

PART 6: Planning Applications for Decision**Item 6.1****1 APPLICATION DETAILS**

Ref: 18/02613/FUL
 Location: 95-95a Foxley Lane, Purley, CR8 3HP
 Ward: Purley and Woodcote
 Description: Demolition of 95 & 95A Foxley Lane: Erection of a two/three storey building to provide a 72-bedroom care home with associated external works and parking area to the front.
 Drawing Nos: 1165PL RDT ZZ ZZ DR A 0001 Rev PL2, 1165PL RDT ZZ ZZ DR A 0010 Rev PL2, 1165PL RDT ZZ ZZ DR A 0100 Rev PL1, 1165PL RDT ZZ 01 DR A 0120 Rev PL1, 1165PL RDT ZZ B1 DR A 0200 Rev PL2, 1165PL RDT ZZ GF DR A 0300 Rev PL2, 1165PL RDT ZZ 01 DR A 0400 Rev PL2, 1165PL RDT ZZ 02 DR A 0500 Rev PL2, 1165PL RDT ZZ 03 DR A 0550 Rev PL2, 1165PL RDT ZZ ZZ DR A 0600 Rev PL2, 1165PL RDT ZZ ZZ DR A 0601 Rev PL2, 1165PL RDT ZZ ZZ DR A 0602 Rev PL2, 1165PL RDT ZZ ZZ DR A 0603 Rev PL2, 1165PL RDT ZZ ZZ DR A 0604 Rev PL2 and 1165PL RDT ZZ ZZ DR A 0605 Rev PL2
 Applicant: Gary Ferrier of Lucas More Ltd
 Case Officer: Georgina Betts

Type of floorspace	Existing	Proposed	Change
Residential	646 sq m	3, 865 sq m	+3, 219 sq m

Number of car parking spaces	Number of cycle parking spaces
18 (incl. 2 disabled bays)	16

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

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) Carbon off-setting
 - e) And any other planning obligations considered necessary
- 2.2 That the Director of Planning and Strategic Transport 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) Reinstatement of kerb lines and rationalisation of crossover arrangements
- 8) If contamination is found during construction, works must cease and further details submitted to the LPA
- 9) Submission of a noise assessment
- 10) Submission of a low emission strategy
- 11) Submission of air handling, plant and machinery details
- 12) The development must achieve 29.01% reduction in Carbon Dioxide emission
- 13) The development must achieve BREEAM Excellent
- 14) In accordance with the Arboricultural Report
- 15) 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) turning areas (6) bin and cycle stores (7) pedestrian visibility splays shall be submitted for approval and implemented in accordance with approved details.
- 16) Hard and soft landscaping to be submitted
- 17) Samples of external facing materials to be submitted
- 18) Restrictions on windows in the eastern and western elevations
- 19) Commence within 3 years of the date of the permission
- 20) 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) Any other informative(s) considered necessary by the Director of Planning & Strategic Transport

- 2.4 That if by 2 March 2019 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 95 & 95A Foxley Lane;
- Erection of a two/three storey building to provide a 72-bedroom care home 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 southern side of Foxley Lane and is currently occupied by two large detached two storey houses with 95a Foxley Lane being a later infill development. Both properties are sited within generous plots and adjoin the Webb Estate Conservation Area to the south.
- 3.3 The surrounding area is residential in character comprising of large detached properties within generous plots. Each building varies in design and form although all are of a traditional two storey scale and mass. Foxley Lane and Woodcote Drive are characterised by large areas of established soft landscaping, resulting in a sylvan and verdant setting to the Webb Estate Conservation Area.
- 3.4 Foxley Lane is classified by the Croydon Plan as a London Distributor Road.
- 3.5 The site lies within an area at risk of surface water flooding as identified by the Croydon Flood Maps.
- 3.6 The site is also subject to two Tree Preservation Orders (TPO No's: 23, 2015 and 58, 2009).

Planning History

- 3.7 85/01758/P – Erection of detached house with integral garage [Permission Granted and implemented]
- 3.8 04/02746/P – Erection of two storey side and single storey rear extension [Permission Granted and implemented]
- 3.9 15/02282/P – Demolition of existing building (95 Foxley Lane); erection of 4 two storey four-bedroom semi-detached houses with accommodation in the roofspace and 1 detached two storey five bedroom house with accommodation in the roofspace; formation of access road and provision of associated parking. [Permission Refused]. The reasons for refusal were as follows;
- 1) The development, by reason of its siting, layout, bulk, height, massing and detailed design would fail to respect the character of the area and would be detrimental to the street scene.
 - 2) The development would be detrimental to the amenities of the occupiers of adjoining properties by reason of its size and siting resulting in visual intrusion and loss of privacy.
 - 3) The proposal will result in the loss of a number of prominent trees and threatens the loss of others, some of which are subject to a tree preservation order. The potential loss of trees as a result of this application would be detrimental to the character of the area.

Site layout of the proposal from 2015



- 3.10 An appeal was lodged and later dismissed on the 14th April 2016. As part of his considerations the Planning Inspector concluded the following:

"I have found that the proposal would not have a harmful effect in terms of the loss of trees or impact upon living conditions of neighbouring properties. However, this does not outweigh the identified harm to the character and appearance of the surrounding area and the less than substantial harm to the significance of the Webb Estate Conservation Area which would be significant and overriding."

- 3.11 18/00176/HSE – Formation of vehicular access (95A Foxley Lane) [Permission Refused]. The reasons for refusal were as follows;

- 1) The development would create a hazard to pedestrians and vehicular traffic using the highway by reason of inadequate visibility splays and an unjustified additional access
- 2) The proposal is likely to compromise the retention of a visually important street tree and the associated public realm, the potential which would be detrimental to the character of the area.

- 3.12 An appeal was lodged and later dismissed on 26th June 2018. The Planning Inspector concluded that the crossover would seriously harm the character and appearance of the local area.

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would provide a neurological care home which is within the Council's identified need. There would be no let loss of a small family home (3 bedrooms or under 130sqm)
- The development would have limited impact on and would generally accord with the character and appearance of the surrounding area.
- The development would have no harmful impact upon the protected trees.
- The development would have an acceptable relationship with neighbouring residential properties and would not result in significant harm to neighbouring residential amenities.
- The standard of accommodation for future occupiers would be satisfactory
- Access, parking and turning arrangements would be adequate and acceptable.
- Flooding and sustainability matters can be appropriately managed through condition.
- Contributions to Local Employment and Training, Air Quality, Carbon Offsetting 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: 35 Objecting: 35

- 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:

Summary of objections	Response
Noise and general disturbance/pollution	Such matters are considered in Section 7.27 of this report.
Traffic congestion/impact on highway safety/lack of parking	Such matters are considered in Section 7.21 to 7.28 of this report.
No need for more care home/over concentration in Purley	Such matters are considered in Section 7.2 and 7.4 of this report.

Not enough parking/poor sight lines	
Overlooking/loss of privacy/loss of light	Such matters are considered in Section 7.14 to 7.17 of this report.
Visual intrusion/depth of building	Such matters are considered in Section 7.14 to 7.17 of this report.
Over development/out of character/commercial use	Such matters are considered in Section 7.5 to 7.12 of this report.
Pressure on local health services/infrastructure	The proposal by virtue of its use is contributing to health provision.
Loss of trees, plants and habitats	Such matters are considered in Section 7.13 of this report.
Security concerns	The development is not considered to give rise to such matters given the secure nature of the care home.
Harm to Webb Estate Conservation Area	Such matters are considered in Section 7.11 and 7.12 of this report.
Obtrusive design	Such matters are considered in Section 7.5 to 7.12 of this report.
Over population	Given the extensive size of the site the proposal is not considered to result in an over population.
Set a bad precedent	Each case is judged on its own merits and for the reasons given in this report the proposal is considered acceptable.
Over concentration of care homes in the immediate area	The type of care proposed falls into the Councils identified need and is therefore acceptable in principle.

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

- Contravenes covenants [Officer Comment: this is not a material planning consideration]
- Depreciation in house values [Officer Comment: this is not a material planning consideration]

5.4 Councillor Badshar Quadir has made the following representations:

- Landmark building should be retained
- Loss of privacy and light to the surrounding houses.
- Increase in traffic causing high safety fears
- Further care homes would result in overcrowding

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 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:
- 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 Quality and design of housing developments
- 3.8 Housing Choice
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Croydon Local Plan 2018 (CLP):

- SP2 Homes
- SP4 Urban design and local character
- SP6 Environment and climate change
- SP8 Transport and communications
- DM1 Housing choice for sustainable communities
- DM2 Residential care and nursing homes
- DM10 Design and character
- DM13 Refuse and recycling
- DM16 Promoting healthy communities
- DM19 Promoting and protecting healthy communities
- DM23 Development and construction
- DM24 Land contamination
- DM25 Sustainable drainage systems and reducing flood risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting sustainable travel and reducing congestion

- DM30 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 needs 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.
- 7.3 Both 95 and 95a Foxley Lane are large family homes in excess of 4 bedrooms and therefore their demolition would not result in the loss of a three bedroom home as outlined in Policy DM1.2 of the Croydon Plan 2018. The demolition of 95 and 95a Foxley Lane and their replacement with alternative residential accommodation would be acceptable.
- 7.4 Policy DM2.1 advises that new care homes will only be permitted where they meet an identified need. The applicant has stated that the care home will provide neurological beds to address the borough's identified need and as long as this need is satisfied by the proposed development, the principle of the development would be acceptable. A planning condition is recommended requiring the site to be used for the provision of neurological care only to ensure that the use meets the need specifically identified.

Townscape and Visual Impact

- 7.5 The application site is occupied by two detached properties being 95 and 95a Foxley Lane. The two properties are of a different age and visual appearance and given their degree of set-back from back edge of footway, have a limited presence within the street scene. 95a Foxley Lane is the smaller of the two properties, being a later infill development from the 1980's. Both sit in relatively large plots and although 95 Foxley Lane is reminiscent of William Webb designs, neither buildings are of any significant architectural merit.
- 7.6 The applicant proposes to demolish both buildings and erect a three-storey building comprising of 72 special care bed spaces for individuals with neurological care requirements. Whilst the development is described as three storeys, its appearance would be that of two storeys with accommodation

provided within the roof and basement. This would be generally consistent with neighbouring development and the character of the surrounding area. Given the width of the plot and the juxtaposition with neighbouring properties, the applicant has proposed a building of two masses referencing the historic plot division with the use of a more subordinate and contemporary glazed link. The greater extent of built form would be sited towards the eastern end of the site (95 Foxley Lane) respecting the historic plot division, which is also reflected in the accompanying landscaping proposals.

- 7.7 The architectural design would be typical of the area with projecting gables and hipped roof slopes with the inclusion of modest dormer windows, which are common to nearby developments. The building would comprise of brick, render and timber detailing, again reminiscent of buildings designed by William Webb. The flank elevations have been appropriately designed to ensure that the building is well articulated. Consequently, the scale mass, siting, form and external appearance of the proposed development would be acceptable and in keeping with neighbouring character.
- 7.8 Whilst it is recognised that the perceived mass would be greater than that currently on site (projecting further into the site than the existing buildings) the proposed development would sit comfortably within the amalgamated plot. Generous separation would exist to all boundaries, which would maintain an acceptable degree of separation. The building has been designed to ensure the retention of boundary trees and vegetation to help soften the appearance of the development. A set of plans and elevations (below) helps illustrate the proposals.

Proposed Site Plan



Proposed street scene elevation



Proposed rear elevation



- 7.9 Given the size of the site and the presence of protected trees, it is considered that the development is capable of enhancing the sylvan character of the area through the use of meaningful soft and hard landscaping alongside the retention of protected feature trees. Whilst such matters would be controlled through the use of planning conditions, the indicative proposals give comfort that the proposed landscaping would be of a high standard and would give residents space to pursue outdoor activities as part of their care regimes.
- 7.10 The parking area would be provided towards the front of the site (common to neighbouring properties) and would not be out of character with the surrounding area. The parking arrangement has been designed to accord with the emerging principles of the 'Suburban Design Guide' and is well informed. The enhancement of any soft landscaping within this area would only help to soften such an area, enhancing the sylvan character of Foxley Lane. The type and location of the parking is therefore acceptable in character terms.
- 7.11 Representations have raised concerns regarding the development and its impact upon the Webb Estate Conservation Area towards to the south. During the course of pre-application enquiries, officers required the applicant to set the building further back from the southern boundary – which now provides a more

suitable relationship to the Webb Estate Conservation Area and a much-improved relationship compared to the previously refused scheme (dismissed on appeal).

- 7.12 This amendment was sought in collaboration with the Council's conservation officer to address concerns regarding the setting of this important heritage asset. It is now considered that sufficient separation exists between the development and the conservation area to ensure that the character and appearance of the Webb Estate is preserved and enhanced through additional planting. The development is therefore considered to have an acceptable relationship with the Webb Estate and would preserve conservation area character.

The Impact of the development upon the protected trees

- 7.13 The applicant submitted an Arboricultural Impact Method Statement to support the proposed development and following consultations with the Council's Tree Officer, officers are satisfied that adequate measures would be put in place to safeguard the protected trees on site alongside the proposed which would be secured by condition. The landscaping scheme would include the planning of further trees with focus on use of native species.

Impact on Neighbouring Residential Amenity

- 7.14 The development would be centrally located within its plot, providing a separation distance of approximately 9.3 to 19.9 metres between the eastern flank wall of the development and that of 93a Foxley Lane. This generous separation distance and the presence of trees along the eastern boundary would ensure that the development would not appear visually intrusive, nor would it result in a harmful loss of privacy.

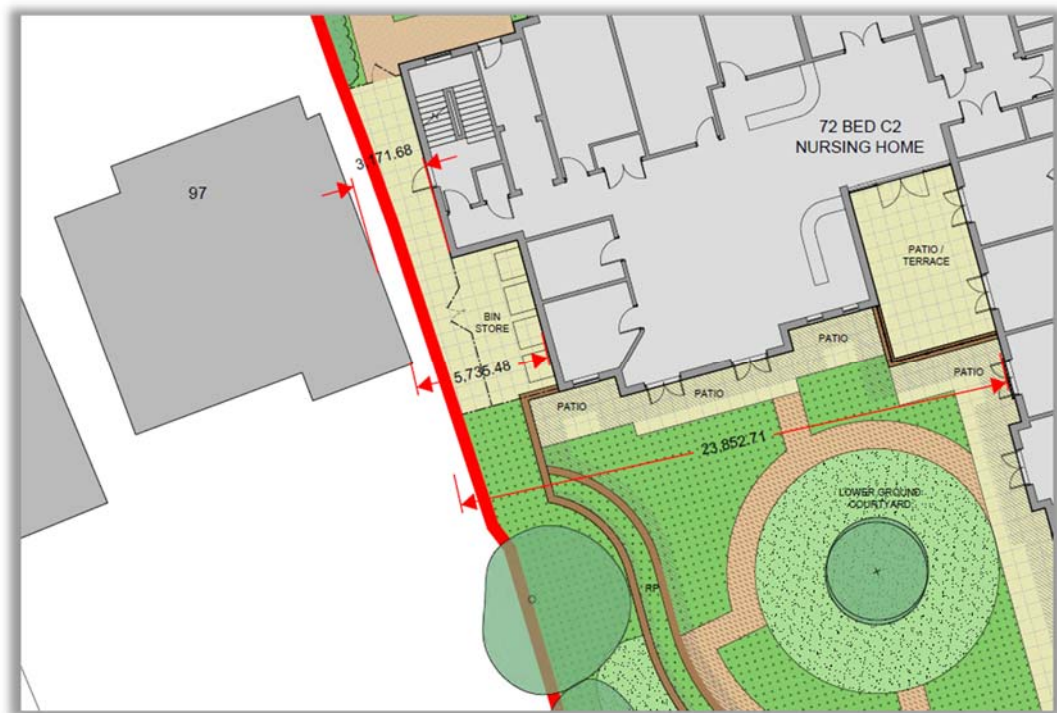
Separation distance to 93a Foxley Lane



The proposed development would be closer to 97 Foxley Lane (with a separation distance of 3.17 metres, stepping out to 5.7 and 28.3 metres as shown below.

- 7.15 No windows are provided at or above the first floor in the eastern or western flank walls of the main mass of the building fronting with 93a or 97 Foxley Lane. While it is noted that windows will exist in the eastern and western elevations of the central mass of the building these are approximately 20 metres at the closest point. Given the generous separation distances it is not considered that these windows would give rise to a harmful loss of privacy.
- 7.16 The retention of boundary screening will help to soften the appearance of development helping to reduce any perception of overlooking.

Separation distances to 97 Foxley Lane



- 7.17 Properties to the north (on the opposite side of Foxley Lane) and to the south within Rose Walk are situated a substantial distance away and would be largely unaffected by the proposal. Given the above, the development would have an acceptable relationship and would maintain existing amenities.

The standard of accommodation for future occupiers

- 7.18 Whilst there are no set standards in terms of unit sizes in relation to C2 (Residential Institutions) all 72 bedrooms 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 communal spaces throughout the building and garden areas. Level access can be provided and two lifts are proposed throughout building. The quality and standard of accommodation would therefore be 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 this space the communal garden is considered appropriate. Details of boundary treatments, hard and soft landscaping would be secured by way of 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 Whilst the site is located in an area with PTAL rating of 1B (which is poor) a bus stop is within close proximity of the development site which links through to Purley and the associated transport interchange.
- 7.22 The development seeks to demolish the existing residential dwellings on the above site and construct a 72-bedroom residential nursing home (C2) with 18 car parking spaces (including 2 disabled parking bays) and servicing provision. The level of parking provision representing a ratio of 0.25 per bedroom unit. Other facilities include the provision of cycle parking spaces/storage (primarily for staff), ambulance/minibus parking and electric vehicle charging points.
- 7.23 The existing residential dwellings both have direct vehicular access onto Foxley Lane (two accesses for 95 Foxley Lane) and one access for 95a Foxley Lane. These access points would be consolidated into a single access for cars ambulances and other service movements.
- 7.24 Additional information in respect of trip and speed data was received during the course of the application process. Trip rate data has now been provided as part of the application. Officers are satisfied with the estimated trip rates and are satisfied that that the development would not impact materially on the road network and infrastructure within close proximity of the above site.
- 7.25 The speed data has been thoroughly reviewed by the Strategic Transport Division and can now be supported. The parking layout and access have been carefully designed to limit its impact on the highway network and as such the development is considered acceptable in this respect. The existing crossover arrangements across both properties would need to be rationalised (closed off) which will be required through use of a planning condition.
- 7.26 The site can accommodate emergency vehicle parking immediately in front of the main entrance to the care home as well as servicing and delivery vehicles. Refuse collection would be undertaken from the adjacent carriageway. This arrangement would be acceptable.
- 7.27 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 and
 - Turning areas.
- 7.28 Subject to conditions in relation to the above the development would be acceptable on highway grounds.

Flooding and Sustainability

- 7.29 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.
- 7.30 The development is expected to achieve BREEAM Excellent and reduce carbon dioxide emissions by 35% above the 2013 Building Regulations. It is noted from the energy statement that the site will only be able to achieve a reduction of 29.01% and therefore any S106 agreement would need to capture any shortfall through a financial contribution. Such matters are capable of being secured through condition and a legal agreement and are therefore acceptable.

Section 106 Obligations

- 7.31 Policy SP3.14 of the Croydon Local Plan 2018 states that opportunities for employment and skills training will be considered by means of S.106 Agreement 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
 - Carbon offsetting
 - Provision of an on-site Car Club
- 7.32 Affordable housing would not be required on this occasion as the development relates to a C2 (Residential Institutional) Use.
- 7.33 The applicant has agreed in principle to the above heads of terms and such matters would be secured through the S.106 Agreement if Committee were minded to grant planning permission.
- 7.34 Without the above the development would not be acceptable.

Conclusions

- 7.35 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.