

Mr D Ritson
Via email only:
planning@mo-ra.co

complaints@croydon.gov.uk

Our ref: RE/ CAS-105503-W1M7W2
Date: 23 December 2019

Dear Mr Ritson

**RE: Complaint CAS-105503-W1M7W2
37 Woodmere Road (LBC Ref 19/03064/FUL)**

Thank you for your letter of 1 December, requesting the escalation of your complaint regarding 37 Woodmere Avenue. Your complaint has been registered at Stage 2 of the Council's complaints procedure and, as Executive Director of Place, it is my role to oversee this stage of the procedure.

As you yourself confirm in your letter, many of these issues have been raised previously; you have stated this is because you have not had a satisfactory answer which resolves your concerns regarding the Planning Department's adherence to policy, or lack of policy.

While I understand that you may not be happy with the responses you have received from the Council, or indeed the Ombudsman, I am satisfied that these issues have been fully and correctly addressed. I appreciate that your opinion differs, but it is not fault by a council to make a decision of which someone disagrees, and the responses you receive to the same issues will not alter.

The London Plan was first introduced in 2004, prior to the introduction of the National Planning Policy Framework and the realisation of the current pressure being placed on London Boroughs to deliver exceptionally challenging housing targets, and maintaining a five year housing supply for the foreseeable future. As Pete Smith, Head of Development Management, confirmed in the Stage 1 response, this approach to residential density is no longer as relevant, and your suggestion to treat open plan space as two habitable rooms is, in the Council's view, mechanistic – something which the London Plan considers inappropriate.

I have also considered your comments in response to Mr Smith regarding the Density Matrix, and I am aware that this is also an issue that we have responded to you about previously. I do not believe Mr Smith has indicated that the Density Matrix has been disregarded, rather that it is considered dated and does not carry sufficient weight when taking into consideration the Borough's housing targets or counter the need to deliver more homes. It remains part of the London Plan (in its current form), and will be replaced by the emerging New London Plan.

Supplementary Planning Documents, including the London Mayoral Housing SPG and the Council's own Suburban Design Guide regularly influence and inform the decision making process and they need to be treated flexibly, as they are expected to respond to various circumstances. In this particular case, the decision to grant planning permission was in accordance with the development plan, when considered in the round.

The Suburban Design Guide is guidance, and the Council is not bound by it. Officers and Members can diverge from it where they consider the circumstances of a planning matter justify it. The National Planning Policy Framework, (NPPF) states that local planning authorities '*may give weight to relevant policies in emerging plans*', and also gives the Council the discretion on what weight to give such policies. .

As with your recent complaint concerning No. 32 Woodmere Avenue, you highlight the cumulative effect of developments on the local community. Again, I wish to reassure you that the Local Planning Authority does consider cumulative impact of development; whether it be linked to highway safety, on street car parking pressure or other related capacity issues.

Planning history is a material planning consideration, and planning permission granted on neighbouring sites is considered and taken into account, especially if those schemes relied on on-street car parking capacity. Officers are also mindful of junction capacity and how that might be affected by increased intensity of development. The character of this part of Shirley is varied, and the scale of development proposed was considered to be totally in character with the area.

In respect of 2B Tower View, I can see that this was raised by Cllr Streeter at the Planning Committee meeting, and addressed by Mr Smith at Stage 1. While the proposed building was shown as relatively close to the boundary, the mutual overlooking was limited by the presence of the boundary fence between the properties and the requirement for obscured and non-operable windows above 1.7 metres from internal floor level.

I note your concern that, although questions were asked at Planning Committee, that justification for the decision was not substantiated, however I feel that decisions were taken in line with the professional judgement that officers made on the weight they should give to guidance, and I do not consider this offers evidence of fault or maladministration.

Having reviewed Mr Smith's response to the above points, I am satisfied that these have been fully addressed, and I am in agreement that, in most cases, the need to deliver more housing should reasonably counter other considerations, including density, car parking or amenity effects unless serious harm is caused by the scale of development for whatever reason. I have seen no evidence that the matters complained of cause either significant personal injustice or harm to yourself, MORA or wider public interests.

We are currently awaiting the Mayor's and Secretary of State's responses to the Panel Report – especially in relation to the Area Assessment Characterisation Studies so, at this stage, we are unable to advise how we might take this forward.

However, we do have an existing Borough Character Appraisal which focused on the various "Places" across the Borough. This was submitted as evidence to our own local plan examination, which has helped inform our approach to development densities and design.

I appreciate that there will always be situations where views on planning merits differ between the Local Planning Authority and local residents, but disagreement with the opinions or actions of the Planning Team and the subsequent decisions taken by the Planning Committee is not in itself evidence of malpractice. I am satisfied that the Planning Department is working in accordance with the policies and proposals contained within the Croydon Local Plan 2018, and I disagree with your assertion that policies are ignored or disregarded without credible justification.

I note that you have stated that you do not currently have an opportunity to appeal to the Planning Inspectorate, and that you do not have the funds to legally challenge approvals that you believe breach planning policies, so your only recourse is to use the Council's complaints procedure before escalating your complaints to the Local Government and Social Care Ombudsman.

You will already be aware that the Council's complaints process cannot be used to overturn a planning decision unless it can be evidenced that the planning process was defective (i.e. material objections were made but not considered). In reviewing this complaint, I see no reason that the planning decision should be overturned.

Your complaint has been considered at Stage 2 of the Council's complaints procedure. I hope I have satisfactorily addressed your concerns. However, if you remain dissatisfied you can ask the Local Government and Social Care Ombudsman to consider your complaint.

By writing to: The Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

By telephoning¹: 0300 061 0614

By texting: Text 'call back' to 07624 804 299

By online form: www.lgo.org.uk

Yours sincerely



Shifa Mustafa
Executive Director - Place

¹ Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01 or 02) from both mobiles and landlines, and will be included as part of any inclusive call minutes or discount schemes in the same way as geographic calls