

Cane Hill Hospital

in the London Borough of Croydon

planning application no. 14/02594

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition and relocation of existing agricultural barn; erection of new mixed use agricultural and equestrian barn; erection of farm shop; alterations and conversion of former Medium Secure Unit to livery stables with ancillary residential accommodation.

The applicant

The applicant is **Mr J Kent**, and the architect is **McCloskey & Bingham**.

Strategic issues

The main strategic issue in this case is the development within the **Green Belt**.

The Council's decision

In this instance Croydon Council has resolved to grant permission under their delegated powers.

Recommendation

That Croydon Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

Context

1 On 26 August 2014 the Mayor of London received documents from Croydon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 3D of the Schedule to the Order 2008 which states:

“Development on land allocated as Green Belt or Metropolitan Open Land in the development of plan..; and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.”

2 On 24 September 2014 the Mayor considered planning report P&D/2108e/01, and subsequently advised Croydon Council that the application complied with the London Plan, for

the reasons set out in paragraph 33 of the above-mentioned report, but asked that account be taken of the comments made in that paragraph prior to making a recommendation on the case.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since the report was issued, additional information has been received in response to the Mayor's concerns (see below). On 24 October 2014 Croydon Council decided that it was minded to grant planning permission for the application, and on 27 October 2014 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged or, direct Croydon Council under Article 6 to refuse the application. The Mayor has until 10 November 2014 to notify the Council of his decision and to issue any direction.

4 The decision on this case and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

5 At the consultation stage Croydon Council was advised that the application complied with the London Plan for the reasons set out in paragraph 33 of the stage I report, but asked that account be taken of the comments made that paragraph.

6 The key issue raised was the connection between this application, and the implementation of the wider outline scheme for the Cane Hill redevelopment. The outline scheme permitted the principle of the relocation of the farm to a site within the Green Belt. GLA officers were concerned that the permitted farm floorspace from the outline scheme and the proposed farm floorspace in the subject permission could both be built out, effectively doubling the amount of development permitted within the Green Belt. GLA officers requested that a mechanism was secured either on the outline scheme or the subject permission to ensure that only one of the permissions was implemented.

7 In response to this concern, the Council submitted further information in relation to the detail of the outline scheme. In addition, the permission for the outline scheme has now been issued and the final decision notice and legal agreement are available for review. The approved drawings for the outline scheme include a parameter plan which secures the specific boundary of the farm site. This site plan matches the site plan submitted with the subject application. Therefore, the two approvals could only be carried out on the same land to the same scale. This prevents the proposals being carried out separately and avoids any additional impact on the Green Belt that has not been fully assessed.

8 In addition, the Council has confirmed that the outline scheme is subject to a reserved matter condition which requires the submission of the details of the farm buildings. This will ensure the Council remains in control of the final details of the proposal should it be built out under this permission or the outline scheme.

9 While a specific restriction on the implementation of one of these schemes has not been secured, these measures would ensure the quantum of development permitted for the farm within in the Green Belt is restricted and this permission would not result in a doubling of permitted farm space within the Green Belt.

Response to consultation

10 One response from English Heritage (archaeology) was received in relation to the application. In summary, this response stated that while the submitted details of the existing

archaeological condition and methods for demolition are limited, subject to recommended conditions, no objection was raised. These conditions are included in the draft decision notice.

Legal considerations

11 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

Financial considerations

12 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

13 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

14 Having regard to the details of the application, the matters set out in Croydon Council's planning report and its draft decision notice, the proposal to relocate the farm would be in line with the principle of the wider development scheme for Cane Hill and would not result in additional construction within the Green Belt. Further information has been provided in relation to the relationship between the outline scheme and this permission which address the outstanding issues that were raised at Stage 1. On this basis, the application is in accordance with the London Plan

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Cane Hill Hospital

in the London Borough of Croydon

planning application no. 14/02594/P

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition and relocation of existing agricultural barn; erection of new mixed use agricultural and equestrian barn; erection of farm shop; alterations and conversion of former Medium Secure Unit to livery stables with ancillary residential accommodation.

The applicant

The applicant is **Mr J Kent**, and the architect is **McCloskey & Bingham**.

Strategic issues

The development is broadly in line with the relevant London Plan polices. However, further discussion is needed with regards to safeguarding mechanisms relating to the openness of the **Green Belt**.

Recommendation

That Croydon Council be advised that the application is generally acceptable in strategic planning terms, but that further discussion is needed on the issues set out in paragraph 33 of this report.

Context

1 On 26 August 2014 the Mayor of London received documents from Croydon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 6 October 2014 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Order 2008: *"Development on land allocated as Green Belt or Metropolitan Open Land in the development of*

plan.; and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.”

3 Once Croydon Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site forms part of the former Cane Hill Hospital site which is located on the edge of the Borough of Croydon, in Coulsdon. Originally developed in 1882 as the third Surrey County Lunatic Asylum it transferred to the NHS on its creation and finally closed in 1991, save for a small Medium Secure Unit (MSU) which continued operating until 2008. The buildings remained vacant for many years and were subject to extensive vandalism and arson attacks and were finally demolished in 2010. Only the Water Tower, Chapel and a small remnant of the front administration building now remain. At its peak the hospital housed some 2,000 patients and 700 staff. The main access to the hospital was from Brighton Road close to its junction with Lion Green Road, with a secondary goods access from Portnalls Road.

6 The 83 hectare former hospital site is located on a finger of land that rises by about 80 metres from the north, east and west, to a plateau at the centre of the site, where the hospital buildings were located, surrounded by fields and woodlands. The extensive grounds were used for farming originally by the hospital and latterly by a tenant farmer, who is still operating the site, and whose future operation is sought to be secured with this application.

7 This application specifically relates to Cane Hill farm, which currently occupies space within the former Cane Hill Hospital Site. The existing farm buildings comprise; a steel clad barn (which would be relocated to the proposal site), a substantial Victorian brick stables providing 20 loose boxes, 3 hay lofts, feed stores and tack facilities, and 12 loose boxes converted from old pig buildings. The buildings have a combined floorspace of approximately 800 sq.m.

8 The whole site is designated as Green Belt. The MSU building is also within a Site of Nature Conservation Importance and Archaeological Priority Zone.

Details of the proposal

9 This application seeks to demolish a selection of the existing farm buildings (equating to approximately 540 sq.m floorspace) and re-establish the farm to the south of the site adjacent to the building known as Glen Cairn. The moving of the farm would allow the development of the Cane Hill proposal (see case history below).

10 The Cane Hill permission is yet to be issued (owing to ongoing S106 negotiation), and this application seeks permission for the relocation of the farm in advance of this permission being finally agreed. As a result, while the resolution to grant is a material consideration, this application stands alone, not a reserved matter of the original outline permission.

11 The new farm would be partly relocated in a redundant single storey Medium Security Unit (MSU) which was used in conjunction with the historic hospital use. This building would be converted into stables with ancillary uses. The proposal also incorporates alterations to the

elevations of the building including enlarging existing and creating additional openings for new barn doors. The ancillary uses include toilet facilities, an art room, workshop, meeting room and a kitchen. A staff accommodation unit is also proposed within wing 1.

12 The relocation of the farm also requires the erection of three barn structures. These would be located on the area which was laid out as tennis courts on tarmac. One of the barns would be relocated from the existing farm which measures 30.5m x 12.5m and 7.5m high. Of the two new barns, the largest barn would measure 40m x 10m at a height of 7.3 finished with a pitched roof and the smallest would measure 12m x 8m at with a pitched roof measuring 6.8m. The new development (not including the MSU building) would constitute approximately 870 sq.m of floorspace. These buildings are proposed to be laid out in the same form as identified in the Cane Hill outline application.

Case history

13 There has been no pre-application submission on the proposed scheme. However, the subject site is part of the Cane Hill development which sought planning permission for redevelopment of the former Cane Hill Hospital Site (Croydon ref 13/02527/P, D&P/2108) to provide a mixed use development comprising B1, C1, A1, A2, A3, A4, A5, D1 and D2 uses and relocation of the farm. The Council has resolved to grant this permission and the S106 is in the process of being signed.

14 The application sought outline consent for the relocation of the farm to the site subject of this application, including the conversion of the MSU building, the relocated barn and two new barns. Overall the Cane Hill development proposed that the replacement farm would occupy 1,142 sq.m of floorspace in the MSU and Glen Cairn, and 877.25 sq.m within the three barns.

Strategic planning issues and relevant policies and guidance

15 The relevant issues and corresponding policies are as follows:

- Green Belt *London Plan*
- Urban design *London Plan;*
- Transport and Access *London Plan; the Mayor's Transport Strategy;*

16 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2013 Croydon Strategic Policies Local Plan, 2006 Unitary Development Plan and the 2011 London Plan (with 2013 Alterations).

17 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework
- The Draft Further Alterations to the London Plan (January 2014)

Principle of development/Green Belt

14 The 2013 Croydon Strategic Policies Local Plan designates the entire site as Green Belt. The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 80 of the NPPF sets out the five purposes of Green Belt as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

15 The NPPF states that the construction of new buildings in the Green Belt is inappropriate development. However, paragraph 89 does outline exceptions to this which include; buildings for agriculture and forestry, the replacement of a building (provided the new building is in the same use and not materially larger than the one it replaces) and limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. Paragraph 90 goes on to confirm that the re-use of permanent and substantial buildings is not inappropriate development in the Green Belt.

17 London Plan Policy 7.22 states that the Mayor will seek to encourage and support thriving farming and land based sectors in London, particularly in the Green Belt.

18 The outline proposal for the Cane Hill site (Croydon Council ref 13/02527/P and D&P/2108) which has resolution to grant, includes the land currently occupied by the subject farm, and the proposal for the relocation of the farm and three barns on the tennis court site. The principle of the re-provision of the farm use at the subject site has, therefore, been established.

19 In that application, while the scale of the proposed development was inappropriate development within the Green Belt, there were several factors that cumulated in ‘very special circumstances’ which on balance outweighed any harmful effects of the inappropriate development within the Green Belt. These included;

- 1 The proposed development being well defined and unlikely to lead to sprawl.
- 2 The development would not lead to, or encourage the merger of Coulsdon with other towns.
- 3 The degree of encroachment into the countryside is limited by the historic site boundary.
- 4 The development would not impact on the setting and special character of any historic towns.
- 5 While the proposal is on parts of greenfield land, it has been allocated in the local plan as
as
a development site to provide homes. Weight is given to the historic established development which previously stood on the site.
- 6 If the residentially led development were refused, the allocation of a ‘science and business and innovation park’ would remain, but this has been tested as an unviable development. The proposal would prevent the site from standing sterile.
- 7 The development would assist in meeting the boroughs housing targets.
- 8 The proposal will improve the access and quality of the Green Belt around the development.
- 9 There are substantial regeneration benefits associated with the proposal, including strengthening of the town centre.

20 However, given that this is a standalone application, the scheme should be assessed on its own merit. In relation to the conversion of the MSU and the relocation of the barn, these would meet the criteria of the exceptions to new buildings in the Green Belt defined in paragraph 89 of

the NPPF and are acceptable. While proposals for agricultural development are also included in paragraph 89, there have been historic concerns in relation to the quality of the agricultural use the subject farm carries out. However, the evidence presented by the applicant confirms that the buildings will be in agricultural or ancillary uses and would support outdoor recreation. The erection of buildings here will replace buildings being demolished elsewhere on the Green Belt and there would be no significant gain of building floorspace.

22 In addition, the location and siting of the proposed buildings have been carefully considered; the site is currently concrete playing courts surrounded by dense vegetation and trees up to 12m in height. The scale of buildings would be similar to the buildings that the farm currently occupies. The proposal would not, therefore, have a significantly greater impact on the openness of the Green Belt than currently exists.

23 In conclusion, the principle of this proposal has been accepted as part of the Cane Hill Hospital re-development application. The reuse of the MSU and relocation of the existing barn would meet the criteria of acceptable development in the Green Belt, and the new barns would be used in connection with the agricultural use of the site. The additional development would not comprise substantially more floorspace than the farm currently occupies and the development would not represent a significantly greater impact on the openness of the Green Belt.

24 However, given that this application has been submitted outside the Cane Hill outline permission and its reserved matters, it is possible that the site area secured in the outline proposal for development within the Green Belt could be built out along with the floorspace secured as part of this permission. This would effectively double the permitted scale of development within the Green Belt which would have a significant effect on its openness. GLA officers, therefore, recommend the investigation of a mechanism to secure that this would not be the case, and that only one scheme including reference to the farm could be implemented. This could be achieved with the inclusion of further conditions on the outline scheme, or a mechanism included in a legal agreement. GLA officers would welcome further discussions on this prior to referring the application back to the Mayor.

Urban design

24 Good design is central to all objectives of the London Plan (2011) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. New development is also required to have regard to its context, and make a positive contribution to local character (policy 7.4).

25 While limited information has been provided on the detail finish of the proposed sheds and alterations to the MSU, as a result of the location of the proposal sited behind existing vegetation, the fact that these buildings replace existing agricultural buildings from another part of the site, and that the form of the proposal has been agreed in the Cane Hill planning proposal, the application raises no strategic design issues.

Transportation

26 The proposal would use the existing access road which currently connects with the A237 Brighton Road north of the Brighton Road/Marlpit Lane roundabout. However, as part of the redevelopment of Cane Hill, the primary vehicular access will be via an additional arm at the Brighton Road/Marlpit Lane roundabout. The proposal will not have direct access to the A23 Farthing Way, which is the nearest section of the Transport for London Road Network (TLRN).

27 Given that the proposal involves the relocation of existing farm uses within the Cane Hill site, and would not involve the intensification of the existing farm uses, it would be unlikely to generate additional vehicle trips. Therefore, Transport for London (TfL) has not raised any strategic issues with regards to the proposal.

Community Infrastructure Levy

28 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

29 The Mayor has arranged boroughs into three charging bands. The rate for Croydon is £20 per sq.m. In addition, Croydon Council has adopted its borough CIL. The required CIL should be confirmed by the applicant and council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations:

<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents> as amended by the 2011 regulations: <http://www.legislation.gov.uk/uksi/2011/987/made>

Local planning authority's position

30 The local planning authority's position is not known at this stage

Legal considerations

31 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

32 There are no financial considerations at this stage.

Conclusion

33 London Plan policies on Green Belt, urban design and transport are relevant to this application. In general, the application complies with these policies; however, further discussion is needed on the following point prior to referring the application back to the Mayor;

- **Green Belt:** In order to safeguard the openness of the Green Belt, further discussion is required in relation to a mechanism to safeguard that the floorspace approved in this application could not be implemented in addition to the floorspace for the farm approved in the Cane Hill outline scheme.

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