

PART 6: Planning Applications for Decision

Item 6.5

1.0 SUMMARY OF APPLICATION DETAILS

Ref: 17/04594/FUL
 Location: Little Hayes Nursing Home, 29 Hayes Lane, Kenley, CR8 5LF
 Ward: Kenley
 Description: Demolition of existing buildings and erection of two four storey buildings with a linked glazed walkway to provide 24 residential apartments (1 x 1-bed, 19 x 2-bed and 4 x 3-bed), 18 parking spaces, amended and new accesses, alterations to ground levels, associated landscaping including private amenity space and communal roof top amenity space with a play area.
 Drawing Nos: 16/26/20G, 16/26/21C, 16/26/22C, 16/26/23C, 16/26/24C, 16/26/30A, 16/26/31A, 16/26/32A, 16/26/33A.
 Applicant: Rapeed Kenley Development Ltd
 Agent: Eleanor Smith of Danks Badnell Architects Ltd.
 Case Officer: Georgina Betts

	1 bed	2 bed (2b3p)	2 bed (2b4p)	3 bed (3b5p)	3 bed (3b6p)
Market Flats	1	4	12	1	1
Affordable Rented	2				1
Shared ownership			2		
Totals	3	4	14	1	2

Number of car parking spaces	Number of cycle parking spaces
15	40

1.1 This application is being reported to committee because the ward councillor (Cllr Steve O'Connell) and a Resident Association made representations in accordance with the Committee Consideration Criteria and requested committee consideration. In addition, 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 subject to the completion of a s106 agreement to secure the following:

1. Affordable housing
2. Sustainable travel contribution of £22,500
3. Local Employment and Training strategy and contribution
4. Air Quality contribution of £2,400
5. Zero Carbon offsetting

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. Commence within 3 years;
2. Development to be carried out in accordance with the approved drawings;
3. In accordance with the tree protection plan;
4. Submission and approval of a demolition/construction logistics plan and management statement;
5. Submission of ground protection details around the preserved trees;
6. Hard and soft landscaping to be submitted to include replacement trees;
7. Materials to be submitted;
8. Details in respect of (1) Security lighting, (2) Privacy screening to cantilever balconies, (3) Playspace, (4) Disabled parking bay, (5) Secure by design physical security requirements;
9. Submission and approval of a delivery and servicing plan;
10. In accordance with the ecological report;
11. Submission and approval of a Travel Plan;
12. 33.06% CO2 reduction;
13. Grampian condition securing the reinstatement of the kerb;
14. M4 (2) and (3) accessible dwellings;
15. 110litre Water usage per head per day;
16. Noise levels from any air handling units, mechanical plant, or other fixed external machinery should be 10db below the background noise;
17. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

Informatives

- 1) Community Infrastructure Levy
- 2) Code of practise for Construction Sites
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

2.3 That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

2.4 That, if by 27th December 2019 the legal agreement has not been completed, the Director of Planning is delegated authority to refuse planning permission.

3.0 PROPOSAL AND LOCATION DETAILS

3.1 The proposal includes the following:

- Demolition of existing buildings
- Erection of two four storey buildings with a linked glazed walkway to provide 24 residential apartments (1 x 1-bed, 19 x 2-bed and 4 x 3-bed)
- Provision of 15 parking spaces
- Amended and new accesses
- Alterations to ground levels
- Associated landscaping including private amenity space and communal roof top amenity space with a play area.

Amendments were made during the processing of the scheme to the colouration of brickwork and the amount of parking spaces which were not considered significant enough to require re-notification to local residents.

Site and Surroundings

- 3.2 The application site lies on the western side of Hayes Lane and is currently occupied by a two storey detached vacant nursing home. The property has been extended in the past resulting in a confusing architectural appearance and awkward internal layout. This arrangement has ultimately lead to the demise of the nursing home with costly renovation bills to bring the home up to an acceptable standard. The land levels within the site rise from the north to south and east to west while the site has a strong hillside character with trees covering most boundaries. The site is subject to a formal tree preservation order (TPO No: 10, 1982) and an appropriate arboricultural report accompanies this application.

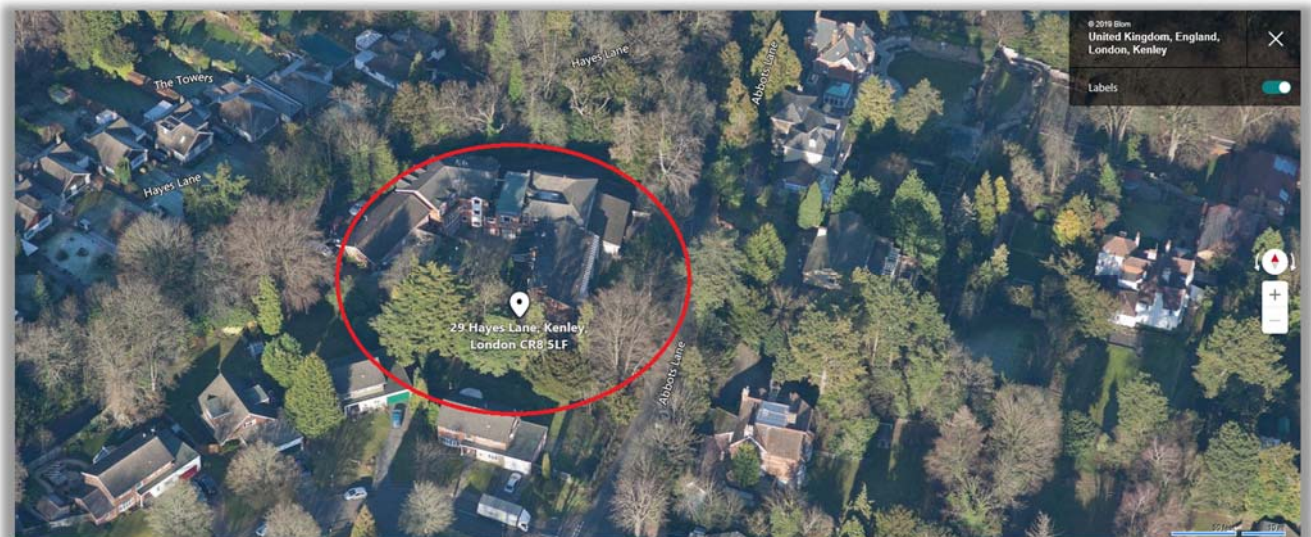


Figure 1: Birds eye view highlighting the proposed site within the surrounding streetscene

- 3.2 The surrounding area is residential in character and comprises of two storey detached properties within generous plots, most of which are characterised by mature planting. Most properties vary in design terms dating to the interwar and post-war period with the material palette largely limited to red brick, tile hanging, render and clay roof tiles.
- 3.3 The area does suffer from localised (surface water) flooding as Kenley is not connected to a surface water network. As a result most properties in the area are drained via soakaways and given the lack of drainage this does result in surface water flowing down the valley to the north. Part of Kenley is within one of four intensification areas identified within the Croydon Local Plan 2018 however the site at 29 Hayes Lane is outside of this designated area.

Planning History

- 3.4 The following applications are of relevance to the determination of this application;
- 14/03264/P – Alterations and conversion to form 7 three bedroom and 2 two bedroom flats, provision of associated parking.
[Permission granted: Not implemented and now lapsed]

3.5 In addition, Members should be aware of previous pre-application enquiries as detailed below:

18/02076/PRE – Comprehensive residential redevelopment to provide 29 no units with associated parking.

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The loss of the care home is not protected, its loss can be supported.
- The Local Planning Authority are satisfied that the building has not been made intentionally vacant to benefit from Vacant Building Credit (VBC).
- The principle of the development is acceptable given the residential character of the surrounding area.
- The development would meet the policy requirements in terms of affordable housing.
- The design and appearance of the development is appropriate
- The living conditions of adjoining occupiers would be protected from undue harm subject to conditions.
- The living standards of future occupiers are satisfactory and Nationally Described Space Standard (NDSS) compliant
- The level of parking and impact upon highway safety and efficiency is considered acceptable and can be controlled through conditions.
- Adequate protection is given to preserved trees of site
- Ecology and sustainability aspects can be controlled by conditions

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 21 letters of notification to neighbouring properties in the vicinity of the application site. The number of representations received from neighbours etc in response to notification and publicity of the application are as follows:

No of individual responses: 74 Objecting: 73 Commenting: 1

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:

Summary of objections	Response
Principle of development	
Should be placed within the intensification area	See paragraphs 8.2 – 8.5
Design	
Out of character Poor design/obtrusive	See paragraphs 8.10-8.18
Amenities	
Loss of privacy Disturbance (noise, light, pollution etc.)	See paragraphs 8.22-8.24

Traffic & Parking	
Inadequate parking Parking congestion Highway safety concerns/obstructions	See paragraphs 8.27 – 8.29
Other matters	
Loss of trees Flooding Pressure on school places, existing transport infrastructure	See paragraphs 8.32-8.40

6.3 The following Councillors made representations:

- Cllr Steve O’Connell (Kenley Ward Councillor)
 1. Inadequate parking
 2. Highway safety
 3. Over development

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 July 2018. 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:

- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design.

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

7.4 Consolidated London Plan 2015

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.16 Waste net self sufficiency

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.21 Woodlands and trees

7.5 Croydon Local Plan 2018

- SP2 - Homes
- SP6.3 - Sustainable Design and Construction
- DM1 - Housing choice for sustainable communities
- DM3 – Vacant Building Credit
- DM10 - Design and character
- DM13 - Refuse and recycling
- DM18 - Heritage assets and conservation
- DM19 - Providing and protecting community facilities
- DM23 - Development and construction
- DM25 - Sustainable Drainage Systems and Reducing Flood Risk
- DM28 - Trees
- DM29 - Promoting sustainable travel and reducing congestion
- DM30 - Car and cycle parking in new development
- DM4 – Kenley and Coulsdon

7.6 There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG March 2016
- Croydon Suburban Design Guide Supplementary Planning Document 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 development
2. Affordable housing
3. Townscape and visual impact
4. Housing quality for future occupiers
5. Residential amenity for neighbours
6. Access and parking
7. Sustainability and environment
8. Trees and landscaping
9. Section 106 obligations
10. Other matters

Principle of Development

8.2 The London Plan and Croydon Local Plan identify the appropriate use of land as a material consideration to ensure that opportunities for development are recognised and housing supply optimised. It is acknowledged that windfall schemes which provide sensitive renewal and intensification of existing residential areas play an important role

in meeting the demand for additional housing in Greater London, helping to address overcrowding and affordability issues.

- 8.3 The site is identified as a windfall site and as such it could be suitable for sensitive renewal and intensification. The residential character of the surrounding area is fairly uniform consisting of large detached houses on relatively large plots – developed at a relatively low density. The site itself is larger than most neighbouring properties as in its previous use was a care home for the elderly and has been subject to multiple extensions.
- 8.4 The application is for a flatted development providing additional high quality homes within the borough, which the Council is seeking to promote. The scheme provides 14x two bedroom 4 person and 3x three bedroom family units, which the borough has an identified shortage of. Whilst providing a flatted accommodation, the proposal consolidates the previous built form into a more rationalised urban context retaining significant tree cover and respecting the sylvan setting of the area. This is a similar approach to other schemes within the wider Kenley area, which have been found acceptable.
- 8.5 The Croydon Local Plan (Policy DM2) seeks to support proposals for residential care and nursing homes in the borough. This policy is based on a specific need for high end learning disability and neurological care, it does not protect elderly care as the borough currently has an over provision in this respect. As such the loss of the existing elderly care home would not be contrary to the Councils need and therefore its loss can be supported.

Affordable housing

- 8.6 Policy DM3 of the Croydon Plan 2018 seeks to promote the reuse or redevelopment of existing buildings by applying a vacant building credit such that affordable housing requirements will only apply to the net increase. The policy requires that it is demonstrated that the building is not intentionally made vacant through the provision of marketing information. The applicant has submitted a Vacant Building Statement which provides a definitive timeline of events as to the buildings vacancy.
- 8.7 The report identifies that significant improvements were required to bring the care home up to an appropriate standard which would have been unviable. It further states that the Owners went into administration and the building fell into disrepair. As a result of these circumstances the site was sold to the applicant and they began pre-application discussions with the LPA to bring the site back into use. This resulted in an approval for the conversion of the existing property into 7 flats however this consent resulted in the under optimisation of the site given its size. The applicant re-engaged in pre-application discussions and this application is a result of such talks.
- 8.8 The site has not been marketed for the full period of time required by the policy. However, the statement provided to officers provides a high level of satisfaction that the building was not made intentionally vacant. It is accepted that the building is in a significant state of repair. It is also accepted that there is an over-supply of general purpose care homes, which this was, in the Borough, and the building has been vacant since it changed hands and in reality for longer than that. As such, officers are satisfied that the building has not been made intentionally vacant and a vacant building credit should be applied to the site so that affordable housing is only due on the uplift in floor area over the existing floor area.

8.9 Given the application of vacant building credit, the Council is seeking to secure that 50% of the uplift in floor area is provided as affordable housing, which equates to 416.75sqm; the proposal results in a provision of 504.2sqm and so represents a slight oversupply against the uplifted floor area. As such the development would exceed the on-site policy requirement when taking into account the vacant building credit and this offer is acceptable.

Townscape and Visual Impact

8.10 The applicant seeks full planning permission for the demolition of existing buildings and erection of two four storey buildings with a linked glazed walkway to provide 24 residential apartments (1 x 1-bed, 19 x 2-bed and 4 x 3-bed), 18 parking spaces, amended and new accesses, alterations to ground levels, associated landscaping including private amenity space and communal roof top amenity space with a play area.. The surrounding area comprises largely of two storey detached properties sited within generous plots; all properties follow a traditional approach however are individual in design terms. Land levels within the site rise from the north to south and east to west and as such the existing built form follows the topographical changes.

8.11 The replacement building has a three storey massing with recessed fourth floor respecting the eaves and roof heights of nearby properties as demonstrated below. The massing meets the minimum height requirement set out in Policy DM10 of the Croydon Plan 2018 and would not be at odds with the heights of nearby properties.



Figure 2: Proposed front elevation

8.12 The proposal has been designed as two blocks with a recessed glazed link helping to break down the overall width of the building while allowing integrated access. The design is undeniably different to the immediate context however given that the existing site is of a different scale and character (previous care home) and the sites corner position an opportunity exists to create a new landmark building. The proposed building is simplistic in its design with clean lines and well defined entrances allowing for the mature landscaping and preserved trees to take precedent over the built form; thus maintaining the strong sylvan character of Kenley.



Figure 3: Plan depicting the site layout and tree coverage

- 8.13 The material palette has been amended during the course of the application and now better respects the existing colouration of nearby properties; the exact specifications however would be secured via condition. The use of a darker cladding to the fourth floor and its setback would ensure that the fourth floor would not be overly evident when viewed from the street scene. This approach maintains its strong three storey mass while optimising the delivery of housing in the borough.
- 8.14 The building height and mass responds to topographical changes and the siting of neighbouring properties. The development makes use of level changes to provide 15 parking spaces and integrated refuse and cycle storage. The approach limits the need for large areas of hardstanding maximising opportunities for soft landscaping and respecting the character of the area.
- 8.15 A generous communal amenity space would be provided at the rear adjacent to 31 Hayes Lane and would be centrally located ensuring that the development would not appear cramped.



Figure 4: Rear amenity space adjacent to 31 Hayes Lane

- 8.16 The application site is a substantial plot within an established residential area and is comparable in size to other flatted and neighbouring back-land developments approved throughout the borough. As with these schemes, the scale and massing of the new build would generally be in keeping with the overall scale of development found in the immediate area and the layout of the development would respect the pattern and rhythm of neighbouring area.
- 8.17 The Croydon Local Plan indicates that the level of growth depends on existing local character. The capacity for natural evolution is dependent upon the local character typology, with the objective of the evolution of local character to achieve an intensification of use without major impacts on local character. Nevertheless each character type has capacity for growth. The proposal has been designed to resemble a large residential building on a large plot and is a sensitively designed three/four-storey scheme providing a more intensive use of the site in accordance with policy DM10.1 and is thus appropriate.
- 8.18 Having considered all of the above, against the backdrop of housing need, officers are of the opinion that the proposed development would comply with the objectives of the above policies and SDG SPD in terms of respecting local character.

Housing Quality for Future Occupiers

- 8.19 All units would comply with internal dimensions required by the Nationally Described Space Standards NDSS, and are acceptable.
- 8.20 With regard to external amenity space, all units would have access to private amenity space and a large communal garden towards the rear of the site. The rear communal

garden is capable of providing playspace in accordance with the Croydon Plan 2018; such matters would be secured through condition.

8.21 The London Plan states that developments of four stories or less require disabled unit provisions to be applied flexibly to ensure that the development is deliverable. In terms of accessibility, step free access would be provided to the east and a ramped access to the north while an internal lift would be provided linking all four floors. The ground floor units would have direct access to private amenity space however given the topographical changes with the site step free access is not achievable to the communal amenity space. Given the provision of a lift and step free access to the east the development is capable of meeting the requirements of the London Plan 2016: in that 90% can be designed to meet M4(2) and remaining 10% to meet M4(3). Such matters can therefore be secured via condition.

Residential Amenity for Neighbours

8.22 The development would be sited between 15.07 and 19.45 metres from the neighbouring properties at 8 and 9 Highclere Close. No sole habitable room windows are placed into the flank elevation fronting onto No's 8 and 9 while privacy screens to balcony areas would be secured via an appropriately worded condition. As such appropriate separation distance would exist to ensure that no visual intrusion would arise while the lack of windows protects the privacy of 8 and 9 Highclere Close.



Figure 5: Relationship to 8 and 9 Highclere Close

8.23 The development would be sited 10.45 metres from the flank wall of 33 Hayes Lane while the western wing would be sited in excess of 20 metres from the rear of No31. The siting of the windows, the orientation of neighbouring buildings and the generous separation distances would ensure that no undue loss of privacy would exist. Again privacy screens would be secured via condition and would seek to direct views away

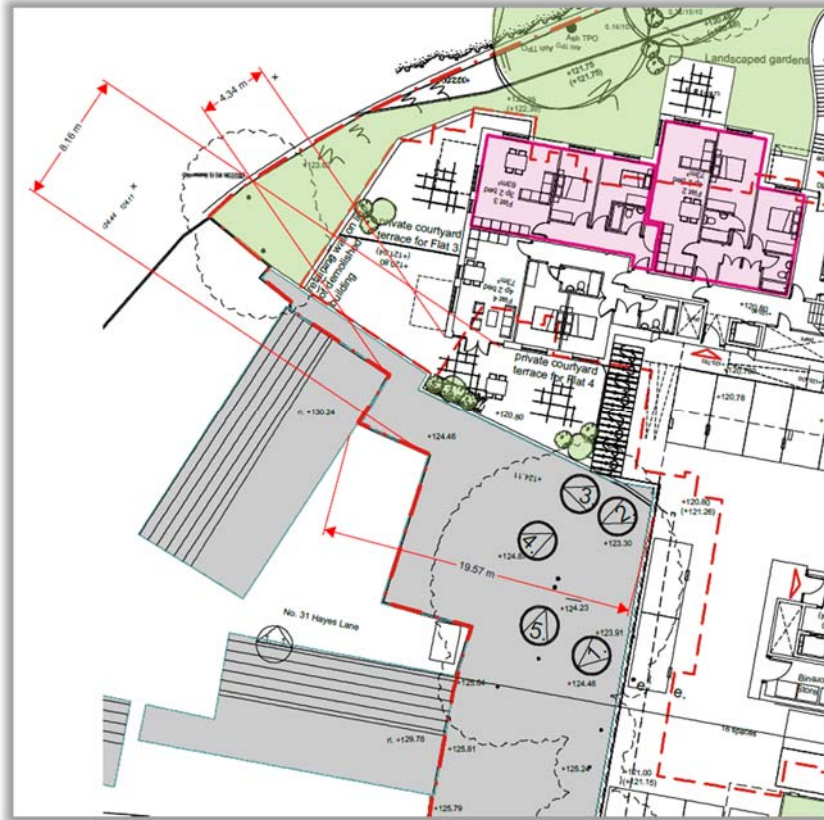


Figure 7: Relationship to 31 Hayes Lane

8.25 Landscaped boundaries would be retained where possible and where vegetation is lost replacement planting could be secured via an appropriately worded condition; furthermore the preserved trees on site would be retained. For the reasons given above the development is considered to have an acceptable impact on the amenities of the adjoining occupiers.

Access and Parking

8.26 The London Plan sets out maximum car parking standards for residential developments based on public transport accessibility levels and local character. This states that 1-2 bedroom properties should provide a maximum of up to 1 space per unit, with up to 1.5 spaces per unit being provided for 3 bedroom properties.

8.27 This application site has a Public Transport Accessibility level rating (PTAL) of 2 which indicates that the site has poor to public transport. The site nonetheless is less than 10 minutes walking distance away from bus routes. The submitted TA confirms that 15 on-site parking spaces will be provided for the residential flats together with 40 cycle storage Spaces. The single vehicular access will service the on-site parking facility; an appropriate turning area has been provided ensuring that vehicles can enter and exit the site in a forward gear. The applicant's TA has assessed trip generation against comparator sites in the relevant databases and this demonstrates that there would be an overall increase in the number of trips, but that there would be a decrease in the number of trips at peak hours. Whilst there are some concerns that some of the comparator sites are in locations which have different characteristics, officers are satisfied that this forms an acceptable basis for an assessment and consider that the report slightly underestimates the amount of trips which would be generated in the morning peak hour. However, the impact of these trips on the local road network is still

considered to be acceptable, especially when a comparison is made to the existing use of the site.

- 8.28 The Kenley Transport Study has been published which makes a number of recommendations for measures in the local area to improve the highway network for pedestrians, cyclists and other road users. Based on the amounts of trips likely to be generated, officers consider that the scheme should make a contribution of £22,500 to sustainable travel measures which are intended to include the implementation of a car club in the Kenley area, improvements to the pedestrian footway and parking management controls on Abbots Lane.
- 8.29 15 parking spaces are proposed. Census data for Kenley Ward shows an average of 84% of households have cars. Whilst the majority of homes that the census relates to in Kenley Ward would be houses as opposed to flats, where it is reasonable that one would expect lower car ownership, the reality of the location in a PTAL 2 area, with some hilly topography suggests that there would be a reasonable degree of car usage at the scheme. Therefore whilst policy would suggest that approximately 16 vehicles may be generated by the development and census data would suggest 20 vehicles would be generated, it would be prudent to assume that car ownership would be closer to 1 space per unit. The proposal includes 15 spaces on the site, which would result in the overspill of potentially ten spaces on to the surrounding network. Hayes Lane has steeper sections with no footway and is not suitable for parking. The Kenley Transport Study has conducted a parking survey of the area and, when extrapolated to provide results in a reasonably walking distance of the site demonstrates that there are ample spaces available on street on average. Therefore, the overall level of parking on site is considered to be adequate. As set out in paragraph 8.23 above, a financial contribution is to be secured which would be used in part to instigate parking controls on Abbots Lane to manage overspill parking.
- 8.30 In compliance with the London Plan, electric vehicle charging points would be installed in the parking area and this can be secured by way of a condition. Cycle storage facilities would comply with the London Plan (which would require 40 spaces) and these are located to the front and rear of the building within standalone units and would be secure and undercover, although further details will be secured by way of a condition. The refuse storage would
- 8.31 Concerns have also been expressed in regard to the amount and type of excavation required at the site and further details are required as part of a construction method statement. A Demolition/Construction Logistic Plan (including a Construction Management Plan) will be needed before commencement of work and could be secured through a condition.

Environment, flooding and sustainability

- 8.32 Conditions can be attached to ensure that a 33.06% reduction in CO2 emissions over 2013 Building Regulations is achieved in accordance with the Energy Statement submitted as part of this application. In addition, a mains water consumption condition is required to meet a target of 110 litres or less per head per day.
- 8.33 The application site is not at risk of flooding as identified by the Croydon Flood Maps and as such specific site mitigation is not required. The use of sustainable urban drainage systems would form part of the hard and soft landscaping scheme and as such would be secured via an appropriately worded condition. The development is therefore considered acceptable in this respect.

Trees and ecology

8.34 A number of trees on site are protected under Tree Preservation Order (TPO No: 10, 1982) these include the following:

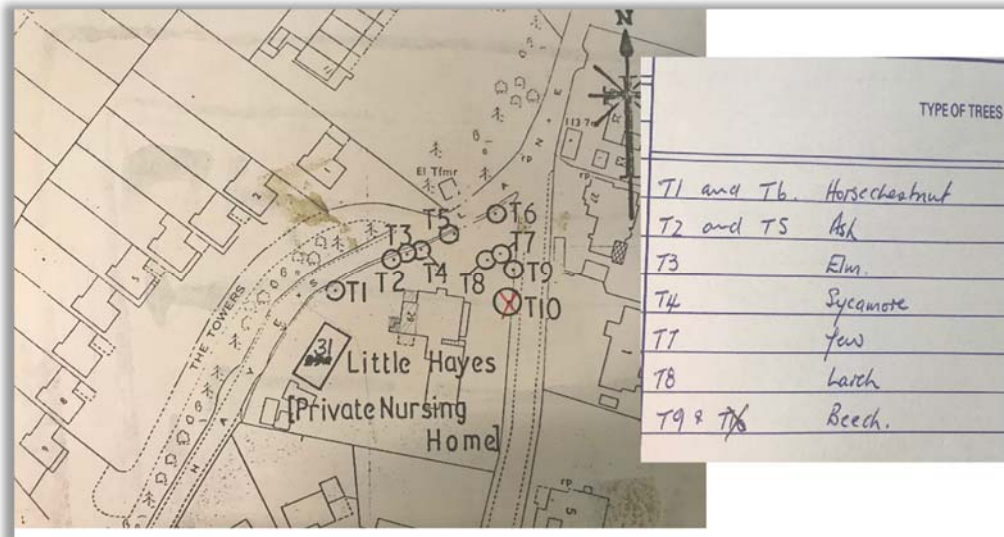


Figure 8: Extract from TPO 10, 1982

- 8.35 An Arboricultural Report was submitted with the application that provides details on the removal and retention of preserved and non-preserved trees on site. A total of twelve trees would be removed to accommodate for the development however those to be removed do not form part of the tree preservation order.
- 8.36 Tree replacement would be sought as part of the landscaping scheme to mitigate against tree loss on site. Tree protection measures would be secured through condition and would be subject to comments and agreement of the Councils Trees Officer. Subject to a suitably worded condition the development is considered to have an acceptable impact upon trees and vegetation.
- 8.37 The site is not near a designated site of special scientific interest or a site of nature conservation importance however a Preliminary Ecological Assessment was supported in support of this application given the site potential such interests. The Council's appointed Ecological Consultant has reviewed the document and the emergence surveys and have found no evidence of protected species on site. Ecological enhancements are sought in line with the Croydon Local Plan and a condition is considered necessary in this respect.
- 8.38 Protected species and habitats are conserved under the Woodland and Countryside Act of 1981. If such species or habitats are discovered during the construction works the applicant should seek the advice of an appropriately quality ecologist before any works continue; failure to do so may result in a criminal offence. Without evidence to the contrary, the development is not considered to have an adverse impact on ecological interests.

Other matters

8.39 Representations have raised concerns that infrastructure such as electrics and sewers would be incapable of dealing with increased demand. Increased demands would be addressed by the utility companies following discussions and/or agreements with the applicant. As such these comments fall outside the planning remit. In addition, the development will be liable for a charge under the Community Infrastructure Levy (CIL). This payment will contribute to delivering infrastructure to support the development of the area, such as health and education.

Conclusions

8.40 The principle of development is considered acceptable within this area and would make a more effective use of the site than the existing redundant carehome or the previously approved scheme. The design of the scheme is of an acceptable standard given the proposed and conditioned landscape and subject to the provision of suitable conditions the scheme is acceptable in relation to residential amenity, transport, sustainable and ecological matters. Thus the proposal is considered in general accordance with the relevant policies.

8.41 All other relevant policies and considerations, including equalities, have been taken into account.