

MORA  
Planning@mo-ra.co

Contact: Pete Smith  
pete.smith@croydon.gov.uk  
Our Ref: CAS-123091  
Date: 18 December 2019

Dear Mr Ritson

**Corporate Complaint (Stage 1)**  
**56 Woodmere Road (LBC Ref 19/01352/FUL)**

I refer to your letter dated 8<sup>th</sup> December 2019 in respect of the above site and the Planning Committee's decision (taken at its meeting of 24<sup>th</sup> October 2019) to grant planning permission for the demolition of a single family dwelling and the erection of a 3 storey block containing 2x3 bedroom and 7x2 bedroom apartments with associated access, 9 parking spaces, cycle storage and refuse stores. The planning permission was issued on the 25<sup>th</sup> October 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 that schemes are delivered in accordance with sustainable densities, bearing in mind the area's suburban setting and low PTAL;
- Our apparent failure to properly consider the impact scale of development proposed and specifically the apparent overbearing nature of the proposed development. You raise concern about the relationship of building mass, set alongside the neighbouring property at 54 Woodmere Avenue;
- Our apparent failure to properly consider loss of light to neighbouring property, due to the closeness and over-bearing nature of the development;
- Apparent "infraction" of planning policies, placing too much weight on housing delivery over other relevant planning considerations and policies.

## **My Findings**

In many ways these issues have been previously raised and responded to – covering previous complaints into other development proposals in and 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.

The recent Stage 1 Complaint into 37 Woodmere Avenue raised very similar issues which are now being considered by colleagues at Stage 2 of the Corporate Complaints Procedure. Whilst I am always happy to respond to concerns raised, the process is becoming somewhat repetitive and I therefore make no apologies for commenting in a similar format.

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.

As you will be aware, this case was first considered by the Planning Committee back in August 2019, with a decision on the planning application deferred to allow for a re-design (specifically the proposed roof form fronting onto Round Grove). Planning Committee was concerned about the proposed barn-style roof form and requested that this element be re-considered by the applicant. This element of the scheme was subsequently modified (following further discussions with planning officers) with the amended proposals further considered by the Planning Committee in October 2019.

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 the requirement to maintain 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.

You will be aware that the London Plan Panel Report has 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 when determining 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.

The London Mayor's response to the Panel Report has been recently published yesterday and a design-led approach to density has been re-affirmed.

#### Impact on 54 Woodmere Avenue

The Suburban Design Guide is (as the name suggests) treated as guidance and it is not a "rule book". It seeks to provide 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 an 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.

The planning application was supported by a daylight and sunlight assessment which concluded that the neighbouring property would maintain reasonable light levels in compliance with BRE Guidance. The Suburban Design Guide highlights a "rule of thumb" approach to daylight and sunlight, which is the purpose of the high level 45-degree analysis; with angles taken vertically and horizontally from a neighbouring window. In this particular case we required the applicant to prepare a daylight and sunlight report, in view of the issues which have been raised previously by local residents. Officers concurred with the conclusions of this assessment which helped dispel any suggestion that the scheme was sufficiently harmful to daylight and sunlight to warrant refusal of planning permission. Lack of significant harm also helped dispel any suggestion that the scheme was over-dense.

#### 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 recognised 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  
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