

1.0 SUMMARY OF APPLICATION DETAILS

Ref:	19/00561/FUL
Location:	29 Blacksmiths Hill, South Croydon, CR2 9AZ
Ward:	Sanderstead
Description:	Change of use from C3 dwelling house to C2 residential care home for up to 10 adults with learning difficulties
Drawing Nos:	MSP.1591/001, MSP.1591/002, KSS04-PLN-110 Rev C7 and KSS04-PLN-111 Rev C4.
Applicant:	Mr A Stevens
Agent:	Mr Mike Sibthorp
Case Officer:	Samantha Dixon

- 1.1 This application is being reported to committee because objections above the threshold in the Committee Consideration Criteria have been received.

2.0 RECOMMENDATION

- 2.1 That the Planning Committee resolve to GRANT planning permission
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
2. Limitation of C2 use to children and young adults with learning difficulties
3. Submission and approval of a Workplace Green Travel Plan
4. Details of cycle parking spaces to be submitted and approved
5. Details of electric vehicle charging point to be submitted and approved
6. Time limit of 3 years
7. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

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

3.0 PROPOSAL AND LOCATION DETAILS

- 3.1 The proposal includes the following:

Change of use from dwelling house (Use Class C3(b) - defined as a residential use involving up to six people living together as a single household and receiving care) to

C2 residential care home for up to 10 young adults with learning difficulties, broken down as follows:

- A total of 25 staff employed on site (working day and night shifts)
- Typically, between 6 and 10 members of staff on site at any one time during the daytime
- Typically, 3 members of staff on site at any one time overnight
- Staff parking and mini-bus parking within the existing front garden forecourt area – 9 existing parking spaces

- 3.2 The property comprises a long-term home for its residents. There are no facilities for live-in carers and the property will, as at present, be staffed on a shift basis by non-resident staff. No external alterations are proposed as part of this change of use.

Site and Surroundings

- 3.3 The site comprises a large detached residential property located in a back-land plot at the north eastern end of Blacksmith's Hill, Sanderstead. Blacksmith's Hill is a cul-de-sac that forms part of a more extensive residential area to the east side of Limpsfield Road. The immediate area is characterised by large two storey and single storey detached dwellings. The property is situated in extensive grounds which are largely laid to lawn with some mature trees adjacent to boundaries. There are two large outbuildings within the rear curtilage, one a historic shed and the other a more recent construction close to the main house built under permitted development allowances. Both structures are used for purposes incidental to the enjoyment of the existing use of the property. The property has a large gated parking forecourt which is accessed via a private drive (approximately 3.3 metres wide) that is shared with the adjoining back-land dwellings to the west (27 and 27a Blacksmiths Hill). The private drive runs between 25 and 33 Blacksmith's Hill.



Fig 1: Aerial street view highlighting the proposed site and the surrounding plot layouts

- 3.4 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.
- 3.5 The site is located within the Metropolitan Green Belt and within an Archaeological Priority Zone.

Planning History

- 3.5 In November 1987, planning permission was granted for alterations, erection of single storey and first floor rear extensions (LBC Ref 87/02546/P)
- 3.6 In August 1994, planning permission was refused for the erection of four bedroom detached chalet bungalow with detached double garage; formation of vehicular access (LBC Ref 94/00382/P)
- 3.7 In March 1999, planning permission was granted for alterations; erection of first floor side/rear extension and porch at rear; use of existing garage as habitable accommodation (LBC Ref 98/02886/P).
- 3.8 A number of tree work applications have been submitted and determined, none of which are directly relevant to the current proposal.

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the development is acceptable – with sufficient justification for the proposed form of care accommodation having been submitted.
- The proposed use complies 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 transport impacts of the proposed intensification of use would be acceptable. Impact upon highway safety and efficiency would not significantly alter from the current situation.
- In view of the present use (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.

5.0 CONSULTATION RESPONSE

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

6.0 LOCAL REPRESENTATION

- 6.1 The application has been publicised by 6 letters of notification to neighbouring properties in the vicinity of the application site. The number of representations received from neighbours in response to notification and publicity of the application are as follows:

No of individual responses: Objecting: 25 Supporting: 0 Comment: 0

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

Objection	Officer comment
<i>Transport and parking</i>	
Extra traffic harms the quiet residential nature of the area	Addressed in Section 8.20 of this report.
Extra traffic (number of vehicles, size of vehicles and speed) are a danger to local residents	Addressed in Section 8.18 of this report.
Insufficient parking provision on site leads of overspill parking on Blacksmiths Hill	Addressed in Section 8.12 – 8.15 of this report.
Access not suitable for large goods vehicles with no turning area on site, vehicles have to reverse back to Blacksmiths Hill	Addressed in Section 8.17 of this report.
Site has a PTAL of 0. The hilly topography discourages walking and cycling	Addressed in Section 8.15 of this report.
Proposal not comparable to 25 Shirley Hills Road as the Site has a lower PTAL and a narrow access track between existing houses	The differences between the sites are noted and the individual merits of this case discussed in the report below.
Noise and pollution from staff and visitors	Addressed in Section 8.19 of this report.
<i>Appearance and Green Belt</i>	
Are the extensions to the building lawful? Was planning permission required?	<p>Whilst no lawful development certificates have been issued, the extensions undertaken by the current owners since 2016 constitute permitted development.</p> <p>Addressed in Section 8.9 – 8.11 of this report.</p>
The extensions to building do not comply with policy regarding extensions in the green belt.	Under the General Permitted Development Order, there is no differentiation between dwellings within or outside the Green Belt. Dwellings within the Green Belt have the same permitted development rights as any other non-restricted dwelling.

The scale of the building is out of keeping with other properties in the area	The application does not propose any external alteration or extension to the existing building.
Trees cut down to facilitate the extensions and pond filled in	Consent to undertake works to the trees was granted in July 2017 reference 17/02327/TRE).
<i>Residential amenity</i>	
Noise disturbance from the residents	Addressed in Section 8.19 of this report.
Commercial operation out of keeping with quiet residential area	Addressed in Section 8.19 of this report.
<i>Other matters</i>	
Need for family homes in Croydon – the proposal is not policy compliant	Addressed in Section 8.6 – 8.8 of this report.
Residents require care and therefore planning permission should have been sought prior to the current use	Enforcement enquiries were undertaken 2015-2016. Found to be no breach of planning for use of dwelling for up to 6 residents.
Poor level of care for residents (examples cited)	Not a material planning consideration
No planning permission for widening and resurfacing of the access road and bollard lighting	Planning permission not required.
Inaccuracies in the Planning, Design and Access Statement	The inaccuracies are noted.

7.0 RELEVANT PLANNING POLICIES AND GUIDANCE

- 7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan 2018 and the South London Waste Plan 2012.
- 7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in February 2019. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key

issues for the delivery of sustainable development, those most relevant to this case are:

- Delivering a wide choice of high-quality homes
- Protecting Green Belt Land
- Promoting sustainable transport

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

7.4 Consolidated London Plan 2015

- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.16 Green Belt

7.5 Croydon Local Plan 2018

- SP2 - Homes
- DM2 – Residential Care and nursing homes
- SP4 – Urban Design and Local Character
- DM10 - Design and character
- DM26 – Metropolitan Green Belt
- SP8 – Transport and communications
- DM29 - Promoting sustainable travel and reducing congestion
- DM30 - Car and cycle parking in new development

7.6 There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG March 2016
- Croydon Suburban Design Guide Supplementary Planning Document (SPD2) April 2019

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Planning Committee are required are as follows:

1. Principle of the change of use
2. Impact on the Openness of the Metropolitan Green Belt
3. Traffic and Highways
4. Impact on neighbouring occupiers - Noise and Disturbance

Principle of the change of use

8.2 The building historically has use as a single-family dwelling house. 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.

- 8.3 The applicant, Kismul Group, offers educational and care services for children and young adults with complex learning difficulties, challenging behaviour, autism and global development delay. As well as providing educational services up to the age of 25, the Group also provides adult care services in the form of residential homes, providing important continuity for the students. The accommodation proposed in this case serves this latter need. The client group is considered to be vulnerable and in need to constant care and support.
- 8.4 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.
- 8.5 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, therefore represents 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.
- 8.6 London Plan Policy 3.1 recognises a commitment to ensuring equal life chances for all Londoners and Policy 3.8 states that Londoners should have a genuine choice of homes which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy SP2.7 of the Croydon Local Plan (2018) 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 of different sizes; including working with partners to facilitate the provision of specialist and supported housing for elderly and vulnerable people. Policy DM2.1 advises that planning permission for new residential care or nursing homes will only be granted if there is a need for the particular services provided by the home in supporting with the care of residents of Croydon.
- 8.7 Explanatory text to Policy DM2.1 advises that where there is an identified demand for residential care bed spaces, the council will support provision of this type of housing. The Policy references two key supporting documents underpinning the policy; Croydon's Market Position Statement (2015) and the Care Home Forecast (2015). The Market Position Statement sets out an assessment of local need for residential care for the elderly and vulnerable people in the Borough. Regarding adults with learning disabilities, in 2015 there were 5,816 adults in the 18-64 age range with learning disabilities and this is predicted to rise to 6,408 by 2030. Specifically and in relation to Autistic Spectrum Disorders (ASD), the report anticipates that from a base population of 2,311 in 2012, the number of residents with ASD is expected to increase to 2,437 by 2030. The Care Home Forecast (2015) indicates that within the global learning disability category there were 1,328 people aged 18-64 at 2015, predicted to rise to 1,381 in 2020 and 1,475 in 2030. Croydon presently has 490 bed spaces to meet this need. There are 107 in-borough placements and 163 out of Borough placements. The predicted bed spaces required in 2020 is 281, rising to 300 by 2030. This evidence therefore suggests that there is current and future demand for the additional bed-spaces the subject of this proposed development.

- 8.8 Given this policy position, alongside the current use of the site, there is no objection to the principle of the use as a care home, especially bearing in mind that the existing accommodation is already providing care – albeit within a C3b) use category. However, as there is less need for other forms of care establishments (across other client groups) it would be reasonable to limit the proposed use to children and young adults with learning difficulties.

Impact on Metropolitan Green Belt

- 8.9 Chapter 13 of The National Planning Policy Framework (2019) (NPPF) refers to Protecting Green Belt. Paragraph 146 recognises that material change of uses are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Policy 7.16 of the London Plan 2015 (Consolidated with Alterations since 2011) states that the strongest protection should be given to London's Green Belt in accordance with national guidance. Croydon Local Plan (2018) Policy DM26.1 advises that the Council will protect and safeguard the extent of the borough's Metropolitan Green Belt (MGB) by applying the same level of protection afforded to MGB in national planning policy.
- 8.10 The proposed change of use would comply with these policy requirements. The proposal would retain the predominant residential characteristics of the area and would 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.
- 8.11 It is noted that a number of historic and recent extensions have been undertaken to the property, the more recent alterations deemed to be permitted development (not requiring planning permission). With regard to extensions to dwellings, the General Permitted Development Order does not differentiate between properties within or outside of the Green Belt. The extensions and alterations have been undertaken prior to the current planning permission and as such, one can only assess planning merits based on the current situation. Therefore, the proposal will have no greater impact on the openness of the Green Belt than the current situation. It is noted that the incoming Class C2 use will not enjoy permitted development rights for further extensions.

Traffic and Highways

- 8.12 Chapter 9 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. Croydon Local Plan Policy DM29 advises that to promote sustainable growth in Croydon and reduce the impact of traffic congestion, development should promote measures to increase the use of public transport, cycling and walking. Policy SP8.17 advises that outside high PTAL areas, the Council will apply the parking standards as set out in the London Plan. It is noted however that for the proposed use, no specific standards are set.
- 8.13 The hardstanding within the site to the front of the building can accommodate 9 vehicles which includes a bay for a minibus. This space enables the vehicles to turn within the site and leave in forward gear.
- 8.14 Supporting information to the application states that the maximum number of staff on site at any one time would be 10. There would be space for 8 staff members to park

on site (along with the minibus). If all staff drive to work there are times when there could be some overspill parking on Blacksmiths Hill. Being a residential cul-de-sac whereby most dwelling benefit from off-street parking, there is available street parking in Blacksmiths Hill. Directly oppose the private access track to the site is a sports club with residential properties only to the northern side of the road. As such, there is a notable amount of street parking available and the potential extra staff vehicles could be easily accommodated. On site visit the applicant stated that visitors come sporadically to the site (e.g. family and friends of the residents) and that parking is either available in the site or on Blacksmiths Hill.

- 8.15 Notwithstanding the above, the applicant has stated that the company operates a Green Travel Plan, encouraging staff to use other means of transport as well as other methods such as car share. No details of this travel plan have been provided. The site has a PTAL of 0 (which is defined as very poor) and it is noted that the site has a hilly topography which suggests that its less likely that staff would walk or cycle to the site. However, there are other options to reduce travel by private vehicle such as car share or use of electric bicycle. It is reasonable for a condition to be imposed requiring the applicant to sign up to a Workplace Green Travel Plan to explore such other options. Notwithstanding the topography, a condition also requiring cycle storage for staff would also be imposed to ensure the proposal accords with the requirements of the London Plan and Local Plan.
- 8.16 In order to promote less-polluting forms of travel and to accord with Local Plan policy, a condition should also be required to provide the installation of electric vehicle charging points.
- 8.17 The site is located at the end of a private driveway which has been re-tarmacked and widened since the applicants have occupied the site. There is scope for cars to turn within the site on the existing forecourt and leave the site in forward gear. There has been a lot of objection from local residents who have commented that larger goods vehicles enter the access however cannot turn around and need to reverse back down to the end of the track and manoeuvre on Blacksmith's Hill. Whilst this situation is not ideal, it is noted that the private drive only serves the application site and two other dwellings and therefore vehicles reversing would not impede the flow of traffic for a large number of users. The private drive is located at the far end of the cul-de-sac of Blacksmith's Hill with only one dwelling beyond the access and therefore vehicles manoeuvring at this point of the highway should not significantly impede the flow of traffic for a large number of users on Blacksmith's Hill. It is quite possible that existing arrangements will not be markedly changed.
- 8.18 Objectors have commented that the increase in vehicles causes danger for local residents. They refer to an increase in commercial vehicles with drivers not respecting the 20mph speed limit. This is the existing situation for the current use and it is not considered that increasing the level of occupancy will significantly affect the situation. The planning system cannot police how drivers use the roads or whether they respect highway laws.

Impact on Neighbouring Occupiers - Noise and Disturbance

- 8.19 The proposal is for a residential use in a residential area and therefore the residential character of the area would be suitably maintained by the development. Given the existing use of the property, the level of available floorspace within which to

comfortably accommodate the intensified use and the substantial size of the overall plot with good screening between the adjacent neighbouring properties, it is not considered that the intensification of the existing use (bringing it within Class C2) would result in any undue noise and disturbance. Environmental Heath colleagues have advised that the proposed changes are not likely to have a significant impact in terms of air emissions and noise.

- 8.20 In terms of noise disturbance caused by traffic, 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.

Conclusions

- 8.21 The existing building operates under C3 use as a residential dwelling for 6 adults who receive care. The application proposes to increase the number of residents to 10. The intensification to a C2 use is acceptable in principle and would not alter the residential character of the area, harm the openness of the Green Belt or have any harmful increased impact on traffic generation, highway safety or the occupiers of adjacent properties. The proposal accords with the relevant National, Strategic and Local Plan policies.
- 8.22 All other relevant policies and considerations, including equalities, have been taken into account.