

**1 APPLICATION DETAILS**

Ref: 17/04437/FUL  
Location: Land to rear of Tudor House, 2-4 Birdhurst Road, South Croydon CR2 7EA  
Ward: South Croydon  
Description: Demolition of residential buildings (Class C3); erection of two blocks at the rear of 4 Birdhurst Road (Tudor House) to provide an additional 53-55 bed care home accommodation with alterations to ground levels, additional parking and landscaping with access from Birdhurst Road and Coombe Road.  
Drawing Nos: 6417 P02 – P11  
Agent: Alex Bateman, Stiles Harold Williams  
Case Officer: Richard Freeman

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

**2 RECOMMENDATION**

- 2.1 That the Planning Committee resolve to GRANT planning permission subject to:
- A. The prior completion of a legal agreement to secure the following planning obligations:
- a) Local Employment and Training Strategy and contribution
  - b) Air Quality Mitigation
  - c) Carbon off-setting if required
  - d) Travel Plan monitoring
  - e) Any other planning obligation(s) considered necessary by the Director of Planning and Strategic Transport
- 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 is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

- 1) Development shall be carried out wholly in accordance with the approved plans

- 2) Neurological care only shall be provided
- 3) Details of external facing materials to be provided
- 4) Submission of Construction Logistics Plan
- 5) Submission of a delivery and servicing plan
- 6) Submission of a travel plan
- 7) Conduct a ground contamination survey and specify remediation measures
- 8) Submission of a noise assessment and mitigation measures to windows
- 9) Submission of a low emission strategy
- 10) Submission of air handling, plant and machinery details, including cooking ventilation
- 11) Provision of electric vehicle charging points, visibility splays, turning area detailed design and cycle parking
- 12) Development must achieve 35% reduction in Carbon Dioxide emission
- 13) Development must achieve BREEAM Excellent
- 14) Further details of tree protection fencing and building design within root protection areas to be agreed
- 15) Implement in accordance with ecology report
- 16) Details of finished floor levels of development and level changes adjacent to proposed building to be agreed
- 17) Level access to be provided
- 18) Hard and soft landscaping to be submitted
- 19) Restrictions on windows in various elevations
- 20) Flooding?
- 21) Commence within 3 years of the date of the permission
- 22) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

### **Informatives**

- 1) Granted subject to a Section 106 Agreement
- 2) Code of Practice on Control of Noise and Pollution from Construction Sites
- 3) Thames Water comments
- 4) Any other informative(s) considered necessary by the Director of Planning & Strategic Transport

2.4 That, if by 7<sup>th</sup> September 2018 the legal agreement has not been completed, the Director of Planning & Strategic Transport is delegated authority to refuse planning permission.

## **3 PROPOSAL AND LOCATION DETAILS**

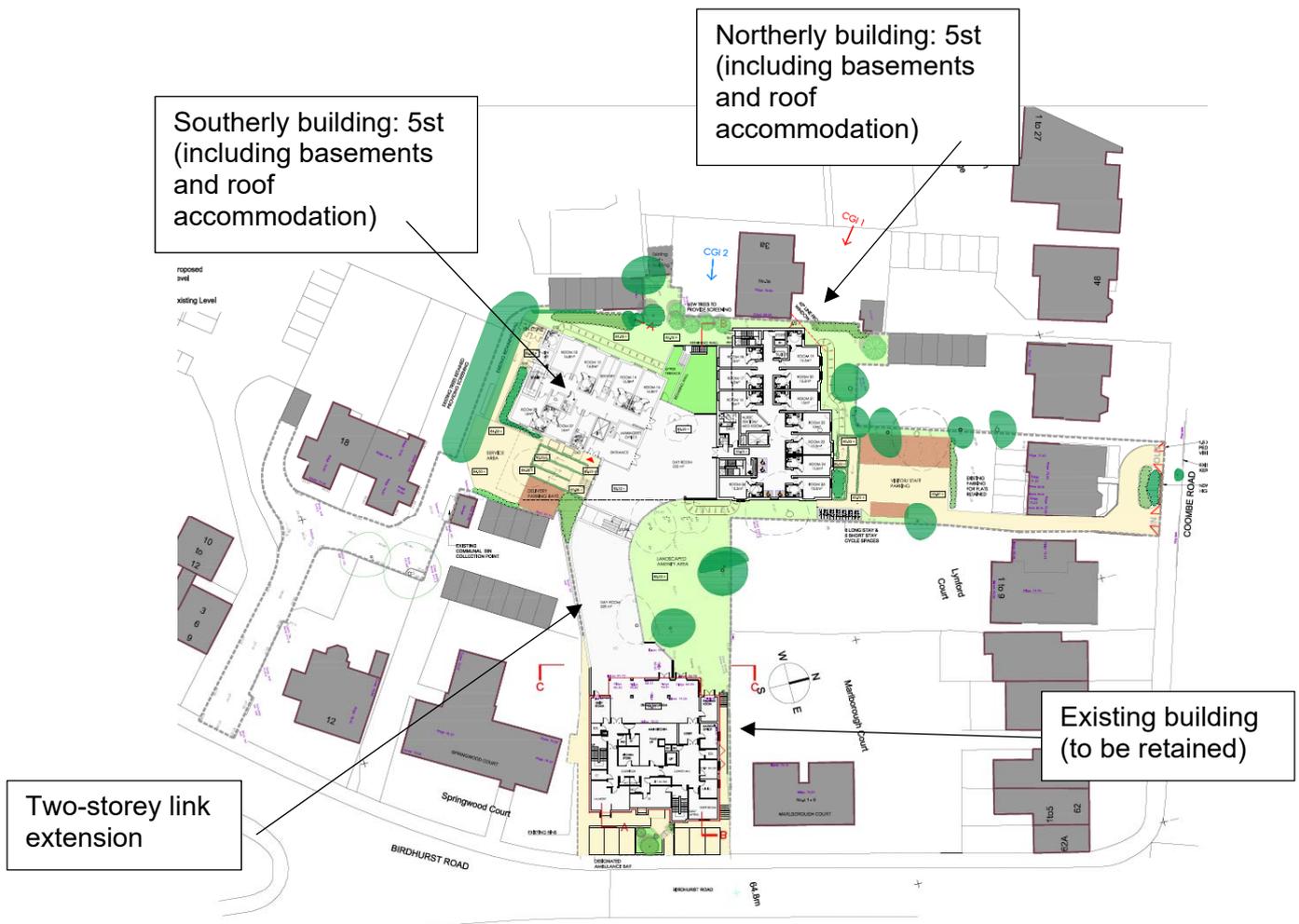
### **Proposal**

3.1 The applicant seeks full planning permission for:

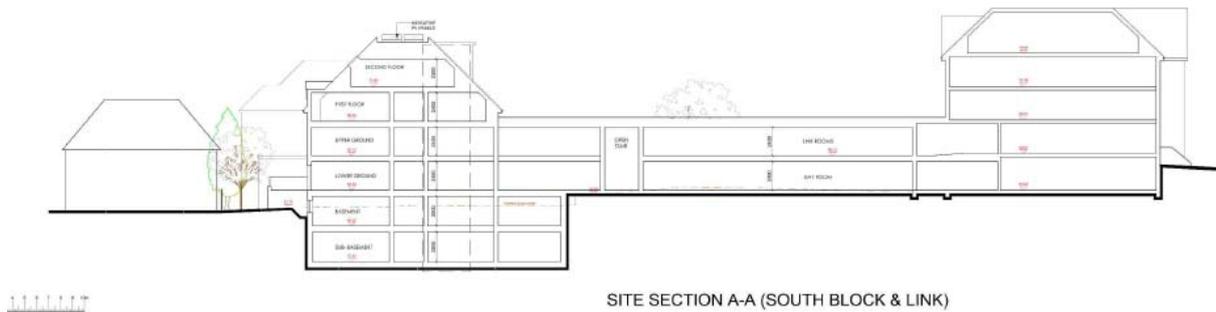
- Demolition of two residential units accessed off Birdhurst Road (14 and 16 Birdhurst Road)
- Erection of two linked buildings to the rear of Tudor House. The buildings would be 5 storeys, of which up to two storeys of basement accommodation and accommodation in the proposed roofs

- Erection of a two storey link extension between Tudor House and the new buildings;
- Increase in rooms from 37 to 92
- Creation of hardstanding areas for parking, servicing and emergency access including use of accesses from Coombe Road and Birdhurst Road;
- Associated hard and soft landscaping works.

3.2 The proposal is illustrated on the below site plan:



3.3 The ground levels are also illustrated in this section running approximately East-West across the site with the existing Tudor House on the right of the image, the link extension and the proposed southerly block on the left:



## Site and Surroundings

- 3.4 The application site consists of Tudor House, a 3-4 storey detached care home on Birdhurst Road, an access route from Coombe Road, adjacent to Lynford Court and an “L-shaped” plot of land linking them, which currently forms an extended garden to Tudor House. Tudor House is currently operated as a carehome with 31 single bedrooms, 3 double bedrooms, with approximately 50 members of staff.
- 3.5 The land levels at the site vary significantly, with the area of land behind Tudor House being set at least a storey below the frontage buildings on Birdhurst Road. 14 and 16 Birdhurst Road (the two buildings to be demolished) sit at this lower level.
- 3.6 The surrounding area is residential in character and does comprise a mix of houses, hotels, care homes and residential institutions. Buildings fronting onto Coombe Road tend to be large detached residential buildings, many of which have been converted to flats. On Birdhurst Road itself the application site has three storey blocks of flats on either side; Springwood Court to the south and Marlborough Court to the north. To the rear of the site, a modern two storey house is known as 3a South Park Hill Road and beyond that are buildings fronting on to South Park Hill Road, set at the lower level.
- 3.7 Coombe Road is a London Distributor Road and the site falls within an area at risk of surface water flooding. To the south of the site is a Local Heritage Area, based around Birdhurst Road and Birdhurst Rise.

## Planning History

- 3.8 The following applications and enquiries are pertinent to the consideration of this application:
- 91/01756/P: Erection of a conservatory with covered way below. PERMISSION GRANTED. The site was described as operating as a nursing home in this application.
- 95/02319/P: Demolition of existing buildings; erection of three/four storey building with accommodation in roofspace for use as nursing

home for the elderly with ancillary managers flat; provision of 6 parking spaces PERMISSION GRANTED and IMPLEMENTED

16/00982/T: Works to two protected trees in Lynford Court, 54 Coombe Road (adjacent to the site). PERMISSION GRANTED. This application allowed the felling of a protected tree in close proximity to the site boundary and required a replacement hornbeam to be planted.

16/02727/PRE: Pre-application enquiry relating to the currently proposed development.

#### **4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 4.1 The proposal would provide a neurological care home which meets the Council's identified need. This outweighs the loss of 2 self-contained residential units and would be safeguarded as such through a condition.
- 4.2 The development would have limited impact on the character and appearance of the surrounding area being located to the rear and at a lower level.
- 4.3 The development would have an acceptable relationship with neighbouring residential properties.
- 4.4 The standard of accommodation for future occupiers is satisfactory.
- 4.5 Access, parking and turning arrangements are acceptable.
- 4.6 Flooding and sustainability matters can be appropriately managed through condition.
- 4.7 Contributions to local employment and training, air quality and carbon offsetting could be secured through a Section 106 Legal Agreement.

#### **5 CONSULTATION RESPONSE**

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

Lead Local Flood Authority (statutory consultee)

- 5.2 The Lead Local Flood Authority requested additional information and are satisfied with an infiltration based sustainable drainage strategy subject to a condition to require infiltration testing and further details. (OFFICER COMMENT: a condition is included in the recommendation)

#### **6 LOCAL REPRESENTATION**

- 6.1 The application has been publicised by way of letters sent to neighbouring occupiers of the application site. 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: 16      Objecting: 16

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:

- Noise and general disturbance
- Traffic congestion/Impact on highway safety
- No need for more care home/over concentration in Borough
- Not enough parking and unsafe accesses
- Overlooking/loss of privacy
- Visual intrusion/overshadowing
- Over development/Out of character
- Obtrusive design
- Loss of landscaping
- Loss of family home
- Pressure on local health services/infrastructure
- Disturbance during construction period

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

- Owner of access will not grant access for construction traffic [Officer Comment: a grant or otherwise of planning permission does not confer a right to access other's land. A condition is recommended in any case to require a Construction Logistics Report to ensure that the construction occurs in an acceptable fashion]
- No provision of affordable housing [Officer Comment: affordable housing is only required on schemes of 10 or more residential units falling within Use Class C3. This proposal is for a care home falling within Use Class C2]

6.4 Councillor Neale and made the following representations:

- Adverse effect on the residential amenity of neighbours, by reason of noise, disturbance, overlooking, loss of privacy, overshadowing
- Unacceptably high density / over-development of the site as it involves back land development
- Visual impact of the development
- Effect of the development on the character of the neighbourhood
- The proposed development is over-bearing, out-of-scale or out of character
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners

6.5 Officers note that the application was originally notified to local residents without the residential demolition referenced in the description; a further notification has been sent to local residents and any further comments will be reported in an addendum report.

## 7 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 (CLP) and the South London Waste Plan 2012.
- 7.2 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
- 7.3 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

## **8 MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of proposed development and the established need for care homes;
- The impact on the townscape and the visual impact;
- 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.**

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

8.3 It should be noted 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 or nursing homes will only be permitted where they meet an identified need. The applicant has confirmed that the care home will be used solely for care for dementia sufferers which has an identified need in the Borough. The recommendation includes a condition that the site is used for neurological care so that it continues to meet the identified need.

8.4 The proposal includes the loss of two bungalows. Policy SP2.2g states that the net loss of homes or residential land will be resisted. Considering the existing use of the care home on the majority of the site, that they own the two homes to be demolished and use them for temporary staff accommodation and that the proposed type of care meets an identified need and provides a form of residential provision, in this instance this element of the proposal is on balance considered to be acceptable.

### **Townscape and Visual Impact**

8.5 The application site is occupied by a large detached property on Birdhurst Road, with the two buildings to be demolished set to the rear. The proposals constitute a link extension running from the existing building on Birdhurst Road to the two proposed buildings in the rear garden area, set at a lower level, with the link

extension running from the level of the rear of Tudor House, which is one storey below Birdhurst Road. As such, there are no significant changes to the front or side elevations of Tudor House and the rear elements would not be significantly visible from Birdhurst Road due to the level changes and the small gap between Tudor House and Springwood Court.

- 8.6 The proposed building to the rear closest to Coombe Road would be five storeys (with accommodation in the roof and two storeys of basement), set 50m from the road and located behind 50 and 52 Coombe Road (two and three storey buildings respectively) so that, with the changes to ground level and perspective, the building would not be significantly visible. As such, the visibility of the scheme from publically accessible areas would be significantly limited, and the proposal would have a correspondingly limited impact on the character of the local area.
- 8.7 The site is unusual in terms of its size and shape. The location and orientation of buildings within the site responds to the surrounding properties in terms of trying to locate buildings to create appropriate separation distances and reduce the impact on neighbouring buildings. The location, orientation and width of the northerly block also follows the separation distances and orientation established by 3a South Park Hill Road and the overall site layout is supported from a character perspective. There are a number of large buildings in the local area, so the proposal is not considered to be out of keeping in that respect. The two proposed buildings are actually one building, linked by a glazed part two/three storey element (with basement accommodation). This is proposed to sit below the eaves line of both buildings, recessed from the front and rear elevations, and so would be visible as a lightweight, subservient element which helps to break up the massing of the proposal.
- 8.8 The two rear buildings are proposed to be of a buff London stock brick, with timber detailing and grey roof tiles to be in a style very similar to the existing Tudor House building. With conditions to secure the quality of materials, this is considered to be acceptable.

### **Impact on Neighbouring Residential Amenity**

- 8.9 The development has been designed to work with the existing levels of the site, which change dramatically, with the main rear section of the site being between one storey and one and a half storeys below Birdhurst Road. As such, the impacts on adjoining properties is less than the height of the buildings suggests.
- 8.10 To take each element in turn, the link extension from the rear of Tudor House is two storeys, from a lower ground level. Springwood Court is set at the same height as Tudor House and so from the rear elevation, this would appear as being a single storey wall running along the side boundary. Given the orientation of the two buildings, there would be adequate light and outlook beyond the link extension and so it is considered to not have a significantly detrimental impact on Springwood Court.
- 8.11 The southerly of the two blocks proposed is part five and part six storeys in height, although two storeys are subterranean or semi-subterranean and two storeys are in the roof. The nearest residential properties are 16 and 18 Birdhurst

Road, which would be 13m away this block and at approximately a 45° angle and so would not have a significant impact on the main outlook to the rear. A row of trees which runs along the boundary would be retained, providing additional screening. As such, there would not be a significant impact to these properties. This proposed block's front elevation would look towards the rear of Springwood Court, but would be separated by distances of 36m (to the nearest point) and 45m (to the main rear elevation), so there would be no significant overlooking of windows. The space in between these buildings nearest to the proposal, which would be overlooked, are garages associated with Springwood Court and so no significant loss of privacy would result. The rear elevation of this southerly block also has room windows located in it. This is proposed some 16m from the rear elevation of 3a South Park Hill Road. Some overlooking would therefore result but given the separation distance, the fact there is a landscaped area located between them (in which planting would be enhanced) to provide more screening and the angle the two properties are at to each other, this is considered on balance to be acceptable.

- 8.12 The more northerly proposed block, nearer to Coombe Road, is located adjacent to 3a South Park Hill Road. It respects the front and rear elevations of that property, not significantly stepping beyond it until away from the boundary and not in a position to cut at a line taken at 45° from windows. This block is orientated parallel to 3a and so faces towards the rear of buildings on Croham Road. The separation distance from the buildings is in excess of 30m. The area of land nearest to the proposed block forms a parking area associated with the development and a parking area for the adjacent flats, and so this relationship is acceptable. There would be some overlooking to the rear communal amenity area of Lynford Court, but only at an angle close to 45° and so unlikely to give rise to a significant loss of privacy.
- 8.13 The levels of the site are such that it is set below the level of most of the surrounding properties and so is not considered to have an overbearing impact upon them. 16 and 18 Birdhurst Road are set at the same level, but are screened by the established treeline to be retained. 3a is also set at the same level as the proposed northerly building. Whilst the proposed building is 5 storeys in total, two of those are subterranean or semi-subterranean and one is in the roof. The building would therefore be read as a three storey building, with accommodation in the roof and steps down adjacent to that building to make a smoother transition between them both.
- 8.14 The proposal would require cooking on site, to serve the residents which would occur in the basement of the southerly proposed block, with serveries provided on individual floors. A condition is recommended to secure details of flues and kitchen ventilation equipment to ensure that this does not impact on residential amenity of adjoining occupiers.

#### **The standard of accommodation for future occupiers**

- 8.15 There are no set standards in terms of unit sizes in relation to C2 (Residential Institutions). As the proposals are not partially self-contained, they cannot be compared against the "Technical Housing Standards" at a unit level. The proposed bedrooms are typically between 15m<sup>2</sup> and 16.5m<sup>2</sup> as en-suite single

rooms, which is significantly in excess of the housing standards of 7.5m, or 11.5m for a double room in a self-contained house or flat. There are generous internal spaces spread between the proposed buildings. The ground floor of the link extension is a communal day room and a further room is provided on the first floor of the section linking the two proposed buildings, with a further small internal amenity area on the first floor of the northerly building.

- 8.16 The spaces fully within the roof space are reserved for training areas and so would not provide habitable accommodation and the sub-basements are for plant and servicing. The basement levels are in fact not fully subterranean, with all units having windows of the same size as upper floors which would be above the ground level. A condition is recommended to control the detailed design of the level change of the spaces in front of these windows to ensure that they allow sufficient light in to rooms.
- 8.17 Two communal amenity spaces are provided; the rear garden area of Tudor House and a smaller more private area on the roof of the linking element between the two proposed buildings. There are no standards for external amenity space for a care home but approximately 500m<sup>2</sup> of communal space is to be provided which would be well in excess of the 5m<sup>2</sup> per unit which would be required were the units to be self-contained.
- 8.18 Level access can be provided through a series of ramps and the proposed buildings both have lifts to allow easy circulation.
- 8.19 In summary therefore, the proposed rooms are considered to be of a suitable size, with adequate light and outlook (through the use of conditions) and adequate communal amenity space is provided. As such the level of amenity for future residents is acceptable.

### **Highways and transportation**

- 8.20 The site has a PTAL rating of 3 which indicates moderate accessibility to public transport. The proposed development seeks to add bedrooms for a maximum 55 future residents. The proposal has a number of areas for servicing and parking. 5 parking spaces and one ambulance space are proposed to be formalised off Birdhurst Road, in front of Tudor House in an area currently used for parking. This would mainly be for visitors and emergencies. 6 parking spaces are proposed for staff off the Coombe Road access, with space for an emergency vehicle to access the site as well. Routine servicing is proposed from the secondary Birdhurst Road access to a dedicated servicing area. This would use an established access point to an area with space for turning.
- 8.21 The site currently operates a travel plan and so there are clear details of current staff's travel to work patterns. This shows that three of the parking spaces at the front are often used, with two used for staff parking and one for a minibus. Just short of 50% of staff use public transport to get to the site, 20% walk and 20% are dropped off. Routinely 7 members of staff drive, all of whom work shifts outside of the normal peak periods. As such, the current staff operation has very little impact on the capacity of the highway or on-street parking.

- 8.22 There are no policy parking standards for the proposed use as the level of parking depends in part on the facilities provided. Using the TRICS database and the existing staff patterns, a parking accumulation study based on shift and travel patterns shows that it is likely that the proposal would result in a maximum of 7 staff vehicles on site at any one time, which can be accommodated in the proposed parking spaces. When combined with visitor parking information, it suggests that the maximum accumulation of vehicles would increase to 16 vehicles, likely to occur on a weekday between 1100 and 1200, although this includes an assumption that all visitors travel by private car. This exceeds the 11 spaces available on the site, but a parking stress survey shows that just under half of on-street parking spaces (25 of 53) tend to be available at this time of day. This demonstrates that this extra requirement could be accommodated on street without significant detriment to the local highway.
- 8.23 The Transport Statement (TS) confirms the allocation of a service bay from the secondary, existing, access of Birdhurst Walk. Details have been provided of how service vehicles would turn and a satisfactory bin area is proposed. Full details of this area could be secured by condition. A further condition is recommended to secure a car parking management plan to formalise the operation of this element of the scheme. Additionally, a Travel Plan is proposed to ensure that the site is operated on sustainable travel principles and to try and reduce the number of vehicle trips, especially by visitors. The proposed section 106 agreement would include provision for monitoring of the travel plan by the Council's Strategic Transport team.
- 8.24 Cycle storage is proposed to cater for the existing care home as well as the proposed. This gives rise to a requirement for 14 cycle parking spaces, which can be secured by 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
  - Turning areas
  - Cycle parking
- 8.25 Subject to conditions in relation to the above the development would be acceptable on highway grounds.

### **Flooding and Sustainability**

- 8.26 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 further investigation of the ground for suitability for infiltration SuDS. This is included in the recommendation.

- 8.27 As parts of the site are overgrown and the proposal includes demolition, a stage 1 ecological survey was carried out. It concluded that there is low potential for protected species to be present and recommended a number of mitigation measures such as that clearance occurs outside of nesting seasons and when invertebrates are likely to be active, and that native species are used in the landscaping. This can be secured by condition.
- 8.28 The development is expected to achieve BREEAM Excellent and reduce carbon dioxide emissions by 35% above the 2013 building regulations. The applicant has demonstrated how this can be achieved and this would be secured through the legal agreement and conditions.
- 8.29 The proposal has taken into consideration a number of mature trees within the site and adjacent to it. The proposal would include the removal of 4 Grade B trees and 9 Grade C trees, including two small groups. This has been assessed and is considered to be acceptable. A tree protected by a Tree Protection Order, located in the neighbouring site near to the boundary, was recently approved to be removed. A replacement tree is due to be planted, which can be sited taking into account the proposed building footprint. Conditions are recommended to secure adequate protection for trees to be retained. Replacement tree planting would mitigate the trees to be lost, which can be secured by condition, with planting located to improve the screening to the rear of the adjoining 3A South Park Hill Road.

### **Section 106 Obligations**

- 8.30 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). It is expected that the legal agreement would secure the following;
- Local Education and Training Strategy
  - Air Quality
  - Carbon off-setting (if required)
  - Travel Plan monitoring
- 8.31 Affordable housing would not be required as the development relates to a C2 (Residential Institutional) Use.
- 8.32 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. A number of detailed issues have been raised regarding the operation of the s106 which can be resolved in negotiating the final wording of the obligation.
- 8.33 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.