



Appeal Decision

Hearing held on 31 January 2023

Site visit made on 31 January 2023

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2023

Appeal Ref: APP/L5240/W/22/3305600

Citylink House, 4 Addiscombe Road, Croydon CR0 5TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Fifth State and Wittington Investments (Properties) Limited against the decision of the London Borough of Croydon.
 - The application Ref 21/02912/FUL, dated 26 May 2021, was refused by notice dated 5 May 2022.
 - The development proposed is the demolition of existing building and redevelopment of the site to provide a part 14 storey and part 28 storey building with basement, comprising 498 co-living units and associated communal amenity spaces (Use Class Sui Generis), 84 residential units (Use Class C3), commercial space (Use Class E) and flexible commercial and community space (Use Class E/F1) at ground/mezzanine level, together with roof terraces and balconies, wheelchair accessible parking spaces, refuse and cycle storage and associated landscaping and public realm works including the removal of subways. Works include the stopping up of a section of highway on Altyre Road and subway to No.1 Croydon, 12-16 Addiscombe Road under Section 247 of the Town and Country Planning Act 1990.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and redevelopment of the site to provide a part 14 storey and part 28 storey building with basement, comprising 498 co-living units and associated communal amenity spaces (Use Class Sui Generis), 84 residential units (Use Class C3), commercial space (Use Class E) and flexible commercial and community space (Use Class E/F1) at ground/mezzanine level, together with roof terraces and balconies, wheelchair accessible parking spaces, refuse and cycle storage and associated landscaping and public realm works including the removal of subways. Works include the stopping up of a section of highway on Altyre Road and subway to No.1 Croydon, 12-16 Addiscombe Road under Section 247 of the Town and Country Planning Act 1990 at Citylink House, 4 Addiscombe Road, Croydon CR0 5TT in accordance with the terms of the application, Ref 21/02912/FUL, dated 26 May 2021, and subject to the following conditions on attached schedule A.

Procedural Matters

2. A section 106 agreement, dated 13 February 2023, relates to numerous matters, including affordable housing provision, local employment and training, highways and transport, climate change and public health, design, public realm works, co-living unit management, refuse and servicing, and monitoring fees.

3. A revised, Daylight, Sunlight and Overshadowing Assessment (DSOA), was submitted 14 February 2023 which took account of the latest changes to British Research Establishment (BRE) Guidance, Site Layout Planning for Daylight and Sunlight – a guide to good practice (2022). In correspondence of the same date, the Council has provided further comments on a suggested access discussed at the hearing. The s106, the revised DSOA and Council correspondence, have been taken into account in this decision.

Main issue

4. The main issue is the effect of the proposed development on the setting of a non-designated heritage asset (NDHA), known as the NLA tower.

Reasons

Setting of a NDHA

5. The appeal site comprises a five storey building, Citylink House, which comprises vacant office and education space. The building fronts onto a modern designed twenty three storey tower, known as the NLA Tower, on Addiscombe Road. On Altyre Road, it flanks onto a multi-storey storey office building in the direction of the town centre. The remaining flank faces onto a new residential tower development, reaching a maximum twenty one storeys, known as the Pocket Living Development (PLD), on Addiscombe Grove. To the rear of the appeal site, there are residential buildings, ranging from 3 to 5 storeys, which mainly front on Altyre Road and Addiscombe Grove. The site lies within the Croydon Metropolitan Town Centre and within Croydon Opportunity Area (COA) designated under the Croydon Opportunity Area Planning Framework (COAPF) 2013.
6. The NLA tower (also known as No 1 Croydon) is a locally listed building and recognised to be a Local Designated Landmark under Policy DM17 of the Croydon Local Plan (CLP) 2018. The tower was designed by Richard Seifert and Partners, with engineers Ove Arup and Partners, and constructed in 1968-70. Seifert was an important figure in the post-war history of London architecture and other buildings designed by the Seifert practice, include Centre Point.
7. The NLA tower has a complex 24-sided polygonal shape and is perched, pedestal like, above an octagonal service core. Externally, there is single pane glazing, framed in white anodised aluminium, and white mosaic-clad facing panels (now overpainted). Such a design gives rise to a distinctive building profile reflected in other names of the building, such as Thrupenny bit and 50p building as it can be read as stack of polygonal slabs, octagonal prism or faceted cylinder. Due to the geometrical building shape, there is a distinctive pattern of light and shade. The bold geometrically patterned elevations provide visual exuberance and ingenuity, an instantly recognisable building in Croydon's skyline, and although not considered worthy of listing under a Historic England assessment, it stands out as a significant sculptural building, giving rise to aesthetic interest.
8. The construction of the NLA tower was part of the development of Croydon town centre that followed significant World War II bombing damage and involved the development of several tall and large buildings within the centre. The Croydon Corporation Act 1956 created powers that enabled compulsory

- purchase and road building initiatives by the Council. It coincided with a short lived planning regime, which imposed restrictions on office consents in central London, except in special circumstances.
9. The social and historical context at the time of NLA tower's development contributes to the understanding of its importance and value. This context, along with its geometrical, sculptural and landmark qualities are of importance and significance to the NDHA. 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. In particular, the roundabout-like nature of the site, and the Locally Designated Views under the CLP up and down George Street, a major transport route through the centre, highlights the building's significance in this respect. In wider views from the south and north, the NLA tower is seen as more detached from higher scale development than in the Locally Designated Views. Nevertheless, it remains visible as part of a heavily developed skyline.
 10. The tower is located within 'Edge Area' of the COA and the COAPF sets out post-war modernist architecture and urban planning (1950s to late 1970s) as a key feature of the area. Growth has continued with further developments at the PLD, and a part 6 and 18 storey building (known as L and Q) at 30-38 Addiscombe Road where building works have commenced. The current on-going development of the area with high storey developments reinforce the understanding of the NLA tower as part of Croydon's post war growth.
 11. The existing building on the appeal site is late-20th century and lacks visual interest due to the homogenous nature of materials and design, and the lack of active frontage onto the Addiscombe Road and the NLA tower. Although it represents a development encouraged by post war planning policies, its utilitarian design does little to enhance the setting of the tower.
 12. CLP Policy DM18 requires the preservation and enhancement of character and appearance, the setting of locally listed buildings and that substantial weight will be given to preserving and enhancing locally listed buildings. Within the 'Edge Area' of the COA, CLP Policy DM38 details the support of tall buildings 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.
 13. The largely residential building would comprise a part 14 storey 'shoulder' and 28 storey 'tower', with the footprint covering most of the site and fronting onto the Addiscombe Road and the NLA tower. It would consist of concrete weave horizontal banding every two floors and concrete vertical columns. Within this grid framework, there would be recessed full height glazing windows within dark frames, and concrete patterned panels. At the ground floor, there would be a double-height colonnade, with recessed glazing and canopies, and flexible commercial uses, including community and cafe. At the top of the tower, there would be an open crown with the weave pattern banding and exposed vertical elements. The tower and shoulder of the building would be differentiated by scale, step back (shoulder) and colour, the tower being white and shoulder grey.
 14. The development would be greater in size and scale than the NLA tower but there is clearly articulated differentiation between the shoulder and tower,

reducing massing. There would be an active ground floor frontage facing onto the tower and the development's design, through its weave design, reflects and relates well to geometrical faceted nature of the NDHA. It further develops a site that has historically being part of the post war growth of the centre, where substantial development was to take place reflecting the ambition of policy during this time.

15. The appellant's heritage and visual impact assessment (HVIA)¹ details the effect of the development on views of the NDHA from the south and north, including Cherry Orchard Road, Altyre Road and Addiscombe Road. For views from Cherry Orchard Road, the proposed tower would appear behind the NDHA, just lower in height. From the junction of Addiscombe Grove and Barclay Road, the development would be in front of the NDHA, with the tower to one side and the shoulder obscuring roughly the bottom three-fifths of the NLA tower. From Addiscombe Grove, the development would similarly be in front of the NDHA, with the tower to one side and the shoulder would similarly obscure the NLA tower, albeit to a greater degree, and in views from Altyre Road and Barclay Road, the NLA tower would be completely obscured by the proposed building.
16. In these views, the HVIA details no adverse impacts taking into account future multi storey development but this is disputed by the Council. 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. However, the tower would only be totally obscured in two of the disputed views and in the vast majority of views of the tower and appeal development, no significant visual infringement would take place. Furthermore, from what I saw on my site visit, the north and south views are not as nearly as sensitive as those from west and east which are along a major throughfare, the result of Croydon's post war growth. Here, the height, massing and design of the proposed development would not visually compete or distract from the NDHA.
17. Furthermore, the NLA tower was also part of purposeful growth agenda from the 1950 onwards that involved substantial buildings in the town centre and thus, the need for unobscured views of NLA tower in all directions is not justified in terms of setting. For all these reasons, the development comprising the tower and shoulder would not harm the setting of the NDHA or ability to appreciate it's significance. Accordingly, the proposal would comply with Policies D3, D4, D9, HC1 and HC3 of the London Plan (LP) 2021 and Policies SP1, SP4, DM10, DM15, DM17, DM18 and DM38 of the CLP, which collectively and amongst other matters, requires development to make best use of land, be of high quality design, address visual impacts, including views of buildings, be sympathetic to assets' significance and appreciation, protect important views, enhance a sense of place, contribute positively to public realm, landscape and townscape, to respect appearance, layout, siting, scale, height, massing, density and built features of the surrounding area, preserve or enhance significance and setting of assets.

¹ Townscape Heritage and Visual Impact Assessment, City Link House, Cityscape Digital, May 2021.

Section 106 agreement

18. Obligations would secure the provision of 84 affordable housing units, with a tenure mix for 'London rent' and shared ownership, to nominated households in need. CLP Policy SP2, and LP Policies H4 and H6 recognise pressing affordable housing need and requirement for a choice of affordable homes. For major shared living developments, LP Policy H16 requires a cash in lieu contribution towards conventional affordable housing. However, the appellant's and Council viability assessments support the level and tenure split of the affordable housing to be secured. Obligations also detail affordable viability reviews for reassessment of the scheme's provisions to maximise the amount of affordable housing and beneficial tenure.
19. For residents of Croydon, obligations would secure training and skills, and access to employment opportunities during development construction and operation, supply chain contracts to Croydon and contributions towards a Local Employment and Training Strategy. Such provision accords with CLP Policy SP3, that encourages innovation and investment enterprise and increase in local employment, the Council's Planning Guidance: Employment and Training S106 Obligations 2018 and its Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy Review 2019, that details how employment provision can be achieved through s106s.
20. Obligations would secure contributions for Transport for London (local transport improvements), Active Travel Zone improvements (for local highways network) and site electric vehicle car charging points. Additionally, they would secure a travel plan to increase sustainable transportation by residents, electrical vehicle car club provision and membership (3 Years), and for the occupiers of the development, a restriction on parking permits and season tickets for Council car parks. There would also be a requirement for a highway agreement to secure off-site highway and public realm works, and a stopping up order for a section of highway. CLP Policies SP3, SP8, DM29 and DM30, and LP Policies T2-T4 support sustainable travel choice, promote healthy streets and public transport, the consideration of the cumulative effects on public transport and road network capacity, and highway safety.
21. To address climate change and public health, contributions would be secured to fund initiatives under the Council's Air Quality Plan, such as vehicle anti-idling measures, and carbon-off setting. Obligations would also secure possible connections to a district energy scheme, with an alternative reduced carbon-off setting contribution, energy performance targets, with action plan to secure improvements, if targets have not been met. CLP Policies SP4 and SP6, and LP Policy SI 2 require high quality development creating sustainable communities, reduction of greenhouse gas emissions, the delivery of development adaptable to climate change and the exceedance of building regulation requirements in terms of on-site energy requirements.
22. Obligations would secure the retention of the same scheme architect throughout the development's construction and the implementation of approved public realm works (in association with public highway works), along with a management and maintenance strategy. There would be a contribution for off-site play space given a site shortfall. CLP Policies SP4, DM10 and DM15, and LP Policies D3, D4 and D9 require high quality design and public realm,

- and the provision of good quality, accessible and well-designed public play spaces for developments.
23. In accordance with LP Policy D9, an obligation secures public access to the upper floors of the tower. An obligation would secure a commercial units' marketing strategy, including for community and café uses, to ensure those units are retained for their purposes, as far as possible. CLP DM4 requires proposals to provide fitting out of ground floor units for the eventual end occupiers to ensure that the units are capable of occupation and operation. To avoid television signal interference and accord with LP Policy D9, an obligation secures a baseline survey of the existing situation and further surveys and assessment, including mitigation where necessary.
 24. The development would result in changed wind conditions, in association with other major developments coming forward. The appellants' pedestrian wind environmental study² details mitigation necessary for the convenience of people and the minimisation of environmental impact to accord with CLP Policy SP4 and LP Policy D9. For the co-living units, an obligation requires a management scheme for the accommodation and service facilities, including confirmation of a single operator, security arrangements, kitchen stations and booking systems, and minimum tenancy periods. An obligation would secure a contribution for public art to contribute to a sense of place. Such provision complies with CLP Policy DM14 which requires developments to create a sense of place.
 25. To address highway and pedestrian safety, an obligation sets out requirements for the approval of a refuse collection company and the implementation of a strategy to deal with refuse and re-cycling collection. An obligation also requires a delivery and servicing plan to ensure such arrangements are carried out acceptably, and a deposit to be used for highway infrastructure improvements, if the plan is not carried out. CLP Policy DM13 and LP Policies D6 and H16 requires a management plan to ensure the provision of adequate refuse and recycling facilities, that are sustainably and efficiently operated.
 26. For Council monitoring of each obligation, an obligation details a reasonable contribution. In the interests of natural justice, an obligation requires the Council to use contributions for their required purpose, return contributions not used within a time period, and provide written confirmation of discharge obligations upon request.
 27. Setting aside the provision of affordable housing, the obligations mitigate the effects of the development. Justification for the level of contributions has been detailed through formula and policy documentation such that it has been demonstrated that they relate to mitigating the impacts arising from the development. Requirements would comply with local plan policy. The obligations are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to it. They would meet the statutory tests of the Community Infrastructure Regulations 2012 (as amended) and paragraph 57 of the National Planning Policy Framework (the Framework).

² Pedestrian Wind Environmental Study, City Link House, East Croydon, Windtech Consultants, May 26 2021.

Other matters

28. The existing building is of little design merit and is in an area where tall buildings are permitted by policy subject to high quality design. The building would be of a high quality design and in an mixed commercial and residential area, where tall buildings are a feature and being developed, such as the PLD and L and Q developments. There would be no significant impact on the character and appearance of the area.
29. A DSOA carried out a daylight assessment of the effect of the development on residential properties to the south on Altyre Road and Addiscombe Grove, including Harrington Court and the PLD, based on the latest BRE Guidance. The BRE assesses the effect of the development on the amount of daylight falling on a vertical window, the Vertical Sky Component test, and outline on the working plane of the window area from which no sky can be seen, No Sky Line test. These tests were passed with the exceptions being a ground floor window serving a bathroom/kitchen on the northern façade of Harrington Court and 5 bedroom/dual aspect open living windows on two floors on the western façade of the PLD. However, the bathroom/kitchen is not a main daytime living area. Similarly, bedrooms are not main daytime living areas and in case of the dual aspect window, other window openings, would serve the living area.
30. There would also be significant spatial separation between dwellings and the appeal development, and in respect of dwellings to the south, they are mainly orientated towards highways or amenity areas, not the appeal development. For all these reasons, the daylight room levels of adjoining dwellings would not be significantly affected. For sunlight impact, the majority of dwellings are to the south of the appeal development and therefore, there would be no significant loss of sunlight. The PLD does not lie directly south but the development would only affect one elevation where the windows affected serve bedrooms, living areas not normally frequently used during the daytime, and dual aspect rooms, where other window openings, would serve the living areas. Furthermore, national policy at paragraph 123 of the Framework states a flexible approach should be taken in applying guidance relating to daylight and sunlight, where they would otherwise inhibit making the efficient use of a site.
31. The DSOA also considered the impact of overshadowing on the amenity areas of nearby properties on a day in March which demonstrated no adverse effects. The amenity areas lie mainly to the south of the development and therefore, justification for further assessment on this is not necessary. Although the light and overshadowing effects of other tall building developments have been drawn to my attention, every development proposal must be considered on its specific merits, and it is inevitable that schemes will differ in scale, size, design and orientation. For all these reasons, the occupiers of neighbouring residential properties would not experience significant loss of daylight, sunlight or adverse overshadowing.
32. For outlook and privacy effects, the southern residential properties have their main windows facing highways or amenity area and thus, they are orientated away from the appeal development or in respect of the north façade of Harrington Court, a significant distance away. There would be amenity areas serving residential units at Harrington Court and along Addiscombe Grove, but these are mostly communal with overlooking from residential developments and the former development at the appeal site, when it was in use. For all

these reasons, there would be no significant loss of outlook or privacy to the occupiers of these neighbouring residential properties.

33. Lighting is a detailed matter capable of being dealt with at condition stage to ensure acceptable standards. Noise and disturbance would not be significantly more harmful than the former existing office and educational uses on the site and in this central urban location, existing noise and disturbance would be expected from commercial and infrastructure activities and operations, such as the railway station and trams.
34. Co-living rooms would be greater in size than other similar developments that have been identified in the London area and occupants would have access to extensive communal facilities, comfortably providing for living needs. A management plan would maintain the quality of such facilities in the long-term. No private external space would be provided but given the range of facilities and urban location, this would not justify an objection. The co-living units would represent good quality designed accommodation in accordance with LP Policy H16. There would be adaptable and wheelchair accessible units, and lifts between floors within the shoulder building.
35. A PWES provides compelling evidence of no adverse impacts from the wind effects from the development on the safety of pedestrians, including along George Street. There is no evidence that significant dampness to neighbouring residential buildings would occur due to the development because there would be a significant gap between these buildings and the new development. Transport for London and the Council has raised no objections on a highway safety grounds and there is no substantive evidence to counter this. The office space and educational space has been vacant for a considerable period of time with marketing failing to secure re-use. The site lies outside of designated Office Retention Area, where office space is protected by policy.

Conditions

36. Suggested conditions have been considered in light of the tests of paragraph 56 of the Framework and the advice in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed. The appellant has raised no objection to these. Requirements with other public bodies, including statutory consultees, should be carried out by Croydon Borough Council, when considering discharge of conditions.
37. A condition requiring that the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt. Given HE's comments on the submitted archaeological study, a scheme of investigation and public engagement to the site's archaeological programme of work is necessary. In the interests of highway safety, conditions are necessary for the implementation of an approved construction method statement, signage for cyclists and deliveries, delivery and servicing plan, and the limited site car parking. To ensure sustainable transportation, conditions are necessary for cycle facilities, access route signage and car management plan.

38. In the interests of biodiversity, the implementation of a construction environmental management plan, biodiversity enhancement scheme and lighting scheme (to minimise harm) to bats is necessary. For the sake of highway safety and living conditions of residents, an acceptable construction method statement and lighting scheme are necessary. To protect sewerage infrastructure, the implementation of an approved piling scheme is required.
39. To address climatic change and public health, Whole Life-Cycle Carbon Assessment and Circular Economy Statements submissions, reductions in carbon dioxide emissions beyond building regulation requirements and BREEAM achievement rating for non-residential uses are necessary. To ensure adequate drainage and prevent flooding, requirements are necessary for the submission and the implementation of approved drainage schemes and mitigation measures within the submitted flood risk assessment.
40. To ensure a high quality design and sense of place, conditions are necessary to require further plans, details and materials of building architecture, landscaping and public realm design, public art, tree planting, commercial use restrictions (to maintain active ground floor environment), compliance with a tree protection scheme and building maintenance. To safeguard against criminal damage, the implementation of a vehicle dynamics assessment and scheme of Secure by Design, CCTV and security lighting, including for storage areas, are required. The implementation of an approved scheme of warning lights is necessary for safe aviation.
41. To ensure acceptable refuse collection and disposal, the implementation of acceptable details is required. In the interests of a healthy environment, conditions are required to ensure a Low Emissions Scheme and adherence to mitigation measures within a submitted air quality assessment. To ensure acceptable living conditions for residents, requirements are necessary for acoustic window insulation, including ventilation systems, in accordance with a noise assessment report, ducting and plant, opening hours of commercial uses, rooftop amenity and that the private access road from Addiscombe Grove should not be used for construction vehicles. To protect human health and the environment, a contamination condition is necessary.
42. To maintain a high quality co-living environment, conditions are necessary to require the implementation of acceptable facilities and features, cycle hire, minimum number of kitchen stations and dining spaces, floorspace for co-working and for plant/building service areas and for facilities and amenity spaces to be only used by residents. To ensure acceptable standard of flexible and adaptable accommodation, conditions are necessary specifying M4(2) and M4(3) units under the building regulations and for toilet facilities to be provided as Disability Discrimination Act compliant in accordance with policy. To conserve water usage, a condition is necessary restricting usage in accordance with policy.
43. Some suggested conditions do not comply with the tests of the Framework. A suggested condition requiring the extent of vehicular and pedestrian access rights to be confirmed is a matter for affected parties. In the absence of an objection, a condition detailing water infrastructure upgrade requirements is a technical infrastructure matter between the developer and the utility company. Restricting the co-living element of the development to a single management is a replication of a s106 obligation. Requiring the design of the buildings to

comply with fire building regulations is a duplication of other legislation and in any case, is a matter dealt with by a condition requiring development to comply with a fire statement and further statement, detailing fire safety measures, to be submitted for approval.

44. There is no necessity for a condition requiring accessibility to upper floors given a s106 obligation. Finally, a condition requiring the identification of uses and activities on the site, if the development stalls, fails to meet the test of necessity. The reason detailed is to protect the setting of the NDHA but the condition fails to achieve this as only requires compilation of site uses and activities.

Conclusion

45. The development would provide a substantial amount of housing, including affordable, boosting housing supply. Additional significant public benefits would include the re-use of a brownfield site and the provision of café and community facilities. There would be no harm to the setting of a NDHA and its significance. The proposal would comply with policies of the CLP and LP, taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be granted.
46. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

Planning Inspector

APPEARANCES

FOR THE APPELLANT

C Katkowski	Kings Counsel, Kings Chambers
M Squire	Squire and Partners
M Levinson	Squire and Partners
C Miele	Montagu Evans
J Marginson	DP9
H Marginson	DP9
N Hall	DP9
N Gershfield	Squire and Partners
B Stansfield	Gowlings

FOR THE LOCAL PLANNING AUTHORITY

K Marks	London Borough of Croydon
S Karsan	London Borough of Croydon
K Riggs	London Borough of Croydon
N Rowland	London Borough of Croydon
S Wong	London Borough of Croydon

THIRD PARTIES

P Hay-Justice	Councillor -Addiscombe West
Mr Pope	Local resident
Mr Pugalia	Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Document titled Images before the Inspector that the Appellant will refer to in response to agenda, dated 31 January 2023.
2. Section 106 agreement dated 13 February 2023.
3. Daylight, Sunlight and Overshadowing Assessment, Tetra Tech, reference 785-A115779, 14 February 2023.
4. Email response, relating to condition 5 of suggested without prejudice conditions, dated 14 February 2023, London Borough of Croydon Council.

Schedule A – Attached Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19066-SQP-ZZ-00-DR-A-PL100 A, 19066-SQP-ZZ-00-DR-A-PL101 G, 19066-SQP-ZZ-00-DR-A-PL103 F, 19066-SQP-ZZ-00-DR-A-PL115 A, 19066-SQP-ZZ-07-DR-A-PL105 D, 19066-SQP-ZZ-08-DR-A-PL106 D, 19066-SQP-ZZ-10-DR-A-PL107 D, 19066-SQP-ZZ-12-DR-A-PL108 C, 19066-SQP-ZZ-13-DR-A-PL109 D, 19066-SQP-ZZ-18-DR-A-PL110 D, 19066-SQP-ZZ-26-DR-A-PL111 C, 19066-SQP-ZZ-B1-DR-A-PL102 C, 19066-SQP-ZZM0-DR-A-PL104 D, 19066-SQP-ZZ-RF-DR-A-PL112 C, 19066-SQP-ZZ-RF-DR-A-PL114 B, 19066-SQP-ZZ-XX-DR-A-PL201 E, 19066-SQP-ZZ-XX-DR-A-PL202 E, 19066-SQP-ZZ-XX-DR-A-PL204 C, 19066-SQP-ZZ-XX-DR-A-PL205 C, 19066-SQP-ZZ-XX-DR-A-PL206 D, 19066-SQP-ZZ-XX-DR-A-PL207 D, 19066-SQP-ZZ-XX-DR-A-PL301 A.
- 3) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within this WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation, and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 WSI then a stage 2 WSI shall be submitted to and approved in writing by the local planning authority. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - b) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the approved stage 2 WSI.
- 4) No development shall take place until details of a public engagement framework pertaining to the site's archaeological programme of work have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 5) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;

- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on the site to oversee works, including vegetation removal.
- f) Details of responsible persons and lines of communication;
- g) An ecological clerk of works (ECoW) or similarly competent person to provide on-site ecological expertise during demolition and construction
- h) ECoW roles and responsibilities on the site;
- i) Use of protective fences, exclusion barriers and warning signs;
- j) Removal of invasive non-native species.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

- 6) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include the following details for all construction phases of the development:
- a) Hours of construction;
 - b) Hours of deliveries;
 - c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - d) Facilities for the loading and unloading of plant and materials;
 - e) Details of the storage facilities for any plant and materials;
 - f) The siting of any site huts and other temporary structures, including site hoardings;
 - g) The security arrangements for the site;
 - h) Precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
 - i) Range of dust control methods and noise mitigation measures;
 - j) Gaseous and particulate pollutant emissions for non-road mobile machinery, such as forklifts, generators and other construction machinery;
 - k) Registering of vehicles under the Freight Operators Recognition Scheme (FORS) and their accreditation status;
 - l) Commercial vehicle routes within the borough to gain site access;
 - m) Vehicle holding areas when a site is unable to accept further traffic;
 - n) Details of how highway affecting utility installations would be planned to minimise impact on the general public.

All construction phases of the development shall be carried out strictly in accordance with the details so approved.

- 7) No development shall take place until a Whole Life-Cycle Carbon Assessment (WLC) has been submitted to and approved in writing by the local planning authority. Once the as-built design has been completed and prior to the buildings being occupied (or handed over to a new owner, if applicable), the legal owners of the development should submit the post-construction WLC assessment to the local planning authority. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the WLC

carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted, along with any supporting evidence, three months post as-built design completion, unless otherwise agreed in writing by the local planning authority.

- 8) No development shall take place until an updated Circular Economy Statement has been submitted to and approved in writing by the local planning authority. The development shall be completed and subsequently maintained in accordance with the measures and specifications of the approved statement.
- 9) No development (with the exception of demolition, excavation and piling) shall take place until a drainage scheme (including any on and/or off-site drainage works) shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the building and thereafter maintained as such for the lifetime of the development.
- 10) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 11) No development above ground level shall take place until the following details and drawings, material samples and models of architectural features that a) to g) below relate to, have been submitted to and approved in writing by the local planning authority. Unless otherwise stated below, details and drawings covering the architecture features below, shall include illustrative drawings at a scale 1:20.
 - a) Drawings in plan and section at 1:5 scale through all typical external elements/details of the facades including openings in external walls, doors, thresholds, main entrances, vehicle accesses, bins and cycle stores, window-types including reveals, heads and cills, balustrade types, parapet types, soffit panel types, column types, junctions between adjoining planes and façade;
 - b) Junctions between external facing materials and adjoining planes including recessed areas;
 - c) Roof details in plan and section showing the detail of and relationship between roof terrace amenity spaces, any parapets, any roof structures;
 - d) Drawings in plan of ground-floor entrance lobbies at 1:10 scale, all ground floor spaces, elevations of residential entrance doors at 1:10 scale and details of entrance-door thresholds;
 - e) Plant units, mechanical ventilation systems or other ducts or extracts (where they appear on any of the development's elevations) including;
 - g) Rainwater goods.

The development shall be carried out in accordance with the approved details.

- 12) No development above ground level shall take place until mock up material panels have been submitted to and approved in writing by the local planning authority. The panels shall be at a 1:1 scale for a typical portion of the block A tower crown, block A tower and block B shoulder interface, amenity levels, ground floor street elevation (floor to ceiling), façade bays (floor to ceiling), balustrade types and window types including window cills and window reveals.

The proposed concrete panelling and façade material mock-ups shall environmentally tested, by means such as water run-off, in accordance with a specification agreed beforehand by the local planning authority. The approved details shall be provided and completed in accordance with this condition prior to development above ground level. The development shall only be implemented in accordance with such approved details.

- 13) No development above ground level shall take place until a proposed public art strategy, implementation plan and commission brief, has been submitted to and approved in writing by the local planning authority. The strategy, plan and brief shall include details of the proposed selection process and detailed communications strategy, including suggested program for advertising the opportunity and proposed advertising partners.

Prior to the commencement of the development, the approved strategy, plan and commission brief shall be carried out and the resultant detailed scheme for public art shall be submitted to the local planning authority for written approval. This should include:

- a) The selection of the artist;
- b) Community engagement process;
- c) The final proposal;
- d) Maintenance and management plan;
- e) Detailed design of the proposal at 1:5 scale plan, section, elevation, visualisations and samples of the materials;
- f) Mock ups of typical sections at 1:1 scale.

The approved detailed scheme for public art shall be fully implemented prior to the occupation of the building or otherwise in accordance with a timetable to be agreed by the local planning authority and maintained for the lifetime of the development.

- 14) No development above ground level shall take place until a landscape and public realm strategy and plan for all hard and soft landscape works and materials within the site as well as the offsite public realm area have been submitted to and approved in writing by the local planning authority. Such details shall include:
- a) Public realm design for the area to the front and sides of the scheme, including the public footway up to the kerbline, loading bay and raised table across Altyre Road, the access road to the rear, and parking area and adjacent footway up to the kerbline, and all roof terrace amenity spaces, all planters;

- b) All hard and soft landscape material details and samples to be submitted for approval, including 1:5 scale details, visualisations, and 1:1 scale mock ups of typical junctions between materials;
- c) 1:5 scale plan detail of junctions and a 1:1 scale mock-up of the junction between the columns of the colonnade and the ground level plane and the planters, seating on the street frontage;
- d) Species, planting density and size of all proposed planting, including girth and clear stem dimensions of trees (including any trees and planting on roof terraces and in the public realm including roof terraces and including 1:5 scale details of planters and means of securing trees etc.), detailed section of sunken planter including positioning of all trees and relationship between all trees;
- e) Hard landscaping materials (including samples which shall be permeable), including dimensions, bonding and pointing;
- f) Details and mock ups of junctions with other areas of public realm including drainage;
- g) All boundary treatments within and around the development;
- h) Details at 1:5 scale in plan and section of all hard landscape details including thresholds with buildings, tree pits and surrounds, street furniture, planters, kerbs, junctions between materials and adjacent surface treatments, junctions with any boundary treatments or where any structures meet the ground level plane;
- i) Boundary treatment and hard landscape plan for all roof gardens.

All landscaping and public realm works shall be delivered in accordance with the approved details before any part of the development is occupied or within such longer period or periods as the local planning authority may previously agree in writing. All hard landscaping and public realm works shall be maintained in accordance with the approved landscaping and public realm management and maintenance strategy. Any planting which dies or is severely damaged or becomes seriously diseased or is removed within 5 years shall be replaced by planting of similar size and species to that originally provided and to the highest quality.

- 15) No development above ground level shall take place until a long term management plan and maintenance strategy for trees has been submitted to and approved in writing by the local planning authority. The approved scheme shall accord with the Wind Mitigation Strategy, within the submitted PWMS, and be implemented prior to the first occupation of the development and continue for the lifetime of the development.
- 16) No development above ground level shall take place until a vehicle dynamics assessment has been submitted to and approved in writing by the local planning authority. Such an assessment shall include hostile vehicle mitigation measures and anti-terrorism mitigation measures (if required) and shall be integrated within the landscape and public realm strategy and plan. Once permitted, the measures shall be implemented on site prior to the first occupation of the development and retained thereafter for the lifetime of the development.
- 17) Prior to the installation of any structures above ground level, including cranes, details of aviation warning lights (both those to be installed at the construction phase and end state of the completed towers) and timetable for implementation shall be submitted to and approved in writing by the local planning authority. The approved aviation warning lights shall be

installed in accordance with the approved details and timetable, and shall be retained in working order for the lifetime of the development.

- 18) No development above ground level shall take place until a scheme of Secure by Design and CCTV measures, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the permitted building and retained for the lifetime of the development.
- 19) No development above ground level shall take place until details of a Low Emissions Scheme for the development has been submitted to and approved in writing by the local planning authority. The development shall be constructed and operated in accordance with the provisions of the approved Low Emission Scheme.
- 20) No development above ground level shall take place until a biodiversity enhancement scheme (BES), in accordance with the Ecological Appraisal (LUC, May 2021), has been submitted to and approved in writing by the local planning authority. The BES shall include the following:
 - a) Conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures on landscape / planting plans, including green roofs and walls, provision of bat, bird and bug boxes and native species of wildlife benefit;
 - d) Persons responsible for implementing the enhancement measures;
 - e) Details of initial aftercare and long-term maintenance.

The works shall be carried out, retained and maintained in accordance with the approved details.

- 21) Prior to the first occupation of the development, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to minimise light intrusion to the occupiers of neighbouring properties and bats. Details shall identify routes used for bat foraging, locations of external lighting, the provision of appropriate lighting contour plans, Isolux drawings and technical specifications. All external lighting shall be installed in accordance with the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 22) Prior to the first occupation of the development, plans at scale 1:5, and details of the fenestration of the ground floor, including proportion of active frontage, shop front and non-commercial ground floor unit designs, transparent glazing, and signage zones have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details before any part of the development is occupied and maintained as such for the lifetime of the development.
- 23) Prior to the first occupation of the development, details of the security lighting and CCTV (including location and specification) for refuse and cycle stores, surface areas, under-croft parking areas and basement areas, forming part of the development, shall be submitted to and approved in writing by the local planning authority. The details should include plans at a scale 1:20, showing security measures and their

- interface with the building (where externally positioned). The approved infrastructure shall be installed prior to the first occupation of the development and retained for the lifetime of the development.
- 24) Prior to the first occupation of the development, details of cycle and scooter facilities for the residential occupants of both blocks and staff shall be submitted to and approved in writing by the local planning authority. Such details shall include stand specification, lighting, provision for mobility scooter, and cargo bike storage, entrances, lift specification, and changing facilities. The facilities shall be provided in accordance with the approved details prior to the first occupation of relevant block and retained for the lifetime of the development.
 - 25) Prior to the first occupation of the development, details of access routes and onsite signage for cyclists, cars, and deliveries shall be submitted to and approved in writing by the local planning authority. Once approved, the details shall be provided prior to the first occupation of the development and retained for the lifetime of the development.
 - 26) Prior to the first occupation of the development, a refuse collection strategy and management plan shall be submitted to and approved in writing by the local planning authority. This should include the management of the refuse chutes and refuse storage areas, disposal and collection arrangements for residents with accessibility issues, refuse store access arrangements and numbers of collections. Once approved, refuse collections must take place in accordance with the approved strategy and plan for the lifetime of the development.
 - 27) Prior to the first occupation of the development, a detailed Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the local planning authority. The DSP should relate to all the uses on the site and include measures to prevent disruption to the tram network. Vehicles servicing the site shall do so in accordance with the approved DSP for the lifetime of the development.
 - 28) Prior to the first occupation of the development, a Car Park Management Plan (CPMP) shall be submitted to and agreed in writing by the local planning authority. The CPMP shall include the procedure for the allocation and management of spaces, the number, location and specification of the electric vehicle charging points. The operation, allocation and management of the car parking spaces, along with the provision of electric vehicle charging infrastructure, shall take place in accordance with the approved CPMP for the lifetime of the development.
 - 29) Prior to the first occupation of the development, details of the layout and arrangements of the rooftop amenity spaces, at 1:20 drawing scale, shall be submitted to and approved in writing by the local planning authority. This should include details and visualisations of the play provision, seating, play equipment for shoulder building B and any necessary wind mitigation requirements. The approved details shall be provided as specified prior to the first occupation of the building or in accordance with a timetable agreed beforehand by the local planning authority and be retained as such for the lifetime of the development.
 - 30) Prior to the first occupation of the development, details of window ventilation systems, sound insulation and external noise management, in accordance with mitigation measures contained within Noise Assessment

Report, Hann Tucker Associates, dated 21 April 2021 (ref: 26975/NAR), shall be submitted to and approved in writing by the local planning authority. Once approved in writing, the approved details shall be implemented and shall be retained for the lifetime of the development.

- 31) Prior to the first occupation of the development, details of extract ducts and systems (including elevations and technical specifications) for the Class E(b) public café use, the co-living communal catering areas, kitchen areas and co-working areas and the community use (Use Classes F1 (a-g), F2(b), E(e-f))(if relevant) shall be submitted to and approved in writing by the local planning authority. Once approved, the extract duct(s) and systems shall be installed as approved before any of the relevant uses are commenced and shall be retained in working order for so long as the relevant use is undertaken.
- 32) Prior to the first occupation of the development, details of any proposed air handling units, mechanical plant or other fixed external machinery and any associated screening should be submitted to and approved in writing by the local planning authority. The details, once approved, shall be provided as specified prior to the first occupation of the development, and be maintained as such for the lifetime of the development.

The noise level from any air handling units, mechanical plant, or other fixed external machinery should not increase the background noise level when measured at the nearest sensitive residential premises. The noise level from any new air handling units, mechanical plant, or other fixed external machinery should be at least 10dB below existing background noise levels.

- 33) Prior to the first occupation of the development, details of a building maintenance strategy and implementation plan including cleaning arrangements shall be submitted to and approved in writing by the local planning authority. The buildings shall be cleaned and maintained for the life of the development in accordance with the approved strategy.
- 34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the proposed ground floor and mezzanine non-residential uses hereby permitted shall only be used for E(b) public cafe, flexible community use in Class F1 (a-g), F2(b) or E(e)), Sui Generis co-living hub, lounge/co-working space and reception and for no other purposes (including any other use within Use Class E and F) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). The ground and mezzanine non-residential uses shall be implemented in line with the Design and Access Statement Addendum Rev C dated 5th November 2021 and shall be retained for such uses for the lifetime of the development.
- 35) The ground floor Public café (Class E(b)) and flexible community space (Class F1 (a-g), F2(b) or E(e)) hereby permitted shall only be open to the public between the hours of 0700 and 2300 Monday to Saturday and 0700 and 2200 on Sunday and Bank Holidays.
- 36) The development shall be completed and subsequently maintained to achieve a 35% reduction in carbon dioxide emissions, beyond what is required to comply with under Part L Building Regulations 2013, for which it is responsible by the means herein approved, in line with the approved

Energy Statement Rev 02 dated 10/05/2021 (ref; 55202). Prior to the first occupation of the development, details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the local planning authority.

- 37) The development shall be completed to achieve a BREEAM Excellent rating for the non-residential uses within the building (including the co-living floorspace) and shall subsequently be maintained to retain the rating.
- 38) The development shall not be occupied until the parking spaces, disabled parking and cycle parking spaces (and areas) have been provided as specified in the application. The parking facilities shall be retained for the lifetime of the development.
- 39) The development shall be carried out entirely in accordance with the submitted Fire Statement Revision 04 (dated May 2021 ref: 55202-CBD-00-ZZ-RP-F-5700) and Fire Statement Addendum Report Revision 04 (dated 7th December 2021 ref: 55202-CBD-00-ZZ-RP-F-5701). Prior to the first occupation of the development, full details of fire safety measures shall be provided to the local planning authority, including materials and construction methods, evacuation points, specific locations for fire appliance access points and wet riser outlet locations. The development shall be undertaken in accordance with the approved fire safety measures which shall be maintained for the lifetime of the development.
- 40) The private access road from Addiscombe Grove to the rear of the site, shared with Harrington Court, shall not be used by any construction vehicles at any time during the construction phase of the development.
- 41) The development shall be carried out entirely in accordance with the submitted Phase 1 Preliminary Risk Assessment (Revision B dated 20 April 2021). A validation report detailing evidence of all remedial work carried out must be submitted to and approved in writing by the local planning authority at the conclusion of the work and before any occupation of the building.

If, during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the local planning authority.

- 42) The development shall be carried out in accordance with the mitigation measures, contained within the findings, of the Air Quality Assessment (dated 24th May 2021 ref: 784-A115779). The measures shall be provided prior to the first occupation of the development and shall be retained on site for its lifetime.
- 43) The development shall be carried out in accordance with the mitigation measures within the Preliminary Flood Risk Assessment (dated April 2021 ref: LBH4605fra), Sustainable Urban Drainage Statement (dated November 2021, ref: EXP-1275-REP-C-001 Rev 3). The mitigation

measures shall be provided prior to the first occupation of the development and shall be retained on the site for its lifetime.

- 44) The development shall be carried out in accordance with the Arboricultural Impact Assessment (project no. 1629, dated 20 April 2021). The approved tree protection measures set out in the report shall be provided prior to the commencement of development and shall be maintained and retained for the full construction period.
- 45) No tower building A development shall be carried out until full details of the following have been submitted to and approved in writing by the local planning authority:
 - a) Number and final details of kitchen stations including layouts, facilities and equipment;
 - b) Booking system including application, arrangements and timeslots for amenity areas within the building;
 - c) Smart lift system;
 - d) Typical unit entrances, including 1:5 scale plan and details and visualisations.Once approved, the development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.
- 46) Prior to the first occupation of tower building A, full details of the cycle hire scheme for the co-living residents shall be submitted to and approved by the local planning authority in writing. This should include allocation amongst residents, booking system, application, and details of adaptation to public use, if required in the future. Once approved, the scheme shall be implemented and retained as such for the lifetime of the development.
- 47) Within tower building A, the development shall provide a minimum 126 kitchen stations and 330 dining spaces for the communal areas within the co-living accommodation and thereafter, these stations and spaces shall be retained as such for the lifetime of the development.
- 48) Within tower building A, the development shall provide maximum of 293sqm floorspace of co-working and/or maker space, and floorspace for plant/building service areas as specified in the application and thereafter, this floorspace shall be retained as such for the lifetime of the development.
- 49) Within tower building A, the co-living facilities and amenity spaces shall be used by residents of the co-living development only and not by members of the public without the express written consent of the local planning authority.
- 50) Within tower building A, units marked as 'unit w/c' on each floor on the approved floor plans shall be provided as Disability Discrimination Act compliant as specified in the application documents, and retained as such for the lifetime of the development.
- 51) Unless otherwise previously agreed in writing by the local planning authority, 90% of the units within shoulder building B shall be Category 2 'accessible and adaptable' M4(2) and 10% of the units within shoulder building B shall be Category 3 'wheelchair user' M4(3). These shall be provided prior to any residential occupation of the shoulder B building

and shall be retained as such for so long as the development remains in existence.

- 52) The accommodation within shoulder building B shall achieve a water use target of 110 litres per head per day.