

MORA
Planning@mo-ra.co

Contact: Pete Smith
pete.smith@croydon.gov.uk
Our Ref: CASE5039127
Date: 26 July 2019

Dear Mr Ritson,

Corporate Complaint (Stage 1)
32 Woodmere Avenue (LBC Ref 19/00783/FUL)

I refer to your letter dated 4th July 2019 in respect of the above site and the Planning Committee's decision to grant planning permission for development, involving the demolition of the existing house and the erection of a replacement detached two storey building with accommodation in the roof space comprising 7 self-contained flats (2x1 bedroom, 3x2 bedroom and 2x3 bedroom) with 5 off street car parking spaces, bike store and integrated refuse store.

Your letter has been treated as a Stage 1 Complaint under the Council's Corporate Complaints Procedure.

As you know, this case was considered by the Council's Planning Committee at its meeting of the 20th June 2019 which resolved to grant planning permission subject to the completion of a S.106 Agreement (dealing with various highway issues – including the re-planting of the existing street tree). To date, the planning permission has yet to be issued.

Your Complaint

Your letter raises the following issues

- We failed to properly interpret policies contained within the London Plan and failed to give sufficient weight to such policies (residential density in low PTAL areas and the cumulative impact of higher density schemes in areas characterised by low levels of public transport accessibility and local infrastructure provision)
- You feel that this scheme failed to properly meet various circumstances highlighted in the London Mayor's Housing SPG

- We failed to take into account the cumulative effect of the various schemes that have previously been granted planning permission in Shirley (in terms of social infrastructure and the availability and capacity of public transport)
- Your general premise has been (and continues to be) that these forms of schemes constitute overdevelopment and should be refused planning permission

My Findings

The Development Plan

Before going into the details of your complaint, I feel it might be worthwhile rehearsing relevant legislative provisions that direct the local planning authority to determine planning applications in its area.

S70(2) of the Town and Country Planning Act 1990 advises that in dealing with an application for planning permission, the authority shall have regard to the provisions of the development plan, in so far as it is material to the application and any other material considerations. As you will be aware, in Croydon the development plan comprises the London Plan – Consolidated with Amendments (2015) the Croydon Local Plan (2018) and the South London Waste Plan (2012).

We are obliged to determine applications in accordance with the development plan (considered as a whole) unless other material considerations indicate otherwise. The Supplementary Planning Documents, including the London Mayoral Housing SPG and the Council's own Suburban Design Guide SPD, do not enjoy the same weight as the various constituents of the development plan and are treated as other material planning considerations. As the titles suggest, they merely provide guidance in support of development plan policy and do not enjoy the weight of S70(2) of the 1990 Act.

Housing Density Matrix

The Housing Density Matrix was introduced as part of the First London Plan back in 2004, well before the introduction of the National Planning Policy Framework and the realisation of the current pressures being placed on London Boroughs to deliver exceptionally challenging housing targets – and maintaining a 5 year housing supply for the foreseeable future. It has been long considered that the Housing Density Matrix is no longer fit for purpose and whilst it is appreciated that it remains part of the London Plan (in its current iteration) its weight (as a material planning consideration) is relatively limited. As you will be aware, the supporting text advises that a consideration of housing density is only the start of planning housing development; not the end and it would be unacceptable to apply the density matrix mechanistically.

Whilst I am always impressed with the extent to which MORA analyse the various planning issues, I do feel that your approach (in relation to the density matrix) is too mechanistic; you will always treat failure to comply as a reason to refuse planning permission (rather than using the matrix as a starting point when assessing the various issues).

I think it is also worth bearing in mind the interplay between the various development

plan documents – especially as they tend to be adopted at different times – with the weight afforded to policies changing over time. As I have highlighted on a number of occasions, the delivery of additional housing is now of primary importance and we are firmly of the view that the density of such housing is of lesser significance (albeit within reason).

The London Mayor was satisfied that the Croydon Local Plan 2018, with its ambitious housing targets and 10,000 new units being delivered through the development of windfall sites, was in conformity with the London Plan (even with the London Density Matrix in place) and the appointed Planning Inspector found that the Croydon Local Plan passed the various “tests of soundness“. Bearing in mind that most suburban areas of Croydon are characterised by low PTALs and exhibit lower density characteristics, it is inevitable that densities will need to increase to ensure that we deliver the housing expected on windfall sites. The London Mayor now understands and has adopted this approach (as a means to deliver more housing in the suburbs) which is one of the main reasons why the current New London Plan seeks to remove the Housing Density Matrix.

When determining planning applications, it is important that the decision-taker considers the development plan as a whole, recognising that some policy considerations might not totally align with other policy issues and approaches. It is for this reason why some decisions are taken in the balance, with greater weight being given to certain considerations over others. In most cases we feel that the need to deliver more housing should reasonably counter density considerations (unless serious harm is caused by the scale of development for whatever reason). Of the schemes determined in Shirley, we are satisfied that we have struck the appropriate balance and are satisfied with the scale and effects of the flattened schemes granted to date. I appreciate that this might run counter to your own position (and those of Shirley residents) but I stand by our recommendations to grant planning permission and the eventual decision (invariably taken by the Council’s Planning Committee).

Supplementary Planning Documents

As the title suggests, these documents supplement the development plan and do not carry the same weight as development plan policy. I think it is also relevant that Croydon’s Suburban Design Guide was produced following on from the adoption of the Croydon Local Plan (2018) and arguably, when considering increase intensity of development set against density issues, should take precedence over the various exceptions outlined in paragraphs 1.3.50-1.3.53 of the London Mayoral Housing SPG; especially as the Croydon Local Plan seeks to achieve a minimum height of 3 storeys and the Suburban Design Guide provides examples of how sites might be suitably intensified .

Responding to Your Specific Points

I am satisfied that we properly considered the implications of the density matrix and took it suitably into account. We outlined why we felt that the density of development was acceptable and reviewed the various effects and impacts. I disagree with your position that these schemes are not in keeping with the general character and appearance of the area.

Your focus on the exceptions (contained on the Mayors Housing SPG) have limited significance (in our view) in view of the more recent adoption of the Suburban Design Guide.

I appreciate that we have received and determined a number of planning applications to redevelop single house plots to provide alternative flatted accommodation. We do take account of cumulative impact and consider the effect of increased on street car parking (set against high safety considerations). Social infrastructure can be enhanced through the use of Community Infrastructure Levy.

I note your comments about increased pressure on health services and the recent closure of surgeries. The Council works alongside the health authority to identify infrastructure needs and it is for the health authority to plan for population growth and associated pressures on patient numbers and manage accordingly for eventual delivery, utilising any monies that might be available through use of CIL. Whilst this should run in tandem with the intensification agenda, the local planning authority would have no basis to refuse planning permission and prevent developers from delivering new housing whilst others seek to deal with and resolve their infrastructure pressures.

I appreciate that this response is unlikely to satisfy you and your residents and we may well have to agree to disagree. Unlike other neighbouring London Boroughs, this Council has adopted a progressive agenda to deliver on its housing targets and take difficult decisions. Most of the sites in Shirley are brownfield in character (having been previously developed) and their redevelopment and intensification is generally supported by planning policy across all tiers of government.

I am sorry that I am unable to be of further assistance, but I hope this response further explains the policy basis behind the approach taken.

However, 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
7th Floor, Zone C
Bernard Weatherhill House
8 Mint Walk
Croydon
CR0 1EA
Tel/typetalk: 020 8726 6000
Email 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.

Yours sincerely



Pete Smith

Head of Development Management
Planning and Strategic Transport
Croydon Council