

MORA  
Planning@mo-ra.co

Contact: Pete Smith  
pete.smith@croydon.gov.uk  
Our Ref: CASE4939913  
Date: 24 April 2019

Dear Mr Ritson

**Corporate Complaint (Stage 1)**  
**9a Orchard Rise (LBC Ref 18/06070/FUL)**

I refer to your letter and associated documentation dated 28<sup>th</sup> March 2019 in respect of the above site and the Planning Committee's decision to grant planning permission for the redevelopment of this back-land site; involving the demolition of the existing house and ancillary office and erection of a two-storey block of 4 flats and 5 three bedroom houses, provision of parking spaces, refuse storage and cycle stores.

As you know, this case was considered by the Council's Planning Committee at its meeting of the 21<sup>st</sup> March 2019 and subsequent to the resolution to grant, the planning permission was issued on 22<sup>nd</sup> March 2019.

**Your Complaint**

Your letter raises the following issues -

- The Planning Committee failed to make proper consideration of the Suburban Design Guide which at the time was due to be adopted by the Cabinet and Full Council on 25<sup>th</sup> March and 1<sup>st</sup> April 2019 respectively. You refer to the NPPF which provides advice as to the weight to be afforded to an emerging plan; with greater weight afforded (arguably) where an emerging plan is at an advanced stage.
- That the Planning Committee (and officers) failed to follow through with its own standards (in respect of access widths to back-land sites); you argue that the width of the existing access would make it very difficult for fire engines to access the site to fight a fire which would put lives of future residents at risk. Your letter refers to the access widths highlighted in the Suburban Design Guide and linked to the above point, you argue that the local planning authority failed to take sufficient account of these crucial issues.

## **My Findings**

### Suburban Design Guide

As you will be aware, we are obliged to determine applications in accordance with the development plan unless other material considerations indicate otherwise. The statutory development plan comprises the Consolidated London Plan (2015), the Croydon Local Plan (2018) and the South London Waste Plan (2012). Other matters, including Supplementary Planning Documents and third party representation are treated as material planning considerations although critically, they do not carry a similar weight as development plan policy (especially where that development plan is considered to be suitably up to date).

Whilst your letter refers to paragraph 48 of the NPPF, it is clear (in the context of paragraph 48) that the Suburban Design Guide (at the time of Planning Committee consideration of the above planning application) was not emerging policy and even following adoption, is not treated as planning policy. As the document suggests, it merely provides guidance in support of development plan policy and does not enjoy the weight of S38(6) of the 1990 which explicitly requires planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.

Whilst I appreciate that the Suburban Design Guide was at an advanced stage of preparation when Planning Committee considered the application for 9A Orchard Way, I feel that was appropriate to remind Members of the Planning Committee as to its status (as a material planning consideration). I do not subscribe to your view that the Suburban Design Guide should have been afforded any greater weight.

In any case and advised above, as the name suggests the now adopted Suburban Design Guide is treated as guidance (rather than planning policy). Paragraphs 1.2.6 – 1.2.7 of the Suburban Design Guide further clarifies the relationship between the development plan (including the local plan) and the Suburban Design Guide.

### Access Widths

Development proposals are required to secure planning permission as well as comply with the Building Regulations (managed by either the Council's Building Control Service or by Approved Inspectors). Even if planning permission is granted for development, the scheme would still need to comply with Building Regulations and it is fair to say that the access with dimensions that are included in the Suburban Design Guide to a certain extent, flow from the Building Regulations.

What was significant however (in the case of 9A Orchard Way) was that the proposed development intended to utilise an existing access onto the site (rather than provide a new access). Whilst I appreciate that the existing access is less than 3.7 metres wide, officers were satisfied (from a town planning perspective) that the access width was adequate. I draw your attention to paragraph 2.29.7 of the Suburban Design Guide which states that entrances should generally be of a width that meets the criteria set out in Figure 2.29e). It goes on to say that where an existing access 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.

Officers were satisfied that cars would be able to enter and leave the site in forward gear and whilst larger vehicles (supermarket delivery vans for example) might have greater difficulty, we did not feel that this would have represented a sustainable reason for refusal. The refuse storage was approved close to the entrance to the site with waste management colleagues having been engaged as part of the planning application process. A planning condition was imposed requiring further details of waste capacity as well as further details of waste storage and presentation.

I think it is fair to say (on reflection) that whilst a fire tender could physically enter the site (a fire appliance is generally 2.5 metres wide) it is unlikely that a fire appliance would choose to carry out this manoeuvre – preferring instead to fight a fire off Orchard Way. In such circumstances, the Building Regulations look to introduce a sprinkler system in each of the houses/flats, which would allow for a 75 or 90 metres extended hose distance from the appliance to the furthest room measured as the hose would be laid. The 3.7 metres as detailed in the Suburban Design Guide is the ideal width, although it does not necessarily preclude narrower widths where this has been properly considered and modelled. In the full knowledge that the proposal would be expected to demonstrate an acceptable level of fire service access under building regulations and that the access width may not be acceptable by default, it is assumed that this matter has been so considered by the designer.

I trust this adequately deals with your queries. We stand by the decision taken by the Planning Committee and the views expressed at Planning Committee. The scheme would need to comply with the Building Regulations and after speaking with the applicant today, it appears that they are soon to embark on working drawings and engagement with Building Regulation specialists to ensure compliance with the Building Regulations. We have yet to receive applications to discharge planning conditions and I would suggest that you keep an eye open for subsequent planning application email alerts.

If you feel that your complaint has not been investigated properly or you wish to provide any significant new information that has previously not been considered, then you may complain to the next stage of the Complaint Procedure. However, I must advise you that escalating your complaint to the next stage will not result in the reversal of a planning decision that has already been taken, as this is beyond the jurisdiction of the Council's Corporate Complaints Procedure.

For a Stage 2 Complaint to be considered, you will need to contact the Complaint Resolution Team, explaining clearly why you feel your complaint has not been investigated properly, or provide details of any new significant information or evidence that may alter the decision made:

Complaint Resolution Team  
7<sup>th</sup> Floor, Zone C  
Bernard Weatherhill House  
8 Mint Walk  
Croydon  
CR0 1EA

Tel/typetalk: 020 8726 6000  
Email [Complaints@croydon.gov.uk](mailto:Complaints@croydon.gov.uk)

If you have any queries, please contact me on 020 8726 6000 extension 88726 or email [pete.smith@croydon.gov.uk](mailto:pete.smith@croydon.gov.uk).

Yours sincerely



**Pete Smith**

Head of Development Management  
Planning and Strategic Transport  
Croydon Council