

**PART 6: Planning Applications for Decision****Item 6.4**

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**1 APPLICATION DETAILS**

Ref: [16/03344/P](#) (*link to relevant documents on the Planning Register*)  
Location: 25 Shirley Hills Road, CR0 5HG  
Ward: Heathfield  
Description: Use of property as a residential care home (Use Class C2) for up to 9 young adults with learning difficulties.  
Drawing Nos: KS613-PLN-01, PLN-10, PLN 11, PLN 20, and PLN 21  
Applicant Mr Wareing – Kisimul School Holdings  
Agent: Mr Stewart – Create Architects  
Case Officer: Pete Smith

- 1.1 This application is being reported to committee because the ward councillor (Cllr Andy Stranack) made representations in accordance with the Committee Consideration Criteria and requested committee consideration and objections above the threshold in the Committee Consideration Criteria have been received.

**2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- In view of the present use of 25 Shirley Hills Road (Use Class C3(b)) and the overall size and scale of the property and its garden, the principle of the proposed change of use would not materially impact on existing amenities of neighbouring residential occupiers and would comply with Policy H12 of the Croydon Plan (Saved Polices 2013).
- The transport impacts of the proposed change of use would be acceptable with highway safety maintained. Any increase in traffic demand would be mitigated through the introduction of a Workplace Travel Plan. The required Workplace Travel Plan and the provision of on-site cycle parking will further manage and potentially reduce private car trips to and from the site. Conditions are recommended to ensure that the forecourt is properly marked out (in terms of identified parking bays for cars and mini-buses) and to ensure the provision of cycle parking for staff.
- Officers are satisfied that noise will be appropriately contained within the site and the level of traffic generation and associated movements will be very similar to the existing situation.
- The proposed use will comply with Green Belt policy, with the incoming use respecting the existing open character, with no operational development proposed as part of the change of use. The incoming use will also respect the predominant residential character of the area, including the Local Area of Special Character.

**3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission.

3.2 That the Director of Planning and Strategic Transport is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### **Conditions**

- 1) The development to be implemented in accordance with the approved plans
- 2) Details of on-site car parking layout for staff and minibus parking to be submitted and laid out prior to the commencement of the use and retained
- 3) Submission and approval of a Work Place Travel Plan
- 4) Details of cycle parking spaces submitted and approved, provided in accordance and retained
- 5) Time limit of 3 years
- 6) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

#### **Informatives**

- 1) Site Notice removal
- 2) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

### **4 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

4.1 The proposal seeks planning permission for a material change of use of 25 Shirley Hills Road from its present use class (Use Class C3(b) – defined as a residential use involving up to six people living together as a single household and receiving care) to a use as a residential care home (Use Class C2) for up to 9 young adults with learning difficulties, broken down as follows:

- 16 staff employed on site (working day and night shifts)
- Typically between 2 and 4 members of staff on site at any one time
- Staff day shifts operate between 07.00 – 15.00 hours and 14.30 – 22.00 hours
- Night shift between 21.30 and 07.00 hours
- Staff parking and mini-bus parking within the existing front garden forecourt area

4.2 There are no facilities for live in carers and no external alterations are proposed as part of this change of use.

#### **Site and Surroundings**

4.3 25 Shirley Hills Road, otherwise known as “An Diadan”, is a substantial two storey detached property (circa 400 square metres in floorspace) located on the east side of Shirley Hills Road and opposite woodland known as Addington Hills which is an Area of Importance for Nature Conservation. The current use of the property operates as a dwelling house under Use Class C3b), which allows for up to up to six people living together as a single household and receiving care – including supported housing schemes such as those for people with learning disabilities or mental health problems.

- 4.4 There is a single vehicle access onto the site (close to its northern boundary) which leads to a relatively extensive front garden forecourt, which is largely used for car and mini-bus parking associated with the existing use of the property but with reasonably extensive areas of soft landscaping and trees/large shrubs. The property and associated car parking areas when viewed from Shirley Hills Road are largely screened from view by high hedges.
- 4.5 The property has a substantial rear and side garden area (in the region of 0.1 ha) which is largely laid to lawn with mature landscaped boundaries. There are two outbuildings that have recently been erected within the rear garden area close to the main house, which are being used for purposes incidental to the enjoyment of the existing use of the property.
- 4.6 The immediate area is characterised by large two storey and single storey detached dwellings, set in substantial grounds. All properties have vehicle access onto Shirley Hills Road. The two neighbouring are both set well back from Shirley Hills Road as well as away from the boundaries of the application site and are largely screened from view by mature vegetation. The property to the rear, otherwise known as "Pinehurst" is located further to the east and fronts onto Birch Hill. This property is located approximately 15-20 metres from the boundary of the application site with an approximate 45-50 metre window to window separation. Again, the boundary between the application site and "Pinehurst" is formed by fencing and mature landscaping.
- 4.7 Shirley Hills Road is a relatively well used route (London Distributer Road) linking New Addington/Gravel Hill with West Wickham and Shirley/Addiscombe. The site is within 10 minute walk from Coombe Lane Tram Stop and the 466 and 130 bus routes operate along Shirley Hills Road with destinations to New Addington and Addington Village.
- 4.8 In terms of designations, the site is within Metropolitan Green Belt and the Upper Shirley Local Area of Special Character.

### **Planning History**

- 4.9 There is no relevant planning history on the site.

## **5 CONSULTATION RESPONSE**

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

## **6 LOCAL REPRESENTATION**

- 6.1 The application has been publicised on and around the site by way of site notices (1 in Shirley Hills Road). The number of representations received from neighbours and local groups in response to publicity of the application were as follows:

No of individual responses: 33      Objecting: 33      Supporting: 0

- 6.2 The following local group/society made representations:

- Shirley Residents Association [objecting]

6.3 The following Councillor made representations:

- Councillor Andy Stranak [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:

### **Objections**

- Not aware of any other care homes in the area and granting planning permission will set a precedent and attract other businesses in this part of Upper Shirley;
- Property is situated on a bend in Shirley Hills Road which is heavily used during peak times with two bus routes;
- Sightlines are poor;
- Whilst parking for staff might be adequate, the parking of a further mini bus might prove to be difficult;
- Change of use will be harmful to the Local Area of Special Character because of the increased and hazardous implications on traffic;
- The area is soon to become part of the Bishops Walk Local Heritage Area which makes this form of business even more inappropriate;
- The current use of the property as Use Class C3b) is disputed – which implies a coherence and choice to remain as a single unit. There is an alternative view that due to the mental capacity of the adults, they do not have the capacity to make a choice to be housed together. They are not a household but merely residents in an institution under the same roof;
- Location is not suitable or beneficial to the residents – being isolated and trapped in such a semi-rural location and have to be transported by minibus. There are more appropriate urban locations close to the town centre and other facilities.
- This proposed change of use has been carefully engineered as it was the applicant's intention to use the site as a residential care home all along;
- There have been recent problems of noise from within the rear garden
- The proposal will ruin the present status of the area as a Green Belt, being a peaceful and accessible residential area;
- Increased traffic from employees, doctors, health visitors, residents, well-wishers
- Residents may well explore the area and may well cause disturbances and disturb the peacefulness of the area;
- It will be difficult to facilitate integration of the use within the local area;
- The proposal would create an intensification of occupation with increased levels of disturbance associated with increased car movements, visitors and staff arriving;
- Concern over the limited level of care being provided with no formal provision of carers on site at all times;
- The change of use in the context of Green Belt designation will have a greater impact by introducing large number of people in a previously quiet area;
- Increased noise nuisance would be intrusive to both indoor and outdoor space and limit the enjoyment of neighbouring property.

6.5 The following issue was raised in representation received, but is not material to the determination of the application:

- Restrictive Covenants on the property and the four adjacent properties – stating that no house should be used for the purpose other than as a private residence and no trade, business or manufacture be carried on [OFFICER COMMENT: Not a material consideration]

## **7 MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the committee must consider are:
1. The Principle of the Proposed Change of Use and Noise and Disturbance
  2. Green Belt and Local Area of Special Character Considerations
  3. Traffic and Highways

### **The Principle of the Proposed Change of Use and Noise and Disturbance**

- 7.2 The applicant has produced evidence and associated appeal test cases to support their contention that the current use of the property operates as a dwelling house under Use Class C3(b), which allows for up to up to six people living together as a single household and receiving care – including supported housing schemes such as those for people with learning disabilities or mental health problems. The applicant, Kismul Group, offer care and education for young people where their cognitive functioning is less than 99% of the population. The client group is considered to be vulnerable and in need to constant care and support. Following a detailed site inspection and consideration of the various appeal decisions and associated case law, officers are satisfied that the current use of the property falls within a C3(b) Use Class. The existing use of the premises, which currently accommodates 6 residents in need of care and with staff on site both during the day and night, is therefore an important material consideration when assessing the merits of the proposed change of use; which in effect seeks to increase the number of residents living at the premises under similar circumstances whilst bringing this more intensive use into a C2 Use Class which requires planning permission.
- 7.3 The applicant has emphasised that it is for the local planning authority to assess the implications of the proposed change of use against the C3(b) “fall-back” position and to determine the effects of the change (limited to three additional residents living at the premises, increased carers on site at any one time, the potential for higher levels of traffic movements and need to accommodate a further mini-bus on site).
- 7.4 Policy SP2.5d) of the Croydon Local Plan Strategic policies states that the Council will seek to ensure that a choice of homes is available in the Borough that will address the Borough’s need for homes, including “working with partners to facilitate provision of specialists and supported housing for the elderly and vulnerable people.” This follows on from Policy 3.8 of the London Plan 2011 (consolidated with alterations) which deals with accommodating Housing Choices including housing for vulnerable and disadvantaged groups. London Plan Policy 3.1 also advises that planning decisions should ensure equal life chances for all Londoners. Policy H12 of the Croydon Local Plan (Saved 2016) states that applications for residential care homes will be permitted except where they would have a significant adverse effect on residential amenity or the character of a residential area. It also advises that the Council will have regard to the cumulative effect of such uses, the impact on the street scene, traffic generation and the level of noise and disturbance.

7.5 Bearing in mind the existing use of the property, the level of available floorspace within which to comfortably accommodate the use, the size of the overall plot (including the rear garden and the forecourt parking area), the proximity of the site to bus routes and the Coombe Lane Tram Stop, officers feel that the application premises is ideally suited for the proposed C2 use. As confirmed by one of the objectors to the scheme, there are no care homes located in the immediate vicinity and it is clear that the character of the residential area will be suitably maintained. The property is well screened from Shirley Hills Road and it is unlikely that the level of traffic generated by the incoming use will be substantially different from that which is generated by the current Class C3b) use of the property. Similarly, with the level of occupancy limited to 9 residents, the overall site area accommodating the use and the level of landscaping and screening between neighbouring gardens, it is most unlikely that the intensification of the existing use (bringing it within Class C2) will result in any undue noise and disturbance. Officers have been advised by Environmental Health colleagues that there have been no reports of noise nuisance associated with the current use of the property.

### **Green Belt and Local Area of Special Character Considerations**

7.6 Policy S7.3 of the Croydon Local Plan – Strategic Policies advises that the Council will protect and safeguard Metropolitan Green Belt which follows on from London Plan Policy 7.16 and the National Planning Policy Framework which outlines a limited range of development types that would be acceptable within the Green Belt and the need to maintain its open character.

7.7 Policy RO3 of the Croydon Local Plan (saved in 2013) deals with changes of use to buildings within Green Belt and advises that the Council will grant planning permission provided that the change of use does not have a materially greater impact on the openness or the purpose of including the land as part of the Green Belt designation, the buildings are permanent and are capable to being converted without major or complete reconstruction, the proposals do not harm the amenities of the surrounding area and does not give rise for the need for a building elsewhere. The policy also states that the Council will have regard to the history of the building and will not look favourably on a conversion of a building constructed under permitted development rights. Where appropriate, it advises that permitted development rights might be removed.

7.8 Policy UC5 of the Croydon Local Plan (saved in 2013) and Policy SP4.14 of the Croydon Local Plan – Strategic Policies 2013 states that the Council will strengthen the protection of and promote improvements to Local Areas of Special Character.

7.9 Officers are satisfied that the proposed change of use would comply with these policy requirements. The proposal will retain the predominant residential characteristics of the area and will have no greater impact on the existing feeling of openness. The application proposes no extensions to the building and the change of use involves a building of permanent construction. As raised above, the proposed change of use will not unduly affect the amenities of the area and will not give rise to the need for a replacement building elsewhere. The existing building was not constructed as a consequence of permitted development and in any case, the incoming Class C2 use will not enjoy permitted development rights for further extensions.

7.10 The same issues apply to consideration of the Local Area of Special Character. The area has overwhelming residential character with large residential properties set in

substantial grounds. When viewed from Shirley Hills Road and from neighbouring plots, the change of use will have no significant effect on the prevailing residential character of this Local Area of Special Character, especially as the site is heavily screened from adjacent sites and especially from Shirley Hills Road. The property already provides care for vulnerable adults and operates with limited impact on neighbours. The existing car parking area, which is similarly sized to other properties along Shirley Hills Road, is well laid out whilst maintaining a landscaped setting. Existing car parking arrangements are well screened from the street.

### **Traffic and Highways**

- 7.11 Chapter 4 of the NPPF seeks to promote sustainable transport. Policy 6.13 of the London Plan indicates that a balance should be struck between promoting development and preventing an excessive parking provision. Policies T8 and T2 of the Croydon Plan (2006) Saved Policies 2013 respectively require development to make appropriate provision for car parking on site and to ensure that traffic generated does not adversely affect the efficiency of nearby roads.
- 7.12 The existing forecourt is already reasonably heavily parked, used mainly by staff working at the premises although there is space available for the parking of a mini bus. The applicant has advised that it is possible that 9 additional members of staff will be working from the site (to care for the additional residents) although clearly, not all these staff members will be at the premises at the same time. Officers are satisfied that the forecourt parking area will be able to accommodate the demand associated with the proposed use, including additional space for a further minibus.
- 7.13 Highway colleagues have requested that the forecourt area be properly marked out (in terms of car parking bays for the mini-buses as well as general car parking) which will help manage future manoeuvring of vehicles on site. It is recommended that this be dealt with by way of a planning condition, with the spaces laid out prior to the commencement of the use.
- 7.14 The site has a PTAL of 2 (which is defined as poor) although two bus routes pass the site and the Coombe Lane Tram Stop is within 10 minutes' walk. However, it is considered necessary for the operator and staff to embrace sustainable travel options, thereby reducing the need for private car trips and pressure being placed on car parking within the forecourt. It is therefore reasonable that the applicant signs up to a Workplace Travel Plan process which will be secured through an appropriately worded planning condition along with the provision of cycle storage for staff within the forecourt area.
- 7.15 Officers are also satisfied that adequate vehicle inter-visibility exists as cars exit and enter the site, especially with the relatively wide grassy verge in front of the application site.

### **Conclusions**

- 7.16 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.