nearby heritage assets, accompanied by views. The analysis of the views used the Zone of Theoretical Visibility approach (ZTV) to assess where views may be impacts. From this study it can be seen the key heritage impacts are the setting of the Chatsworth Road Conservation and

longer-range views from within the Central Croydon Conservation Area, particularly views of Fairfield Halls which is a non-designated heritage asset.

8.52 Whilst the existing building has a maximum height of 7 storey, the proposal would significantly increase the height of the built form and would result in a sharper transition from the predominately 3 to 4 storey Victorian and post war residential housing within the Fairfield Ward, as visible in the images below. As such the designated heritage asset where the proposal is most visible from is the Chatsworth Road Conservation Area as the proposed development is in close proximity and prominent in a number of the views. The massing and articulation of volumes (stepping up in height away from the Conservation Area) have been designed to help mediate the relationship between the houses and the height of the interlocking Towers, which has helped to limit any harm being caused to the setting of this Conservation Area. The use of terracotta tones in the external facing materials help to differentiate the central cluster from the application site, providing a clear distinction when viewed from within the Conservation Area. Officers consider that the use of different tones in the built environment would provide interest and variation that would distinguish the proposal. The Towers are clearly visible from a number of locations, so would impact the setting in short and medium length views. Whilst this element of the development is considered to cause some harm, in terms of the setting of the designated heritage asset, officers have concluded that the harm caused would be less than substantial.



Figures 33 and 34: view from Chatsworth Road (within the Chatsworth Road Conservation Area), facing north towards the site without (left) and with (right) proposal



Figures 35 and 36: view from Friends Road looking north-east towards the site without (left) and with (right) proposal



Figures 37 and 38: view from Queens Gardens (within the Central Croydon Conservation Area) looking east towards the site without (left) and with (right) proposal



Figures 39 and 40: View from South Park Hill Park looking north without (left) and with (right)

8.53

The proposed building, given its heights and interlocking towers would be visible behind the silhouette of Fairfield Halls which is a non-designated heritage asset, from within the Central Croydon Conservation Area. The setting of Fairfield Halls, which is not a designated asset, is to some extent interrupted by the presence of Altitude 25. In addition, the setting of Fairfield Halls has been impacted by nearby developments, particularly College Tower and Ten Degrees, shown in Figures 37 and 38 above and Figures 41 and 42 below. Given the non-statutory status of Fairfield Halls and the openness surrounding the building at pedestrian level the level of harm that would result should this proposal be approved is considered to be less than significant. The use of terracotta tones in the proposed material palette would help to differentiate the Towers from that of Fairfield Halls. The use of lighter materials in the construction and renovation of Fairfield Halls are consistent with the post war development and architecture of the Croydon Metropolitan Centre, the use of darker tones in the proposed development would help to define the post war era from more recent developments.



Figures 41 and 42: view directly over Fairfield Halls looking east towards the site, the reduction in height from 38/39 storeys to 33/36 results in the proposal no longer being visible from close range viewpoints. Without (left) and with (right) proposal.

- 8.54 The Central Croydon Conservation Area comprises the commercial and civic heart of Croydon and includes the 16th century Grade I listed Whitgift Almshouses, Surrey Street market as well as Queens Gardens the Grade II listed Late Victorian Town Hall and 1930s modernist office buildings including the Grade II listed Segas House. The appraisal identifies key views along George Street towards the NLA tower.
- 8.55 View 17 of the applicant's HVIA shows that the proposed tower would not harm the Grade I listed Whitgift Almshouses, or impact the key view set out above along George Street.
- 8.56 View 18 shows that the proposal would appear directly behind the rear facade of the Grade II listed Segas House in views along Katharine Street. The street view is lined on the right-hand side by the Grade II listed Victorian Town Hall, Municipal Buildings and library as well as the Grade II listed former Nat West Bank (now the Spread Eagle pub). Whilst the main impact of the Tower would be on the rear facade of the Segas House, these elevations are attractive and significant features of the building and exhibit the same curved double height ground floor bay windows and large gridded horizontal windows. The visibility of the Tower would be highly prominent in this view, rising above the centre of the silhouette of Segas House building. It would be viewed alongside the College Road development and St George's House (Nestle Tower). Officers consider that the impact of the tower on the setting of the Segas House would result in less than substantial harm to the significance of the Grade II listed heritage asset. This would be at a moderate level on the scale of less than substantial harm.
- 8.57 The level of harm caused to the Grade II listed Municipal Buildings (including the Town Hall, Library, Corn Exchange, Clock tower and offices and war memorial) would be lower, given that the Tower would not be in the backdrop of these buildings. However, some harm would still be caused to the significance of these heritage assets by the Tower marking this prominent street view. The level of harm caused would be less than substantial and at a low level on the scale of less than substantial harm.
- 8.58 In terms of the Central Croydon Conservation Area, harm would be caused by the impacts summarised above in terms of the visibility of the Tower in views along Katherine Street (HVIA view 18). In addition, the Tower would be visible in views across Queens Gardens looking east towards the existing cluster of tall buildings including Ten Degrees and College Road towers (HVIA view 19). The proposal would cause additional cumulative harm in this view with the building rising above Fairfield Halls. Officers consider that a low level of less than substantial harm would be caused to the significance of the Central Croydon Conservation Area.
- 8.59 No direct harm to the fabric of any designated heritage assets would occur as a result of the proposal. However, it is considered the proposed development would have a less than substantial impact on the settings of both the Chatsworth Road Conservation Area and the Central Croydon Conservation Area. In addition to this there would be an impact on both the Grade II listed Segas House and Municipal Buildings, as less than substantial, at the moderate level and low level respectively. There is no harm identified to further surrounding designated and non-designated heritage assets.



Figures 43 and 44: view looking south along Cherry Orchard Road towards the site in relation to the NLA Tower. Without (left) and with (right) proposal.

8.60 It is also important to draw member's attention to the recent Citylink House allowed appeal decision (reference 21/02912/FUL), which forms a material consideration. This scheme would be visible in views south along Cherry Orchard Road and was refused on the effect on the setting of a non-designated heritage asset (NDHA), known as the NLA tower. Citylink House is sited closer to the NLA Tower with a separation distance of approximately 30 metres, whilst the Croydon Park Hotel site sits approximately 154 metres further south. In allowing the appeal, the Inspector stated:

"The NDHA's setting is within a heavily developed urban area, dominated by transport infrastructure, which existed at the time of the construction of the tower. This setting aids the understanding of the development of the NLA tower as part of the post war growth plan of Croydon... The development would be greater in size and scale than the NLA tower but there is clearly articulated differentiation between the shoulder and tower... In this respect, there would be obscuring and coalescing effects from the development in relation to the NLA tower, in varying degrees, in these views."

8.61 In allowing the Citylink House appeal, the Inspector concluded that the tower (28 storey) and shoulder (14 storey) would not harm the setting of the NDHA or ability to appreciate it's significance. In the case of this current application, it is noted that the views of the NLA Tower from the north and south would be obscured in part by the Towers, but the development would have limited impact on the eastern and western views, which in the case of the Citylink House appeal was attributed greater weight by the Inspector. Consideration should also be given to the separation distance of approximately 154 metres and the presence (and consents) of other buildings in and around the NLA Tower which are much closer. Given all these factors due consideration the proposed development is not considered to result in harm to the setting of this non-designated heritage asset nor would it detract from its significance.

Balance

8.62 As harm has been identified to heritage assets the provision of paragraph 202 of the NPPF to weigh any harm against the public benefits of the scheme is enacted. When weighing the proposed harm to designated heritage assets against public benefits of the scheme, any harm is given considerable importance and weight. A balanced judgement towards harm caused to non-designated heritage assets is also required. Public benefits can include heritage benefits and great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.63 No direct harm to the fabric of any designated heritage assets would occur as a result of the proposal, however, a degree of harm has been identified to Chatsworth Road Conservation Area and the Central Croydon Conservation Area and therefore the

statutory presumption toward preservation or enhancement has not been met. The level of harm in this case is less than substantial and would be at the lower end of this scale across all assets considered.

- 8.64 Public benefits *“could be anything that delivers economic, social or environmental progress as described in the 2023 NPPF”* The NPPG continues stating that *“public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit”*. The development does deliver a number of public benefits, including housing provision, a quantity of which would be for affordable housing delivered on site including wheelchair accessible homes, family accommodation, an improved public realm and pocket park and greening to the street frontages, including the replacement of the existing building with a high-quality scheme, community space on the ground floor for use by local groups, highway improvement works to include enhancements to the pedestrian crossing on Barclay Road and the planting of street trees, a contribution towards wider transport network improvements (particularly pedestrian and cyclist) and short-term employment derived from the construction of the development.
- 8.65 It is considered that these public benefits are sufficient to outweigh the less than substantial harm identified to the heritage assets outlined above and therefore as per requirements of the NPPF, making a balanced judgement as to the scale of harm and the significance of the asset, the impact is considered to be acceptable. Notwithstanding this, it is essential that the development provides an exceptionally high design quality in relation to materials and other detailed matters at planning conditions stage. This is to ensure that the building, which is visible in the setting of heritage assets, is one of which is perceived as being of excellent contemporary design which responds appropriately to its historic context.

Housing Mix and Affordable Housing

Housing Mix

- 8.66 Croydon Local Plan 2018 policy SP2.7 sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. Policy DM1.1 allows for setting preferred mixes on individual sites via table 4.1. Applying table 4.1 to this site (Central setting with a PTAL of 4, 5, 6a or 6b within West Croydon, Fairfield and Mid Croydon area) shows a requirement of 20% 3+ bedrooms units unless there is agreement from an affordable housing provider (that these are not viable or needed).
- 8.67 The proposed development would achieve a 25% (110) provision of three-bedroom homes, thereby exceeding the policy standard set out with the OAPF which is specific to this development site, the provision of three-bedroom homes is therefore acceptable.

Affordable Housing

- 8.68 Policy SP2.4 of the Croydon Local Plan 2018 seeks to negotiate to achieve up to 50% affordable housing, subject to viability. Part b) of the policy seeks a 60:40 ratio between affordable rented homes and intermediate (including starter) homes unless there is agreement that a different tenure split is justified (a minimum of three Registered Providers should be approached before the Council will consider applying this policy). The policy also requires a minimum provision of affordable housing as set out in policy SP2.5, which requires a minimum provision of affordable housing to be provided either:

a) Preferably as a minimum level of 30% affordable housing on the same site as the proposed development or, if 30% on site provision is not viable;

b) If the site is in the Croydon Opportunity Area or a District Centre, as a minimum level of 15% affordable housing on the same site as the proposed development plus the simultaneous delivery of the equivalent of 15% affordable housing on a donor site with a prior planning permission in addition to that site's own requirement. If the site is in the Croydon Opportunity Area, the donor site must be located within either the Croydon Opportunity Area or one of the neighbouring Places of Addiscombe, Broad Green & Selhurst, South Croydon or Waddon. If the site is in a District Centre, the donor site must be located within the same Place as the District Centre; or

c) As a minimum level of 15% affordable housing on the same site as the proposed development, plus a Review Mechanism entered into for the remaining affordable housing (up to the equivalent of 50% overall provision through a commuted sum based on a review of actual sales values and build costs of completed units) provided 30% on-site provision is not viable, construction costs are not in the upper quartile and, in the case of developments in the Croydon Opportunity Area or District Centres, there is no suitable donor site.

- 8.69 The London Plan (2021) Policy H5 sets a strategic target of 50% but allows lower provision to be provided dependent on whether it meets/exceeds certain thresholds, or when it has been viability tested. It should be noted as the London Plan (2021) was adopted after the Croydon Local Plan (2018), where there is a policy difference, then the most recently adopted policy should take precedent.
- 8.70 The scheme is for Build to Rent homes and the most up-to-date policy is H11 of the London Plan (2021). Subject to meeting certain criteria (covered in paragraph 8.9 above), the policy confirms that the affordable housing offer can be solely Discounted Market Rent (DMR) at a genuinely affordable rent, preferably London Living Rent level. Part C of the policy states that the Mayor expects at least 30% of DMR homes to be provided at an equivalent rent to London Living Rent (LLR) with the remaining 70 per cent at a range of genuinely affordable rents.
- 8.71 The London Plan stipulates that to follow the Fast Track Route, Build to Rent schemes must deliver at least 35 per cent affordable housing, or 50 per cent where the development is on public sector land.
- 8.72 The proposed development would provide 20% affordable housing by habitable room, which amounts to 86 homes. Therefore, the scheme is not following the Fast Track route and as such a financial viability appraisal has been submitted with the application. The tenure split would be 70% DMR to 30% LLR with the affordable units being 'pepper potted' throughout the development and across the Towers, Villa and Mansion Blocks.
- 8.73 The application was subject to a financial viability appraisal (FVA), which has been scrutinised independently by Gerald Eve (GE). Furthermore, the GLA viability team have sent a report, covered in 5.4 above. The key viability inputs where the focus of discussion has taken place are covered in the table below.

	Standing stock asset approach		Forward funded approach	
	Newsteer	Gerald Eve (acting for the LPA)	Newsteer	Gerald Eve (acting for the LPA)
Base NDV	£187,744,252	£187,744,252	£183,904,041	£183,904,041
Base Cost	£125,702,280	£146,401,174	£125,702,280	£146,401,174
Deficit	£33,456,805	£55,948,114	£14,099,889	£28,446,797

Table 1: key viability inputs

- 8.74 Upon the request by the GLA the applicant has undertaken two Financial Viability Appraisal (FVAs) with the first based on the 'standing stock' approach and the other on a 'forward funded' approach (as shown above in Table 1). Both reviews show a deficit although the forward funded approach indicates there would be less of a deficit. Given the level of deficit the Council's Independent Consultants (Gerald Eve) and the GLA have raised concerns regarding the deliverability of the scheme. In response, the applicant has provided further sensitivity testing to demonstrate when the proposal starts to make a profit. This shows that the development would start to show a return at year 2, based on rental growth with current market trends suggesting that this is a reasonable assumption. The applicant has therefore demonstrated that the scheme would be deliverable based on a medium term of investment (circa 5-6 years given build timescales and rental periods of growth).
- 8.75 The FVA and sensitivity testing show that the proposed scheme is currently unviable and cannot deliver further affordable housing beyond the 20% offered. The conclusion (for both the applicant and GEs review) is that the scheme is in deficit. The applicant has indicated the scheme will be delivered as a standing stock asset, so a deficit of £33,456,805, whilst the Council's independent review suggests a deficit of £55,948,114. The difference is mainly due to the applicant adopting lower construction costs and higher land values. Officers acknowledge the extent of deficit, but weight needs to be given to the uniqueness of this case, current market trends and the mid to longer investment nature of this proposal.
- 8.76 Given the current deficit it is clear that the proposal could not offer a greater level of affordable housing. The applicant proposes 20% affordable housing by habitable room (split by 30% London Living Rent (LLR) level and 70% as Discount Market Rent (DMR) level) that has been independently reviewed as the maximum reasonable, which exceeds the minimum policy requirement of 15% in the Croydon Local Plan and meets the mix requirements of H11 of the London Plan. The legal agreement would secure a review mechanism (more detail below) and construction costs are not in the upper quartile (as confirmed by GE).
- 8.77 LLR is an intermediate affordable housing product with low rents that vary by ward across London, set by the GLA. The DMR homes would also be an intermediate affordable housing product, subject to an annual household income cap of £60,000. These matters would be secured in the S.106 legal agreement.
- 8.78 The GLA has suggested that the scheme's viability could be improved, even providing a surplus, if their assumptions were adopted. However, the GLA have not provided any evidence to support their applied yields, OPEX, marketing and sales figures and therefore the LPA are unable to apply such to its own sensitivity testing. Therefore, in the absence of evidence to the contrary Officers are satisfied that the maximum levels of affordable housing has been secured as part of the proposal.
- 8.79 As required by London Plan Policy H5 (f) early and late-stage reviews are recommended within the legal agreement. They would capture any changes (for example increase in rental prices/reduction in construction costs) which may result in increased affordable housing provision and/or contribution. The applicant has indicated that the scheme will be delivered as a standing stock asset, but this will need to be confirmed to ensure the correct deficit is secured through the S.106 legal agreement. On this basis the lower deficit of £33,456,805 will be applied.

- 8.80 The early-stage review would be engaged if an agreed level of progress on implementation is not made within two years of the permission being granted, in this case construction up to at least first floor level. The late-stage review would be engaged when 75% of the units in the scheme are let.

Quality of residential accommodation

- 8.81 London Plan 2021 policies D5 inclusive design, D6 housing quality and D7 accessible housing seek the highest standards of accommodation for future occupiers. Policy sets out quantitative and qualitative standards, including minimum floor space and amenity standards for new builds in order to promote high quality living accommodation.
- 8.82 The Housing Design Standards LPG 2023 seeks to respond to the impact of the COVID-19 pandemic, including the shift to increased homeworking. It also recognises the climate emergency, and the role that residential development has to play, and the contribution it has to make, in reaching net zero. These housing design standards seeks to provide homes that: are safe, inclusive, comfortable, flexible, durable, well-built and well managed. They encompass designing with residents' wellbeing in mind and express what it means to optimise site capacity for a residential development, as opposed to simply maximising the development of a site.
- 8.83 Croydon Local Plan policy SP2.8 relates to quality and standards, requiring all new homes to meet the standards set out in the Mayor of London's Housing SPG (now covered in D6 identified above) and the National Technical Standards 2015. Croydon Local Plan policy DM10.4 has a number of requirements in relation to providing private amenity space for new residential development. The relevant policy points seek a high quality design; a functional space, a minimum amount (5sq m per one/two person unit and extra 1m² per person after that), minimum of 10m² per child of new play space. Croydon Local Plan policy DM10.5 requires the inclusion of high quality communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive.
- 8.84 Typical upper floors are residential dwellings and circulation space. The Tower plan performs well in providing dual aspect units with a central core and steps and kinks within the plan form creating meaningful second aspects (orientation, light, outlook and ventilation). The Mansion Block layout is based upon a central linear corridor with units butterflyed either side. The downside of this typology is it results in a higher proportion of single aspect units. However, folds within the façade do provide enhancements but they would not meet the GLA's guidance for dual aspect dwellings. The proposal would include 52% dual aspect, 44% enhanced aspect and 4% single aspect units. Officers have worked closely with the applicant during the course of the application to increase the proportion of dual aspect homes. This has resulted in an increased from 34% at submission to 44% in respect of enhanced aspect units and 12% to 4% in respect of single aspect units in this scheme for consideration. This has seen a small reduction in dual aspect units from 54% to 52%. Overall, the quality of internal accommodation has been improved. The Tower form has been developed to seek to maximise dual and enhanced aspect units. The Mansion Block is more challenging given orientation and desire to optimise the site; other typologies could have further improved the proportion of dual aspect dwellings, but this is the scheme for consideration. Balancing the challenges of site optimisation, officers are supportive of the layout of the homes.

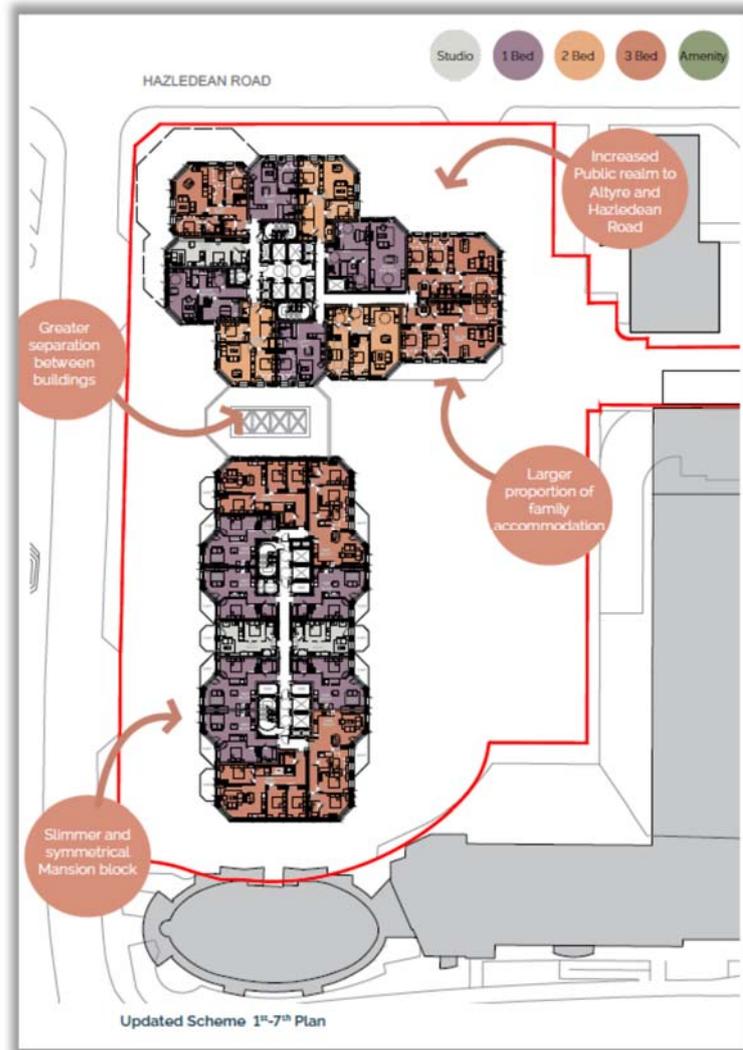


Figure 45: typical floor plan (7th Floor)

8.85 London Plan policy SP4 play and informal recreation seeks, for residential developments, good-quality, accessible play provision for all ages and at least 10sqm of play space should be provided per child. Croydon Local Plan policy DM10.4 and DM10.5 set minimum requirements for the provision of communal amenity space and children’s play areas that will be required in new flatted development. This scheme must provide a minimum of 10m2 per child of new play space, calculated using the Mayor of London’s population yield calculator.

Size and layout

8.86 All of the proposed residential homes either meet or exceed the minimum floor space standards set out in the London Plan (2021) while units which are not provided with private amenity space are oversized in floorspace terms.

8.87 The communal garden to the rear provides a range of spaces to meet residents needs such as external dining spaces, activity spaces, child play equipment and flexible areas for pop up events, curated by the building’s operations team. The garden will be built upon an existing deck with the basement below. Officers have raised concerns over the viability of mature planting upon this base and will require robust conditioning of these details to ensure the qualities indicated within the application are delivered.

8.88 London Plan (2021) states that developments should maximise the provision of dual aspect units, with single aspect units only provided where it considered to be a more appropriate design solution in order to optimise capacity, and where it can be

demonstrated they will have adequate passive ventilation, daylight, privacy and avoid overheating. The Housing Design Standards LPG (2023) sets the definition of dual aspect as "A dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building."

8.89 The layout of the scheme has helped to maximise the amount of dual aspect units, at 52%, (rising to 96% when including enhanced aspect), and there are no single aspect north facing units, which is welcomed. An overheating assessment was submitted which demonstrates the proposal maximises passive and active design measures, reducing the risk of overheating as far as practical.

Daylight and sunlight

8.90 The applicant has submitted a sunlight and daylight report that has been carried out in accordance with 2022 BRE guidance. In terms of daylight, the assessment considers the spatial daylight autonomy (sDA) – see Appendix 2. The results are based on using 200 Lux as the target value for mixed use living/kitchen/dining area. The report also considers sunlight to new buildings and their gardens/outdoor spaces. The internal daylight and sunlight assessment has split the results between the Towers/Villa Block and Mansion Block.

8.91 This report has been reviewed by the Council's daylight and sunlight consultant, who conclude that the methodology and application of the guidelines is appropriate.

8.92 In terms of daylight, of the 1,137 proposed habitable rooms considered, 828 (73%) satisfy the BRE guidelines in sDA terms. For the Towers (and Villa Block), of the 882 rooms considered, 699 (79%) satisfy the BRE guidelines, and in the Mansion Block of the 255 rooms considered, 129 (51%) satisfy the BRE guidelines. The originally submitted scheme only achieved 26% of rooms within the Mansion Block adhering to the BRE recommended levels, so the revised scheme improves the daylight levels to this block. The overall level of adherence with the BRE recommendations increases to 77% if 150 Lux is used for the living/kitchen/dining areas within the Mansion Block (up from 51% against 200 Lux).

8.93 There are 307 rooms achieving SDA values below the recommended target. In particular, 168 bedrooms and 69 living-kitchen-dining rooms (LKD) and 72 studios do not meet the illuminance criteria. Out of the 307 rooms not meeting the criteria in total, 68 bedrooms, 46 LKD rooms and 25 studios marginally fall below the criteria. These rooms fall within 5-10% below the passing target (50%). The worst failures are with the southern end of the Mansion Block facing Altitude 25, with one unit containing two bedrooms achieving 0% illuminance, but this unit has a LKD that meets the guidelines, and its third bedroom achieves 49% (against a target of 50%).

8.94 Generally, the overall compliance rate is considered acceptable for a regeneration scheme in an urban location. There are isolated units on the lower to mid floors with rooms that are expected to receive low levels of daylight. This is not uncommon as rooms on lower floors face higher levels of obstruction and windows beneath balconies necessarily have a more limited view of sky but do provide private amenity space for the dwelling above.

8.95 In terms of sunlight, the report evaluated sunlight provision within the scheme by testing living room windows, regardless of their orientation, which is a broader approach than just those within 90 degrees of due south. Of the 450 living rooms tested, 366 (81%) satisfy the BRE guidelines. For the Towers (and Villa Block), of the 346 living rooms considered, 269 (78%) satisfy the BRE guidelines, and in the Mansion Block of the 104

living rooms considered, 96 (92%) satisfy the BRE guidelines. Of the overall failures, 82 of them are north facing, meaning they are expected to achieve lower sunlight values. The worst performing units within the Mansion Block are to the southern end of the block to the rear, whilst within the Towers it is units in the northern elevation fronting Hazledean Road.

8.96 Generally, this represents a good overall adherence to the BRE guidelines as it is inevitable that some living rooms will face predominantly north.

8.97 In terms of outdoor amenity spaces, the results show that for both of the proposed amenity areas (the terrace at level 38 and the ground floor external spaces shown in Figure 46 below) over half of each space would receive at least 2 hours of sun on 21 March thus meeting the guideline.



Figure 46: sunlight on the ground on 21st March

8.98 Overall, an acceptable level of sun and day light is achieved. Officers are also satisfied that where BRE standards have not been achieved that this is due to a combination of factors including site optimisation, site characteristics and design considerations.

Outlook and privacy

8.99 Paragraph 6.80 of the Croydon Local Plan states “A minimum separation of 18-21m between directly facing habitable room windows on main rear elevations is a best practice ‘yardstick’ in common usage and should be applied flexibly, dependent on the context of the development to ensure that development is provided at an acceptable density in the local context”.

8.100 There are a number of units (16) towards the southern side of the Towers which would look out onto the northern flank elevation of the Mansion Block. The distance between the Towers and the Mansion Block is approximately 10m and would occur up to the 9th storey only, given the height of the Mansion Block. The 16 units affected would be provided with enhanced outlooks to the south-east and south-west which would be acceptable.

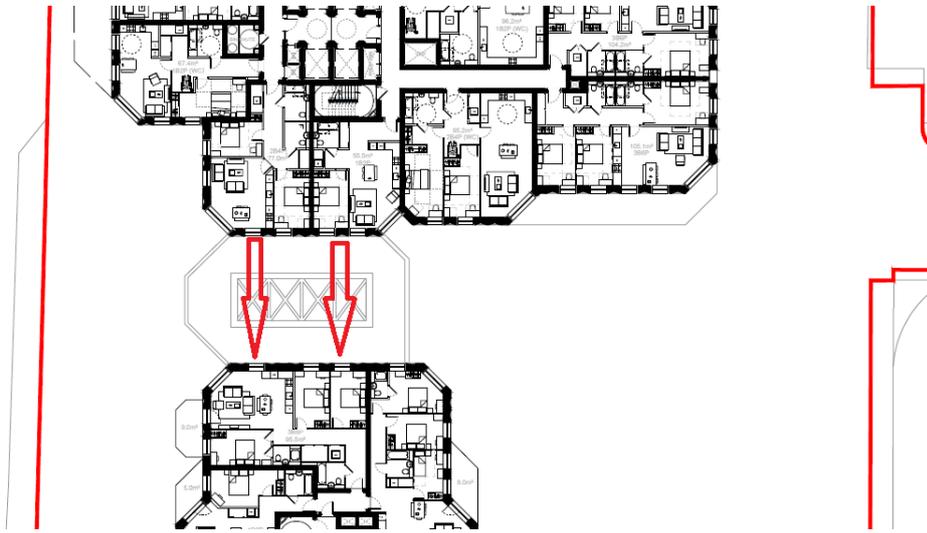


Figure 47: window alignment between the tower and mansion block from 1st to 7th floors

- 8.101 The Development Plan nor the LPGs provide a 'yardstick' measurement for the depth in respect of outlook and therefore a planning judgement needs to be applied. In this case, a 10m outlook would be provided before an obstruction is encountered while an enhanced outlook would allow greater views out from these windows. It is therefore considered that the 16 affected units on the southern elevation would be provided with an acceptable level of outlook given the need for site optimisation.
- 8.102 It is noted that the windows within the south elevation of the Towers have bedrooms with sole outlook towards the Mansion Block (and vice-versa) and LKD rooms facing each other but with angled windows also within those rooms. It is important that the bedrooms have an outlook, and given they do not directly face each other, conditioning as obscurely glazed is not considered reasonable. However, as the LKD have windows orientated away as well as the windows facing, it is felt a condition to obscurely glaze these windows is justified.
- 8.103 The Mansion Block would be sited approximately 6-8 metres from the northern flank elevation of Altitude 25, with its northern elevation containing no north facing windows up to the 9th floors. The 9 storey height of the Mansion Block would therefore not obstruct or restrict outlook. Windows to Altitude 25 are further eastwards and would overlook a communal garden whereas existing views would overlook the existing hotel complex. Given the relationship between the Mansion Block and Altitude 25 no direct overlooking would occur. The Towers would be visible from the windows of Altitude 25 but would be sited in excess of 68 metres away, therefore good levels of outlook would be provided from the flats in Altitude 25.
- 8.104 There are flats further east known as Latitude Apartments which would overlook the communal garden area of the proposed development with separation distances of approximately 68m between the Villa Block and Latitude Apartments, which would maintain appropriate levels of outlook.
- 8.105 All other proposed windows would be sited more than 18m from the neighbouring residential development and therefore appropriate levels of privacy for future occupiers would be achieved. There is a generous separation distance with no direct window alignment between the Villa and Mansion Blocks and therefore appropriate levels of privacy would be provided for the future occupiers of this blocks.
- 8.106 There is sufficient separation (in excess of 21m) between the proposed units and the Law Courts for there to be no detrimental impact on the future occupier's privacy or outlook.

Wind

- 8.107 The submitted wind study (which utilised wind tunnel testing) indicates that all of the balconies within the Mansion Block, the ground floor shared outdoor spaces and roof top terrace at the 33rd floor would achieve wind conditions that are suitable for their intended use with fixed mitigation at ground and 33rd floor. Fixed mitigation at ground floor would comprise an entrance canopy and fixed wind screens as part of the landscaping proposals while at the 33rd floor, the amenity space has been moved to the eastern side of the towers with wind screens and soft landscaping. Subject to a suitably worded condition these areas would be suitable for their intended uses.

Noise

- 8.108 The agent of change policy (D13 of the London Plan) puts the responsibility for mitigating impacts from existing noise generating uses (in this case the Law Courts and Church to the west/north-west) on the proposed noise-sensitive development.
- 8.109 The Environmental Health officer has reviewed the submitted noise and vibration assessment, and raises no objections, stating that the recommendations (namely the provision of enhanced glazing and ventilation of appropriate specification as detailed with the assessment and limits on plant noise) are appropriate and should be secured by condition.

Private/Communal Amenity Space and Child Play Space Provision

- 8.110 All of the proposed residential homes either meet or exceed the minimum floor space standards set out in the London Plan (2021) while units which are not provided with private amenity space are oversized in floorspace terms. All ground floor homes in the Mansion Block would have private amenity space with the upper floor units provided private balconies. The units in the Towers and Villa Block are not provided with private terraces and/or balconies due to issues in relation to useability of these spaces at higher level and elegance of the building; these units are appropriately oversized as a result. As such, the conflict with London Plan Policy D6 is therefore considered to be justified, on balance, given the specific circumstances and in light of other material considerations.
- 8.111 The development provides a series of external spaces, comprising a communal courtyard garden of 1,802 sqm, a pocket garden of 454 sqm, a communal roof terrace of 273 sqm, and improved public realm areas of 1,022 sqm. Communal internal space is also provided across the Ground (585sqm) and 33rd floors (134sqm). All spaces are accessible to all future residents of the development and have been designed as flexible, multifunctional, and inclusive.
- 8.112 All units would access to the communal amenity spaces which have been designed to provide places for resting, socialising and play, whilst also increasing biodiversity. The images of benches, tables and play equipment are welcomed and alongside other features such as play on the way, providing a range of different spatial experiences and cater for multiple users. Detailed plans and specifications for play equipment, along with the soft and hard landscaping, will need to be secured by condition and the requirement to understand the density of planting.
- 8.113 The development would provide play on site for ages 0-4's and 5-11's with the over 12-year-old provision being provided offsite (with a requirement of 128sqm).



Figure 48: location of play space within development

8.114 Although there is space within the overall landscaping areas the proposal does not provide play space for the 12-15 and 16-17 year age ranges, highlighting that due to the sites constraints to provide meaningful play for older children and need to provide outdoor space for adult residents, these older children will be encouraged to visit Park Hill Park, which is within close proximity 60m to the south. Whilst this position is accepted the scheme stills needs to mitigate against the shortfall of older children play space. A financial contribution of £10,892 will be secured in lieu of this shortfall based on the costs of equipping an area of approximately 128sqm with suitable equipment and including an allowance for future maintenance.

8.115 The noise impact assessment additionally found the outdoor spaces within the scheme to be suitable without mitigation, as confirmed by the environmental health officer.

Fire safety

8.116 Although fire safety is predominantly a building regulations issue, policy D12 of the London Plan 2021 requires developments to achieve the highest standards of fire safety for all building users. The policy sets out a number of requirements, with the submission of a Fire Statement (an independent fire strategy produced by a third party suitably qualified assessor) setting out how the development has been designed and will function to minimise fire risk.

8.117 Policy D5 B 5) of the London Plan requires that in all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

8.118 The fire statement has been drafted by a BB7 who through its authors are registered with the Institute of Fire Engineers as a Member of the Institute. The statement has therefore been prepared by a suitably qualified assessor. The GLA have confirmed they are satisfied with the submission in relation to fire.

8.119 The scheme is a 'relevant building' under planning gateway one and hence the Health and Safety Executive (HSE) were consulted. The HSE have reviewed the amended fire statement and are satisfied with the information provided, raising no substantive objections. The interlocking Towers and Villa Block are served by two stair cores and a separate firefighting stair core with the Mansion Block served by two separate stair cores.

- 8.120 Both the interlocking Tower and Villa Block and Mansion Block will be provided with two evacuation lifts. This will ensure the safe and dignified emergency evacuation for all users in line with London Plan (2021) policy D5 and can be secured by condition.
- 8.121 The HSE raised some concern regarding the clarification of fire service access and hose laying distances, tenability within the firefighting stair, lobbies and corridors, the enclosed amenity room (33rd floor) and fire-fighting access. However, upon the review of the amended fire safety statement the HSE is content with the fire safety design to the extent that it affects land use planning.
- 8.122 No objection has been raised from the HSE and separate regulation (Building Control) approval will be required for these elements, so the scheme is considered acceptable in terms of fire at this planning stage. In addition, the Councils Principal Building Control Surveyor has reviewed this statement and is content that the detailed fire design is suitably flexible to allow for any changes should this be needed at the detailed design stage post-planning.

Accessibility

- 8.123 11% (49 units) would meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and the remaining units would meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and therefore satisfy Policy D7 of the London Plan and will be secured by condition. It is important to note that the M4(3) units are pepper potted through the different blocks. This approach is logical as the blue badge parking is all located within the basement which is accessible across all stair and lift cores.
- 8.124 Overall, the proposed development would provide well-designed homes that would provide a high standard of residential accommodation.

Impact on neighbouring amenity

- 8.125 Policy DM10.6 states that the Council will not support development proposals which would have adverse effects on the amenities of adjoining or nearby properties or have an unacceptable impact on the surrounding area. This can include a loss of privacy, daylight, sunlight, outlook or an increased sense of enclosure. There are a number of buildings surrounding the site requiring consideration in terms of daylight/sunlight impact. This aligns with the requirements of Policy D9 of the London Plan in relation to tall buildings.
- 8.126 Paragraph 6.80 of the Croydon Local Plan states "*A minimum separation of 18-21m between directly facing habitable room windows on main rear elevations is a best practice 'yardstick' in common usage and should be applied flexibly, dependent on the context of the development to ensure that development is provided at an acceptable density in the local context*".
- 8.127 The Housing Design Standards LPG (2023) states that, the orientation and massing of buildings, and the separation distances between them, should ensure that the public realm is not unduly overshadowed to the detriment of health, wellbeing, biodiversity or amenity. Where demonstration is necessary and/or a building over 30 metres high is proposed, a micro-climate/wind/daylight and sunlight assessment should be submitted.
- 8.128 The Housing Design Standards LPG (2023) states that, the orientation and massing of buildings, and the separation distances between them, should ensure that the public realm is not unduly overshadowed to the detriment of health, wellbeing, biodiversity, or

amenity. Where demonstration is necessary and/or a building over 30 metres high is proposed, a micro-climate/wind/daylight and sunlight assessment should be submitted.

Outlook and Privacy

- 8.129 The Towers and Villa Block towards the north would be sited approximately 27m to 38m from Harrington Court which lies to the north on the opposite side of Hazledean Road. The Villa Block would be sited approximately 29m from 13 Addiscombe Grove to the northeast and approximately 18m from Longitude Apartments to the west, with the Towers providing a separation of approximately 27m from Longitude Apartments. The Towers and Villa Block would be sited approximately 65m to 67m from Latitude Apartments to the south and 35m to the southeast where Latitude Apartments returns north up Addiscombe Grove.
- 8.130 The Mansion Block would be sited approximately 37m from Latitude Apartments to the east and reduces down to 9m to the southeast where Latitude Apartments returns along Barclay Road. The windows at the closest point (9m) are angled away from each other and therefore given the orientation would not result in any overlooking or loss of privacy that would warrant a refusal of planning permission. The Mansion Block would be sited approximately 7m from Altitude 25 to the south but would sit adjacent to its blank façade, which extends up to the 9th floor as Altitude 25 was built when Croydon Park Hotel was in situ.

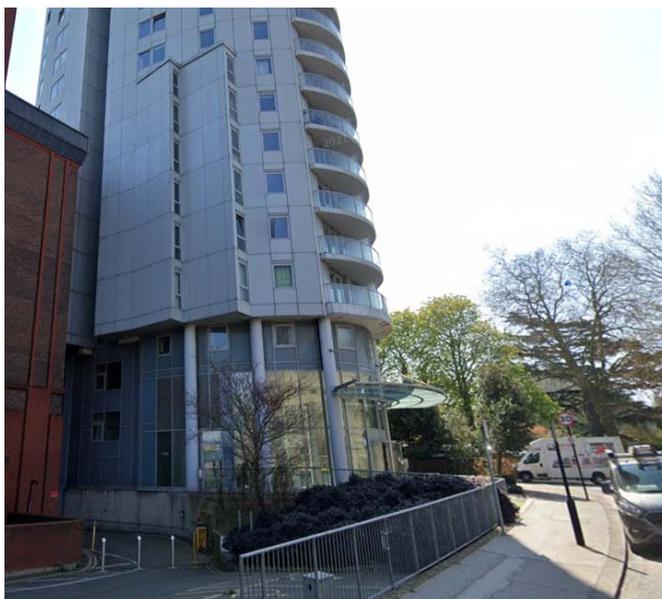


Figure 49: blank façade of Altitude

- 8.131 To the west of the site lies the Law Courts which by their nature do not contain any residential properties. A community building lies to the north-west which is known as the Christian Science Church which is not residential in use. An appropriate degree of separation would exist between the proposal and the Christian Science Church to ensure that adequate privacy would be provided for the new development.

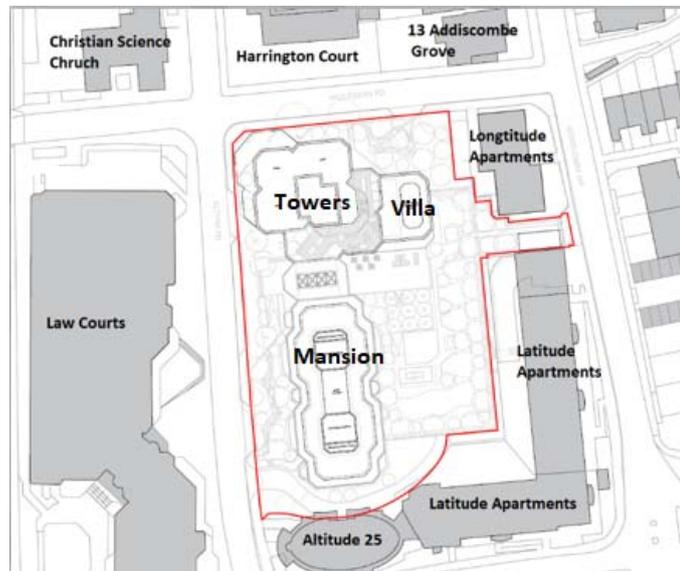


Figure 50: proposed site plan in relation to neighbouring buildings

- 8.132 Overall, given the density of the surrounding built form and closely related development in a central location it is expected that there will be a degree of mutual overlooking and visual impact for occupiers, orientation of windows and separation distances in excess of 18m acceptable levels of outlook and privacy would be achieved and maintained.

Daylight and Sunlight

- 8.133 Paragraph 125 of the NPPF states, in part c) that *“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”*.
- 8.134 The Mayor of London’s Housing SPG also endorses a flexible approach to daylight and sunlight, stating:

“An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time... The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”

- 8.135 Furthermore, the OAPF notes that *“It is recognised that in heavily built up areas such as the Croydon Opportunity Area, 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.”*

- 8.136 The Housing Design Standards LPG (June 2023) states that the *“most favourable orientation for each new building will be heavily influenced by the site-specific opportunities and constraints. Layouts should optimise the orientation of new buildings to maximise the quality of daylight and thermal comfort for residents, minimise overheating, and optimise thermal efficiency, by utilising and controlling solar gains”*.
- 8.137 It should be noted that the BRE does allow for alternative targets. In this case an alternative target (15% VSC) has been set for the purpose of this assessment due to the density of the site. Through a number of planning applications and appeals it has been established that alternative targets may be set having regard to site context, with 15% VSC being an appropriate benchmark. This is considered appropriate for this site.
- 8.138 The applicant has submitted a sunlight and daylight report that has been carried out in accordance with 2022 BRE guidance. This report has been reviewed by the Council’s daylight and sunlight consultant, who conclude that the methodology and application of the guidelines is appropriate.
- 8.139 The report applies the BRE standard numerical guidelines for daylight and sunlight to existing surrounding buildings. The following properties satisfy the BRE guidelines:
- 93 Granville Close
 - 86-90 Granville Close
 - 104-106 Granville Close
 - 138 Granville Close
 - 13 Addiscombe Road: Experiences a significant reduction but is not believed to contain residential units.
 - Croydon Crown Court: Experiences a significant reduction but does not contain residential units.
- 8.140 The neighbouring properties that have the potential to experience a reduction in daylight and sunlight beyond the BRE guidelines are Harrington Court and Latitude apartments (noting that Altitude 25 and Longitude apartments were considered under Latitude apartments) discussed in more detail below.

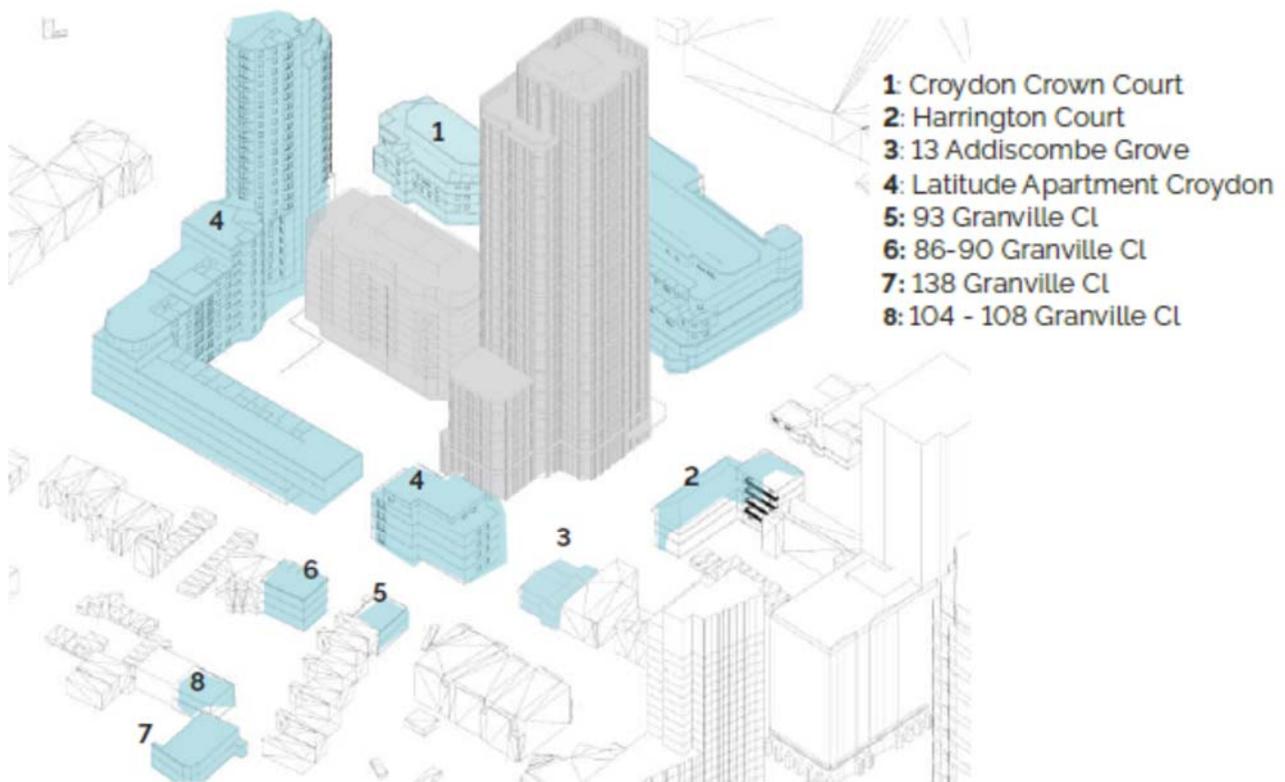


Figure 51: 3D view of the model used to show surrounding buildings

Harrington Court

- 8.141 This is the three-storey residential building located to the north of the development site which has been based on assumed layouts.
- 8.142 In terms of daylight, 72 windows were assessed using the Vertical Sky Component (VSC) test – see Appendix 2. Of the 72 windows tested, 39 (54%) remain BRE compliant. Of the 33 windows that fall below the BRE guidelines, 4 will experience a moderate adverse impact, while 29 will experience a major adverse impact seeing a reduction greater than 40% (the most impacted window has a reduction of 48%, with the lowest actual VSC being 15.01%).
- 8.143 If an alternative target of 15% of VSC is applied, which officers feel is appropriate, the results show that 100% of the windows tested will comply.
- 8.144 In terms of daylight distribution, 46 rooms were assessed using the No Sky-Line test (NSL) – see Appendix 2. Of the 46 rooms assessed, 34 (74%) would experience no noticeable alteration in daylight distribution. Of the 12 rooms that do not comply, 3 rooms would experience a moderate adverse impact, with 9 rooms experiencing major adverse impacts (reductions greater than 40%).
- 8.145 In terms of sunlight, 46 rooms have been assessed using the Annual Probable Sunlight Hours test (APSH) – see Appendix 2. Of the 46 rooms assessed, 40 (87%) remain BRE compliant. There are 6 rooms achieving APSH below the recommendations; these are all located in the upper floor of Harrington court where there is an existing roof overhang, which is an inherent design limitation which would contribute to a lower achieved value. Generally, the APSH results show that all rooms considered will meet the alternative target values.

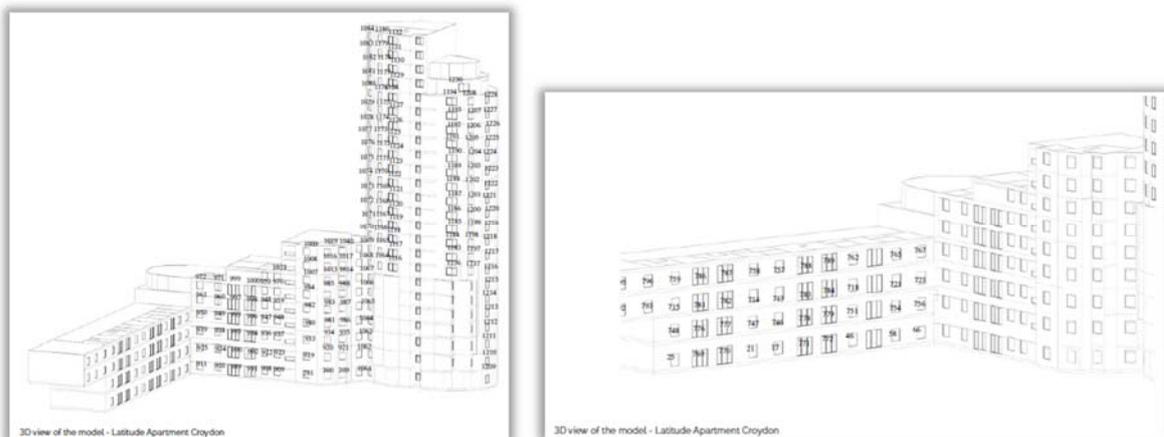
8.146 Overall, the latest scheme massing marginally reduces the daylight and sunlight impact on this property. Several windows have the potential to experience a significant reduction beyond the BRE guidelines, but all windows maintain a mid-teen VSC.

Latitude Apartments (including Altitude 25 and Longitude apartments)

8.147 These are the three residential blocks located directly to the east and south of the development site. They range from 4 to 25 storey in height. The northern block of the three (Longitude apartments) has protruding balconies which obstruct the passage of daylight and sunlight.

8.148 In terms of daylight, 293 windows were assessed using the VSC test. Of the 293 windows tested, 242 (83%) remain BRE compliant. Of the 52 windows that fall below the BRE guidelines, 27 will experience a minor adverse impact beyond the BRE guidelines, 6 a moderate adverse impact and 19 a major adverse impact. Of the 293 windows, 272 (93%) retain a VSC of at least 15%. With the exception of 4 homes with a VSC under 10%, the remaining windows retain a VSC of at least 10% post-development.

8.149 There are four scenarios where a VSC under 10 occurs, with a lowest overall VSC of 5.93 and the greatest overall reduction in VSC of 58%. These are all generally within the rear elevation of Longitude apartments and the western elevation of Latitude apartments where the block turns the corner and fronts Addiscombe Road.



Figures 52 and 53: windows to Latitude Apartments (shown to include Altitude 25)

8.150 In terms of daylight distribution, 263 rooms were assessed using the NSL. Of the 263 rooms assessed, 238 (90%) would experience no noticeable alteration in daylight distribution and satisfy BRE. Of the 25 rooms that do not comply, 16 would experience a minor adverse impact, 7 a moderate adverse impact, with 2 rooms experiencing major adverse impacts (reductions of 46% and 56% - both units are within the rear elevation of Longitude apartments).

8.151 In terms of sunlight, 263 rooms have been assessed using the APSH test. Of the 263 rooms assessed, 243 (92%) remain BRE compliant. There are 20 rooms achieving APSH below the recommendations for sunlight during the year; these are generally located in the rear elevation of Longitude apartments and a number of windows in the northern elevation of Latitude apartments. Of these 20 rooms that fail, 5 are LKD while the remaining 15 are bedrooms, where there is a lower expectation of sunlight.

8.152 Overall, the revised massing appears to reduce the daylight and sunlight effects to this property when compared to the original scheme. The proposed scheme will cause a noticeable alteration in daylight to this building, which is regrettable and must be given weight, but is not unexpected given its proximity to the site.

Sunlight to neighbouring amenity spaces

- 8.153 19 neighbouring amenity areas are considered within the assessment, making up a combination of residential gardens (both front and rear, private and communal), as well as spaces in front of non-domestic buildings.

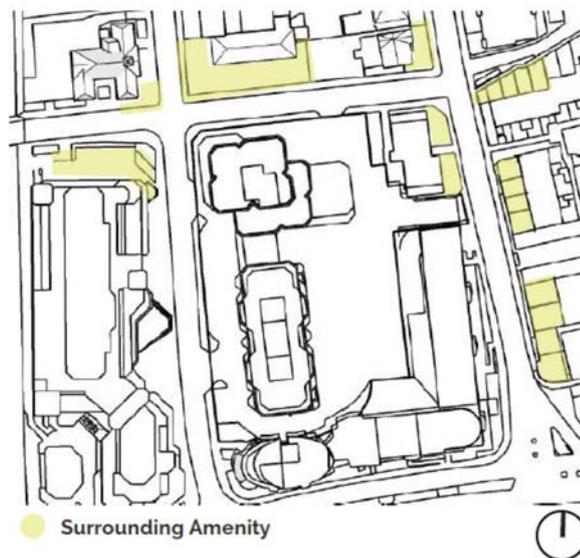


Figure 54: amenity areas assessed

- 8.154 Of the 19 amenity areas, 18 satisfy the BRE guidelines. The one area that falls below the suggested BRE guidelines is a car park located to the north of the Croydon Crown Court building, which is non-residential. Overall, the report indicates that the proposed scheme will only have a negligible effect on the neighbouring amenity areas.

Daylight and sunlight conclusion

- 8.155 The properties that would experience noticeable daylight and sunlight effects are Harrington Court and Latitude Apartments, but the revised massing reduces the overall effects to these properties. There are residential dwellings in both properties that directly face the development site and due to the extent of the proposed massing a reduction beyond the BRE guidelines is expected.
- 8.156 The proposed scheme will cause a noticeable alteration in daylight and sunlight to these buildings, particularly Longitude and Latitude apartments which is regrettable and must be given weight but is not unexpected given its proximity to the site. Taking into account the opportunity area location, the relatively dense urban environment, the fact the brownfield site contains a vacant building and the policy steer to apply application of the BRE guidance flexibly, when balancing the benefits of the scheme against the harm of these impacts, officers raise no objection.
- 8.157 There will be no significant adverse effect on sunlight to back gardens or amenity spaces.

Microclimate

- 8.158 Paragraph 6.71 of the Croydon OAPF states that new buildings, in particular tall buildings, will need to demonstrate how they successfully mitigate impacts from microclimate conditions on new and existing amenity spaces. In particular, new tall buildings in the COA will need to show how their designs do not have a negative impact on wind (downdrafts and wind tunnelling). This is endorsed in DM38.4 of the Croydon Local Plan and D9 of the London Plan.

- 8.159 A wind report has been submitted in support of the application that reviews the impact of the proposal on nearby and surrounding land and has been independently review by the Councils Wind Consultant, GIA. The land to the north-western of the interlocking towers and the ramp down to the basement had previously identified unsafe conditions while concerns existed in respect of the wind conditions of the roof terrace, on the 33rd floor.
- 8.160 The amendments to the proposal as part of this application have sought to address these concerns through the following mitigation:
- Siting the mansion block further back from Altyre Road by approximately 1.8m;
 - The introduction of two permanent wind screens at the ground floor as part of the overall landscaping proposals close to the north-western entrance;
 - The introduction of a canopy to the ground floor north-western entrance at the junction of Hazledean Road and Altyre Road;
 - The relocation of the roof top terrace, at the 33rd Floor, to the eastern side of the interlocking towers and the introduction of wind screen around the periphery of the roof top terrace;
 - No pedestrian access via the ramped access to the basement.
- 8.161 All wind mitigation is provided through permanent and fixed structures and are capable of being secured through an appropriately worded planning condition. There are no soft landscaping features that are proposed as wind mitigation and therefore Officers have no concerns over the provision and retention of such mitigation features.
- 8.162 The applicant's Wind Assessment, the independent Review and third parties raised concerns regarding the undesirable wind condition at the corner of Barclay Road and Addiscombe Road, to the east immediately outside of Latitude Apartments (nodal point 89). Through wind tunnel modelling this corner position shows existing uncomfortable walking conditions. The application before Members does not make this position any worse and therefore there would be no greater concerns in regard to public safety; this position has been supported by the Council Consultants.

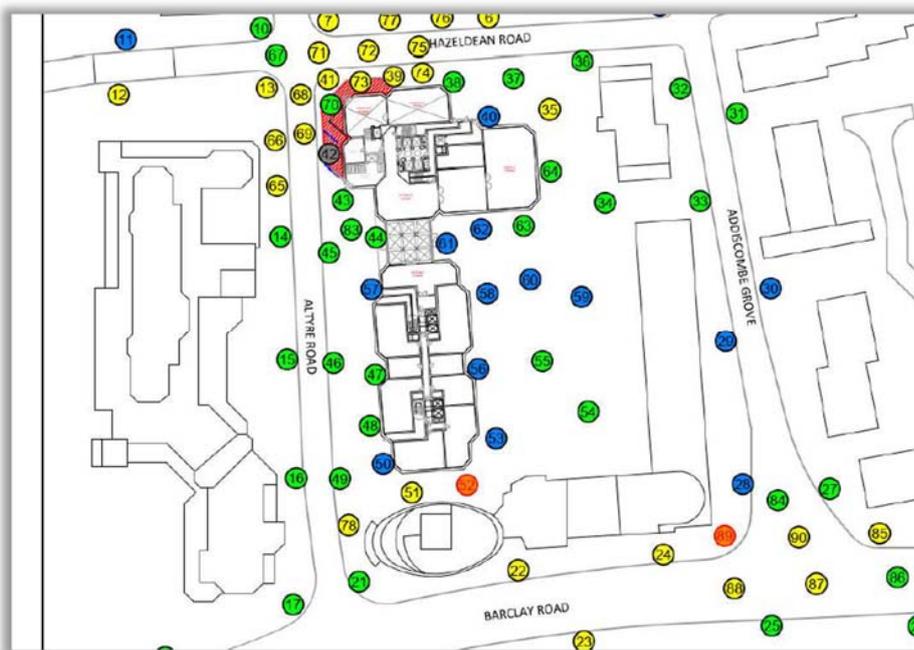


Figure 55: proposed wind conditions in relation to nodal point 89

8.163 Subject to securing the permanent wind mitigation through an appropriately worded conditions Officers are satisfied that the proposal would not result in any additional risk to public safety and would provide an acceptable environment in relation to wind.

Noise and disturbance

8.164 London Plan policy D13 Agent of change is relevant in relation to some neighbouring commercial businesses. Croydon Local Plan policy DM23 seeks to limit noise disturbance through high standards of development and construction.

8.165 Whilst population density would increase, the development is not considered to result in a harmful increase in noise and disturbance. A new outside space would be created at ground floor in a courtyard arrangement but is not considered to harm amenity from a noise perspective given the previous use of the site as hotel and the existing public car park use to the north. Moreover, this is a built-up urban area, and a degree of noise and disturbance is not uncommon.

8.166 During construction there would undoubtedly be an impact on neighbouring occupiers, including the Law Courts and other nearby community and commercial buildings. A construction logistics plan would ensure the build-phase is managed appropriately, minimising disturbance towards neighbouring properties, and can be secured by condition. Furthermore, disruption due to construction is only temporary, limited to the site and is of medium-term duration.

Access, parking and highway impacts

8.167 The site has a Public Transport Accessibility Level (PTAL) of 6b, on a scale of 0-6b, where 6b is the most accessible, so has an excellent level of accessibility to public transport links.

8.168 The site has existing vehicular access points from Hazledean Road to the north (serving the public car park) and Altyre Road to the west (an in and out under the hotel canopy for drop off, some parking and access to the existing basement), with a separate pedestrian access provided to the east onto Addiscombe Road. The access to the north currently provides access to a public car park which is still in operation while the accesses onto Altyre Road and Addiscombe Road have not been in operation since the closure of the hotel. The site lies within a controlled parking zone with pay and display bays (limited to a maximum of 2 hours) within Hazledean Road and Altyre Road.

Access: Vehicular

8.169 The existing former hotel contains 211 bedrooms while the site also incorporates the Hazledean Road car park which is currently in use and, according to the operators of the car park, currently provides up to circa 110 spaces for use by the public as a 'pay by mobile' car park at any time Mondays to Sundays.

8.170 When the site was operational vehicles accessing the hotel as well as the public car park would access the car park within the basement and via a dedicated ramp to the south along Altyre Road, with the public car park operating at both basement and ground floor levels. The hotel would be serviced onsite with dedicated areas within its forecourt along Altyre Road with additional coach parking and/or set down and pick up areas. The proposal seeks to retain some basement parking (for disabled users only) while the car park to Hazledean Road would be removed to accommodate the Villa Block and pocket garden.

8.171 The basement would accommodate 13 parking spaces for disabled users only with the remainder of the basement footprint given over to plant, refuse and cycle storage. A

dedicated cycle lift would be provided to the north-western corner of the basement with a dedicated cycle wash area. A small vehicle servicing bay is provided at basement level.

- 8.172 The basement would be retained with access from Altyre Road around the south of the building. This vehicular access onto Altyre Road would be realigned to the southern end of the site to take account of the Mansion Block and this would result in the need to redesign the ramp to the basement area. This would result in a 1:20 gradient for the first 5m and is considered suitable to provide access from the highway which sits at a higher level than the application site. Further details were requested by Council Officers during the course of the application to demonstrate that such an area would be suitably accessible. In addition, the width of the access has been reduced to a maximum of 5m and the applicant has confirmed that appropriate sight lines and pedestrian visibility splays will be provided (and secured via condition). To ensure that vehicles can pass one another freely on the access ramp a traffic light system would be installed and secured via an appropriately worded condition. Such measures would ensure that there would be no holding up or obstructions on the highway, achieving the highest safety standards.
- 8.173 The development would be served by a new on street loading bay with the public footpath (at a minimum width of 2m) re-routed around and into the application site. S.38 and S.278 highways agreements will be required to facilitate and deliver these works, with the Council adopting the realigned footpath as part of the highway. The realignment of the footway has been reviewed by strategic transport and highways colleagues and is considered acceptable and adheres to the comments received from TfL.
- 8.174 The existing crossover to Hazledean Road would be reinstated, so dropped kerb removed, secured under S.278 agreement. It is proposed to install the car club bay in this location, so there would be no loss of car parking facilities within Hazledean Road. The provision of the car club bay and 3-year membership for future residents would be secured through the S.106 legal agreement.

Access: Pedestrian

- 8.175 Pedestrian access is proposed on Hazledean Road to the community space on the north-western corner of the site. The main residential entrance to the building would be from Altyre Road, between the Towers and Mansion Block, with a secondary access to the Mansion Block at the southern end. Gated and secure access would also be provided to the east along Addiscombe Grove adjacent to the onsite sub stations.
- 8.176 All pedestrian entrances have been designed to be step free. There would be no pedestrian access provided via the basement ramp to the south end of the site due to issues of wind speed on the ramp. However, the cores within the Towers and Mansion Blocks would contain lifts that would provide access to the basement level.

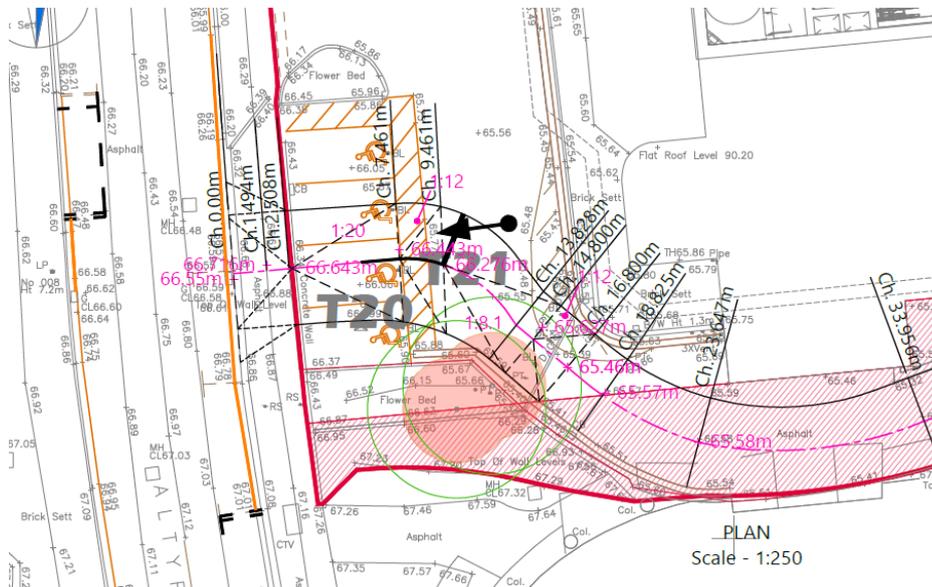


Figure 56: access details in relation to the realigned crossover

Car parking

- 8.177 Given the PTAL of this location, aligning with London Plan Policy T6 and SP8 of the Croydon Local Plan, a car free development is supported. The Croydon Local Plan states that there is an on-going climate emergency and active and sustainable travel, in order to reduce congestion and air pollution, will be encouraged in order to improve quality life and quality of place.
- 8.178 There will be a substantial decrease in car parking within the site given it would be car-free, with the exception of 13 blue badge spaces at basement level. The proposal aims to decrease the usage of vehicles to minimise its contribution to air pollution and to encourage sustainable modes of travel.
- 8.179 A public car parking survey was undertaken as part of the application which showed that the Hazledean Car Park was underutilised and that there were other public car parks in the CMC that had capacity and were better located. This complies with DM30 of the Croydon Local Plan.
- 8.180 Policy T6.1 of the London Plan requires disabled persons parking to be provided for new residential developments, ensuring as a minimum 3% of dwellings at least one designated disabled persons parking bay per dwelling is available from the outset. The proposed scheme would provide 3% blue badge, which equates to 13 parking bays. Further to comments received from the LBC Transport Officer, amended plans have been received to show suitable size and manoeuvring from these spaces. There is some (albeit relatively limited) space within the basement where current blue badge spaces avoid columns, and the less accessible cycle parking is located that could be repurposed for additional blue badge spaces if there was future demand. It is important to note that the 10% provision of 44 blue badge spaces could not be accommodated with the current layout. No objections have been raised by Transport for London or the LBC Transport Officer in this regard, so a condition is recommended to secure a car parking management plan.
- 8.181 Policy T6.1 of the London Plan 2021 states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20% of the spaces should have active charging facilities, with passive provision for all remaining spaces. Such details are capable of being secured at the condition stage while the TS confirms that the applicant will achieve the standards set out in the London Plan.

Cycle parking

- 8.182 The proposed development would be dedicating the majority of the basement space to cycle parking, encouraging a more sustainable mode of travel. The minimum requirement, as set out in the London Plan, is for 734 long stay spaces and 13 short stay spaces. It is proposed that the development would provide 734 long stay spaces of which 38 would be adaptable spaces at a split of 5% adaptable, 20% Sheffield Stands, and 75% two tier stands. The nature and quantum of cycle parking is considered acceptable given the confines of the existing basement while offering an appropriate choice of storage for future residents.
- 8.183 During the course of the application amendments have been received in relation to the cycle parking layout in the basement area to relocate the adapted cycle storage closest to the cycle lifts, while increasing the door widths from 900mm to a minimum of 1200mm, allowing for better access. A cycle wash facility is provided with the basement area as well as a cycle WC/changing area which would actively promote cycle use; the applicant has confirmed that these facilities could also be available to the community use should there be demand.
- 8.184 Provision is made for a dedicated cycle lift sited adjacent to the main residential entrance on Altyre Road. This would provide access to the basement cycle parking for all residents, and they can then access all cores to get up to their homes via lift of stairs depending on where they live in the building. The cycle lift dimensions comply with the London Cycle Design Standards, and during the course of the application door widths have been increased to allow ease of use for cyclist pushing their bikes. While it is noted that some cyclists would have to pass through more than two doors to access some of the cycle storage areas these routes have been minimised where possible while working with the confines of the existing basement structure.

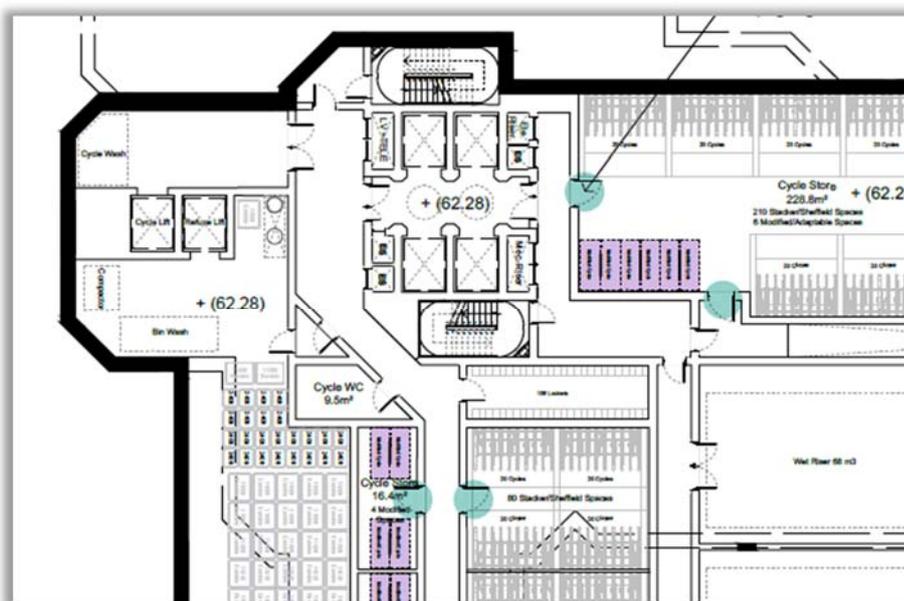


Figure 57: basement plan of northeast corner showing dedicated cycle lift

Waste

- 8.185 The applicant has submitted an Operational Waste Management Strategy. The applicant has estimated the weekly waste generation for the development and the number of containers required would fit within the waste stores. The metrics that have been used are in accordance with LBC's Waste and Recycling in Planning Policy Document. Each core would be served by refuse chutes which will be monitored and

managed by on site management. Given the height of the development and the Build to Rent nature (which is required by policy to have on-site management in place as opposed to market sale developments where there is no such requirement) this arrangement is considered acceptable by Officers. The refuse bins will be located within the basement area and will be brought up to ground level on the day of collection and collected from the servicing bay on Altyre road. Officers have sought amendments to increase the width of the doors to the refuse storage area at ground floor level and are now satisfied that the doors width would now allow convenient access on collection days.

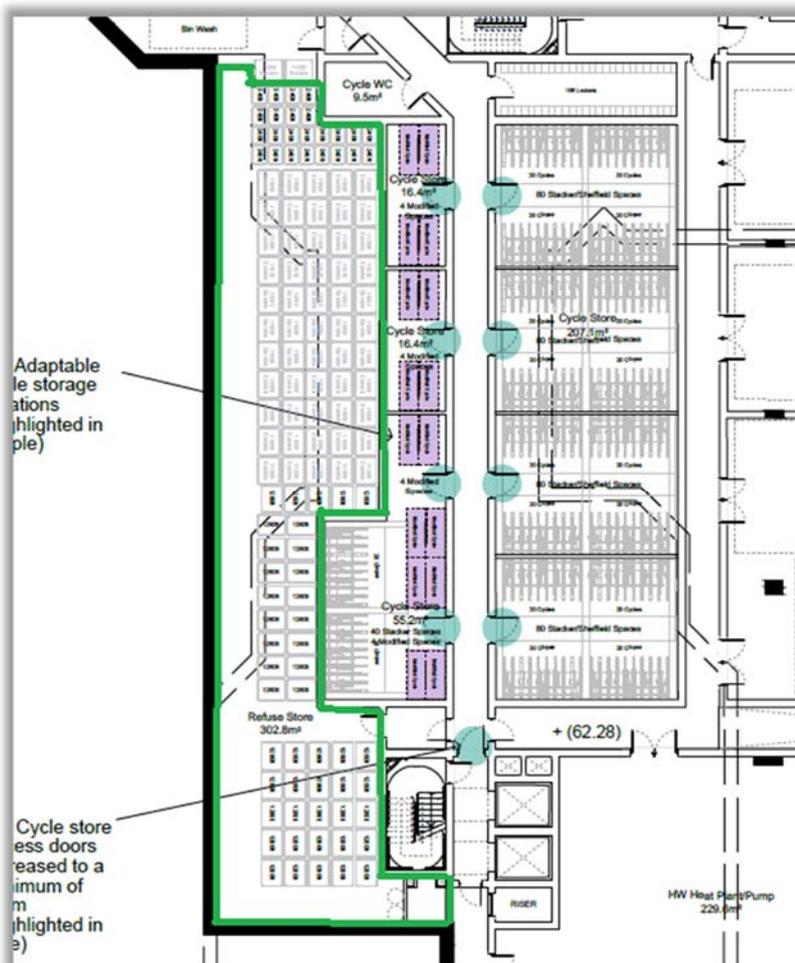


Figure 58: bin store location within the basement (outlined in green)

8.186 The collection area for the bins at ground floor level would be adjacent to the main residential entrance on Altyre Road. As the number of bins required for the non-residential areas are minimal and are spaces that are typically shared with residents, a combined space is considered appropriate in this instance given the build to rent nature of the proposal. The waste management plan would be conditioned upon any approval and would therefore be enforceable.

Delivery and servicing

8.187 An Outline Delivery and Servicing Plan (DSP) has been submitted as part of the application and forms part of the Transport Statement. Deliveries and servicing trips are proposed to take place via the servicing bay along Altyre Road with deliveries estimated to take no more than 20 minutes. A smaller service space has been provided within the basement level where a dedicated parking bay can be found. The TS identifies that estimated trips would amount to approximately 36 per day with many of those trips expected to be undertaken by motorcycle and/or via transit sized vehicles. Officers do not dispute the figures put forward by the applicant; these figures have been reviewed

by the LBC Transport Officer and TfL have advised that the figures are similar to other comparable sites within close proximity of the site. The scheme would be acceptable in this regard.

Construction logistics

- 8.188 Given the scale of the development, a tailored condition requiring the submission of a detailed CLP is recommended to ensure that the construction phase of development does not result in undue impacts upon the surrounding highway network and adjoining occupiers.

Mitigation

- 8.189 Sustainable travel is a key policy consideration within policies SP8, DM29 and DM30 of the Croydon Local Plan. Given that the development would be car-free (aside from blue badge spaces) and considering the nature of the development, increased walking, cycling and public transport use is expected. To mitigate against this and improve connections for all transport modes, improvements to the highway network immediately surrounding the site in line with the Council's future vision for the area are to be secured. This would be secured through a S.106 financial contribution of £491,700 and a S.278 highway works agreement. A contribution of £550,000 as requested by TfL, will also be secured via the S.106 legal agreement.

- 8.190 The applicant has agreed to provision of a car club bay on Hazledean Road where the current access to the car park is located. Membership for future residents of the scheme to a car club operator for 3 years will be secured, as well as removing access for future residents to Controlled Parking Zone permits and season tickets for Council car parks.

Active Travel Zone (ATZ)

- 8.191 The applicant has identified some potential upgrades to the local highways network as part of their public benefits package to support the development. The improvements have been identified in 2 key routes between East Croydon and South Park Hill Park and west to east along Hazledean Road. The improvements that have been outlined within the application will be funded by the applicant through a S.278 agreement and wider legal agreement. Members raised at Planning Committee about the key linkage to Park Hill Park. Accordingly, officers have secured a sustainable transport contribution of £491,700, a portion of which can go towards improvements to the crossing over Barclay Road at the end of Altyre Road.

- 8.192 The applicant has agreed to fund resurfacing of the public footpath on all pavements around the site, the provision of the servicing bay on Altyre Road and re-routing of the pedestrian footpath around it into their site (secured through S.278 and S.38 agreement necessary), relocation of on-street parking bays including the car club bay, reinstatement of dropped kerbs and provision of new where necessary, as well as a sustainable transport contribution (in part towards the Barclay Road pedestrian crossing improvement works) and tree planting along Altyre Road (a minimum of 7 trees to a value of £7,840).

Travel Plan

- 8.193 In order to ensure that the identified modal shift is adequately supported, and barriers to uptake of more sustainable transport modes can be addressed, a Travel Plan and monitoring for five years along with a financial contribution to allow this is to be secured through the S.106 legal agreement.

Environmental impact

Air quality

- 8.194 The whole of Croydon Borough has been designated as an Air Quality Management Area and therefore a contribution is required towards local initiatives and projects in the air quality action plan which will improve air quality targets helping to improve air quality concentrations for existing and proposed sensitive receptors.
- 8.195 The Councils Environment Consultant has raised no objection to this aspect of the proposal subject to securing a contribution (£44,700) and the recommendations within the air quality assessment being followed. These can be secured by S.106 and condition.

Contamination

- 8.196 Croydon Local Plan policies DM24.1 to DM24.3 relate to land contamination and development proposals located on or near potentially contaminated sites. Such sites need to be subjected to assessments and any issues of contamination discovered should be addressed appropriately e.g. through conditions.
- 8.197 The majority of the site is covered by built form of a commercial nature and the proposal includes amenity areas that are effectively covered by existing built form. The applicant advises that a walk-over survey was undertaken on 18th October 2022 to assess current use, surface conditions and visually inspect any available evidence of contamination such as asbestos debris, staining or waste drums, tanks etc. Internally there was no evidence of any surface contamination or asbestos debris or staining on the lower ground floor. No waste drums or fuel or heating oil storage tanks were evident within the building. Externally in the under-croft parking area there was also no evidence of surface contamination. The entire perimeter of the building was inspected, and no waste drums were identified, and no fuel or heating oil storage tanks were evident. However, it would be prudent to require an intrusive site investigation, which can be secured by condition.
- 8.198 The applicant has undertaken a historic site review and research to establish whether there are any dangerous or hazardous sites within 500m of the site; no such uses have been identified. The Councils Environmental Specialists have been consulted regarding the application and have raised no in principal objections to the proposals. However, it would be prudent to require an intrusive site investigation, which can be secured by condition.

Flooding and drainage

- 8.199 The site is within Flood Zone 1 (low risk) and an area of surface water flood risk. The majority of the site has a low-level risk of surface water flooding.
- 8.200 The site-specific flood risk assessment indicates levels on the northern elevation on Hazledean Road vary between 65.17m AOD to the east falling to 63.70m AOD to the west. Levels on the southern elevation on Barclay Road vary between 69.13m AOD to the east falling to 68.03m AOD to the west. Levels on the eastern elevation on Addiscombe Grove fall from 9.13m AOD on Barclay Road to 65.17m AOD on Hazledean Road. Levels on the western elevation on Altyre Road fall from 68.03m AOD on Barclay Road to 63.70m AOD on Hazledean Road. Levels of the of the under-croft carpark vary between 62.85m AOD and 62.68m AOD. The carpark is accessible via ramped access points on Hazledean Road and Altyre Road.
- 8.201 The applicant states the ground conditions (revealed by the historic British Geological Survey borehole information of adjacent sites) display varying thickness of made ground overlying dense brown sands of varying thickness overlying varying thickness of London Clay. A borehole to the south of the site encountered a layer of dense brown clayey Thanet Sands below the London Clay some 14m below ground level overlying very

weak Chalk some 26.8m below ground level. According to the EA website, the site does not lie within a groundwater source protection zone. The nearest source protection area is approximately 1.7 km to the southwest. The existing site is approximately 6,647m², where 5,873m² is impermeable.

8.202 The applicant has demonstrated that the site is at an actual low level of surface water flooding due to underlying geology and the existing built environment. In terms of ground water, the site is not at risk from this source of flooding and no such events have been reported within the vicinity of the site. The Environment Agency were consulted regarding this proposal given its strategic nature but have advised that they do not feel that such consultation is necessary. The LPA have consulted with the Local Lead Flood Authority and initial concerns have been addressed following the receipt of amended documentation.

8.203 The applicant has provided a Flood Risk Assessment and Drainage Strategy. This document states that, Opportunity exists to provide betterment over the existing situation through the introduction of SuDS. The existing and proposed building footprints mostly occupy the entire site area meaning there is limited scope to introduce attenuation SuDS features such as ponds or swales. Additional constraints limiting attenuation SuDS features are the numerous trees and associated root protection zones located on the Altyre Road and Hazledean Road. All surface water from the proposed development will continue to be discharged to a public surface water sewer at a restricted rate of 2.0 l/sec. It is proposed that runoff from each part of the development will be afforded an element of treatment and flow attenuation prior to leaving the site. This will be achieved via a series of source control features such as green roofs and permeable paving secured through the landscaping masterplan. Underground attenuation storage tanks will also be provided under the landscaped areas and servicing layby to the west and pocket garden to the north of the development. It is proposed to attenuate surface water using a combination of green roofs, filter drains, pervious hardstanding and attenuation tank located between and adjacent to the external stair access from the courtyard to the basement.

8.204 The Lead Local Flood Authority have reviewed and assessed this information against the flooding hierarchy and raise no objection to this aspect of the scheme. Additionally, Thames Water have reviewed the information and raise no objection, but do recommend conditions and informatives, which are included within the recommendation.

Construction Impacts

8.205 A Construction Environmental Management Plan is to be secured by a condition, to ensure adequate control of noise, dust and pollution from construction and demolition activities, and to minimise highway impacts during the construction phase.

Light pollution

8.206 External lighting is proposed around the development, but a final scheme has not been developed. Whilst the principle of this is acceptable light from the proposed illuminations can cause a nuisance to local residents and as such further details indicating proposed light specifications, spread and lux levels is required, these details can be secured by condition.

Microclimate

8.207 Croydon Local Plan policy SP4.6 states that tall buildings will be required to minimise their environmental impacts. Paragraph 6.71 of the Croydon OAPF states that new buildings, in particular tall buildings, will need to demonstrate how they successfully mitigate impacts from microclimate conditions on new and existing amenity spaces. In particular, new tall buildings in the COA will need to show how their designs do not have

a negative impact on wind (downdrafts and wind tunnelling). This is endorsed in DM38.4 of the Croydon Local Plan and D9 of the London Plan 2021.

8.208 The applicant submitted a wind report (dated March 2023) in support of the application that assesses the impact of the proposal on nearby and surrounding land. This has been independently reviewed by the Councils Wind Consultant, GIA. As a result of amendments to the scheme, a revised wind report (dated September 2023) was received during the course of the planning application.

8.209 The original wind report identified that the majority of the site would have wind conditions suitable for the intended uses. However, there were concerns in regard to wind speeds to the northwestern side of the Towers (nodal point 41) which extended into Hazledean Road, as well as along the access ramp (nodal points 51 and 52) to the basement on the southern edge. These are marked in red text in Figure 59 below. Within the scheme itself, concerns were raised in regard to wind conditions on the 38th floor external amenity as shown below in Figure 60 (nodal point 67). There were also concerns with the number of test areas (nodes) and further information was requested.



Figure 59: Wind speeds at ground level, prior to amendments

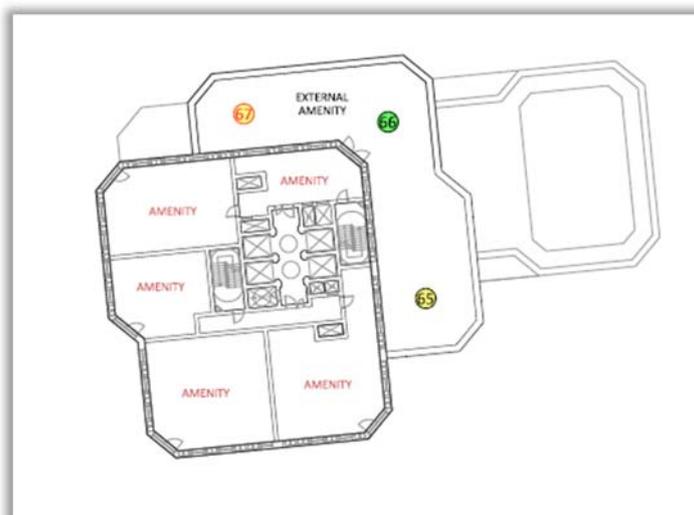


Figure 60: Wind speeds on the 38th floor, prior to amendments

8.210 During the course of the application officers worked alongside the applicant to improve wind conditions to ensure they were appropriate for their intended purpose. An amended wind report (dated September 2023) secured the following amendments:

- Further testing with the inclusion of additional nodal points;
- The re-siting of the mansion block 1.8m back from Altyre Road;
- The inclusion of a canopy to the community use entrance at the junction of Hazledean Road and Altyre Road;
- The inclusion of 2.5m by 2.6m 50% porous wind screens on the ground floor close to the north-western entrance as part of the overall landscaping scheme;
- Prohibiting pedestrians from entering the basement via the ramped access to the southern edge along Alyre Road and the provision of a dedicated cycle lift further north along Altyre Road; and
- The relocation of the roof top amenity space to the 33rd floor and the resitting of this area to the eastern side of the Towers and the introduction of a canopy and wind screen around the periphery of the roof top terrace.

8.211 As a result of the above amendments the areas of concern initially identified have been resolved and are now considered safe for occasional siting (with two exceptions identified in the next paragraph). All wind mitigation is provided through permanent and fixed structures and are capable of being secured through an appropriately worded planning condition. There are no soft landscaping features that are proposed as wind mitigation and therefore Officers have no concerns over the provision and retention of such mitigation features.

8.212 It is acknowledged that the wind conditions on the ramp remain unsafe for pedestrians (both uncomfortable during winter and wind speed marginally in exceedance of 15m/s at 15.1m/s) but the access to the basement is for vehicles only, and access for pedestrians have been designed out.

8.213 One further location where exceedances occur is at the corner of Barclay Road and Addiscombe Road, to the east immediately outside of Latitude Apartments (nodal point 89). This location is uncomfortable during winter and wind speed marginally in exceedance of 15m/s at 15.5m/s, so considered a minor exceedance. It is important to note that this exceedance occurs in the existing scenario (ie without the application scheme or cumulative) and is not made any worse by the proposal. It is likely that these wind conditions are caused by the massing of the Altitude 25 development.

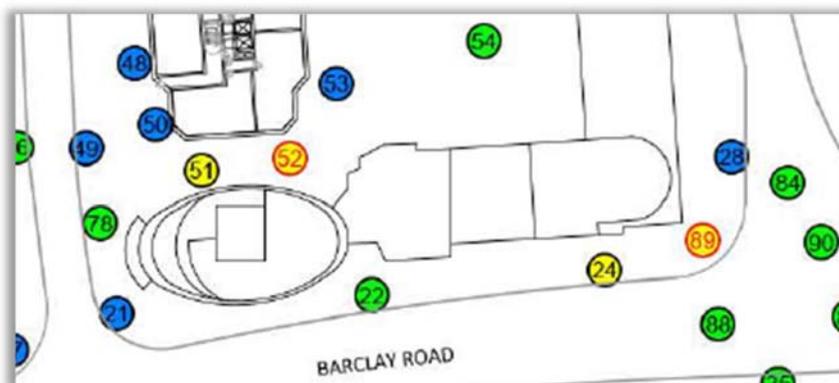


Figure 61: wind conditions on the corner of Barclay Road and Addiscombe Road post development of Croydon Park Hotel

Sustainable Design

Carbon emissions

- 8.214 Policy SP6.3 requires new development to minimise carbon dioxide emissions and seeks high standards of design and construction in terms of sustainability in accordance with local and national carbon dioxide reduction targets. This requires new build residential development over 10 units to achieve the London Plan requirements or National Technical Standards (2015) for energy performance (whichever is higher). In line with the London Plan (2021), new dwellings in major development should be Zero Carbon with a minimum on-site reduction of at least 35% beyond Building Regulations Part L (2013), with any shortfall to be offset through a financial contribution. Policy also requires the development to incorporate a site wide communal heating system and to be enabled for district energy connection (where one is proposed).
- 8.215 A 75% carbon emission reduction would be achieved through the use of passive and energy efficiency measures, exceeding the 35% minimum required by the GLA. Air Source Heat Pumps working in tandem with PV panels would seek to provide 90% of the energy requirements for the residential element and 95% of the community space. The development would achieve a 75% reduction compared over Part L 2013. The remaining regulated CO2 emissions shortfall would be covered by a carbon offset payment (£315,164) which would be secured through the S.106 agreement along with a 'Be Seen' monitoring clause.
- 8.216 Sustainable design and construction measures have been designed in where feasible, including measures to address overheating within the homes. An overheating analysis has also been undertaken, with some mitigation measures proposed. These matters are to be secured by condition. In addition to the prevention of overheating, high energy efficiency and fabric performance, the dwellings will also have a water consumption limit of 110 litres/person/day using water efficiency fittings and secured by condition.
- 8.217 A whole-life cycle carbon assessment and circular economy statement has been provided to capture the developments carbon impact, demonstrating how waste will be minimised and which actions will be taken to reduce life-cycle carbon emissions, in accordance with Policy SI 2 and SI 7 of the London Plan (2021).
- 8.218 The GLA has commented that the whole life-cycle carbon assessment is in line with London Plan Policy SI2, assessing the embodied and operational carbon associated with the proposed development. It identifies the key building elements with the highest embodied carbon and recommends measures to reduce these carbon emissions in terms of the superstructure, substructure, external facade, internal finishes and building services which are then compared to GLA benchmarks. The WLC assessment is acceptable and in line with the GLA's guidance. The application complies with London Plan Policy SI 2. A condition should be secured requiring the applicant to submit a post-construction assessment to report on the development's actual WLC emissions.
- 8.219 London Plan (2021) Policy SI 7 seeks to reduce waste and support the circular economy by conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal. The applicant has submitted a Whole Life Cycle Assessment. which addresses the policy requirements of Policy S1 7 while Officers at the GLA have reviewed this information and concur with the applicants' findings. The proposed development would therefore comply with the aforementioned policies and an appropriately worded condition to ensure compliance is recommended.
- 8.220 The Council's Sustainable Development and Energy officer has reviewed the application and raised no concerns or objection subject to appropriate condition and legal obligations.

Archaeology

8.221 The application site is not located within an Archaeological Priority Area however given the sites proximity to archaeological finds and/or remains in the wider CMC English Heritage were consulted regarding this application. London Plan Policy H1 and Croydon Local Plan Policy DM18 concerns development proposals on Archaeological Sites. Historic England have reviewed all evidence available to them and have concluded that no further reports or investigations are required and indeed no planning conditions are considered necessary.

Telecommunications and aircraft

8.222 A TV and Radio signal impact assessment was submitted with the application to investigate the possibility of television and radio interference and to provide the baseline reception data to assist with any further studies. Accordingly, impacts to the reception of VHF (FM) radio, digital terrestrial television (also known as Freeview) and digital satellite television services (such as Freesat and Sky) have been assessed. The report concluded that the proposed development is not expected to impact the reception of digital terrestrial television (DTT – known as Freeview) services.

8.223 However, the report did identify that the proposal is likely to cause disruption to the reception of digital satellite television services (such as Freesat and Sky) in areas to the immediate northwest of the site. Additionally, the report concluded that, in similar areas, the use of tower cranes could also obscure satellite dish views of the southern skies, resulting in interference. The report goes on to state that if interference does occur, the repositioning of impacted satellite dishes to new locations without obscured line-of-sight views to the serving satellites would restore all services. If that is not possible, the use of DTT receiving equipment could offer any affected satellite television viewer an alternative source of most digital television broadcasts.

8.224 Overall, the development may cause minor interference to digital satellite television reception in highly localised areas around the application site which can likely be mitigated by antenna betterment and repositioned satellite dishes, to be secured by the s.106 agreement. The development is not expected to affect the reception of radio and phone reception.

8.225 Tall buildings also have the potential to pose hazards to aircraft, and for this reason aviation bodies within this region have been consulted. None have raised concerns, subject to conditions and informatives (which have been included) and the development is therefore considered acceptable in this regard.

Designing out crime

8.226 A number of comments are made (as summarised in the consultation section of this report), but no objection has been raised by the Designing out crime officer and they do suggest a 'Secured by Design' related condition. On this basis a condition is recommended to ensure that the final development secures secure by design accreditation.

Employment and training

8.227 Croydon Local Plan policy SP3.14 and the Planning policy including the adopted Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy— Review 2017 sets out the Councils' approach to delivering local employment for development proposal. The applicant has agreed to a contribution of £100,000 towards the construction phase, £6,770 for the operational phase and an employment and skills strategy.

Health

8.228 Policy DM16 of the Croydon Local Plan seeks to ensure promotion of healthy communities through the planning system. The proposal includes over 3,000sqm of communal and public amenity areas with generous areas of soft landscaping for outdoor sport and recreation with 0-4 and 5-11 year age groups catered for onsite with a financial contribution for over 12 play space off site. Access to amenity areas is bounded by staircases as opposed to lifts to promote active routes and choices while the scheme adheres to the FitWell 3 standard (research linking health and the built environment). The proposal promotes pedestrian and cycling infrastructure through dedicated cycle lifts and storage and encourages a 'green spine' linking East Croydon Train Station to Park Hill Park, by contributing the pedestrian crossing improvements on Barclay Road and funding of street trees, helping to improve air quality and making more sustainable transport modes more appealing, therefore promoting healthy communities. The response from Active Travel England was to refer to the comments of TfL; such comments are addressed above. The proposal has therefore been shown to accord with policies SP3 and DM16 of the Croydon Local Plan 2018.

EIA

8.229 An EIA Screening Opinion (22/04535/ENVS) was issued (11/11/2022) prior to the submission of the planning application. The development was not considered to require an EIA, taking account of its location, nature, scale and characteristics.

Conclusions

8.230 The amended scheme before you for consideration has been born out of multiple meetings and negotiations with the applicant team following on from advice from key stakeholders, including PRP and Planning Committee.

8.231 The development would not result in the loss of a protected use (hotel and car park). The 208sqm of community space (which has increased as a result of negotiations during the course of the application) is supported, with officers aware the developer has made contact with a wide variety of charity and local groups (evidenced by representations received) to ensure that the space is provided to meet the needs of a variety of possible end users.

8.232 The proposed development would introduce a significant amount of new housing, including affordable residential units, and in an area appropriate for a tall building. The proposed development would be well designed, provide active frontages delivering significant improvements to the public realm, regenerating a derelict and brownfield site within the Croydon Metropolitan Centre. There would be a good standard of accommodation for new residents. Wind conditions would be safeguarded with mitigation, to be secured by condition. With conditions and mitigation, the proposal would be sustainable and acceptable in terms of its impact on the highway network. Residual planning impacts would be adequately mitigated by the recommended s.106 obligations and planning conditions. Employment and training opportunities would be secured for residents of the Borough through the S.106 legal agreement.

8.233 There would be harm to the amenities of surrounding occupiers, particularly in relation to daylight and sunlight impacts to the flats within Harrington Court, Latitude and Longitude apartments which weighs against the scheme. There would also be some harm (less than substantial) to designated heritage assets as a result of the overall height of the Towers at 33 and 36 storey, but that harm is considered acceptable given the substantial public benefits being delivered by the scheme.

8.234 The public benefits of the scheme include:

- Regeneration of a derelict brownfield site in the OAPF
- Provision of 447 new homes (including 20% affordable, three-bedroom family and wheelchair accessible homes)
- 208sqm of community floorspace
- High quality design with active frontages and public art
- Public realm improvements (including pocket park, highway works and street tree planting)
- Contribution towards wider transport network improvements (particularly pedestrian and cyclist)
- Employment benefits from construction and operational phases

8.235 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).

APPENDIX 1: Drawing numbers

- Location Plan 001 Rev P01
- Existing Site Plan 002 Rev P01
- Existing Basement Plan 010 Rev P01
- Existing Ground Floor Plan 011 Rev P01
- Existing Typical Level Plan 012 Rev P01
- Existing North Elevation 020 Rev P01
- Existing West Elevation 021 Rev P01
- Proposed Site Plan 003 Rev P02
- Proposed North Elevation 0250 Rev P02
- Proposed East Elevation 0251 Rev P02
- Proposed South Elevation 0252 Rev P02
- Proposed West Elevation 0253 Rev P02
- Proposed Section 0260 Rev P02
- Proposed Section 0261 Rev P02
- Proposed Section 0262 Rev P02
- Proposed Section 0263 Rev P02
- Proposed 1st-7th Floor Plan AP01 Rev P02
- Proposed 8th Floor Plan AP08 Rev P02

- Proposed 9th-32 Floor Plan AP09 Rev P02
- Proposed 33rd Floor Plan AP33 Rev P02
- Proposed 34th35th Floor Plan AP34 Rev P02
- Proposed Roof Plan APRF Rev P02
- Proposed Ground Floor Plan AP00 Rev 03
- Proposed Basement Plan AP0B Rev P05
- Proposed Option Servicing Layby and Rear Car Park Access Layout Signalised Ramp Option Sheets 1-8 Plan No SK011 Rev E

APPENDIX 2: BRE 2022 Guidance

Daylight to existing buildings

The BRE Guidelines stipulate that the diffuse daylighting of the existing building may be adversely affected if either:

- the vertical sky component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value (or reduced by more than 20%), known as the “VSC test” or
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value known as the “NSL test” (no sky line).

Sunlight to existing buildings

The BRE Guidelines stipulate that the sunlight of an existing window may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual winter probable sunlight hours between 21 September and 21 March (WPSH); and
- receives less than 0.8 times its former sunlight hours (or a 20% reduction) during either period; and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

If one of the above tests is met, the dwelling is not considered to be adversely affected.

Daylight to new buildings

The vertical sky component (see above) may be used to calculate daylight into new buildings.

For daylight provision in buildings, BS EN 17037 provides two methodologies. One is based on target illuminances from daylight to be achieved over specified fractions of the reference plane for at least half of the daylight hours in a typical year. One of the methodologies that can be used to interrogate this data is Spatial Daylight Autonomy (sDA).

The Spatial Daylight Autonomy (sDA) seeks to establish how often each point of a room's task area sees illuminance levels at or above a specific threshold. BS EN 17037 sets out minimum illuminance levels (300lx) that should be exceeded over 50% of the space for more than half of the daylight hours in the year. The National Annex suggest targets comparable with the previous recommendations for Average Daylight Factor (ADF). The targets considered relevant for this application are:

- 100 lux for bedrooms
- 150 lux for living rooms
- 200 lux for living/kitchen/diners, kitchens, and studios.

Paragraph C17 of the BRE states that *“Where a room has a shared use, the highest target should apply. For example in a bed sitting room in student accommodation, the value for a living room should be used if students would often spend time in their rooms during the day. Local authorities could use discretion here. For example, the target for a living room could be used for a combined living/dining/kitchen area if the kitchens are not treated as habitable spaces, as it may avoid small separate kitchens in a design”*.

Sunlight to new buildings

The BRE guidelines state that in general, a dwelling or non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit provided that:

- At least one main window faces within 90 degrees of due south, and
- a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March. This is assessed at the inside centre of the window(s); sunlight received by different windows can be added provided they occur at different times and sunlight hours are not double counted.

Sunlight to gardens and outdoor spaces

The BRE guidelines look at the proportion of an amenity area that received at least 2 hours of sun on 21st March. For amenity to be considered well sunlit through the year, it stipulates that at least 50% of the space should enjoy these 2 hours of direct sunlight on 21st March.