

To: Complaints Department
 London Borough of Croydon
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 Croydon
 CR0 1EA

Monks Orchard Residents' Association Planning

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6th April 2020
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Stage 1 Complaint – Planning Approval Ref: 19/04705/FUL; 16-18 Ash Tree Close Croydon CR0 7SR

Dear Sir/Madam

Please consider this letter as a formal **Stage 1 Complaint** against the approval at Planning Committee Meeting of **27th February 2020** for **Planning Application Ref: 19/04705/FUL; at 16-18 Ash Tree Close, Croydon, CR0 7SR** – for Demolition of the existing dwellings. Erection of 8 dwellings with associated access, parking, refuse and cycle stores (amended Plans).

We make this Stage 1 Complaint on behalf of our local residents who are most affected by this development and who have contributed towards and approved this Stage 1 Complaint. We only raise Complaints if there is sufficient evidence that **Planning Policies** are being ignored **without reasonable justification for so doing** as there is **NO** opportunity to **appeal against an approved application** and we do NOT have funds to support a **Judicial Review**.

Parameters for this development:

19/04705/FUL 16-18 Ash Tree Close Croydon CR0 7SR													
Site Area	1335	sq.m.				Residential Density	299.63	hr/ha		PTAL	2011	1a	
Site Area	0.1335	ha				Housing Density	59.93	u/ha		PTAL	2031	1a	
Habitable Rooms													
	Bedrooms	Ground Floor (*)	First Floor	Roof Space	Bed-Spaces Occupants	Storage Space (Built-in)	Built-in Storage Table 3.3	GIA Offered	Table 3.3 GIA (3b5p3s)	Amenity Required (min)	Car Parking	Disabled Parking	Electric Charging Points
Unit 1	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Unit 2	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Unit 3	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Unit 4	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Unit 5	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Unit 6	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Unit 7	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Unit 8	3	2	2	1	5	Not Stated	2.5	Not Stated	99.00	7	1	0	0
Total	24	16	16	8	40					56	8	0	0
(*) Sitting & Dining Open Plan functional areas = 2 Habitable Rooms													

Our Complaint comprises the following issues:

Case Officers Report: (In Red Italics)

3.3 *"The surrounding area is residential in character with properties in Ash Tree Close, Ash Tree Way and Aylesford Avenue being predominantly 2-storeys in height with some properties which have accommodation included in the roof spaces over. The majority of the dwellings are terraced or semi-detached and are of **similar character, form and design**. The land to the south east is an allotment accessed from Aylesford Avenue."*

Our response:

All the roofs in the locality of Ash Tree Close & Aylesford Avenue are of “hipped” design, even the end of terraced dwellings in Ash Tree Close have hipped roof designs and also those dwellings with accommodation in the roof space, so why has the Case Officer allowed this proposed development to be acceptable with “Gabled Roofs”?

Policy DM10.7 States:

DM10.7 To create a high-quality built environment, proposals should demonstrate that:

- d. To ensure the design of **roof-form positively contributes to the character** of the **local** and wider area; **proposals should ensure the design is sympathetic with its local context.**

The Policy DM10.7 d). requires the roof forms to be “**sympathetic in design**” with the **roofs** in the **local** area which all have **hipped roofs**, so **what is the justification** to allow a totally different roof design from those in the local vicinity for this development?

Complaint #1: What is the **justification** for ignoring Policy DM10.7 d)., allowing “**Gabled**” Roof Forms instead of requiring “**Hipped**” roof forms, **sympathetic** to the surrounding locality as defined by **Policy DM10.7 d)**?
What is the definition of “**Local**”?

Case Officers Report:

3.4 “The site is not within a Conservation Area and the building in question is neither nationally nor locally listed. The application site is within a **PTAL 1a** which is considered to have **poor public transport options** and is also at “**very low**” risk of surface water flooding.”

Our response:



Fairford Avenue Flooding



Complaint #2: This development is within 35 metres of the Environment Agency Flood Map of the encroachment of the “Chaffinch Brook” which in the past has resulted in significant flooding downstream (*Fairford Avenue & Monks Orchard School*) of this locality as shown in the photos above. Removal of vegetation and covering the area with 8 dwellings will increase the likelihood of local area surface water flooding downstream, including the effects of climate change.

What is the **justification** for this proposed development to be considered “**very low risk of surface water flooding**”?

Case Officers Report:

- 7.1 “In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and **the determination shall be made in accordance with the plan unless material considerations indicate otherwise.** The Council’s adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan 2018 and the South London Waste Plan 2012.”
- 7.2 “Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in February 2019. The NPPF sets out a presumption in favour of **sustainable development**, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of **sustainable development**, those most relevant to this case are:
- **Promoting sustainable transport;**
 - **Delivering a wide choice of high-quality homes;**
 - **Requiring good design.”**

Our Response:

The Case Officer has stated that “**the Council is required to have regard to the provisions of its Development Plan**” so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. **So why doesn’t the Case Officer do just that ^[1]?**

This approved development does NOT “**Promote Sustainable Transport**” which supports the Density of the development in a **suburban setting at PTAL 1a**.

However, The NPPF requires a presumption in favour of “**Sustainable**” developments which we have consistently identified as “**unsustainable**” by definition of the Policies. This requirement includes the need for **adequate public transport accessibility for sustainable transport infrastructure for new developments that limit car usage**.

Achieving appropriate densities

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) **the availability and capacity of infrastructure and services** – both existing and proposed – as well as their potential for further improvement and the scope to promote **sustainable travel modes** that limit future car use;
 - d) the desirability of maintaining an area’s **prevailing character and setting** (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive and healthy places.

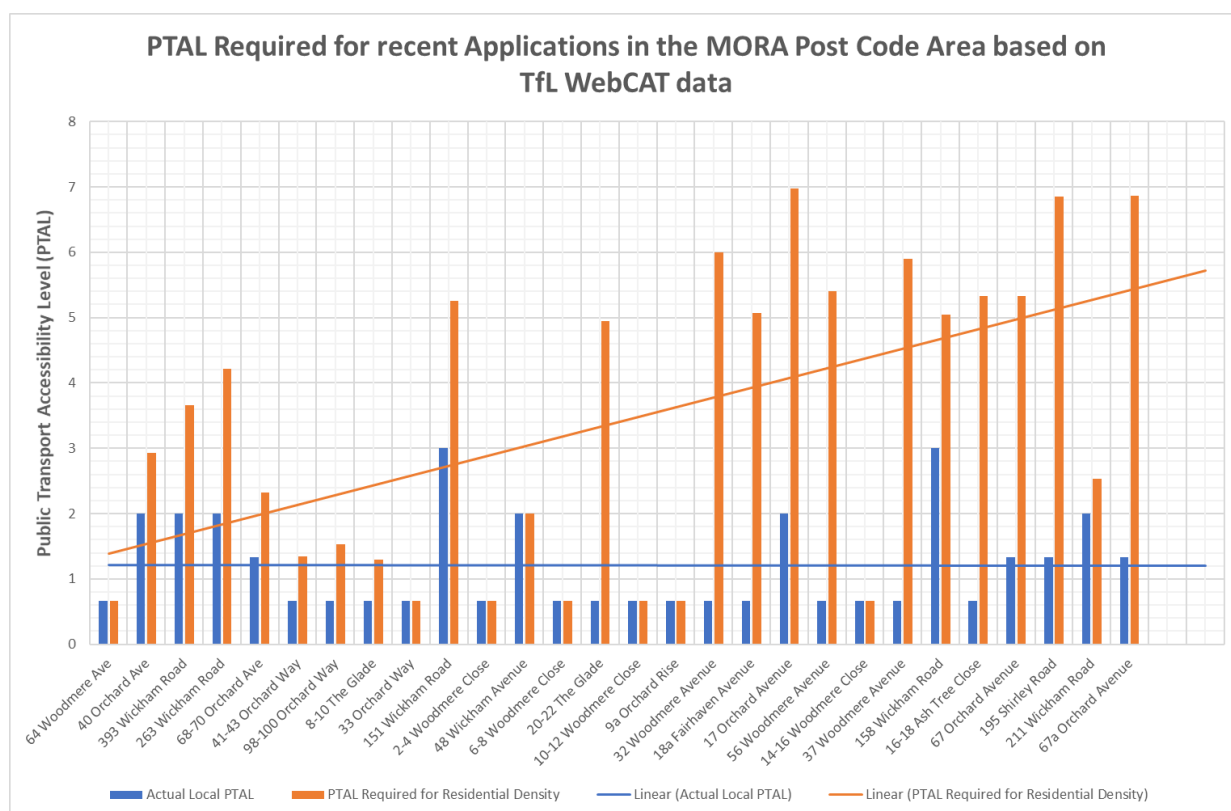
[1] Dame Moira Gibb, Independent Chair of the Governance Review Panel – Governance Review Report 2020 – Recommendations 1 & 2 and 11.

Complaint #3: What is the justification for the case officer ignoring the required guidance of Nation Planning Policy (NPPF) para 122 – Achieving Appropriate Densities?

Our Response

The individual over developments separately considered may well have a small incremental effect on the availability of Public Transport Accessibility, but when the cumulative effect of all recent developments is considered, there is a significant detrimental effect on the local Public Transport Accessibility or availability for the local population.

6.41 The National Planning Policy Framework in paragraph 50 encourages location authorities to plan for the delivery for a wide choice of high-quality homes and sustainable communities. It advises that in doing so, development plans should be based on **evidence of local needs and demands**. The notions of balance and risk are also recognise in the **National Planning Policy Framework**, which states that the **cumulative impact** of standards and polices should not put the **implementation of the plan at serious risk** (paragraph 174).



Complaint #4: Each proposal which is shown to be an “**overdevelopment**” cumulatively contributes to **unsustainable Public Transport Accessibility** for the locality which is NOT considered by the LPA but which should be according to the Local Plan Policy at paragraph 6.41. The overall effect in Shirley North Ward requires a local **PTAL trending to 5.8!**

Please provide justification why each over-developments cumulative effect is not considered when contributing to local **unsustainable public transport accessibility** when evaluating whether a proposal should be approved?

Case Officers Report:

Emerging New London Plan

- 7.6 “Whilst the emerging New London Plan is a **material consideration**, the weight afforded is down to the decision maker linked to the stage a plan has reached in its development. The Plan appears to be close to adoption. The Mayor’s Intend to Publish version of the New London Plan is currently with the Secretary of State and no response had been submitted to the Mayor from the Secretary of State ^[2]. Therefore, the New London Plan’s weight has increased following on from the publication of the Panel Report and the London Mayor’s publication of the Intend to Publish New London Plan. The Planning Inspectors’ Panel Report accepted the need for London to deliver 66,000 new homes per annum (significantly higher than existing adopted targets), but questioned the London Plan’s ability to deliver the level of housing predicted on “small sites” with insufficient evidence having been presented to the Examination to give confidence that the targets were realistic and/or achievable. This conclusion resulted in the Panel Report recommending a reduction in London’s and Croydon’s “small sites” target.
- 7.7 The Mayor in his Intend to Publish New London Plan has accepted the reduced Croydon’s overall 10-year net housing figures from 29,490 to 20,790 homes, with the “small sites” reduced from 15,110 to 6,470 homes. Crucially, the lower windfall housing target for Croydon (641 homes a year) is not dissimilar to but slightly larger (than) the current adopted 2018 Croydon Local Plan target of 592 homes on windfall sites each year.
- 7.8 It is important to note, should the Secretary of State support the Intend to Publish New London Plan, that the overall housing target in the New London Plan would be 2,079 new homes per annum (2019– 2029) compared with 1,645 in the Croydon Local Plan 2018. Therefore, even with the possible reduction in the overall New London Plan housing targets, assuming it is adopted, Croydon will be required to deliver more new homes than our current Croydon Local Plan 2018 and current London Plan (incorporating alterations 2016) targets.
- 7.9 For clarity, the Croydon Local Plan 2018, current London Plan (incorporating alterations 2016) and South London Waste Plan 2012 remain the primary consideration when determining planning applications.”

The draft London Plan:

The information on the Mayor of London website attempts to provide guidance on how much “**weight**” the draft London Plan should have in any **current planning decisions**. states:

“The current 2016 Plan ([The London Plan consolidated with alterations since 2011](https://www.london.gov.uk/sites/default/files/letter_to_the_mayor_of_london_13_march_2020.pdf)) is still the adopted Development Plan, but the Draft London Plan is a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the process to adoption.”

[²] https://www.london.gov.uk/sites/default/files/letter_to_the_mayor_of_london_13_march_2020.pdf
https://www.london.gov.uk/sites/default/files/annex_to_letter_to_the_mayor_of_london_13_march_2020.pdf

The **Draft London Plan** underwent its external examination in Public (EiP) during the first half of **2019**. The Inspector's Report published formal comments on the **Draft London Plan on Oct 8th 2019**.

See:

https://www.london.gov.uk/sites/default/files/inspectors_report_and_recommendations_2019_final.pdf

- Intend to Publish version of the Plan to Secretary of State – 9 December 2019
- London Assembly Plenary – 6 February 2020
- Anticipated response from the Secretary of State - 17 February 2020 (delayed)

See also:

https://www.london.gov.uk/sites/default/files/letter_to_the_mayor_of_london_13_march_2020.pdf

https://www.london.gov.uk/sites/default/files/annex_to_letter_to_the_mayor_of_london_13_march_2020.pdf

Case Officers Report:

7.8 *"It is important to note, should the Secretary of State support the Intend to Publish New London Plan, that the overall housing target in the New London Plan would be 2,079 new homes per annum (2019 – 2029) compared with 1,645 in the Croydon Local Plan 2018. Therefore, even with the possible reduction in the overall New London Plan housing targets, assuming it is adopted, Croydon will be required to deliver more new homes than our current Croydon Local Plan 2018 and current London Plan (incorporating alterations 2016) targets."*

Complaint #5: These targets may be true, but this reasoning **DOES NOT** preclude the **Planning Policies be ignored to meet the targets.**

Please provide justification **why the targets should prevent compliance with the planning policies?**

Case Officers Report:

8.2 *The appropriate use of land is a material consideration to ensure that opportunities for development are recognised and housing supply optimised. The site is currently in residential use and has not been designated in the local plan, to be used for any other purpose. The dwellings to be demolished are family dwellings and it is proposed to erect 8 x 3-bed dwellings to replace these. As such, the proposal would be in accordance with the requirements of Croydon Local Plan 2018 Policy DM1.2. The site is **outside of the Shirley Intensification Area** and would therefore be considered a 'windfall' site. As such, the development would be considered acceptable in principle provided that **respects the character and appearance of the surrounding area** and there are no other impact issues.*

8.7 *"The proposal results in an **increased density** on the site by eight additional residential units, all of which would be 3-bed, 5 person units. **The scheme exceeds the density matrix (150-200) as set out within the London Plan at approximately 300 habitable rooms per hectare.** However, given **suburban setting** combined with the **similar footprint, form and***

***spacing** of the proposed dwellings in comparison to the surrounding properties, the acute need for new homes and the fact that the site is **very close to the intensification area of Shirley**, it is considered an appropriate density for this site."*

Our Response:

The Case Officer has acknowledged that the **Residential Density** for a **suburban Setting** at a location of **PTAL 1a** should be in the range **150 to 200 hr/ha** but the actual **Residential Density** is approx. **300** (actually **299.63hr/ha**) which requires a **PTAL in the range 4 to 6**.

This **Residential Density** requires a **PTAL of 5.33** which is **UNSUSTAINABLE** as the **PTAL** for this locality at **1a** is forecast to remain at **PTAL1a** until at least **2031**.

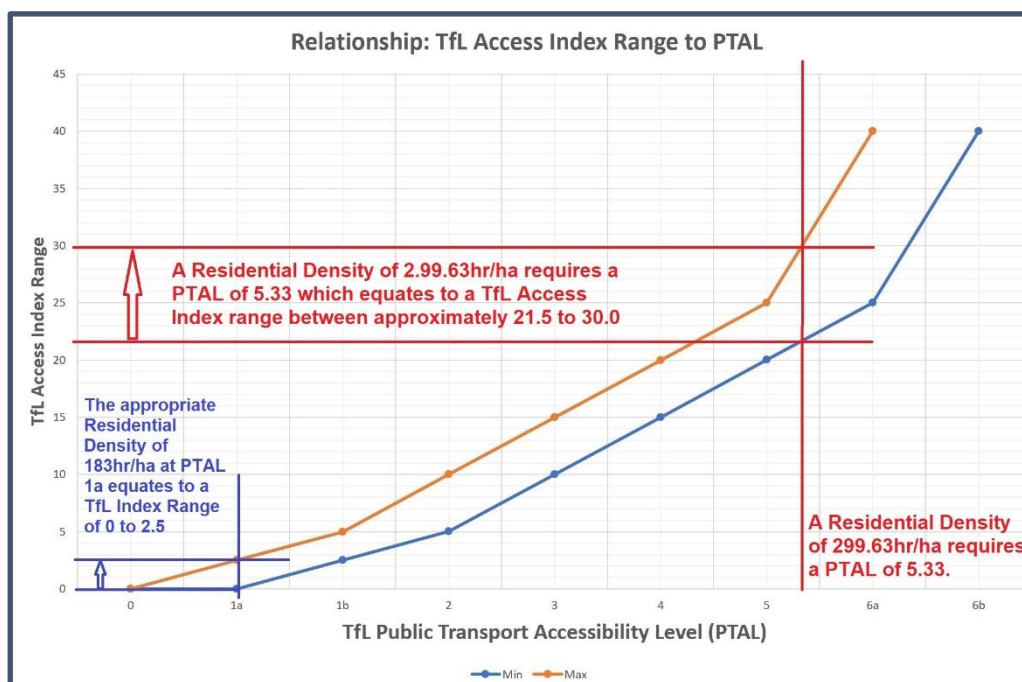
TfL WebCAT Public Transport Accessibility (PTAL) for Sustainable Densities at a Suburban Setting.			
Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)			
Setting	Public Transport Accessibility Level (PTAL)	Public Transport Accessibility Level (PTAL)	Public Transport Accessibility Level (PTAL)
	0 to 1 (1a=0.66)	2 to 3 (HD=2.83)	4 to 6 (RD=5.33)
Suburban	150–200 hr/ha (183hr/ha)	150–250 hr/ha	200–350 hr/ha (299.63hr/ha)
3.8–4.6 hr/unit (5hr/unit)	35–55 u/ha (48.2u/ha)	35–65 u/ha (59.93u/ha)	45–90 u/ha
3.1–3.7 hr/unit	40–65 u/ha	40–80 u/ha	55–115 u/ha
2.7–3.0 hr/unit	50–75 u/ha	50–95 u/ha	70–130 u/ha
Residential Density		299.63 hr/ha	
Housing Density		59.93 Units/ha	

TfL WebCAT & London Plan Policy 3.4 illustrating appropriate Densities for a suburban Setting at PTAL 1a (Blue Text) and the actual required PTAL for the densities at **299.63hr/ha** of the proposed development (Red Text).

PTAL	Access Index range	Map colour
0 (worst)	0	
1a	0.01 – 2.50	
1b	2.51 – 5.0	
2	5.01 – 10.0	
3	10.01 – 15.0	
4	15.01 – 20.0	
5	20.01 – 25.0	
6a	25.01 – 40.0	
6b (best)	40.01+	

Table 2.2: Conversion of the Access Index to PTAL

The Table above shows the TfL conversion of Access Index to PTAL



This Graph shows the conversion from **PTAL at 5.33** which requires a **TfL Access Index Range** between ≈ 21.5 to ≈ 30.0 for **Public Transport Accessibility** when the available Accessibility at **PTAL 1a** is actually between **0** and **2.5** for the localities **Public Transport Accessibility**.

The calculations to establish the figures in the above table are spelt out in our objection letter(s) for this proposal but the implications of this **excessive density** have not been acknowledged.

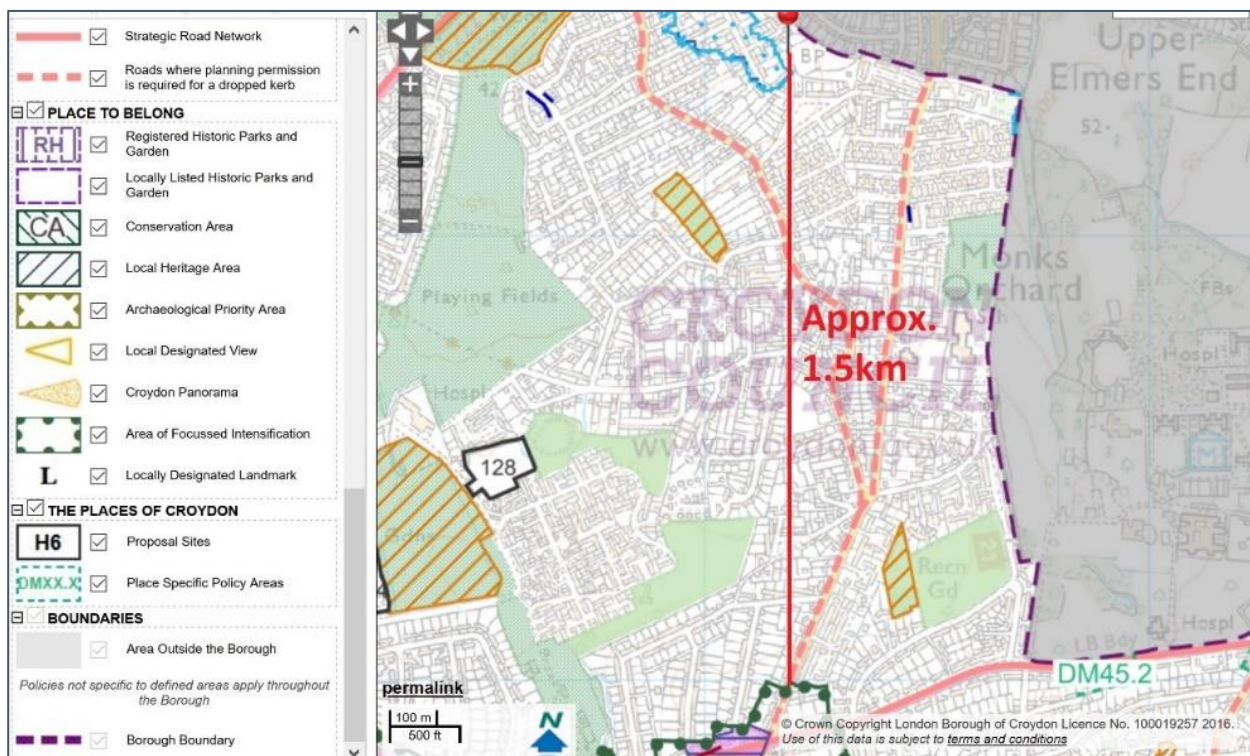
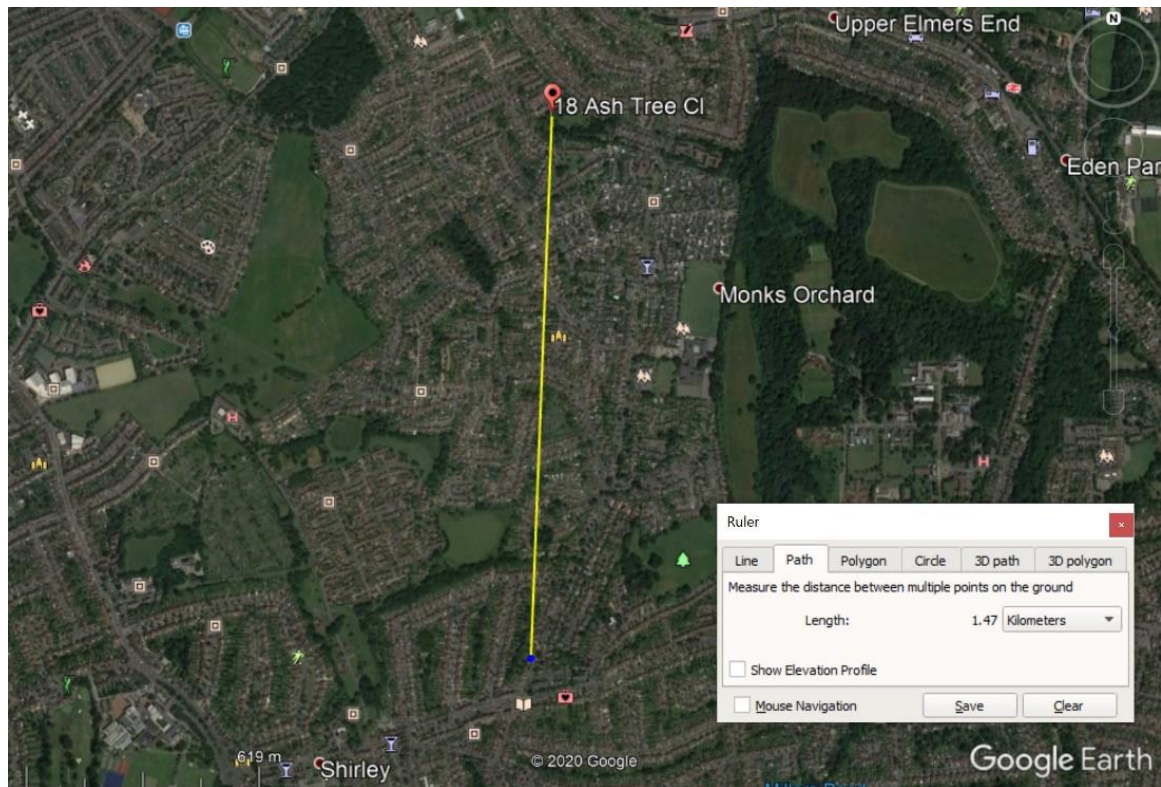
Complaint #6: Can you provide justification, exactly why it is acceptable for a development of **Residential Density** at a **suburban setting** and **PTAL of 1a**, which should be in the "**broad ranges**" of **150 to 200hr/ha** equating to a **TfL Accessibility Level Range of 0 to 2.5**, Requires a Residential Density of **299.63hr/ha** in the **PTAL RANGE OF 4 TO 6** which equates to a **TfL Public Transport Accessibility Level requirement of between 21.5 to 30** ? (This requires a **63.73%** increase in **Residential Density** and a **707.58%** increase in required **PTAL** from the appropriate recommended level of **1a** (numerically 0.66) to **5.33** which is **UNSUSTAINABLE** as the **PTAL** is forecast to remain at **1a** until 2031.

Our Response:

The proposal does **NOT have a similar footprint, form and spacing** as quoted by the Case Officer, to the existing **surrounding properties** at the **head of the Ash Tree Close** which are all semi-detached with their own gardens and spaces between them; whereas the proposal is for **Terraced blocks of 4 properties** with **minimal spacing between the two blocks**. How can that be considered similar? The Terraced Blocks in Ash Tree Close are further away along Ash Tree Close, **NOT the adjacent or surrounding properties** at the turning head.

The site cannot be considered "**very close to the intensification area of Shirley**" by any stretch of the imagination as it is approximately **$\approx 1.5\text{km}$ (≈ 1 mile) line of sight** from the nearest "**focussed intensification**" border of the Shirley Centre.

See Google Earth and Policies Map below.



Policies Map – showing distance LOS between 16-18 Ash Tree Close and the nearest boundary of “Focussed Intensification” of the Shirley Centre.

Complaint #7: Can the Case Officer Justify why he considers this development is “**very close to the intensification area of Shirley**” when it has been measured to be approximately **1.5km** (≈1 mile) line of sight from the nearest “**Focussed Intensification**” boundary with the Shirley Centre?
What is the Policy definition of “very close”?

Transport

8.16 “The application site is in an area with a Public Transport Accessibility Level (PTAL) accessibility rating of 1a indicating poor access to public transport links and an enhanced reliance on private motor vehicles. The proposal does include one parking space per dwelling and the Transportation Team confirmed that a parking ratio of 1:1 would be acceptable provided that the vehicles are able to enter and leave the site safely without the need for excessive reversing. A swept path analysis has been submitted with this application showing the manoeuvres required to get in and out of the proposed spaces and it is considered that there would be adequate space within the site to avoid excessive reversing. **The parking spaces do include manoeuvres which encroach upon the delineated footpath in the site and the open frontage of the adjoining plots. However, the Transportation Team consider this arrangement to be acceptable as it relates to a relatively small number of spaces.** It is recognised that large vehicles, including emergency vehicles, would find access into the site and manoeuvrability difficult however it is possible for vehicles to temporarily park at the end of Ash Tree Close in emergencies. It has been demonstrated that a fire appliance could park close to the site and the agent has confirmed that the fire hose would reach the required distance to the rearmost part of the furthest house from the fire appliance. The proposal would appear to conform to the required fire standards under Building Regulations however these matters are not material considerations under this planning application and will need to satisfy Building Regulations and the requirements of the London Fire Commissioner should planning permission be granted. The development would be subject to an acceptable Demolition/Construction Logistics Plan in order to prevent undue noise and air pollution during the construction works and to ensure that construction vehicles use appropriate delivery routes and park their vehicles in a suitable location. The submission of this could be controlled by planning condition.”

Our Response:

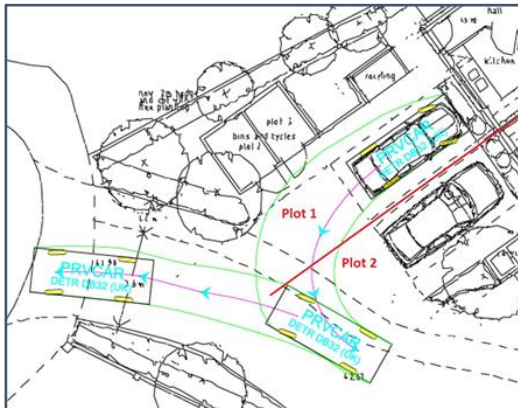
A good indication of **over-development** is that the **egress from parking spaces** require a **manoeuvre** which requires **mounting the access pathway and on occasions, actually entering the curtilage of other dwellings NOT associated with the parking space allocation** and **this would prevail for the life of the development.**

- a. If the **Developer** cannot show a method of exiting parking Bays without such a manoeuvre, it is **clearly evident** that the site is **NOT large enough** to accommodate the Development.
- b. This was identified in our submission of **20th October 2019** which resulted in amended drawings of **12th December** but although supplying **new swept path diagrams**, the applicant could **NOT** produce swept paths for all vehicle parking bays which did **not** require **mounting the footpath** or encroaching on other **dwelling curtilage** when

exiting and then to exit in a forward gear which is **ample evidence** of **over-development** of the available **site area**.

c. See our objection letter of 18th December 2019.

Plot 1 Parking Bay Egress



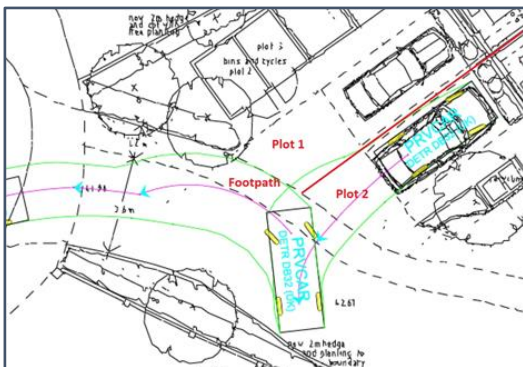
The future occupants of **Plot 2** would likely object to this necessary manoeuvre for the life of the development as an inconvenience which could cause conflict for the life of the development.

The owner occupier of **Plot 1 &/or Plot 2** or occupants may wish to erect a **boundary fence** to extend to the footpath in order to define their **curtilage of responsibility** and maintenance which would prevent further manoeuvres of egress of a forward parked vehicle from exiting **Plot 1** Parking Bay.

Plot 2 Parking Bay Egress

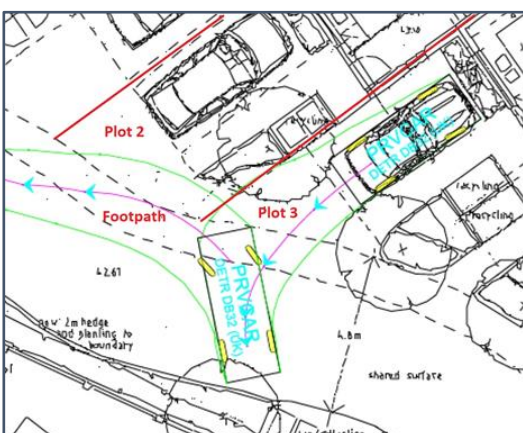
The Swept path diagram for Parking Bay **Plot 2** indicates the difficulty exiting the parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close roadway.

The new swept path diagram shows that it is necessary to encroach over the curtilage of **Plot 1** Forecourt and then necessary to change into a forward gear and mount the access footpath in front of **Plot 1** in order to exit in a forward gear into Ash Tree Close.



The future occupants of **Plot 1** would likely object to this necessary manoeuvre for the life of the development as an inconvenience which could cause conflict for the life of the development. The owner occupier of **Plot 1 or 2** may wish to erect a **boundary fence** to extend to the footpath in order to define the **curtilage of their responsibility** and maintenance which would prevent further manoeuvres of egress of a forward parked vehicle from exiting **Plot 2** Parking Bay.

Plot 3 Parking Bay Egress



The Swept path diagram for Parking Bay **Plot 3** indicates the difficulty exiting parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close.

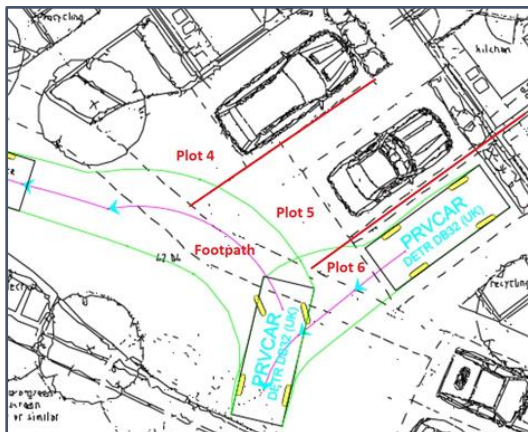
The new swept path diagram shows that it is necessary to encroach over the curtilage of **Plot 2** Forecourt and then necessary to change into a forward gear and mount the access footpath in front of **Plot 2** in order to exit in a forward gear into Ash Tree Close.

The future occupants of **Plot 2** would likely object to this necessary manoeuvre for the life of the development as an inconvenience which could cause conflict for the life of the development.

The owner occupier of **Plot 2** may wish to erect a **boundary fence** to extend to the footpath in order to define their **curtilage of responsibility** and maintenance which would prevent further manoeuvres of egress of a forward parked vehicle from exiting **Plot 3** Parking Bay.

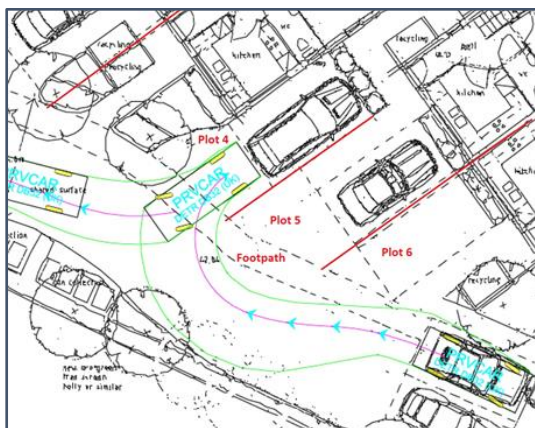
Plot 6 Parking Bay Egress

The Swept path diagram for Parking Bay for **Plot 6** indicates the difficulty exiting parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close roadway. The new swept path diagram shows that it is necessary to encroach over the curtilage of **Plot 4 & 5** Forecourt and mount the access footpath in front of **Plot 4 & 5** in order to exit in a forward gear into Ash Tree Close. The future occupants of **Plots 4 & 5** would likely object to this necessary manoeuvre for the life of the development as an inconvenience which could cause conflict for the life of the development.



The owner occupier of **Plots 4 & 5** may wish to erect a **boundary fence** to extend to the footpath in order to define the **curtilage of their responsibilities** and maintenance which would prevent further manoeuvres of egress of a forward parked vehicle from exiting **Plot 6** Parking Bay.

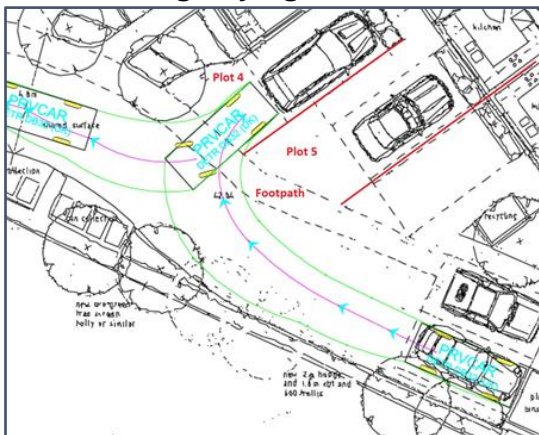
Plot 7 Parking Bay Egress



The Swept path diagram for Parking Bay **Plot 7** indicates the difficulty exiting parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close roadway. The new swept path diagram shows that it is necessary to mount the footpath and encroach into the forecourt within the curtilage of **Plot 4** in a reverse gear before engaging a forward gear, mounting the access footpath in front of **Plot 4** in order to exit in a forward gear into Ash Tree Close.

The future occupants of **Plot 4** would likely object to this necessary manoeuvre for the life of the development as an inconvenience which could cause conflict for the life of the development.

Plot 8 Parking Bay Egress



The Swept path diagram for Parking Bay **Plot 8** indicates the difficulty exiting parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close roadway.

The new swept path diagram shows that it is necessary to mount the footpath and encroach into the forecourt within the curtilage of **Plot 4** in a reverse gear before engaging a forward gear, mounting the access footpath in front of **Plot 4** in order to exit in a forward gear into Ash Tree Close.

The future occupants of **Plot 4** would likely object to this necessary manoeuvre for the life of the development as an inconvenience which could cause conflict for the life of the development.

Complaint #8: This problem applies to **6 of the 8 Parking Bays** that require an **"unacceptable manoeuvre"** to exit from their bays and then exit in a forward gear into Ash Tree Close when parked in a forward direction, **which is 75% of the provided parking bays** (i.e. **NOT a relatively small number of spaces as quoted by the Transport Team**).

The **Transportation Team** consider this arrangement to be **"acceptable"** but have **NOT** considered how this complication would be resolved if **future owners wanted to erect garden fences to partition their front garden curtilages to define their areas of responsibility for garden maintenance**. Also, it is NOT evident whether the **drop-kerbs** (Condition of approval #5 B & C) run the whole length of the new footpath as the **mounting of the footpath** required to exit is not necessarily **directly opposite an entry point**?

This action is illegal, under Highways Act Section 27 ^[3] if there is no drop-kerbs at the point of mounting the footpath. (i.e. Only drop kerbs **directly fronting** and of **limited width** for **forward gear access** into each of the parking bays would be appropriate). This shows a significant level of incompetence by the **Transport Team** who should have considered this likelihood (Garden Fencing & Legality) and have ignored the highways Act (current Statute) and thus should know better than allowing such a recommendation **for the life of the development**, without **significant justification**. The case officer should have **seriously questioned** this arrangement recommended as acceptable by the **Transport Team** as the proposal seems **illegal and devoid** of any sensible logic.

Therefore, why was this allowed **in breach** of the **Highways Act** and by what **justification** for **75%** of parking spaces (i.e. **the majority of parking bays**) required to **mount the footpath** and encroach on the curtilage of another property to exit from **75%** of parking Bays?

Section 72 of the Highways Act 1835 (**Which is still on the Statute Book**)

72 Penalty on persons committing nuisances by riding on footpaths, &c.

.... "[^{F1} If any person shall willfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers; or shall willfully lead or drive any horse, ass, sheep, mule, swine, or cattle or carriage of any description, or any truck or sledge, upon any such footpath or causeway; or shall tether any horse, ass, mule, swine, or cattle, on any highway, so as to suffer or permit the tethered animal to be thereon;..... [^{F2}; every person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding [^{F3} level 2 on the standard scale], over and above the damages occasioned thereby."

Rule 145, 1988: "You **MUST NOT** drive **on** or **over a pavement, footpath** or bridleway except to gain lawful **"access"** to property, or in the case of an emergency."

Textual Amendments:

F1 Words repealed by Statute Law Revision (No. 2) Act 1888 (c. 57), s. 1, Sch.

F2 Words repealed by Highways Act 1959 (c. 25), Sch. 25 and London Government Act 1963 (c. 33, SIF 81:1), s. 16(2), Sch. 6 para. 70

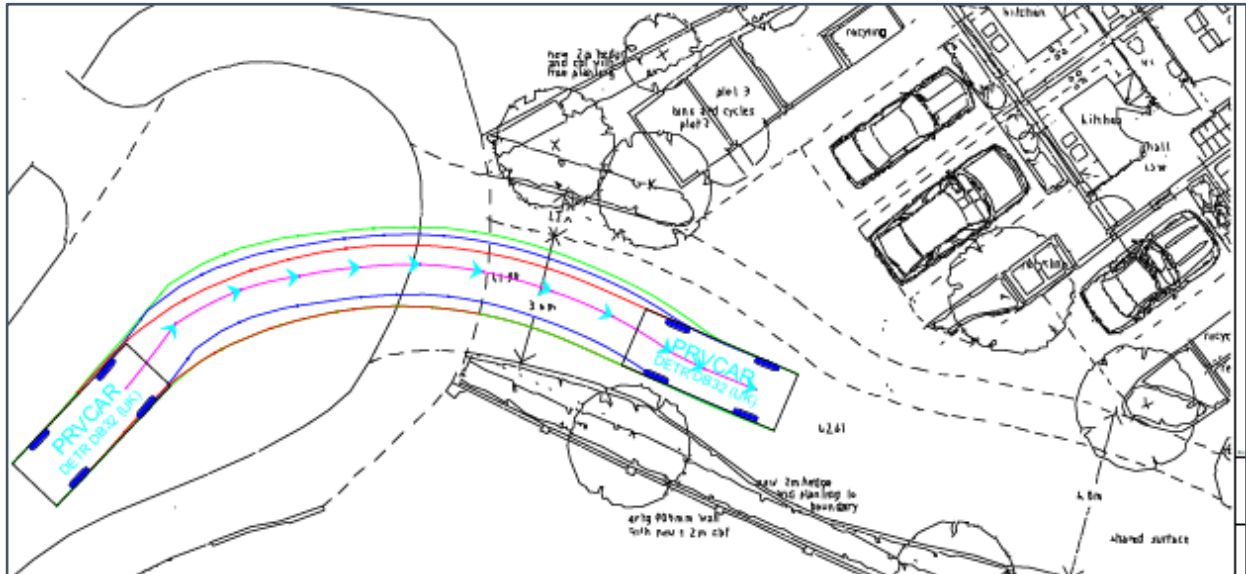
F3 Words substituted by virtue of Criminal Justice Act 1982 (c.48, SIF39:1), ss.39, 46, Sch. 3

Note: Section 72 of the Highways Act 1835 does not make any distinction between "adopted" or "unadopted" highways. (It describes "ANY" footpath or causeway). These manoeuvres are to "exit" a parking Bay – NOT for "accessing" a Parking Bay so it's not only dangerous for pedestrians – IT'S probably ILLEGAL!

[3] Section 72 of the Highways Act 1835

Another indication of **over-development** is that the applicant could **NOT** provide, within the site area, a turning head within the Access Drive such that delivery vehicles could access as close as possible to the desired dwelling and exit in a forward gear.

This is an **unsafe arrangement** where any delivery vehicle entering the access drive in a forward gear would need to **reverse** out of the drive and cross the footpath in a **reverse gear**.



This is **extremely dangerous for pedestrians** if there is only the driver (i.e. no passenger to disembark and check the safety while reversing). The Case Officer is presuming all delivery drivers would have **prior knowledge** that there was **no turning head** in the access drive and would therefore park in Ash Tree Close where there is a turning head, and would not enter the access driveway. **This assumption is NOT realistic.**

Complaint #9: This assumption is absurd, as delivery drivers like to get as close as possible to the dwelling requiring delivery in order to save time as they have many deliveries to deal with in their schedules. Once entered therefore, the driver would need to **exit in a reverse gear across the footpath of Ash Tree Close**. If there were only the delivery driver and no supporting passenger to disembark to check if it were safe to reverse across the footway, this manoeuvre would be **exceedingly dangerous** to passing pedestrians – **but the case officer has ignored this danger to pedestrians for the life of the development.**
What justification does the Case Officer have for supporting the application proposal with no Turning Head in the access drive?

Case Officers Report:

"The development would be subject to an acceptable Demolition/Construction Logistics Plan in order to prevent undue noise and air pollution during the construction works and to ensure that construction vehicles use appropriate delivery routes and park their vehicles in a suitable location. The submission of this could be controlled by planning condition."

Flood Risk

8.20 "The site itself is within an area which is at '**very low**' risk of surface water flooding. Surface Water Drainage is proposed to be addressed via connection to Thames Water's surface water drainage system and SuDS in the form of permeable paving in order to disperse surface water to the soft landscaped areas and reduce surface water run-off. The Chaffinch Brook is approximately **35 metres** from the site at its closest point and the site does not fall within an area at risk of flooding from this source. As such, the SuDS approach to this scheme is considered to be acceptable and the provision of such mitigation measures can be controlled via a suitably worded planning condition."

Even though the Chaffinch Brook is approximately 35 metres from the site at its closest point and the site does not fall within an area at risk of flooding from this source, the loss of trees and vegetation so close to the Chaffinch Brook will exacerbate the likelihood of surface water flooding within the close vicinity.

See Complaint #2 with photographs and supporting text above.

Complaint #10: Each Policy ignored or disregarded **without credible justification** sets a **precedent** which subsequent applicants can allude to for equal reason to **disregard or breach the Policy**, ultimately resulting in a **Local Plan** with **Policies** that **cannot be enforced?**

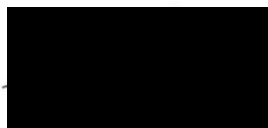
If a Development fails to meet planning policies, the application should be **refused** and the developer submit a **revised submission** which does meet the Local Plan Policies in order to provide housing need which meet accommodation standards and also meet the housing targets.

Resultant on the LPA deviating from implementing agreed adopted and emerging Planning Policies, we (MORA) and the **local residents** are **losing confidence in the Planning Process**.

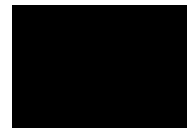
Please provide detailed justification answers to each of the separately identified **Complaints #1 to #10** as listed above.

Please accept this as a formal Stage 1 Complaint and process this complaint in accordance with your formal complaint's procedure.

Yours sincerely



Derek C. Ritson - I. Eng. M.I.E.T. MORA Planning.



Sony Nair – Chairman, MORA.

On behalf of the Executive Committee all of whom have approved this complaint

Cc:

Mr. Pete Smith

Mr. Steve Dennington

Sarah Jones MP

Clr. Sue Bennet

Clr. Richard Chatterjee

Clr. Gareth Streeter

Head of Development Management (LPA)

Head of Spatial Planning

Croydon Central

Shirley North Ward Councillor

Shirley North Ward Councillor

Shirley North Ward Councillor

Bcc:

MORA

Local Residents & Interested Parties

Executive Committee

Appendix A: The Main Policy Considerations:

7.3 The main policy considerations raised by the application that the Planning Committee is required to consider are the current adopted London plan:

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 5.1 Climate change mitigation
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 6.13 Parking
- 7 Policy.4 Local character

?? The Emerging London Plan:

- Policy D1A - Infrastructure requirements for sustainable densities
- Policy D1B - Optimising site capacity through the design-led approach
- Policy D2 - Delivering good design
- Policy D3 - Inclusive design
- Policy D4 - Housing quality and standards
- Policy D5 - Accessible housing
- Policy D10 - Safety, security and resilience to emergency
- Policy D11- Fire safety
- Policy H1- Increasing housing supply

7.4 Croydon Local Plan 2018:

- SP1.1 Sustainable development
- SP2.2 Quantities and location
- SP2.6 Quality and standards
- SP4.1 and SP4.2 Urban design and local character
- SP6.1 Environment and climate change
- SP6.4 Flooding, urban blue corridors and water management
- SP8.6 and SP8.7 Sustainable travel choice
- SP8.12 Motor vehicle transportation
- SP8.17 Parking
- DM1: Housing choice for sustainable communities
- DM10: Design and character
- DM25: Sustainable Drainage Systems and Reducing Flood Risk
- DM29: Promoting sustainable travel and reducing congestion
- DM30: Car and cycle parking in new development

7.5 There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG March 2016
- Suburban Design Guide Supplementary Planning Document 2019