

MORA
Planning@mo-ra.co

Contact: Pete Smith
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Our Ref: CAS-105503
Date: 14 November 2019

Dear Mr Ritson

Corporate Complaint (Stage 1)
37 Woodmere Road (LBC Ref 19/03064/FUL)

I refer to your letter dated 17th October 2019 in respect of the above site and the Planning Committee's decision (taken at its meeting of 26th September 2019) to grant planning permission for the demolition of existing dwelling and the erection of two storey building (with roof-space accommodation) comprising 8 flats (1 x 3 bed, 5 x 2 bed and 2 x 1 bed) with associated car parking, private and communal amenity space and cycle and waste/recycling stores. The planning permission was issued on the 30th September 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 – linked to application of the London Plan Density Matrix
- Our apparent failure to properly consider the impact of the development on the amenities of the neighbouring occupier at 2B Tower View (in terms of outlook and enclosure and loss of privacy)
- Our apparent failure to properly consider the design of the proposed development and the extent to which it complemented the existing character and appearance of the area
- Our approach when considering planning merits of proposed development in the balance – with priority afforded to housing targets over other planning

considerations and (alleged) failure to implement in accordance with planning policies

My Findings

In many ways these issues have been previously raised and responded to in relation to previous complaints about other development proposals in an around Shirley; a number of which have also been investigated by the Local Government Ombudsman. In all cases, the Local Government Ombudsman has found in favour of the Council with no evidence of maladministration; I would respectfully suggest that there is no evidence of maladministration in this case either.

I was not present at this particular Planning Committee and have therefore reviewed the web-cast – including the officer's presentation, the various questions and items of clarification raised by Planning Committee Members, comments made by the speakers (for and against) and the Planning Committee debate. It is clear to me that all the points you highlighted in your letter were either responded to by officers (in response to Member's questions) or were properly aired during the debate. I am therefore at a loss to understand the context of this formal complaint when the various issues were discussed and dealt with by the Planning Committee.

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.

The points raised in your letter were raised by Councillor Streeter (when questioning officers) and a clear response was given that the open plan kitchen/dining/living area could reasonably be treated as a single habitable room. When I started out as a development control officer (as it was termed in the 1980's) a room exceeding 35 square metres in area could potentially be considered as two habitable rooms (from a density calculation point of view) also depending on the overall shape of the room; but that was over 30 years ago and much has changed over the years. The

fundamental point (as highlighted by Councillor Scott) is that such a arithmetic approach to residential density is no longer relevant and your suggestion that we should have treated this open plan space as two habitable rooms takes us to a new level of mechanistic interpretation which is no longer relevant.

You will be aware that the London Plan Panel Report has now been issued by the Planning Inspectorate which supports the intended deletion of the density matrix. The Panel concluded (notwithstanding the level of comment from the likes of yourselves) that the matrix is fundamentally in conflict with the design led approach now advocated – which sees density as an output and not as an input to determine the form and type of new development. Critically, it advises that enforcing a strict upper limit on density runs the risk of stymying otherwise acceptable development which would run contrary to the strategy of Good Growth.

Effects on 2B Tower View

Again, Councillor Streeter asked specific neighbour amenity impact questions of the presenting officer who responded clearly and robustly.

The Suburban Design Guide is (as the name suggests) treated as guidance – and it is not a “rule book”. It seeks to give guidance on what might be acceptable (in terms of the relationship between the scale and mass of buildings and neighbouring windows – and how that scale might affect the character and appearance of the area). Every case needs to be considered on its own merits – which means that the guidance contained within the SPD should be considered on a case by case basis and I am satisfied that this approach was followed in this particular case.

I appreciate that the immediate neighbour raised issues of overlooking to her existing side window. Whilst the proposed building was shown relatively close to the boundary, the mutual overlooking was limited by the presence of the boundary fence between the properties and requirement for high level windows (which would be obscure glazed and non-openable above 1.7 metres from internal floor level).

Character Considerations

The character of this part of Shirley is very varied indeed and the scale of development proposed (two storeys with accommodation in the roof) was considered to be totally in character with the area, Again this was fully debated and discussed at Planning Committee and was fully explained and examined in the officer’s report.

Prioritisation of the Planning Balance – Delivery of New Homes

I make no apology for seeking to deliver new homes across the borough – which represents a weighty consideration in the planning balance. It is inevitable that changes to the “status quo” might have some small scale effects on the character of areas and the amenities of neighbours. However, I must take issue with your suggestion that we are not implementing adopted planning policy.

As previously advised, 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 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, car parking or amenity effects (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 content 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).

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

A black rectangular box redacting the signature of Pete Smith.

Pete Smith

Head of Development Management
Planning and Strategic Transport
Croydon Council