

To: Complaints Department
London Borough of Croydon
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From: Monks Orchard Residents' Association
Planning

28th March 2019

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Planning Committee 21st March 2019: Application Ref: 18/06070/FUL – 9a Orchard Rise, Shirley, CR0 7QZ

Dear Sir / Madam

As a result of our understanding of proceedings of the Planning Committee of 21st March 2019 relating to Planning Policies appropriate for consideration when making a determination of Application Ref: 18/06070/FUL – 9a Orchard Rise, Shirley, CR0 7QZ, we are of the view that significant relevant policies contained in the Suburban Residential Developments Supplementary Planning Guidance Policies (SPD2) were not adequately considered.

The Webcast proceedings of the Full Planning Committee meeting provides evidence of discussion relating to the width of the Access Driveway which was one of the most contentious issues of the proposal.

When Cllr. Clive Freeman queried whether the minimum width would comply with the emerging Suburban Design Guide SPD2 Policy for minimum width at the access to the proposed development, Planning Officer Richard Freeman indicated that the drive is an existing driveway and admitted that was not the answer to the question but then stated that SPD2 on Residential Developments had not yet been adopted and therefore could NOT be used in the determination of this application.

Both the **Chair, Cllr. Toni Letts and Head of Development Management Mr Pete Smith did NOT challenge this statement as they should have done as they should be aware, given their responsibilities, that the new **National Planning Policy Framework (NPPF July 2018) states at para 48:****

48. Local planning authorities may give weight to relevant policies in **emerging plans** according to:
- a) the stage of preparation of the **emerging plan** (the more **advanced its preparation, the greater the weight** that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (***the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given***)²².

It is understood that **SPD2 Residential Developments** was presented to the **Council Cabinet on Monday 25 March 2019** (*one working day from this Planning Committee Meeting on 21st March*) and will then be presented to **Full Cabinet on 1st April 2019** (*Just six working days from this planning committee meeting*).

The Chair of the Planning Committee Cllr. Toni Letts and Pete Smith – Head of Development Management, **MUST** have been aware that SPD2 would be considered at the next Cabinet on 25th March and on the agenda of the subsequent Council Meeting on 1st April (as I was able to establish on Friday 22nd March) but chose to ignore the clarification requested by Cllr. Clive Freeman and allowed the Planning Officer's statement to go unopposed.

This was clearly an imminent probable adoption of SPD2 and therefore clearly an **emerging policy** and by the time of compiling and submitting this complaint, is already some way into the process of adoption as formal policy. Therefore, SPD2 should have been fully considered by the planning committee as this policy was **very relevant** to the determination of this planning application – as the access passageway was an extremely contentious issue from a Health and Safety perspective and as accessibility is required for most vehicles including emergency vehicles, and removal lorries (Pantechincons), this should have been a significant issue to be considered with the support of requirements of Policy SPD2 in accordance with NPPF para 48.



Fire tenders would NOT be able to access the proposed development of 9 dwellings which would likely be of Timber Framed construction with significant volumes of combustible wood. It is understood a sprinkler system would need to be installed but mains water pressure at the furthest dwelling may be insufficient to douse a potential fire. The Case officers report at Informative 4) suggests liaison with the fire service – but this would be after a decision had been made!

Also, emergency vehicles may not be able to gain access if a major incident occurs on the developed site. In such a situation, multiple emergency vehicles for fire, ambulance and possibly police would need to attend the incident and the congestion and difficulty of gaining easy access **would put lives in danger.**

It is also dangerous for pedestrians and mothers with pushchairs and children. Also, one dwelling has disabled parking space and this disabled occupier may wish to exit and enter the site by wheelchair or mobility scooter which may be extremely dangerous especially negotiating the speed bumps. It may not be possible for a self-propelled wheelchair or mobility scooter to pass over these speed bumps which extend the full width of the access driveway. There is no available space for a separate footway.

Table 8 Typical fire and rescue service vehicle access route specification						
Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0

Notes:

1. Fire appliances are not standardised. Some fire and rescue services have appliances of greater weight or different size. In consultation with the Fire and Rescue Authority, the Building Control Body may adopt other dimensions in such circumstances.
2. Because the weight of high reach appliances is distributed over a number of axes, it is considered that their infrequent use of a carriageway or route designed to 12.5 tonnes should not cause damage. It would therefore be reasonable to design the roadbase to 12.5 tonnes, although structures such as bridges should have the full 17 tonnes capacity.

Table 8 - Access and facilities for the fire service Requirements

The access for this proposal is not gated so the 3.1m gateway entrance is NOT applicable.

Approved Document B (fire safety) volume 1: dwelling houses can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485420/BR_PDF_AD_B1_2013.pdf

B5. (1) The building shall be designed and constructed so as to provide reasonable facilities to assist firefighters in the **protection of life**.

(2) Reasonable provision shall be made within the site of the building **to enable fire appliances to gain access to the building**.

An NHS ambulance has wing to wing width of 2.3m which leaves just **40cm clearance** each side to traverse the 3.1metre width, the **≈23m length** of the passageway between nos. 11 & 9 Orchard Rise (Google Earth) slowing the vehicle critically when time is of the essence. The pull distance of refuse bins for refuse operatives from the refuse storage to vehicle has a limit of 20metres (non-compliant), as the Refuse vehicle cannot access the site.

It is understood there are proposed amendments to the Supplementary Planning Document (SPD2) at Para 2.29 which emphasise the safety issue for prioritising pedestrians over vehicular movements in such reduced width access drives and these were NOT satisfactorily discussed at the planning committee meeting.

These additions are:

*“Additional guidance and amendments have also been made to 2.29.1 and 2.29.13 to strengthen the **prioritisation of pedestrians over vehicular movement** (refer to paragraph 7.4.39 of this statement).*

*Amendment to Paragraph 2.29.7: ‘Entrances should generally be of a width that meet the criteria set out in **Figure 2.29e**... Where an existing entrance is narrower, the acceptability of this will be judged on a case by case basis and, where necessary, development applications will need to **demonstrate that a modern vehicle can safely and easily access and exit from the site.**”*

There were no such 'demonstrations' and **swept path diagrams** were **NOT** provided for adequate assessment of various size vehicular access. Also, due to the restricted width of Orchard Rise it may also be too difficult to actually turn into the access drive for certain large sized vehicles.

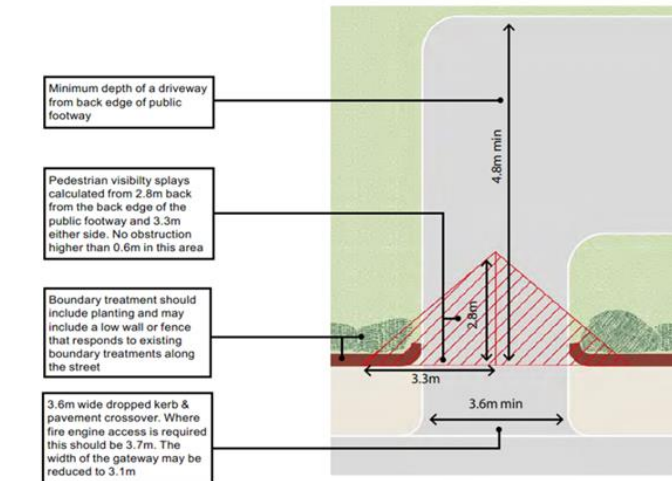


Figure 2.29e: Requirements for entrances and boundary treatments.

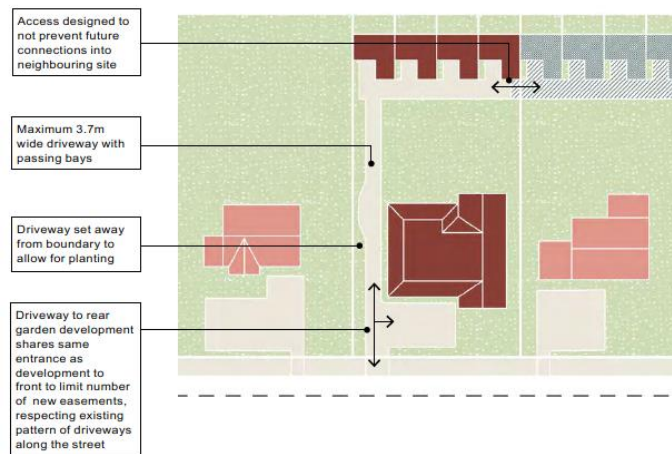


Figure 2.29f: Optimal layout of driveway for redevelopment of a detached home and for to access rear garden development.

We do not think the illustration at SPD2 fig 2.29e & fig 2.29.f (see above) has been modified for the final draft copy to be presented to Cabinet on 25th March 2019.

It should be noted that the Supplementary Planning Guidance (SPD2) at fig 2.29e requires the minimum width to be **3.6m** when the **actual measured width** for this application is **3.1m**. but that **Table 8** above requires a minimum **kerb to kerb distance of 3.7m**. (this passageway has no kerbs to guide vehicles if drifting too far either side and damaging fencing! If kerbs were to be installed that would reduce the width to even less than 3m).

We therefore believe that the Chair, the Head of Development Management and the Planning Officer Mr Richard Freeman were incorrect in their consideration that this draft SPD2 Policy could **NOT** be considered as an input to assess this proposal for determination due to it not being a current adopted policy, which caused premature closure of the debate. Such action was incorrect as the Policy SPD2 was clearly an **emerging policy** to be adopted within a reasonable time for it to have been considered fully under the guidance of **NPPF para 48**.

We do not believe that there is any justification for ignoring the SDP2 policy in this regard and if Planning Officers consider this width is acceptable why have a policy at all, and why do they constantly attempt at every opportunity to circumvent or evade Planning Policies? These policies are defined for good reason. The Planning Committee are basically undermining their own policies.

We believe closing off further debate on this important aspect resulted in an inappropriate decision being taken by the committee under direction of the Chair which could put the safety of future occupants in extreme jeopardy for the life of the proposed development.

The sensible logical approach would have been to consider the SPD2 Policies and to defer a decision until after discussions with the fire, emergency services and refuse departments to establish safety, acceptability or otherwise and have specific incontestable justification for not meeting the policy constraints as stated in SPD2 which would withstand scrutiny.

Please consider this as a formal Stage 1 Complaint.

This Stage 1 Complaint has been endorsed by the Full MORA Executive Committee and the following listed local affected Residents appended to this letter:

Yours sincerely

Derek C. Ritson - I. Eng. M.I.E.T. (MORA Planning).

Sony Nair – Chairman, Monks Orchard Residents' Association.
On behalf of the Executive Committee, MORA members and local residents.

Cc:

Sarah Jones MP
Cllr. Gareth Streeter
Cllr. Sue Bennett
Cllr. Richard Chatterjee

Croydon Central
Shirley North Ward Councillor
Shirley North Ward Councillor
Shirley North Ward Councillor

Bcc:

MORA
Trevor Ashby
Local Affected Residents
Other Interested Parties

Executive Committee
Chair of Shirley Planning Forum (SPF)