

28-30 Addiscombe Grove,**in the London Borough of Croydon****planning application no.15/04869/P****Strategic planning application stage II referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of the existing buildings and construction of a part 12, part 8 storey building providing 74 flats and 106sq.m flexible commercial floorspace (Use Class A2, B1, D1 and D2) on the ground floor; provision of access, parking and servicing arrangements and landscaping.

The applicant

The applicant is **The Oakwood Group**.

Strategic issues

The principle of this proposal is acceptable and welcomed as it brings about the redevelopment of a site in the **Croydon Opportunity Area** and will bring forward new and much needed residential development and some commercial provision. The **housing, inclusive design, climate change/energy, drainage** and **transport** issues that were raised have been addressed, with suitably worded planning conditions secured.

The Council's decision

In this instance Croydon Council has resolved to grant permission.

Recommendation

That Croydon Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 26 November 2015 the Mayor of London received documents from Croydon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008: *"Development which comprises or includes the erection of a building where - (c) the building is more than 30 metres high and is outside the City of London."*

2 On 6 January 2016 the Mayor considered planning report PDU/3831/01, and subsequently advised Croydon Council that the application did not comply with the London Plan, for the reasons set out in paragraph 67 of the above-mentioned report; but that the possible remedies also set out in that paragraph of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 28 January 2016 Croydon Council decided that it was minded to grant planning permission for the revised application, and on 19 February 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Council under Article 6 to refuse the application or issue a direction to Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 3 March 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

5 At the consultation stage Croydon Council was advised that the scheme was generally acceptable in strategic planning terms but did not fully comply with the London Plan in relation to the following issues:

- **Housing/affordable housing:** The results of the independent assessment of affordable housing provision should be shared with GLA officers demonstrating the maximum reasonable amount of affordable housing is being secured at the site.
- **Design:** The overall approach is supported.
- **Inclusive access:** the blue badge parking spaces should be equivalent of the 10% accessible units. Clarification of the split of the accessible units is required within the private and affordable tenures.
- **Climate change/energy:** The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further information is required before the final proposals can be understood.
- **Sustainable drainage:** The development proposals do not comply with London Plan policy 5.13 The drainage measures proposed for the site require consideration as per above and will need to be secured by the Council by way of condition.
- **Transport:** The proposal is considered to be potentially acceptable from a strategic transport perspective. However to ensure the application complies fully with London Plan transport policies, the various matters raised above should be addressed and the various S106 agreements and/or conditions be secured by the Council.

Housing/affordable housing

6 The initial proposal seen at stage 1 was for all units to be provided as shared ownership (intermediate), however this has since been amended to provide a 60:40 split in favour of affordable rent, albeit by habitable room rather than by unit.

7 This change is a result of the independent advice from the Council's viability consultants who recommended that the Council challenge the applicant's initial viability assumptions and as a consequence the level and type of affordable housing offer has been increased. The applicant is now proposing to deliver 17.8% on site affordable housing (by habitable room) at a 60:40 split. This equates to 10 residential units overall with a 13.5% affordable delivery by unit. (Previously the proposal was to deliver 16% affordable housing with 4 of the 9 units being 3 bed plus bedroom units.

8 The affordable rent units will be limited to the 4 three bed units on the first and second floor with the remaining five affordable units set aside as shared ownership units (four of these on the first floor and one on the second floor). The Council proposes to restrict occupation of the private sale units until such time as the affordable units are available for use and will include standard clauses for nominations. The larger units will be secured as part of the affordable housing offer for families to mitigate the lower proportion of larger family units across the scheme as a whole and across all tenures.

9 Overall, notwithstanding the proposal's inability to comply with wheelchair units (just under 10%) and the blue badge parking provision, the affordable housing offer in terms of tenure and mix of affordable housing is considered to be acceptable for a constrained town centre site such as this. The affordable housing offer has been maximised following the independent review.

Inclusive access

10 As stated in the stage 1 report, the applicant proposes 10% wheelchair accommodation. This is to be split between the private and affordable tenures (3 x private sale, 2 x affordable rent & 2 x shared ownership). Due to the site constraints, the Council recognises that there is limited space at ground level and further on site car parking (above the five to be provided) would prejudice the provision of the other elements proposed, including the communal amenity space, public realm and the children's playspace. On the basis that there is a small shortfall in parking provision, particularly blue badge parking, the applicant has agreed to cover the sustainable transport contribution requested by TfL- addressed in the transport section of this report.

Energy

11 The applicant has provided further details of the combined heat and power (CHP) system. The applicant has provided the requested detail of monthly demand profiles, costing estimates and thermal storage. A manufacturer data sheet of the proposed CHP unit has been provided. The applicant has noted that a detailed CHP review will be carried out upon design stage once more detailed loading figures become available to ensure, the same level of carbon reduction is satisfied. Officers therefore consider the scheme to be in accordance with the energy policies of the London Plan and no further information is required.

Sustainable drainage

12 Given the planning committee report's support for sustainable drainage, GLA officers would recommend a condition along the lines of: "No development shall commence until a sustainable drainage regime meeting the requirements of London Plan policy 5:13 has been submitted to and approved by London Borough of Croydon Lead Local Flood Authority."

Transport for London's comments

13 As requested at stage one, two years free car club membership has been secured through the legal agreement and residents have been excluded from applying for parking permits within the local CPZ. As requested, the applicant investigated the options for providing an additional two blue badge parking spaces. However, considering the size constraints of the site it was decided five spaces was sufficient to benefit the overall design, access and accommodate other requirements of the site. The blue badge spaces, electric vehicle charging points (EVCP) and cycle parking have all been secured by condition.

14 The applicant's contribution of £100,000 towards tram infrastructure is welcomed. TfL is committed to working with the council and the applicant on the wording of this clause in the section 106 agreement.

15 A delivery and servicing plan (DSP) and construction logistics plan (CLP) have been secured by condition. TfL previously suggested a travel plan was secured; however the council decided this was not required considering the scale of development and car parking provision.

16 TfL now considers the application to be in accordance with the transport policies of the London Plan.

Response to consultation

17 Croydon Council publicised the application by way of site notices and a press notice.

18 Three individual responses of objection were received to the application and the nature of the issues raised in these is detailed below:

- Low affordable housing allocation (16%) in Croydon- it should be greater and there should be more flats to rent rather than shared ownership.
- Given the location of the site, the car parking provision is inadequate.
- The bulk of the building is out of keeping with the neighbouring plots and the area generally.
- The neighbouring United Reform Church believe that the church will be overshadowed and the development will reduce light and air reaching the church building.
- A significant proportion of the habitable rooms and most of the balconies will look out over the church site and this will preclude future development of the site.
- In design terms, a combined development of the sites should be encouraged to avoid a fragmented street scene of different building heights and different building lines.

Statutory consultees

19 The following statutory consultees responded:

- **The Lead Local Flood Authority (LLFA)** - responded to the application and stated that further work is required before the proposed SUDs approach is found to be acceptable and the application needs to demonstrate that there are no more sustainable approaches suitable for this site. The LLFA therefore objected on the basis that additional information is required to determine whether the drainage strategy meets the requirements of the NPPF and the London Plan alongside the SUDs SPG and technical standards. It mirrored the GLA's response as per the stage 1 report. It also recommended that the applicant consult with Thames Water confirming acceptance of the proposed discharge rates and impact on the downstream drainage system.
- **Thames Water**- recommends that the applicant makes contact with Thames Water (TW) if building work falls within three metres of sewers and other similar forms of infrastructure. Proper provision to be made to discharge surface water and the applicant should ensure that all storm flows are attenuated and mitigated. TW will need to understand the piling method statement and the measures to minimise ground water discharge. No objection to the sewerage capacity and subject to informatives and conditions.

20 Overall, the various objections and issues raised have been suitably addressed in this report, the stage 1 report and the Council's report through the use of planning conditions, informatives and provisions within the draft Heads of Terms of the section 106 agreement- as per the committee report.

Article 7: Direction that the Mayor is to be the local planning authority

21 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

22 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

23 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

24 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

25 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

26 The various housing, inclusive access, climate change, drainage and transport issues raised at stage 1 have been addressed and the scheme is supported in terms of good strategic planning in London.

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