

Development Management
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Contact: Pete Smith
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Our Ref: Case CAS-73997-G6H8D7
Date: 9th August 2019

Dear Mr Ritson

Corporate Complaint (Stage 1)
18A Fairhaven Road (LBC Ref 19/01761/FUL)

I refer to your letter dated 21st July 2019 in respect of the above site and the Planning Committee's decision (at its meeting of 20th June 2019) to grant planning permission for the demolition of existing dwelling and the erection of a 3-storey block, containing 3x3 bedroom houses and 6x2 bedroom apartments with associated access, 9 parking spaces, cycle storage and refuse store. The planning permission was issued on the 3rd July 2019

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

Your Complaint

Your letter raises the following issues

- Our apparent failure to properly interpret development plan policies to ensure cumulative development proposals fully meet the requirements for the locality's existing and planned public transport infrastructure;
- Our apparent failure to consider implications of access limitations – failing to comply with guidance contained within SPD 2 (access and car parking stress)
- Our apparent failure to properly consider flood risk associated with the development – and specifically advice arising out of the Chaffinch Brook "Flood Alleviation Study"

My Findings

In many ways these issues have been previously raised and responded to previously, although I appreciate that you have escalated this previous complaint to Stage 2.

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 mechanically.

It is interesting and helpful that you have referred to the previous planning permission granted in respect of 16A Fairhaven Avenue which, in my view, gives a strong indication as to the acceptability of the consented scheme at 18A Fairhaven Avenue and arguably, could have been included (as relevant planning history) as part of the officer's report and taken into consideration in further justifying a grant of planning permission. Incidentally, the case you have referred to (LBC Ref 07/01681/P) was in fact refused planning permission; the planning permission (for 5 houses) was granted planning permission in 2006 (LBC Ref 06/04589/P) and appears to be what is now in place.

This previous planning permission gives a clear indication as to the acceptability of higher densities and with the increased expectation across all tiers of Government to deliver on housing targets, it is perfectly reasonable to accept the principle of even higher densities and especially flats accommodation alongside replacement family accommodation as part of the mix. I have no problem whatsoever with this form of this development – when assessed against prevailing character and appearance.

I think it is also worth acknowledging 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 is keen to adopt 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 consideration 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 flatted 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).

Car Parking and Sustainable Transport

This scheme was accompanied by 1-1 on site car parking and in such circumstances, we do not generally require car parking stress test to be undertaken. The officer’s report is quite clear as to the maximum level of car parking that would be deemed acceptable (10.5 spaces) and we were entirely satisfied with 1-1 on site car parking in this case. Residents need to recognise that reliance on more than one car per household is no longer sustainable and planning policy does not support such provision (even in low PTAL areas). Planning policy supports greater use of cycling and walking and areas such as Shirley are not particularly constrained by topography. The scheme accommodated space for bicycle storage and I am sure that future residents moving into these homes will recognise existing highway conditions and the availability of parking on street when making their choice to purchase and whether to rely (exclusively) on use of the private car(s).

Emergency Access

I appreciate that the proposed access onto the site would be relatively narrow (and is narrower than the access width outlined in the Suburban Design Guide). This issue was fully explained and explored in the officer's report, was raised as an issue at Planning Committee and was suitably dealt with. We were content that vehicles would be able to turn on site and exit safely into Fairhaven Avenue in forward gear. Access for emergency vehicles is a matter for Building Regulations and I am reasonably confident that the issue will be able to be satisfactorily accommodated at this later stage of the development process. However, if matters are unable to be resolved without changes to the scheme granted planning permission, the developer may well need to submit amended plans to the local planning authority for our consideration.

Flood Risk

I accept that the site is susceptible to surface water flooding and I apologise that the officer's report failed to make this suitably clear. Whilst the submitted flood risk assessment also provided limited information, the applicant did submit a surface water assessment – along with proposed mitigation measures to manage any surface water flooding issues. The decision to grant planning permission was taken subject to the imposition of a planning condition, requiring the provision of sustainable urban drainage techniques on site and this will need to be assessed in more detail at conditions discharge stage.

Moreover, condition 19 (attached to the planning permission) requires the submission of finished floor levels to deal with the mitigation of any surface water flood risk – linked to the adopted SUDs strategy which covered the points raised by Councillor Scott and acknowledged by officers.

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

