

PART 6: Planning Applications for Decision

Item 6.1

1 APPLICATION DETAILS

Ref: 17/04657/FUL
Location: White Lodge, 126 Foxley Lane, Purley, CR8 3NE
Ward: Purley
Description: Demolition of existing buildings and erection of a three storey building comprising 21 special care residential units and provision of associated parking
Drawing Nos: 1103-01, 1103-02, 1103-03, 1103-04, 1103-05, 1103-10, 1103-11, 1103-12, 1103-13, 1103-14, 1103-15, 1103-16, 1103-17
Agent: Ian Davis of Lytle Associates Architects
Case Officer: Georgina Betts

- 1.1 This application is being reported to Committee because the Ward Councillor (Badsha Quadir) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

2 RECOMMENDATION

- 2.1 That the Planning Committee resolve to GRANT planning permission prior to the completion of a legal agreement to secure the following
- a) Local Employment and Training contributions
 - b) Air quality
 - c) Provision of a car club
 - d) And any other planning obligations considered necessary
- 2.2 That the Director of Planning is delegated authority to negotiate the legal agreement indicated above.
- 2.3 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) The development shall be carried out wholly in accordance with the approved plans
- 2) The development shall only be used for neurological care
- 3) Flood mitigation measures
- 4) Submission of Construction Logistics Plan
- 5) Submission of a delivery and servicing plan
- 6) Submission of a travel plan
- 7) If contamination is found during constructions works must cease and further details submitted to the LPA
- 8) Submission of a noise assessment

- 9) Submission of a low emission strategy
- 10) Submission of air handling, plant and machinery details
- 11) The development must achieve 35% reduction in Carbon Dioxide emission
- 12) The development must achieve BREEAM Excellent
- 13) In accordance with the Arboricultural Report
- 14) Prior to the occupation the (1) security lighting (2) any boundary walls and fences or other means of enclosing the site (3) finished floor levels of the building in relation to existing and proposed site levels (4) electric vehicle and cycle charging points (5) parking including disabled persons' spaces (6) turning areas (9) bin and cycle stores (10) pedestrian visibility splays shall be submitted for approval
- 15) Hard and soft landscaping to be submitted
- 16) Samples of external facing materials to be submitted
- 17) Restrictions on windows in the south-western elevation
- 18) Commence within 3 years of the date of the permission
- 19) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

Informatives

- 1) Site notice removal
 - 2) Granted subject to a Section 106 Agreement
 - 3) Code of Practice on the Control of Noise and Pollution from Construction Sites
 - 4) Ventilation Guidance Not published by Environmental Health
 - 5) Any other informative(s) considered necessary by the Director of Planning & Strategic Transport
- 2.4 That, if by 21st September 2018 the legal agreement has not been completed, the Director of Planning is delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The applicant seeks full planning permission for the:
- Demolition of 126 Foxley Lane and 1 Woodcote Drive;
 - Erection of a three storey building comprising 21 special care residential units for individuals requiring neurological care;
 - Provision of associated parking, refuse and cycle stores;
 - Associated hard and soft landscaping works.

Site and Surroundings

- 3.2 The application site lies on the northern side of Foxley Lane and is currently occupied by two detached properties being 126 Foxley Lane and 1 Woodcote Drive.
- 3.3 1 Woodcote Drive is a single occupancy residential property while 126 Foxley Lane is in use as a care home for individuals with learning disabilities.

- 3.4 The surrounding area is residential in character comprising of large detached properties within generous plots. Each building varies in design but all are of a traditional two storey scale and mass. Foxley Lane and Woodcote Drive benefit from a large quantity of established soft landscaping resulting in a sylvan and verdant setting to the Webb Estate Conservation Area which is sited further south.
- 3.5 Foxley Lane is classified by the Croydon Plan as a London Distributor Road.
- 3.6 The site lies within an area at risk of surface water and critical drainage flooding as identified by the Croydon Flood Maps.
- 3.7 The site is also subject to two formal Tree Preservation Order (TPO No's: 3, 2001 & 28, 1989)

Planning History

- 3.8 87/00443/P – Use as nursing home for the elderly; erection of single storey side extension and provision of 4 parking spaces [Approved]
- 3.9 88/02662/P - Use as nursing home for the elderly; erection of 2 two storey side/single storey rear extensions; erection of conservatory; provision of five parking spaces. [Approved]
- 3.10 90/00369/P – Erection of two storey building for use as nursing home; provision of 5 parking spaces [Approved]
- 3.11 00/00454/P – Erection of detached five bedroom house with integral double garage [Approved]
- 3.12 00/03128/P – Alterations; erection of single storey infill and side extensions and use of existing garage as habitable room [Refused]
- 3.13 01/00241/P - Alterations; erection of single storey infill and side extensions and use of existing garage as habitable room [Approved]
- 3.14 01/01312/P – Erection of single storey front/side/rear extension to form 10 bed special care unit and additional parking provision [Refused]
- 3.15 01/03100/P – Erection of single storey front/side/rear extension to form 8 special care unit and additional parking provision [Refused and Appeal Dismissed]. This application was refused on the following grounds,
- The development would have a cramped and overcrowded layout unduly close to adjacent property and out of keeping with the pattern of development in the surrounding area.
 - The development would be detrimental to the amenities of the occupiers of adjoining property by reason of visual intrusion.
- 3.16 05/02433/P – Erection of detached five bedroom house with integral double garage [Approved]

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- a. The proposal would provide a neurological care home which is within the Council's identified need. This outweighs the loss of a residential property and would be safeguarded as such through a condition.
- b. The development would have limited impact upon the character and appearance of the surrounding area.
- c. The development would have no harmful impact upon the protected trees.
- d. The development would have an acceptable relationship with neighbouring residential properties.
- e. The standard of accommodation for future occupiers is satisfactory
- f. Access, parking and turning arrangements are acceptable.
- g. Flooding and sustainability matters can be appropriately managed through condition.
- h. Contributions to Local Employment and Training, Air Quality and the provision of a Car Club could be secured through a Section 106 Legal Agreement.

4 CONSULTATION RESPONSE

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The Local Lead Flood Authority (LLFA) was consulted regarding the application and the comments received are summarised below.

5 LOCAL REPRESENTATION

- 5.1 The application has been publicised by way of letters sent to neighbouring occupiers of the application site and site and press notices. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 9 Objecting: 9

- 5.2 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:

- Noise and general disturbance
- Traffic congestion/Impact on highway safety
- No need for more care home/over concentration in Purley
- Not enough parking
- Overlooking/loss of privacy
- Visual intrusion/overshadowing
- Over development/Out of character
- Loss of family home
- Pressure on local health services/infrastructure

5.3 The following issues were raised in representations, but they are not material to the determination of the application:

- Loss of a view [Officer Comment: this is not a material planning consideration]

5.4 Councillor Badshar Quadir has made the following representations:

- No need for more care homes
- Loss of residential property
- Impact on the existing residents of the care home (displacement)

6 RELEVANT PLANNING POLICIES AND GUIDANCE

6.1 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 (CLP) and the South London Waste Plan 2012.

6.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. 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:

- Requiring good design.
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

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

Consolidated London Plan 2015 (LP):

- 3.5 on Quality and design of housing developments
- 6.13 on Parking
- 7.4 on Local Character
- 7.6 on Architecture

Croydon Local Plan 2018 (CLP):

- SP2 on homes
- SP4 on urban design and local character
- SP6 on environment and climate change
- SP8 on transport and communications

- DM1 on housing choice for sustainable communities
- DM2 on residential care and nursing homes
- DM10 on design and character
- DM13 on refuse and recycling
- DM16 on promoting healthy communities
- DM19 on promoting and protecting healthy communities
- DM23 on development and construction
- DM24 on land contamination
- DM25 on sustainable drainage systems and reducing flood risk
- DM27 on biodiversity
- DM28 on trees
- DM29 on promoting sustainable travel and reducing congestion
- DM30 on car and cycle parking in new development
- Applicable place-specific policies

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the Planning Committee is required to consider are as follows:

- The principle of the proposed development and the established need for neurological care homes;
- The impact on the townscape and the visual impact;
- The impact of the development upon the protected trees;
- The impact on the residential amenity of adjoining occupiers;
- The living conditions provided for future occupiers;
- Transportation considerations
- Flooding and Sustainability
- Section 106 Obligations

Principle of development and the established need.

7.2 The application site lies within an established residential area and while the proposed development seeks consent for C2 (Residential Institutions) the nature of this use would not affect the established residential character of this part of Purley. As this part of the site is already within C2 (Residential Institutions) Use, subject to the consideration of impact, the principle of a more intensive use of the site for this purpose is in accordance with policy.

7.3 It should be noted here that there are no restrictions in terms of the type of care offered currently at this site, be it neurological or learning disability care. Policy DM2.1 states that new care homes will only be permitted where they meet an identified need. The applicant has confirmed that the care home will be used solely for neurological care which has an identified need within the Borough. The recommendation includes a condition that the site is used for neurological care so it continues to meet the identified need.

7.4 In terms of 1 Woodcote Drive, while the development would result in the loss of residential land (C3) the existing property is not deemed to be a small family

dwelling under Policy DM1 of the Croydon Plan. Policy SP2.2 states that the net loss of homes or residential land will be resisted. Considering the existing use of the care home site, that the applicant owns Woodcote Drive and the proposed care meets an identified need and provides a form of residential provision, in this instance this is considered on balance acceptable.

Townscape and Visual Impact

- 7.5 The application site is occupied by two detached properties being 126 Foxley Lane with 1 Woodcote Drive. The two properties are of a different age and visual appearance however they both have a good degree of presence within the street scene. 1 Woodcote Lane is the smaller of the two properties and sits within the north-eastern corner of the site. Neither of the buildings are of any significant architectural merit, however, are consistent with the scale of neighbouring buildings.
- 7.6 The applicant proposes to demolish both buildings and erect a three storey building comprising of 21 special care bed units for individuals with neurological care requirements. Whilst the development is described as three storeys its appearance is that of two storeys with accommodation provided within the roof. This is consistent with neighbouring development and the character of the surrounding area. Given the width of the plot the applicant proposes a building of two masses referencing the historic plot division. The greater massing would be sited within the plot of 126 Foxley Lane and the subservient mass within the plot of 1 Woodcote Drive. Each mass would be connected via single storey link/pavilion which provides an essential link for operational requirements.
- 7.7 The proposed architectural design is typical of the area with projecting gables and hipped roof slopes with the inclusion of modest dormer windows, which are seen in other nearby developments. The flank elevations have been adequately designed ensuring that the building is well articulated. The design of which is considered appropriate with the context of the surrounding area.
- 7.8 While it is recognised that the perceived mass would be greater than that currently on site the proposed development sits comfortably within the amalgamated plot. Generous separation would exist to all boundaries and would not result in an overdevelopment of the site.
- 7.9 Given the size of the site and the presence of protected trees towards the frontage it is considered that the development is capable of enhancing the sylvan character of the area through a meaningful soft and hard landscaping proposal. Such matters are capable of being secured through condition however the indicative proposals at this stage are considered appropriate.
- 7.10 The parking area would be provided towards the front of the site as with neighbouring properties and would not be out of character with the surrounding area. The presence of protected trees and the enhancement of any landscaping within this area would only aid to soften such an area. The type and location of the parking is therefore acceptable in character terms.

The Impact of the development upon the protected trees

- 7.11 The applicant has submitted a Tree Report and Arboricultural Impact Assessment and Method Statement to support the proposals. Following consultations with the Council's Tree Officer Officers are satisfied that adequate measures would be put in place to safeguard the protected trees as a result of the development. Subject to a suitable worded condition in this respect the development would be acceptable on tree grounds.

Impact on Neighbouring Residential Amenity

- 7.12 The development is centrally located within its plot providing a separation distance of approximately 14.2 metres between the south-west flank wall of the development and that of 128 Foxley Lane. This generous separation distance and the presence of trees along western boundary would ensure that the development would not appear visually intrusive to the residential amenities of 128 Foxley Lane.
- 7.13 No windows are provided at the first floor in the flank elevation facing 128 Foxley Lane while skylight windows would serve the bedrooms in the loft space. Given the separation distance and the angle of the skylights such a provision would not result in a loss of privacy to this neighbour.
- 7.14 The development would have separation distances ranging from 13 and 16.6 metres to the neighbouring property at 3 Woodcote Drive. Given the orientation of these buildings and the presence of established trees along the northern and eastern boundaries the development is not considered to appear overbearing or visually intrusive to No3.
- 7.15 The window alignment and primary outlook of the windows on the first floor of the development and within the loft space have been carefully placed to limit any overlooking of the garden area of 3 Woodcote Drive. While there may be some elements of overlooking, in part, the extent would not be any greater than what is generally expected within suburban locations. It is also acknowledged that large mature cypress trees are sited along the northern boundary of the site which would act as an appropriate screen to mitigate against any loss of privacy. Given this matter careful consideration Officers are comfortable with the relationship between the development and that of 3 Woodcote Drive.
- 7.16 Properties to the north within Green Lane are located at a substantial distance from the development and would be unaffected by the proposal.
- 7.17 Given the separation distance between the development and the properties on the opposite side of Foxley Lane the built mass and location of windows would not harm the residential amenities of these neighbours.

The standard of accommodation for future occupiers

- 7.18 There are no set standards in terms of unit sizes in relation to C2 (Residential Institutions) however all 21 special care units would be of a good standard and generally meet the size requirements of the "Technical Housing Standards March 2015". Communal dining/sitting rooms are provided on the ground floor with additional therapy rooms and pools however each room would have their own

private space. Level access can be provided. The quality and standard of accommodation being proposed is acceptable.

- 7.19 A generous and multi-faceted communal garden comparable in size to nearby developments would be provided. Given the nature of the development the form and size of which is considered appropriate. Details of boundary treatments, hard and soft landscaping would be secured via condition.
- 7.20 It is therefore considered that the proposals would result in a good standard of accommodation that would meet the needs of the borough and can be supported.

Transportation Considerations

- 7.21 The site has a PTAL rating of 1b which indicates poor accessibility to public transport. The proposed development seeks to build 21 double suites for people with neurological care requirements. It is envisaged the care home will employ 12 full time and 6 part-time staff. A mini-bus shuttle service to the town centre and railway station would be provided for residents and staff of the care home. Also a dedicated electric car would also be available to the care home on a pre-booking car share basis.
- 7.22 126 Foxley Lane currently has two points of access/egress and 1 Woodcote Drive has a single access/egress point on Woodcote Drive. The proposed development seeks the closure of eastern access to 126 Foxley Lane and the retained access would be revised as an entry only access.
- 7.23 The existing Woodcote Drive access/egress would be utilised as an exit only access. There would be 7 on site car parking spaces, one of which would be for the car club space, another to the minibus, and the remainder of parking spaces allocated for staff and visitors.
- 7.24 The Transport Statement (TS) confirms the allocation of a service bay in front of the new building at the western end. The Emergency vehicle parking outside the building's main entrance would be used by delivery vehicles as well as picking up and dropping off items at the Reception. Refuse collection would be undertaken from the adjacent carriageway. This is acceptable.
- 7.25 Trip rate data has been provided as part of the application, in respect of the number of trips expected to be generated by the Care Home. Officers accept the estimated generated trips for the development and the conclusion that the trip generation would not impact materially on the road network and infrastructure within close proximity of the above site. It is accepted that the Care Home's estimated 6 no. two- way car/van peak trips and two bus trips would have negligible impacts on the road capacity and bus services in the area.
- 7.26 Cycle storage would need to be provided in accordance with the London Plan and would be secured through condition. In addition the Council would seek to secure the following via condition;
- Electric Vehicle Charging Points
 - Visibility splays

- Travel Plan
- Delivery and Servicing Plan
- Construction Logistics Plan/Management Strategy
- Disabled parking bay and
- Turning areas.

7.27 Subject to conditions in relation to the above the development would be acceptable on highway grounds.

Flooding and Sustainability

7.28 The applicant has submitted a Flood Risk Assessment for the site while further supporting information was received during the course of the application. The Local Lead Flood Authority was consulted regarding this application and have since removed their objection to the proposals providing that an appropriately worded condition is attached to any approval in respect of flood mitigation measures.

7.29 The development is expected to achieve BREEAM Excellent and reduce carbon dioxide emissions by 35% above the 2013 building regulations. Such matters are capable of being secured through condition and as such are acceptable.

Section 106 Obligations

7.30 Policy SP3.14 of the Croydon Local Plan 2016 states that opportunities for employment and skills training will be considered by means of section 106 agreements for major developments (residential developments of 10 units or more or non-residential developments exceeding 1,000m²). It is expected that the Section 106 Agreement would secure the following;

- Local Education and Training Strategy
- Air Quality
- Provision of an onsite Car Club

7.31 Affordable housing would not be required on this occasion as the development relates to a C2 (Residential Institutional) Use.

7.32 The applicant has agreed in principle to the above heads of terms and such matters would be secured through the Section 106 Agreement if Committee were minded to grant planning permission.

7.36 Without the above the development would be unacceptable.

Conclusions

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

