To Complaints Department – London Borough of Croydon

Stage 1 Complaint - Planning Process: App. Ref: 18/05928/FUL 20-22 The Glade, Shirley, Croydon CR0 7QD

Reference: 18/05928/FUL
Application Validated: Fri 07 Dec 2018
Address: 20-22 The Glade Croydon CR0 7QD
Proposal: Erection of 2 x three bed semi-detached dwellings with associated access and parking. Formation of parking areas for 20 & 22 The Glade.
Consultation Close: Sun 06 Jan 2019
Decision: Grant Approval
Decision Date: 1st February 2019

Dear Sir/Madam

Please Accept the following **Stage 1 complaint** regarding the **approval process** of the above-mentioned planning application on the following grounds:

It is our understanding that Planning Applications are determined against current adopted planning Policies and that it is inappropriate to assess applications on any draft planning policies currently either under consideration, subject to further discussion or amendment or to further Examination in Public and therefore not yet formally adopted. To evaluate a planning application against such **unadopted policies** is pre-empting adoption which may not ultimately be an agreed policy and therefore **not** an appropriate policy to assess suitability for determination.

The case officer's report for this application at **paragraph 5.5** states:
"... ***With regards to the London Plan density matrix, the London Plan is currently being revised and the density figures are intended to be removed from the plan. As such, there would be insufficient grounds for refusal based on this particular matter.*** **"**

This statement is therefore pre-empting the policies which may or may not be approved and it is feasible that an alternative policy may be agreed which replaces the current adopted policy. This policy is currently the subject of the London Plan Examination in Public (EiP) – Hearing [M]39-Density - currently scheduled for the afternoon of 5th March 2019 and any policy change would not be adopted until the new London Plan EiP hearings have been completed and the Planning Inspector's final recommendations have been approved and thence adopted.
We believe that the case officer's presumption is inappropriate as an application should only be determined on current adopted planning policies. The presumption on content of possible future policies is inappropriate as those policies may not subsequently be adopted and therefore
could result in a false premise for determination. We contend that planning applications should only be determined on current fully adopted planning policies and those adopted policies should be upheld until such time as any new policies are agreed and formally adopted.

This proposal is **Non-Compliant** to the **current adopted London Plan Policy 3.4 Optimising housing potential**, with respect to excessive **Residential Density** at **PTAL**

1a as the Residential Density for a suburban setting does NOT reflect the guidance given in the London Plan Policy 3.4 and there is NO justifications for not meeting the policy, as supported by **NPPF (24July 2018)** which states:
"Achieving appropriate densities: **para122**. Planning policies and decisions should support development that makes efficient use of land, taking into account:
c) **the availability and capacity of infrastructure and services** – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
d) the desirability of maintaining an area's prevailing character and setting **(including residential gardens)**, or of promoting regeneration and change; and …"

In addition, it is also our understanding that the **2012 NPPF at paragraph 53** requires Local Planning Authorities to:
53. Local planning authorities should consider the case for setting out policies to **resist inappropriate development of residential gardens**, for example where development would cause harm to the local area.

And the **new NPPF (July 2018)** at **para 70** which states:
70. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be **compelling evidence** that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic
windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to **resist inappropriate development of residential gardens**, for example where development would cause harm to the local area.

The Croydon Local Plan has defined a policy which **allows** development on garden land but is required to be **within specified limitations** at **Policy DM10.4 e)** which states:
DM10.4 All proposals for new residential development will need to provide private amenity space that.
DM10.4 e). In the case of development in the **grounds of an existing building** which is retained, **a <u>minimum</u> length of 10m and no less than half or 200m^2** (whichever is the smaller) of the **existing garden area is retained for the host property, after the subdivision** of the garden.

The *"Harm"* inferred at NPPF para 53 and new NPPF para 70 is therefore any application in the London Borough of Croydon which is non-compliant to Croydon Plan DM10.4 e).

The **Case Officer's Report** at **Para 5.4** states:
"… The proposal would retain rear gardens for the host dwellings which are <u>10 metres deep</u> at their <u>deepest point</u> which are Croydon Local Plan Policy DM10 compliant. …"
And at Para 5.10 states:
"… ***The private amenity spaces of the host properties would be <u>more than 10 metres</u> deep and this would conform to Policy DM10.4e. Therefore, it is considered that the proposed development would result in acceptable amenity space to serve future occupants of the new development and those of the host dwelling."***

However, the retained partitioned rear garden of the host dwelling at **22 The Glade**, after partitioning, **would NOT be "<u>more</u> than 10m deep" and would NOT have "a**

minimum length of 10metres" throughout the width but only at the Right-hand extremity Boundary adjacent to 20 The Glade, as this length is **tapered and reduces over the width of the rear garden** and as such, if the boundary is **exactly 10meters at the boundary** and the garden is **tapered and less than 10 meters across the width of the garden** the actual garden can **never be 10metres or more than 10 metres deep.** The boundary might be 10metres but the garden must be less as it is tapered. **The partitioned rear garden is therefore less than the minimum of 10metres and increasingly less the further away from 20 The Glade boundary it is measured.** In addition, the **total area of the rear garden after partitioning is calculated at ≈120.625m^2 . (i.e. 79.375m^2 less than the required 200m^2 as stated in DM10.4 e**)) which therefore clearly **fails to meet the specified minimum defined requirement at DM10.4 e) policy definition** of retained garden area of **200m^2** after partitioning.

Therefore, the development proposal **clearly fails to meet the current adopted Croydon Local Plan Policy DM10.4 e)** or the spirit of the policy reflecting the guidance of **2012 NPPF para 53** and the guidance of **2018 NPPF para 70.**

These policies were referenced in specific detail and presented in our submission sent to Development Management on 4th January 2019 during the consultation period for this application (copy attached).

Our case for Stage 1 complaint is, therefore, that the case officer has made an approval determination without due regard to the current adopted **London Plan Policy 3.4 - Optimising housing potential** and has also made a determination which is **'in breach'** of the adopted **Croydon Local Plan Policy DM10.4 e)** without reasonable justification to do so in either case and subsequent to the MORA submission clearly setting out these reasons for objecting to this proposed development.

If adopted planning Policies are ignored by ***"Professional"*** **Planning Officers** it sets precedents and completely undermines the planning process.

As a challenge of this decision by MORA to the Planning Inspectorate is not legally possible and that the only challenge could be by Judicial Review, which would be very expensive, we make this **Stage 1 Complaint** under the council's complaints procedure which can ultimately escalate to a complaint to the **Local Government Ombudsman if a satisfactory response is not forthcoming.**

We take the view that planning policies are defined for **'observance' for good reason** and **should not be disregarded for the purpose of meeting housing targets**.
We object to the **deterioration of our local residential area by *"Professional"* Planning Officers, disregarding any adopted planning policies which are defined to protect the character of our residential localities and for the specific purpose of limiting the degradation and overdevelopment of the area within acceptable defined parameters.**

This Stage 1 Complaint has been endorsed and supported by all Monks Orchard Residents' Association (MORA) Executive Committee Members at our February 13th Committee Meeting and has also been endorsed and supported by the Chair of the Shirley Planning Forum (SPF).

Kind Regards
Derek

Derek Ritson I. Eng. M.I.E.T.
MORA Planning
Representing, supporting and working with the local residents for a better community

Cc:

Sarah Jones MP	Croydon Central
Steve O'Connell	GLA Member (Croydon & Sutton)
Cllr. Sue Bennet	Shirley North Ward
Cllr. Richard Chatterjee	Shirley North Ward
Cllr. Gareth Streeter	Shirley North Ward

Bcc:

MORA Executive Committee

Trevor Ashby	Chair of Shirley Planning Forum (SPF)

Local Residents