

06/00038/P

05/01/2006

Kenley

Application for full planning permission

Applicant:

Mr J Rampersad  
477 Brighton Road  
South Croydon  
Surrey  
CR2 6EN

Location: Whyteacres, 37 Cullesden Road, Kenley, CR8 5LR

Description: Use as residential care home for a maximum of 6 persons with mild or moderate learning disabilities

Drawing No(s): Not numbered: ground floor plan dated 03.01.06 (amended 24.01.06) and first floor plan dated 03.01.06

Recommendation: **Grant Permission**

Subject to the following condition(s) and reason(s):-

1. No new windows shall be provided in the north western and south eastern elevations  
Reason: To protect the privacy of adjoining occupiers in accordance with Policy BE17 of the Unitary Development Plan and the Supplementary Planning Guidance Note No.2 on Residential Extensions and Policy UD6 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
2. The maximum number of residents shall be restricted to 6 at any one time.  
Reason: To protect the amenity of adjoining occupiers in accordance with Policy BE17 of the Unitary Development Plan and the Supplementary Planning Guidance Note No.2 on Residential Extensions and Policy UD6 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
3. The premises shall only be used for adults between the ages of 18 and 65 with only Mild or Moderate Learning Disabilities and not with challenging behaviours, as defined by Social Services' Community Care Assessments and as confirmed in the Commission for Social Care Inspection Registration Certificate for the premises and for no other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987  
Reason: To protect the amenity of adjoining occupiers in accordance with Policy BE17 of the Unitary Development Plan and the Supplementary Planning Guidance Note No.2 on Residential Extensions and Policy UD6 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
4. The utility room shall not be used except between 0800 hours and 2200 hours  
Reason: To protect the amenities of adjoining occupiers
5. The development shall be begun within three years of the date of the

permission.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

In granting permission the local planning authority had regard to the following policies:-

1. The relevant policies of the Unitary Development Plan are SP1, SP2, BE1, BE2, BE3, BE16, BE17, T23, T46, H1, H14, H17, SP40 and CS2.
2. The relevant policies of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan) are SP3, UD2, UD6, T30, T43, H1, H11, H12, SP30 and CS1. These policies are further amended by Proposed Modifications dated February 2006.

The development is considered to be satisfactory in relation to the following:-

- (a) the provision of satisfactory living accommodation for future residents
  - (b) the impact on the amenities of the occupiers of adjacent properties
  - (c) the privacy of occupiers of adjacent properties
  - (d) accessibility to buildings
  - (e) the housing policies of the development plan
  - (f) the safety of pedestrians and motorists on the adjacent highway
  - (g) the community services policies of the development plan
- and having regard to all other matters raised.

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**Ward:** Kenley **DEVELOPMENT CONTROL COMMITTEE**  
**Lead Officer:** Head of Planning Control **27<sup>th</sup> April 2006**

**06/0038/P- 37 Cullesden Road, Kenley, CR8 5LR**

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## **1. SUMMARY**

- 1.1 This report concerns an application for the use of a house at 37 Cullesden Road as a residential care home for 6 persons with mild or moderate learning disabilities.
- 1.2 The application has been referred to the Committee by a member of the Council.

## **2. RECOMMENDATION**

- 2.1 That planning permission be granted subject to the conditions and reasons set out in the agenda.

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## **3. BACKGROUND**

- (a) Site Description

- 3.1 The application site is a two storey detached dwelling house located on the eastern side of Cullesden Road. The property has a rear garden of approximately 55 metres in depth and a maximum of 14 metres in width. It also has a front forecourt with space for off-street parking. The house has a gross internal floorspace of approximately 300 square metres.
- 3.2 This section of Cullesden Road is residential in character and consists mainly of two storey detached houses. There is a nursing home to the rear of the property.
- 3.3 There is Tree Preservation Order, 2 on the site. There are no on-street parking restrictions on Cullesden Road

(b) Relevant Planning History

- 3.4 There is no relevant planning history

(c) Proposal

- 3.5 The proposal is to convert the existing house into a residential care home for 6 adults with mild or moderate learning difficulties. The proposed ground floor plan proposes bedrooms 1 and 2 and the lounge, kitchen, utility room and dining room would be shared facilities. The first floor would have bedrooms 3 to 6 and an office. Each of the bedrooms would have a shower and W.C. room. Each adult would be allocated their own bedroom. The applicant intends to employ staff on a rota basis to supervise the adults. There would be two members of staff on shift. There will be no staff accommodation, only the office on the first floor.
- 3.6 The residents on site would be aged between 18 and 65 and their relatives and friends would be able to visit them. Residents would have learning disabilities and would be encouraged to maintain their independence by being supported in doing their own cooking cleaning and shopping. The residents would be encouraged to take up work, attend college and/or undertake day care activities. There will be one seven seater car used for transportation.

#### **4. PLANNING POLICIES**

- 4.1 The relevant policies of the Unitary Development Plan are SP1, SP2, BE1, BE3, BE17, T23, T46, H1, H14, H17, SP40 and CS2.
- 4.2 The policies of the Second Deposit Draft Replacement Unitary Development Plan (referred to as the Croydon Plan) which would amend the above and which impact upon the proposal are SP3, UD2, UD6, T30, T43, H1, H11, H12, SP30 and CS1. These policies are further amended by Proposed Modifications dated February 2006.

#### **5. CONSULTATIONS**

- 5.1 21 adjoining and nearby occupiers were notified of the application. 14 letters were received objecting to the development on the following grounds :
  - a) The steep garden is not suitable for people with learning disabilities

- b) Parking is dangerous at this point on Cullesden Road and there is insufficient parking on site. There will be an increase in traffic in the area
- c) The area is not suitable for people with learning disabilities, there is no bus service, no shop, no medical care or library and Kenley Station is a mile away
- d) There is concern as to who will monitor the care home
- e) The house does not appear big enough
- f) There will be loss of privacy
- g) There will be more noise and disturbance and anti social behaviour
- h) There are several nursing homes and care homes in the area
- i) The area is residential in character, the proposal would be out of character with this
- j) Property prices will fall
- k) Local infrastructure would not be able to handle the increase in residents

5.2 Councillor Steven Hollands have referred this application on the grounds that:

‘The property is not suitable for the purposes of the applicant. The property, although detached is placed in a relatively small plot. The property will effectively become a house of bedrooms and little more. The property is not close to public transport which will isolate the occupants. Parking space is insufficient for the every day needs of the occupants, Cullesden is recognised as having traffic problems having had speed restrictions put in last year. Overflow parking is not practical’

## 6. CONSIDERATIONS

6.1 The principal issues to be considered are:

- a) Whether the proposal is acceptable in principle having regard to the land use policies of the development plan.
- b) The effect of the proposed development on the visual amenities of the street scene and the character of the area.
- c) The impact on the amenities of adjoining and nearby occupiers to the site.
- d) The amenity of future occupiers of the proposed care home.
- e) Traffic and highway implications.

6.2 (a) The principle of this use

The Council’s policies on housing supply H1 of the UDP and H1 of the draft Croydon Plan seek to resist the loss of housing but allow for the conversion of residential accommodation for the provision of community uses sought by other policies in the respective Plans. Policy H14 of the UDP and H11 of the draft Croydon Plan seek to retain small family houses, however as the existing house has a floorspace of approximately 300 square metres, the proposal would not conflict with these policies.

6.3 Policies H17 of the UDP and H12 of the draft UDP Croydon Plan states that residential care homes will be permitted except where such homes would have a significant adverse effect on residential amenity or the character of residential areas. When considering such applications the Council will have regard to the following:

- The cumulative effect of similar uses within the area;
- The impact on the street scene;

- Traffic generation and parking provision;
- The level of noise, disturbance and intrusion.

6.4 The site has no constraints and provided the proposal does not conflict with other policies in the Development Plans then it is considered to be acceptable in principle. The criteria set out above are dealt with below.

6.5 (b) Appearance and character

There would be no external alterations to the property so the proposal would not have a detrimental effect on the street scene or the character of the area. It is considered the residential care home would not be out of context with the character of the residential area because it would have a relatively low number of occupants consistent with that of a large family dwelling.

6.6 In the surrounding area there is no other care homes within Culleseden Road. There is a Care and Rehabilitation Home at 50 Park Road. The proposed development would not, therefore, result in an excessive cumulative effect.

6.7 (c) Impact on adjoining and nearby occupiers

There have been a number of objections to the proposed development and these concerns have been considered. However, as the development is relatively small in scale it is considered that there would not be a significant detrimental impact on adjoining occupiers sufficient to warrant a reason for refusal. It is suggested that conditions be attached to any grant of planning permission to restrict the number of residents to a maximum of 6 and to ensure that any further change of use would require the benefit of planning permission.

Although management issues would mainly fall within the jurisdiction of the Social Services Department and subject to National Care Homes Regulations under the Commission for Social Care Inspection (CSCI), the amenity of surrounding occupiers has been carefully assessed. The proposed use is for people with learning disabilities under the Category of Mild or Moderate difficulties. This has been confirmed in writing by the applicant. This means residents have assisted independent living and residents will be encouraged to go to work, college and /or undertake day care activities. There would be no nurses living on the premises. There would only be support workers, working on shifts to assist with day to day activities. It is thought the use is consistent with a residential area. It is suggested a condition be attached to any grant of planning permission to restrict the residents to those defined by the CSCI as adults with mild or moderate learning disabilities. This would be necessary to protect the amenity of the adjoining occupiers as the properties within this section of Cullesden Road are in close proximity to each other and any change to the severity of the learning difficulties of the residents may lead to an increase in general noise and disturbance.

6.8 Privacy

It is considered there would be no significant detrimental loss of privacy. The number of occupants in the property would be relatively low and consistent with that of a large family dwelling. There are no windows in the flank walls of the property.

6.9 Noise and disturbance

Due to the relatively low number of occupants proposed for the care home, it is considered that ambient noise levels would not significantly increase and there would be no significant adverse effect on adjoining or nearby occupiers. Furthermore, the Council's Specialist Pollution Team has commented that the proposal is unlikely to have a detrimental effect on the amenity of adjacent properties. A suggested condition to limit the hours of use for the utility room could further protect the amenity of the adjoining occupiers, as well as the amenity of the future residents.

- 6.10 (d) Amenities of future occupiers  
It is considered that the proposed residential care home would provide an adequate level of accommodation for its future occupiers.
- 6.11 There is no specific planning guidance produced for residential care homes. However, guidance note No. GN.H55, which is associated with the Housing Act 1985, recommends minimum standards for houses in multiple occupation and these can be applied to residential care homes. The Council's Environmental Health and Trading Standards department have commented that the proposed development would meet the proposed space standards and amenity provision.
- 6.12 The property has a rear garden which it is considered would provide adequate amenity space for future occupiers.
- 6.13 (e) Traffic and highway issues  
The site has existing off-street car parking space for 2 cars. It is considered that the development would not lead to any significant increase in traffic or on-street parking due to the fact that residents would not own cars.

## **7. ENVIRONMENTAL CONSIDERATIONS**

- 7.1 The Council's Specialist Pollution Team has commented that the proposal is unlikely to have a detrimental effect on the amenity of adjacent properties.

## **8. EQUALITIES CONSIDERATIONS**

- 8.1 The use would cater for people disadvantaged by learning difficulties.

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Case Officer: Laura Millar  
Background Documents: Referral from Councillor Steven Hollands  
14 Letters of Objection  
Transportation Comments  
Environmental Health Comments

Contact Officer: Philip Mills Tel: 020 8760 5419