

To: Complaints Department  
London Borough of Croydon  
Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA  
[complaints@croydon.gov.uk](mailto:complaints@croydon.gov.uk)

**Monks Orchard Residents' Association  
Planning**

18<sup>th</sup> May 2020  
[planning@mo-ra.co](mailto:planning@mo-ra.co)  
[hello@mo-ra.co](mailto:hello@mo-ra.co)  
[chairman@mo-ra.co](mailto:chairman@mo-ra.co)

**Your Case Ref: CAS-163554**

**Stage 2 Complaint – Planning Approval Ref: 19/04705/FUL; 16-18 Ash Tree Close Croydon CR0 7SR**

Dear Sir/Madam

Thank you for your response on 30<sup>th</sup> April to our Stage 1 Complaint Ref: CAS-163554.

However, we are not satisfied that the detail of our Stage 1 Complaint has been adequately answered and therefore we reluctantly need to escalate our complaint to Stage 2.

We have provided a number of detailed comments in response to your response to our **Stage 1 Complaint**, and this letter is our formal escalation to **Stage 2** against the approval at Planning Committee Meeting of **27<sup>th</sup> 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 2** Complaint on behalf of our local residents who are most affected by this development and who have contributed towards and approved this **Stage 2 Complaint**. We only raise Complaints if we believe 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**.

In responding to your Response to our Stage 1 Complaint as detailed in your letter of 30<sup>th</sup> April 2020, your Responses to our Stage 1 Complaint are in are **RED "Italics"**. Typos corrected.

Our responses are in **Blue text**.

**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
<b>Total</b>	<b>24</b>	<b>16</b>	<b>16</b>	<b>8</b>	<b>40</b>					<b>56</b>	<b>8</b>	<b>0</b>	<b>0</b>
		<b>40</b>		<b>(*) Sitting &amp; Dining Open Plan functional areas = 2 Habitable Rooms</b>									

**My Findings:**

*"I was not present on the night when this application was presented to Planning Committee and consequently, have 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 the application was debated in full by the Planning Committee and many of the points you have raised in your letter were considered in detail, prior to the formal resolution of granting planning permission".*

**Our response:**

**Comment #1.1:**

It may be true that the application was debated fully by the Planning Committee but the committee is **politically biased** as noted by the **Governance Review Report 2020** (extract below). Thus, even though these issues may have been **fully debated**, the **political majority voted to ignore the valid objections and comments** made relating to the discussion of topics by raised by **Cllr. Gareth Streeter & Cllr. Scott Roche**, to ensure the application was **approved 6:4**.

**Comment #1.2:**

Our assessment of the Planning Policies is based on the **Policies as written** and not a **subjective interpretation of those Policies**, which were **"weighted"** to ensure approval to meet **"housing targets."**

We refer you to the summary of the findings of the **Governance Review 2020** as published:

**GOVERNANCE REVIEW REPORT | 2020**

*"Planning was also the most contentious, attracting the most negative comments in the resident and Member surveys and workshops, with concern expressed about the transparency of decision-making and trust in the process. There were a number of comments and concerns that alleged that planning was too politically influenced and that the input of residents did not appear to be taken into account. Area planning committees were proposed by some Members and residents as an alternative approach."*

**Recommendation 11**

*"Recognising public dissatisfaction with Planning, seek to enhance understanding of the planning process by:*

- *Considering recommendations detailed in the PAS <sup>[1]</sup> report and ensuring those form a key part of the Planning Committee's journey to improve resident experience when engaging with planning;*
- *Developing more proactive, cross-party working in the area of policy discussion, setting and revision."*

It is apparent that the recommendations of the Governance Review 2020 have been totally ignored in Mr Pete Smith's response to our Stage 1 Complaint.

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Taking your comments in the order which you have responded.

[1] **Planning Advisory Service (PAS)**

❖ **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. Particularly in relation to the proposed roof form.**

**Your Response:**

**Character of the Development:**

*"Having reviewed the Planning Committee presentation, it is clear to me that in addition to the information included in the officers report, the character of the area was identified as part of the officer's presentation, was discussed by Planning Committee and was also raised as part of the objector's comments.*

*The application proposes the erection of 8x2 storey houses with accommodation in roof space. I note from your letter that you have particular concerns regarding the proposed roof form which includes gable roofs rather than hip roof forms. Whilst properties in Ash Tree Close do have hip roofs, there are also a number of properties which have gable roof forms (properties in Morris Close). In order for a development to respect the area in which it sits, it is not necessary for a proposal to faithfully replicate the appearance of the immediate surrounding properties.*

*The character of the area was clearly discussed at the Planning Committee meeting and was fully considered and debated in accordance with the character of the area."*

**Our Response:**

**Comment #2.1:**

In relation to your first paragraph, it may have been discussed at committee, but you have not adequately answered the question as to **'why'** the roof form should not reflect the roof forms of the **immediate surrounding local properties** which was the subject of our complaint. We believe the reason for the Gabled Roof for this proposed development is due to Gabled Roof forms providing **increased accommodation space in the Roof for "End of Terraced" housing**, thus nothing to do with meeting the spirit of **Policy DM10.7! The Gabled Roof allows all the dwellings to have the same configuration of end of terraced accommodation in the roof-space for this development which would not be possible with hipped roofs. You have just given an excuse for not adopting the Policy!**

In your second paragraph you state: *"Whilst properties in Ash Tree Close do have hip roofs, there are also a number of properties which have gable roof forms (properties in Morris Close). In order for a development to respect the area in which it sits, it is not necessary for a proposal to faithfully replicate the appearance of the immediate surrounding properties."*

With respect that is NOT what the Policy States: It categorically states:

**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 roof-form **"should"** positively contribute to the local character and be **sympathetic to the local context**. **Morris Close** was constructed as a completely new development with its supporting road which **did not respect the local roof forms** of **Ash Tree Close** or **Fairway Close** – **another failure of planning?**

**Comment #2.2:**

What is the definition of “**Local**” & “**Wider**” area? As a wider area could encompass the whole of Croydon; the policy could not feasibly work if there is no definition! If the Policy has no definition it has **NO** meaning and cannot **ever** be enforced, due to lack of **clarity** and **loosely worded policy definition**! We then ask – “**Why have a policy which cannot possibly be enforced due to lack of clarity or a loosely worded definition**”?

**Comment #2.3:**

As **Morris Close** is between **61m and 81m** (LOS) away from the application site and is **not visible** from the **street level** of **Ash Tree Close** as confirmed by a local resident, what is the **Policy Definition** of the **appropriate distance** covered by the phrase “**local context**” and how wide is “**the wider area**”? If the Roof Forms of **Morris Close** are **NOT visible** from the street level of the proposed development, why should they influence and override the objective of the policy, as they are **not affecting the street scene of this proposed development**?

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**❖ Our apparent failure to consider the impact of the development in relation to flooding**

**Your Response:**

**Flooding**

*“As stated with the planning officers report, the application site is located within a Flood Zone 1. This is the lowest type of flood area.*

*As above issues of flooding, the site’s location in relation to the Chaffinch Brook was considered as part of the questions and debate by the Planning Committee. In fact, Councillor Streeter raised this point in detail. I am therefore in no doubt that Members had a full understanding of flooding designation of this site. As highlighted by the case officer’s report and the officer presentation, officers recommended a number of planning conditions relating to flood risk mitigation. These conditions seek to secure the provision of permeable paving and securing a Sustainable Urban Drainage scheme.”*

**Our response:**

**Comment #3.1:**

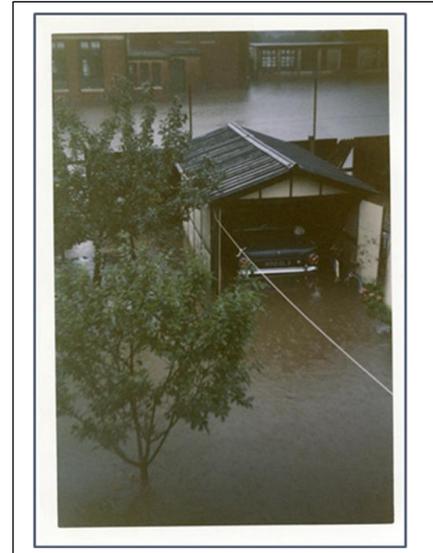
Again, although this issue of flooding was discussed, the points raised by **Cllr. Streeter** were not seriously considered by the majority political party committee members and were thus outvoted by the full committee (See point made by the **Governance Review 2020** - above).

The Condition 5 D only requires a detailed design of a proposed **Sustainable Drainage (SUDS)** System for **this site** and did not require soil samples or water table investigation and Report for evaluation by the Case Officer or to ascertain the possible flood implications downstream **prior to a determination**.

The Flood Risk Report by the applicant referred to the **Environment Agency Flood Map** as evidence, which shows the threat of flooding to be low.



**Fairford Avenue Flooding**



**Comment #3.2:**

You have also '*conveniently*' ignored our evidence of previous downstream flooding of **Fairford Avenue** and the **Monks Orchard School playground** which is **clear evidence** of the flooding potential downstream of **Ash Tree Close**.

**Comment #3.3:**

You have completely ignored the fact that the removal of vegetation over the site will reduce the infiltration and absorption of precipitation which would therefore contribute to local surface water flooding, if not on this site, then further downstream.

The Flood Risk Report Indicated the development lies within Flood Risk Zone 1. *“There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. There is no threat of surface water flooding. The site is not in a flood warning area.”* It does not indicate the site's contribution to downstream flooding which happened within the previous 25 – 50 years (See photos of flooding in Fairford Avenue above).

The Report's conclusion is that *“the site is not under threat of flooding nor will the proposed development have any impact on flood risk elsewhere.”* This statement cannot be validated as climate change could result in much higher risk downstream.

**Comment #3.4:**

As this proposed development is so close to the Chaffinch Brook water course, and has the potential to increase surface water flooding downstream affecting Ash Tree Way, Fairford Avenue and to the North of Ash Tree Close, why was a ground water survey of soil sample and water table level not required of the applicant **prior to a determination?**

*“The **Chaffinch Brook catchment** is a complex system of rivers and ordinary watercourses. While flooding cannot be completely prevented, in order to manage it better it is important to understand how and why it happens. **AECOM**, a consultancy is conducting a study on behalf of **Croydon Council and Bromley Council** that will look into the **causes and impact of flooding**. By collecting data about flood risk from people who live/work/visit the study area, they will endeavour **to identify potentially affordable and viable solutions that could improve the management of the flood risk.**”*

**Comment #3.5:**

After a request from **Cllr. Gareth Streeter** (Shirley North), the **Planning Officer, (Ross Gentry)** confirmed that there had been **“NO contact”** with the **“Chaffinch Brook Flood Alleviation Study Team”** to establish if **this development** would increase the **likelihood** of local area flooding. **The very people who could give advice were ignored!** Would it have been Advisable to obtain guidance and knowledge from the Study personnel prior to making a recommendation or determination. **Why was Ross Gentry so adamant in his reply?**

❖ **That you believe the Council ignored the requirement of Paragraph 122 of the National Planning Policy Framework when making its decision.**

**Your Response:**

**“Paragraph 122 of the National Planning Policy Framework - Achieving Appropriate Densities.**

*“Within your letter you have highlighted one specific paragraph of the NPPF. However, the NPPF makes it clear that the guidance document should be **read as a whole**. As I am sure you are aware the NPPF states that decisions should apply a presumption in favour of sustainable development and that decision-makers at every level should seek to approve applications for sustainable development where possible. In addition, the Housing Chapter also states that it is important to support the Government’s objective of significantly boosting the supply of homes.*

*Paragraph 122 also states that planning decision should support development that make efficient use of land.*

*I do not believe that the decision taken in this case ignored the above paragraph of the NPPF and I believe that the decision is in accordance with the wide objectives of the NPPF and the Development Plan.”*

**Our Response:**

**National Planning Policy Framework (NPPF) (2019)**

Achieving Appropriate Densities:

NPPF Para 122

- 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;

Throughout the **NPPF (2019)**, the requirement is for **“Sustainable Development”** which means that along with other requirements, **adequate infrastructure and services** are available to support the **existing and future residents** of a **proposed development**, and the **NPPF Para 122** defines one such requirement of the **infrastructure** as availability of **sustainable travel modes** (i.e. public transport accessibility) as an alternative to **private car** usage.

NPPF Chapter 3 – Plan Making

16 Plans should:

- d) contain policies that are **clearly written** and **unambiguous**, so it is evident how a decision maker should react to development proposals;

## NPPF Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and **how these should be applied**<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

2. Planning law requires that applications for planning permission **be determined in accordance with the development plan**<sup>2</sup>, **unless material considerations indicate otherwise**<sup>3</sup>. The **National Planning Policy Framework** must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

3. The Framework should be **read as a whole** (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on **Plan-Making in Chapter 3.**

<sup>1</sup> This document replaces the first National Planning Policy Framework published in March 2012, and includes minor clarifications to the revised version published in July 2018.

<sup>2</sup> This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see glossary).

<sup>3</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

### **Comment #4.1:**

This Introduction to the **NPPF** does not state that **some policies should be of higher "weight" than others when taken as a whole!** Our interpretation of this statement is that **ALL** policies have similar **"weight" unless full justification for deviation from the policy is given.**

### **Comment #4.2:**

It also emphasises that the applications be determined in accordance with **"ALL"** the Policies unless **material considerations indicate otherwise and those "material conditions are stated"**. Thus, not to implement the **Policies** as specified requires **Case Officers** to provide **clear and precise justification for NOT implementing the Policy.**

### **Comment #4.3:**

When you indicate that the guidance should be read as **"a whole"** what exactly does that mean? Does reading the policy as **"a whole"** allow some **Policies** to be **ignored** while other policies take **preference**, or for **"inconvenient" policies** to be **neglected** in **preference to other policies**? Our understanding of the **NPPF is that each paragraph has National significance** and should **not be ignored** even if **"inconvenient"** to a **preferred decision**. Any policies **NOT** considered, requires **formal justification to explain why this is so.**

### **Comment #4.4:**

Your Reference to **"the Housing Chapter also states that it is important to support the Government's objective of significantly boosting the supply of homes"** is considered later where we show that Developments in the **MORA Post Code Area outstripped the 2019 yearly target** by **162.438%**, and that is just a small part of **Shirley North Ward** when the actual yearly Target covers all of **Shirley North and Shirley South Wards** i.e. all of **Shirley**. (See Appendix B - Shirley Housing Targets).

### **Comment #4.5:**

Your Reference that **"Paragraph 122 also states that planning decision should support development that make efficient use of land."** Presumes that the most efficient use of land **allows** the **disregard of appropriate level of supporting infrastructure** and in this case, allows parking provision that requires vehicles to **mount the footpath** and **encroach on other dwellings' frontages** in order to exit from **their parking bays** and to **exit the access road** in a forward gear in **breach** of the **Highways Act Section 27!** (See Appendix C – Parking Provision and Manoeuvres).

❖ You consider the density of the development to be inappropriate and that it contributes toward an unsustainable Public Transport Accessibility

### Public Transport Sustainability Level (PTAL) and Cumulative Impact

#### Your Response:

*“As a local planning authority, we do not consider this development to be an overdevelopment of the site. Whilst it is appreciated in this case the PTAL rating is 1a which is low, we required on site car parking to be provided for each unit rather than reducing the car parking to a lower level - as would normally be the case in an area characterised by higher PTAL rating.”*

#### Our Response:

There are a number of contributing factors which **clearly indicate** this development is an overdevelopment of this site at **0.1335 hectares** for this locality at **PTAL 1a**.

#### Comment #5.1:

The PTAL for the locality is **1a** (numerically 0.66) which does **NOT** support the **Residential Density** of **299.63hr/ha** as defined by the current **London Plan Policy 3.4 – Optimising Housing Potential** or the new emerging **London Plan Policy D1A - Infrastructure Requirements for Sustainable Densities**. (See Appendix A – Residential and Housing Density Assessment).

#### Comment #5.2:

The **New London Plan Residential parking** provisions for **outer London boroughs** at **PTAL 0 to 1** is **‘up to 1.5 spaces per dwelling’** and this development provides just **1 space per dwelling** so is under provided **as judged** by the new emerging **London plan (maximum)**. (See **London Plan Table 10.3** - Maximum residential parking standards). It is also noted that there is **no disabled parking provision** at this development for residents or visitors.

#### Comment #5.3:

The fact that **ingress** and **egress** from **parking bays** require **manoeuvres necessitating mounting the footpath** and **encroaching** on other **dwellings’ forecourts** in **breach** of the **Highways Act - Section 27** are ample evidence that the site area **cannot cope** with the requirements of the development. The site area is **insufficient** to cater for all requirements. **(It is noted that you have failed to adequately respond to this issue raised in our Stage 1 Complaint)**. (See Appendix C – Parking Provision and Manoeuvres).

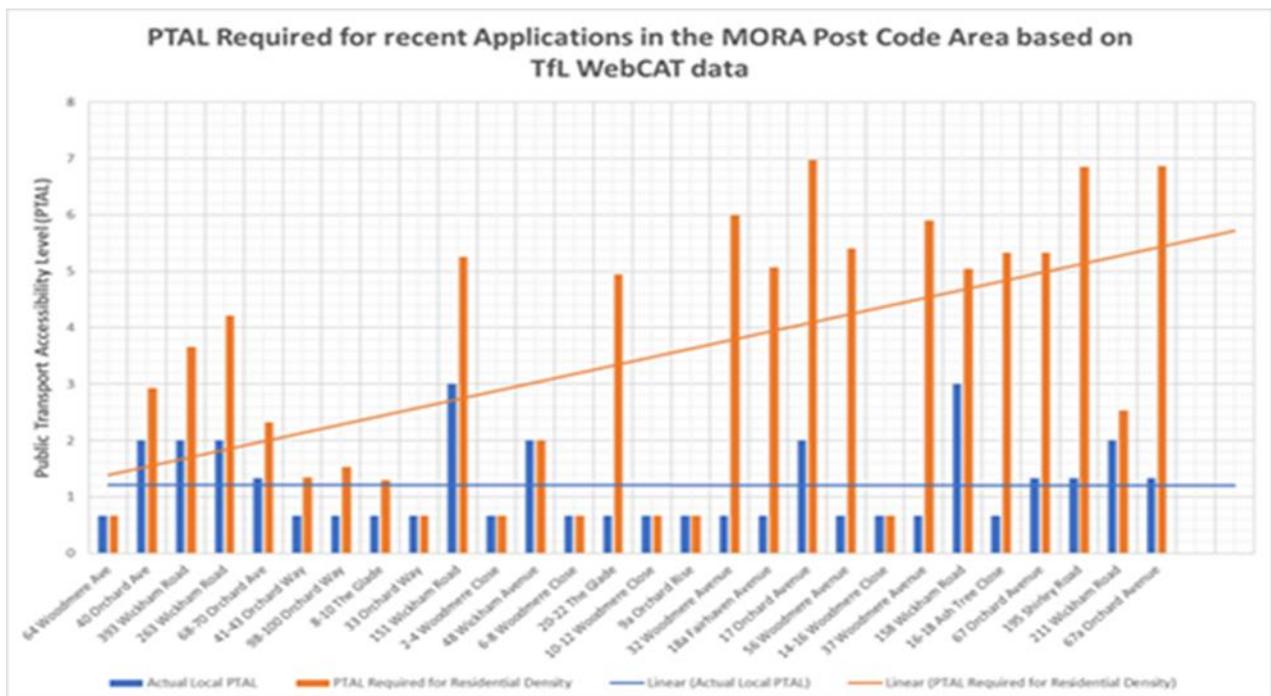
#### Your Response:

*“I can assure you that we do take cumulative impact of developments into account when considering planning decisions. As you will be aware, a large number of Shirley planning applications are referred to and determined by Planning Committee and Members have a comprehensive understanding of the development proposals for this area.”*

**Comment #6.1:**

You assure us that you take **cumulative impact** of developments into account when considering planning decisions, and housing targets are set out in the development plan and policies seek to ensure that development responds and meets that housing need. (see **Histogram of PTAL required for recent applications and trend in the MORA Post Code Area**). **Housing targets** therefore form part of planning policy, but we do **NOT** see any evidence of assessment of **cumulative effects** to support your claim.

The **MORA Post Code Area** has **significantly exceeded** the **2019 yearly Housing Target** for the whole of **Shirley** (see **Appendix B - Shirley Housing Targets**).



**Comment #6.2:**

Where is the **“evidence”** that you take **cumulative impact** of developments into account when making a determination? It is **NOT** stated in the **Case Officers Report**.

**Comment #6.3:**

The **MORA Post Code Area** has significantly exceeded the **Target for in-fill and windfall sites** by **162.438%** for 2019 and most were in **low PTAL** areas. (See **Appendix B - Shirley Housing Targets**).

**Comment #6.4:**

The recent in-fill and windfall sites in the **MORA Post Code Area** require **PTAL trending to 5.8** when Shirley Residential Areas are virtually all served by **PTALs 1a, 1b** (0.66 to 1.33) or **PTAL 2** at max. (at Shirley Shopping Centre(s)). See histogram and linear trending forecast above).

**❖ You believe that housing targets are resulting in the development failing to comply with Planning Policies**

**Your Response**

**Housing targets are resulting in development failing to comply with Planning Policies.**

*“As stated above, the NPPF states that one of its objectives is to significantly boost the supply of homes. It also requires local planning authorities to determine the minimum number of homes specified – and seek to deliver more. Consequently, housing targets are set out in the development plan and policies seek to ensure that development responds and meets that housing need. Housing targets therefore form part of planning policy.”*

*As you are aware, when dealing with a planning application it is necessary to balance a number of policy objectives against each other it is for this reason that decisions need to be taken against consideration of the development plan as a whole. Greater weight will often need to be given to some policies rather than others. In many cases the need to deliver more housing in accordance with the NPPF and the development plan is given significant weight.*

*As stated above, the NPPF states that one of its objectives is to significantly boost the supply of homes. It also requires local planning authorities to determine the minimum number of homes specified – and seek to deliver more. Consequently, housing targets are set out in the development plan and policies seek to ensure that development responds and meets that housing need. Housing targets therefore form part of planning policy.”*

**Our Response:**

**Comment #7.1:**

You state *“Greater weight will often need to be given to some policies rather than others.”* But that **“greater Weight”** should not be at the expense of **Policies** to meet acceptable **Accommodations and Parking Provision standards** or **Sustainable Accessibility to Public Transport?**

**Comment #7.2:**

We challenge your assessment on the **Housing Targets** in the **Shirley Wards** (North & South) as the Number of dwellings created by **‘in-fill’ or ‘windfall’ re-developments** in the **MORA Post Code area significantly exceeds the annual target (2019)** for the whole of **Shirley** - see **Appendix B** of this submission. As this is the case, **applications** for the Shirley North Ward should suffer **increased scrutiny to ensure the proposal fully meets the adopted policies** and are **appropriate for the locality.**

**Comment #7.3:**

Why should the **MORA Post Code Area** (which is only a part of **Shirley North Ward**) be subject to an **increased number of dwellings** when the **‘in-fill’ and ‘windfall’ developments outstrip the Targets** for the whole of the **Shirley North Ward & Shirley South Ward** by **162.438%** of the yearly target for the **whole of Shirley?** (see **Appendix B - Shirley Housing Targets**).

**Your Response:**

Your statement *“when dealing with a planning application it is necessary to balance a number of policy objectives against each other it is for this reason that decisions need to be taken against consideration of the development plan as a whole. Greater weight will often need to be given to some policies rather than others.”*

**Comment #8.1:**

In taking the **Development Plan** as a whole by **your definition**, allows **Case Officers** to give **additional “weight” to certain “preferred” policies** against other policies **subjectively**. This is contrary to those policies which are selected as those of lesser weight to be **subjectively downgraded** to the point of being **ignored** or considered of **insufficient “weight”** to influence a decision. This **Subjective interpretation** places **Case Officers** under external pressures to influence a **political decision** rather than a **balanced interpretation of the appropriate “weight” of the overall general policies**. I refer you to the **Governance Review Recommendation 11**.

**Comment #8.2:**

If there is **NO “independent” Peer Review**, this interpretation of Policies allows the assessment to be **biased** in order to **approve** an application to **meet housing targets** rather than to consider all policies of **equal weight** to make an **appropriate balanced judgement or decision**, which is an indication of the **“unprofessionalism”** of the **Croydon Local Planning Authority (LPA)** approving applications which have **unacceptable accommodation standards** or **unsustainable access to public transport, or inappropriate parking provision** for the locality.

**Comment #8.3:**

The **MORA Post Code Area** has already **met and surpassed its Housing Targets** so why is it necessary to give **extra weight** to any **adopted planning policies** for applications in the **Shirley Wards** to meet a **fictitious target?** (see **Appendix B - Shirley Housing Targets**).

(see **Map** at <http://www.mo-ra.co/planning/planning-matrix/>)

This was identified as an issue during the investigation for the **GOVERNANCE REVIEW REPORT | 2020:**

*“Planning was also the most contentious, attracting the most negative comments in the resident and Member surveys and workshops, with concern expressed about the transparency of decision-making and trust in the process. There were a number of comments and concerns that alleged that planning was too politically influenced and that the input of residents did not appear to be taken into account. Area planning committees were proposed by some Members and residents as an alternative approach.”*

❖ **That you consider the level of development approved by this development to be an overdevelopment and inappropriate in an area of a PTAL of 1a**

**Residential Density and PTAL Rating of the Site**

**Your Response:**

*“We have corresponded around the relevance and interpretation of the London Plan density matrix on a number of previous occasions and have no desire to repeat previous commentary.”*

**Comment #9:**

The reason we keep referring to the **Density Matrix** is that the Case Officer has **referenced** this **Policy 3.4 – Optimising Housing Potential** in his **report**, rather than referencing to the emerging **London Plan Policy D1A** but does **not define the methodology** to actually interpret **Policy 3.4** or the **Density Matrix Policy definition** in his **evaluation** or provide reasonable **justification** for his **interpretation of the Policy**. If the **Case Officer** refers to a **Policy** in the Report, it is expected that **any deviation from that Policy is “Fully Justified” in the Report.**

**Your Response:**

*“I have touched on the level of development and car parking provided already in this letter. As you are aware the density matrix should not be applied mechanistically. In addition, the emerging London Plan seeks to remove the reference to the density matrix and as this document has moved closer towards adoption and has gained further weight. It is very likely that the density matrix will not be included in the new London Plan when it is adopted.”*

**Our response:**

**Comment #10:**

It is recognised that the density matrix should **not** be applied mechanistically, but how else should it be applied? The **Density Matrix** lends itself for **simple mathematical analysis**. Perhaps you could enlighten us how you **interpret the policy as defined** and then how the **“broad”** ranges of **density** are determined at all **“broad”** ranges of **PTALs** as they reflect the requirements for **dwelling in a suburban setting** at **PTALs 1a**? What **methodology** and **criteria** do you **actually** perform to establish **the appropriate (Not Subjective) densities for a locality**? Your current methodology is to not apply any criteria to establish **appropriate densities**. **It seems your analysis is – “If it looks OK it is acceptable.”**

**Your response:**

*“As you will be aware, we always interpret the density matrix flexibly – using it as a general guide but then focussing on how a scheme addresses the various issues that inform density of development (scale, mass, relationships, residential quality, car parking and amenity space). As you would expect the matrix is one consideration which needs to be balanced against other policy objectives within the Development Plan as a whole.”*

**Our Response:**

**Comment #11.1:**

**No, you don't!** These are **subjective terms** to provide an excuse for having no methodology or policy. You have **NEVER** challenged an applicant's proposal with regard to Density – **Ever!** (since I have been involved as MORA planning officer).

**Comment #11.2:**

Your analysis of determining Density is to accept applicants' proposals, *tending* towards the emerging **London Plan Policy D1A - Infrastructure Requirements for Sustainable Densities**; but **without the detailed assessment and methodology criterion** of the new policy with respect to the **required detailed local "characterisation studies."**

**Comment #11.3:**

In addition, the Case Officer has referenced the current adopted **Density Matrix** in his report and thus the **current adopted London Plan Policy 3.4 – Optimising Housing Potential** rather than the **emerging Policy** so it is **relevant** that we seek how he and Croydon LPA specifically interpret the current **Policy 3.4 – Optimising Housing Potential**.

**Your Response:**

*"This development provides a net increase of **6 family sized homes** within a residential area, **for which there is a need**. These units make an important contribution to the Council's housing stock. In view of the acceptability of this scheme in terms of space standards, amenity space, scale, form and relationship with neighbours, the scheme is considered to be suitable, set within its context. The level of off street car parking provided for this development at a ratio of 1 space per unit has also been incorporated to respond to the PTAL rating of the site."*

**Our response:**

**Comment #12:**

This development is for **8 dwellings (an overall increase of 6 dwellings after demolition of #16 & #18 Ash Tree Close)** as stated in your response.

We question the need for any **additional dwellings** at this juncture as the **MORA Post Code Area** has approved dwellings **significantly in excess of the yearly "Target" for the whole of Shirley**, by **162.438%**. Without considering the significant **Brick by Brick developments** in the North of the **Shirley North Ward**. (See Appendix B for evidence).

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❖ **You question the case officers' statement that the site is located "very close to the intensification area of Shirley"**

**Proximity of the site to the Shirley Intensification Area**

**Your Response:**

*"You have queried the statement within the officer's report that the application site is located within close proximity of the **Shirley Intensification Area**. The officer report does make it clear that the application site is located outside the Shirley Intensification Area, but at paragraph 8.7 of the officer report it is stated that the site is located **"very close to the intensification area of Shirley"**.*

*Whilst proximity is a matter of perception, I do accept that this point could have been further qualified as part of the officer's report. This is a matter which I will discuss with officers for*

*the future. However, Members were provided with an O/S extract identifying the location of the application site. Moreover, the location of the site was also identified as part of the officer's presentation. I am therefore satisfied that members were fully aware of the location of the site."*

**Comment #13.1:**

You have **NOT** given a definition of **"very close"** and the statement that **"proximity is a matter of perception"** is **very unhelpful requirement definition!** It proves you find it extremely difficult to admit any failure or fault as your logic is to defend the indefensible at all costs!

The impression given by the Case Officer is to endeavour to demolish any attempt to prove overdevelopment! The development is **a mile away from the nearest Intensification boundary.**

**Draft London Plan –consolidated changes version–Clean July 2019**

**Policy H2A Small housing developments**

**Para 4.2A.1** **"Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station<sup>41F</sup> or town centre boundary<sup>41G</sup> is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2, particularly in outer London."**

**Comment #13.2**

Thus, the location of this windfall redevelopment site is at **PTAL 1a, 1.025km** from Elmers End train and tram Station & **1.25km** from Eden Park Station and also **≈3km** from Croydon Metropolitan Centre Boundary, as measured (LOS) on Google Earth. The **boundary of Croydon** is not exactly known but is surely greater than **800m** from **this site**. Therefore, **this site is NOT** within the stated **limits defined** by the **Draft London Plan (July 2019)** as **appropriate** for **"Incremental Intensification."** **So why has the Case Officer considered this site as suitable for any intensification?**

❖ **That you consider that the parking layout for this development to be inappropriate and you question the transport officer's assessment of the acceptability of the arrangements. You also question delivery arrangement and access arrangements for the site.**

**Parking Layout and Delivery and Servicing Arrangements**

*"The layout of the access, car parking spaces and pedestrian arrangements for this development were discussed in detail at the Planning Committee.*

*In relation to pedestrian arrangements and vehicles, it was made clear that it was intended that the access to the site would be formed through provision of a shared surface for both pedestrian and vehicles. This is not an unusual situation with new developments. In addition, the applicant provided swept path analysis to show how the car parking spaces were to be accessed and egressed. All of these matters were reviewed by the Council's Transportation Team who concluded the arrangements were acceptable.*

*You have also raised concerns about the servicing arrangement for this development and that the development does not include a turning head. Again, servicing of the site together*

*with access for emergency services is a matter that was discussed in detail at the Planning Committee. The report confirmed that serving would need to take place from Ash Tree Close, as it does for the existing properties. As indicated above, planning decisions need to be taken in the balance. In this case making the best use of the site to provide family homes was prioritised over providing a greater amount of the site as road/turning head.”*

### Our Response:

#### Comment #14.1:

Again, this parking arrangement may have been discussed at committee but the issues of encroachment and legality (**Highways Act Section 27**) were mentioned but considered acceptable by the majority of committee. This is another example where the biased political committee structure fails to recognise **valid objections** in order to meet **planning targets**. The application voted approval by the regular 6:4.

#### Comment #14.2:

Would **you as a resident** find it **acceptable** if a **neighbour's vehicle, regularly encroached** over the **footpath fronting your front Garden** and/or **encroached onto your forecourt** to enable them to exit from **their parking bay** and proceed in a forward gear into the roadway – **not just on one occasion but for the life of yours and the neighbour's dwellings?**

#### Comment #14.3:

In addition, if **you decided to fence off your garden** to determine your area of **your responsibility for garden maintenance**, would you accept it **be part demolished** by a neighbour in order to allow exiting their vehicle from their parking bay?

#### Comment #14.4:

Do you not agree that **these parking manoeuvres** are **inappropriate** for the life of the development and are **probably in breach** of the **Highways Act Section 27?** (See Appendix C – Parking Provision and Manoeuvres.)

#### Comment #14.5:

The Servicing arrangement for **Ash Tree Close Cul-de-sac** has its own turning head for service vehicles. The proposed new development **Cul-de-sac does NOT have a turning head for service or delivery vehicles. Why a different Policy?** What is the **justification?** In addition, **emergency vehicles (Ambulance or Fire Tender)** would possibly need to **gain near access to dwellings** in the new access road but would **need to reverse** out into Ash Tree Close over the **footpath as there is NO turning head in the new Cul-de-sac driveway.**

#### Comment #14.6:

These issues further indicate that the **Parking Provision is inappropriate** and further indicates the **Site Area is inadequate** for the **development.** (See Appendix C – Parking Provision and Manoeuvres.)

#### Comment #14.7

Our response to your statement: *“As indicated above, planning decisions need to be taken in the balance. In this case making the best use of the site to provide family homes was prioritised over providing a greater amount of the site as road/turning head.”* Are:

- In your view **“Prioritisation of Family Homes”** has **higher weight** than the **safety of local pedestrians;**
- In your view **“Prioritisation of Family Homes”** has **higher weight**, even when the **target for the locality** been has **surpassed by 162.438%** for 2019 and by **58.557%** for the half year of 2020. (See Appendix B - Shirley Housing Targets).

After compiling this response to Mr Pete Smith's response to our Stage I Complaint, it is more obvious there are many significant reasons to challenge the suitability of this development at this site which raises the question why this application was allowed when the Housing Target for Shirley has been exceeded ?

**Comment #14.8:**

Why was it preferred to allow this proposed development and NOT require the applicant to address these contentious issues and re-apply with a proposal that fully met the policies, as the housing targets for Shirley had already been met?

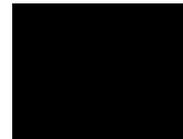
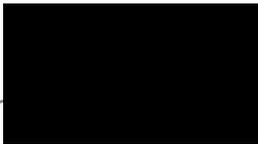
Resultant on the LPA deviating from implementing agreed adopted and emerging Planning Policies, we (MORA) and the local residents are losing confidence in the Planning Process and the professionalism of planning officers to adequately and professionally represent local residents.

Please provide detailed justifiable answers to each of the separately identified Comments as listed above and the Additional Comments raised at Appendix A, B & C below.

This escalation to Stage 2 Complaint has been approved and authorised by all MORA Executive Committee Members and the affected residents of 14 and 20 Ash Tree Close.

Please accept this as a formal **Stage 2 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

**See also the following:**

**Appendix A – Residential and Housing Density Assessment**

**Appendix B – Shirley Housing Targets**

**Appendix C – Parking Provision and Manoeuvres**

**Cc:**

Mr. Pete Smith

Mr. Steve Dennington

Sarah Jones MP

Cllr. Sue Bennet

Cllr. Richard Chatterjee

Cllr. Gareth Streeter

Head of Development Management

Head of Spatial Planning

Croydon Central

Shirley North Ward

Shirley North Ward

Shirley North Ward

**Bcc:**

MORA Executive Committee

Affected Local Residents

Interested Parties

## **Appendix A - Residential and Housing Density Assessment:**

### **Our Response:**

The Case Officer has referenced the London Plan Policy 3.4 – Optimising Housing Potential and the Density Matrix at Table 3.2 and has acknowledged that the **Residential Density** for a **suburban Setting** at a location of **PTAL 1a** should be in the **'broad'** range **150 to 200 hr/ha**. However, the actual **Residential Density** is approx. **300** (actually **299.63hr/ha**) which requires a **PTAL** in the **'broad'** range **4 to 6**. In doing so he **admits to the adopted policy** for assessing **Residential & Housing Densities** for this **Application** at this **locality** and this **setting**. At the time of this Application Approval (**DN issued Fri 28 Feb 2020**) the current adopted **London Plan Policy** was **Policy 3.4 – Optimising Housing Potential**, and still is at the date of this **Stage 2 complaint**.

### **3.4 Optimising housing potential**

#### **Strategic, LDF preparation and planning decisions**

**A** Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. **Development proposals which compromise this policy should be resisted.**

**3.28 A rigorous appreciation of housing density is crucial** to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. **It is not appropriate to apply Table 3.2 mechanistically.** Its **density ranges** for particular **types of location** are **broad**, enabling account to be taken of **other factors** relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure (Policy.3.16), open space (Policy 7.17) and play (Policy 3.6). These **broad** ranges also provide the **framework within which boroughs can refine local approaches to implementation of this strategic policy through their LDFs**<sup>[1]</sup>. Where appropriate, **they can also provide a tool for increasing density** in situations **where transport proposals will improve public transport accessibility in the future**. It is important that higher density housing is not automatically seen as requiring high rise development.

**3.28A** Geographically specific guidance on implementation of policy 3.4 is provided for Opportunity and **Intensification Areas** in paragraphs 2.61 and 2.62; for **Town Centres** in Policy 2.15 and paragraphs 2.72B – 2.72H and 4.42A-B; for surplus industrial land in paragraphs 2.85 and 4.23 and for other large housing sites in paragraph 3.42. More **general guidance** on implementation of Policy 3.4 is provided in the Housing SPG **including exceptional circumstances where densities above the relevant density range may be justified.**

**3.30** Where transport assessments other than PTALs can reasonably demonstrate that a site has either good **existing or planned public transport connectivity and capacity**, and subject to the wider concerns of this policy, the density of a scheme may be at the **higher end** of the appropriate density range. **Where connectivity and capacity are limited, density should be at the lower end of the appropriate range.** The Housing SPG provides further guidance on implementation of this policy in different circumstances including mixed use development, taking into account plot ratio and vertical and horizontal mixes of use.

**Comment #15.1:**

You state that evaluation of the policy should **Not be mechanistically**, therefore, **what is your proposed alternative methodology to satisfactorily implement the policy?**

**Comment #15.2:**

You have **not given** any **satisfactory alternative** method of evaluating a proposal's **Residential or Housing Density**, to define its **acceptability or otherwise**, or a **methodology for analysing or implementing the Policy 3.4 – Optimising Housing Potential**.

**Comment #15.3:**

You have **NOT** provided any **credible justification** for **NOT meeting the Policy** or indicated any **exceptional circumstances** where **densities above the relevant density range** may be **justified** other than ignoring the Policy. The **Case Officer** has made a **subjective assessment** which **fundamentally ignores the principle of the Policy**.

**Comment #15.4:**

**40 habitable Rooms** in a **site Area of 0.1335 hectares** in a **suburban setting** equating to a **Residential Density of 299.63hr/ha** with a **PTAL locally of 1a** is **NOT** appropriate as defined by the current adopted London Plan **Policy 3.4 Optimising Housing Potential**. You might not like or agree with the Policy – but **THAT IS THE CURRENT ADOPTED POLICY!**

**MORA's Simple interpretation of the Policy 3.4 - Optimising Housing Potential:**

The only viable methodology we have developed to evaluate the Policy is to assume the **“Broad” Ranges** depicted in the Policy are **“incrementally linear”** over the stated individual **“broad” ranges of the Matrix**. In which case the **incremental values over the appropriate “broad” ranges** would follow a **straight-line formula** of  $y = mx + c$  where  $y = \text{Density}$ ;  $m = \text{Slope} = \Delta y / \Delta x$  (rate of change) within the **“broad” range**;  $x = \text{PTAL}$  and  $c = \text{the intercept on the Density co-ordinate when PTAL } (x) = 0$ .

Thus, for a **Residential Density of 299.63hr/ha** at a **Suburban Setting** lies in the **“broad” range of 200 to 350hr/ha** and requires a **PTAL** in the **“broad” range of 4 to 6**.

In order to analyse this in more detail, the values of **“m”** =  $\Delta y / \Delta x$  = slope, and the value of **“c”** of the straight-line equation  $y = mx + c$  needs to be established:

For **Residential Density**,  $m = \text{Slope} = \Delta y / \Delta x = \left( \frac{Y_{max} - Y_{min}}{X_{max} - X_{min}} \right) = \left( \frac{350 - 200}{6 - 4} \right) = 150 / 2 = 75$   
therefore, slope **m = 75**.

We have **two known points** on the straight-line  $y = mx + c$  being the co-ordinates at the **max Residential Density & Max PTAL** and at the **min Residential Density & min PTAL**.  
i.e.  $Y_{max}$  &  $X_{max}$  and  $Y_{min}$  &  $X_{min}$

Thus  $y_{max} = 350 = 75 \times 6 + c = 350 = 450 + c$

And  $y_{min} = 200 = 75 \times 4 + c = 200 = 300 + c$

Adding these two simultaneous equations becomes  $550 = 750 + 2c$ . Thus  $c = -200 / 2 = -100$   
Therefore **c = -100**

Thus, the **Residential Density (y) = 299.63 = 75\*x + (-100)** Where **x = Required PTAL**

Similarly, for **Housing Density**:

$$m = \text{Slope} = \Delta y / \Delta x = \left( \frac{y_{\max} - y_{\min}}{x_{\max} - x_{\min}} \right) = \left( \frac{65 - 35}{3 - 2} \right) = 30/1 \text{ therefore slope } m = 30$$

We again have two known points on the straight-line  $y = mx + c$  being the max Housing Density & max PTAL and the min Housing Density & min PTAL.

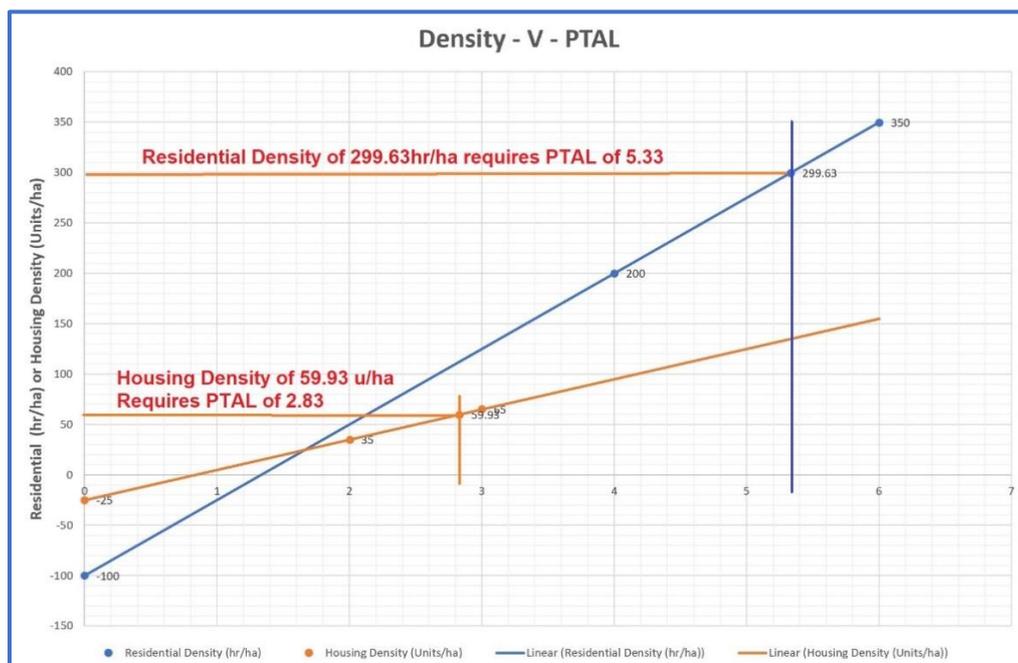
i.e.  $y_{\max}$  &  $x_{\max}$  &  $y_{\min}$  &  $x_{\min}$

$$\text{Thus } y_{\max} = 65 = 30 \times 3 + c = 65 = 90 + c$$

$$\text{and } y_{\min} = 35 = 30 \times 2 + c = 35 = 60 + c$$

$$\text{Added } 100 = 150 + 2c \text{ Therefore } c = -50/2 = -25.$$

Therefore, **Housing Density** ( $y$ ) =  $59.93 = 30 \times x + (-25)$  where  $x$  = required PTAL



**This illustration shows the co-ordinates  $X_{\max} : Y_{\max}$  &  $X_{\min} : Y_{\min}$  & values of  $C$  when  $x$  (PTAL) = 0 follow a straight line  $y = mx + c$  for Residential Density & Housing Densities plotted against PTAL.**

From the foregoing, Residential and Housing Densities should fall somewhere along these two straight lines:

**Residential Density of 299.63hr/ha requires a PTAL of:**

$$299.63\text{hr/ha} = 75x + (-100) \text{ therefore } x = \text{PTAL} = (299.63 + 100)/75 = (299.63+100)/75 = \underline{5.3284} = \text{PTAL}$$

**Housing Density of 8 units on 0.1335 hectares = 59.925  $\approx$  59.93u/ha Requires a PTAL of:**

$$59.93\text{u/ha} = 30x + (-25) = (59.93 + 25)/30 = (59.93+25)/30 = \underline{2.831} = \text{PTAL}$$

Similarly, to establish the **Appropriate Densities** at **PTAL 1a** (numerically 0.66) the same formula can be used:  $y = mx + c$  using the “**broad**” ranges of **Residential & Housing Densities** at **PTAL1a**.

For **appropriate Densities** in a **suburban setting** with **PTAL at 1a** (numerically 0.66) is found:

For **Residential Density**, slope  $m = \Delta x / \Delta y = \left( \frac{200-150}{1-0} \right) = 50$  and  $c = +150$  when  $x$  (PTAL) = 0

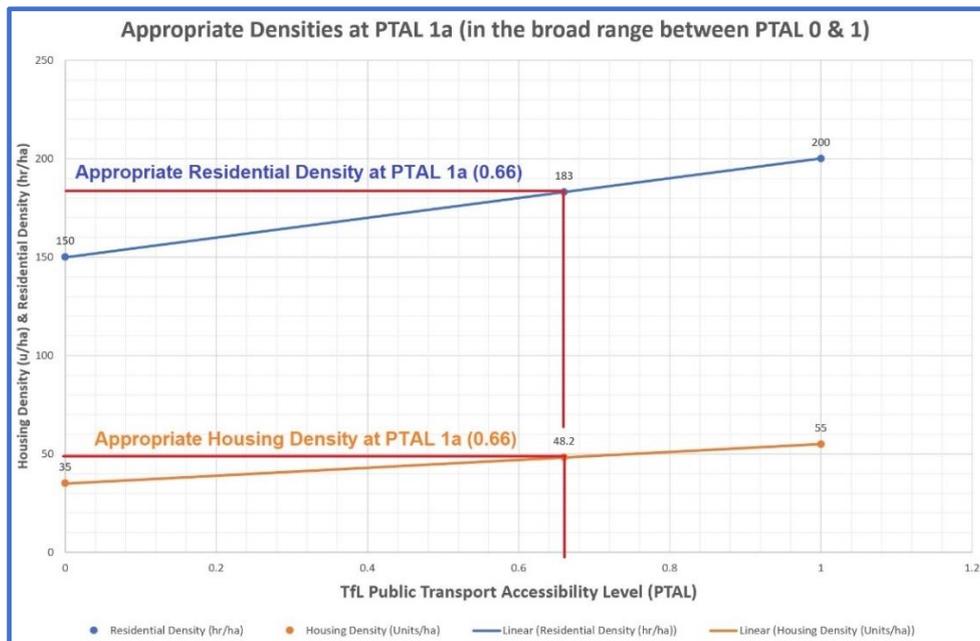
For **Housing Density**, slope  $m = \Delta y / \Delta x = \left( \frac{55-35}{1-0} \right) = 20$  and  $c = +35$  when  $x$  (PTAL) = 0

For **Residential Density** =  $y$  when PTAL = 0.66 is given by:

**Residential Density** ( $y$ ) =  $mx + c = 50 * 0.66 + 150 = \underline{183hr/ha}$ ; and

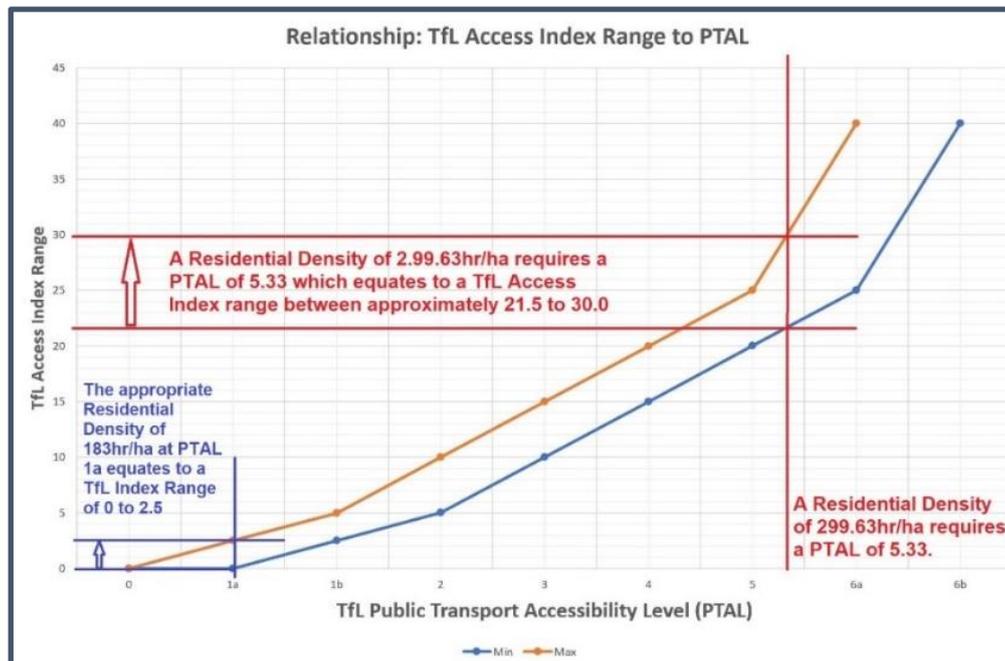
For **Housing Density** =  $y$  when PTAL = 0.66 is given by:

**Housing Density** ( $y$ ) =  $mx + c = 20 * 0.66 + 35 = \underline{48.2units/ha}$



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



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**.

**Comment #16.1:**

We have analysed the current adopted **London Plan Policy 3.4** and devised the above basic **simple methodology and evaluation criterion** of the parameters defined in the current **London Plan Policy 3.4** which we have used to provide a **simple assessment** of the **appropriate densities** as **guidance of acceptability** or otherwise **for the proposed development**. Thus, without any **significant justifiable reasons to deviate** from these **calculated densities**, the proposals for this locality at **PTAL 1a** in a **Suburban Setting** should approximate to a **Residential Density of ≈183hr/ha** (within the “*broad*” Range 150 to 200 hr/ha) and a **Housing Density of ≈48.2units/ha** ( within the “*broad*” range of 35 to 55 units /ha) for **Sustainable Public Transport Accessibility**. Any deviation from these calculated figures **should be clearly justified by the Case Officer**.

**Comment #16.2:**

What methodology and criterion are the Croydon LPA “*Professional Planners*” adopting to assess and define the appropriate **Residential** and **Housing Densities** to meet either the current **London Plan Policy 3.4 – Optimising Housing Potential** or the New emerging **London Plan Policy D1A - Infrastructure Requirements for Sustainable Densities**, **as required of NPPF Section 3 Plan Making para 16 and NPPF para 122 Achieving Appropriate Densities?**

**Comment #16.3:**

What are the **justifications** for **NOT** meeting the current **London Plan Policy 3.4 – Optimising Housing Potential** for this proposed development or the **New emerging London Plan Policy D1A - Infrastructure Requirements for Sustainable Densities** by the required locality “**Characterisation Studies**”?

## Appendix B - Shirley Housing Targets

### Our Response

#### **Croydon Local Plan 2018 Targets:**

**4.2** There is a need for "*over*" **42,930** new homes in Croydon by 2036 and evidence indicates that half of these need to be larger homes <sup>[12]</sup> ... The target of **31,850** homes reflects the availability of land for development in Croydon, facilitating the sustainable growth of the suburbs, the need to provide a mix of homes to support sustainable communities and the objective to provide a choice of homes for people at all stages of life. It also reflects the need to provide land for other uses such as employment, education, health and other infrastructure to support growth in Croydon<sup>13</sup>. In particular, in Croydon Opportunity Area allowance has been made for office and retail development in line with Policy SP3 (Employment).

#### **Recent Housing Target Recommendations for Croydon:**

<b>Croydon Local Plan (2018)</b>	<b>Target (2020 – 2036) 16 yrs.</b>	<b>Annual Target</b>
<b>Croydon</b>	<b>42,930</b>	<b>2,683</b>
<b>Croydon Plan Review (2019)</b>	<b>Target (2019 – 2039) 20 yrs.</b>	<b>Annual Target</b>
<b>Croydon</b>	<b>46040</b>	<b>2302</b>
<b>Revised London Plan</b>	<b>Target (2020 – 2030) 10 yrs.</b>	<b>Annual Target</b>
<b>Croydon</b>	<b>20790</b>	<b>2079</b>

Therefore, the revised **yearly London Plan percentage** reduction from the **Croydon Plan Review proposed target of 2032 to 2079** is a **reduction of 9.687%**

#### **Comment #17.1:**

**So where does this relate to the Case Officers statement that: "*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.*"? As each revised Target is a reduction from the previous.**

Reflecting the **9.687%** reduction to the Shirley North Ward:

**Croydon Plan Review Targets for Shirley as given in the Revised Draft London Plan target.**

<b>Ward</b>	<b>Target (2019 – 2039) 20 yrs.</b>	<b>Annual Average</b>	<b>9.687% Reduction (2019 – 2039)</b>	<b>Annual Reduced Target</b>
<b>Shirley</b>	<b>360 - 450</b>	<b>18 – 22.5</b>	<b>342 - 406</b>	<b>16.25 – 20.32</b> Average = 18.29

Location	Reference No.	Approval Date	Existing Dwellings	New Dwellings	Overall Increase
20-22 The Glade	18/05928/FUL	01/02/19	0	2	2
10-12 Woodmere Close	19/00051/FUL	27/02/19	0	1	1
9a Orchard Rise	18/06070/FUL	21/03/19	1	9	8
32 Woodmere Avenue	19/00783/FUL	20/06/19	1	7	6
18a Fairhaven Avenue	19/01761/FUL	20/06/19	1	9	8
17 Orchard Avenue	19/00131/FUL	06/11/19	1	8	7
56 Woodmere Avenue	19/01352/FUL	24/10/19	1	9	8
14-16 Woodmere Close	19/01484/FUL	23/10/19	0	1	1
37 Woodmere Avenue	19/03064/FUL	26/09/19	1	8	7
<b>Totals 2019</b>			<b>6</b>	<b>54</b>	<b>48</b>

Dwellings Approved in the MORA (Post Code Area) i.e. NOT all Shirley North Ward during 2019 = 48 which significantly exceeds the maximum yearly average target of 18.29 (i.e. an increase of 162.438% over the target) for the whole of Shirley i.e. Shirley North Ward & Shirley South Ward.

Percentage increase = (Increase ÷ Original) × 100. = ((48 – 18.29)/18.29) × 100

Therefore, Percentage Increase ≈ 162.438%

Similarly, for 2020 so far:

Location	Reference No.	Approval Date	Existing Dwellings	New Dwellings	Overall Increase
151 Wickham Road	19/04149/FUL	18/03/20	0	5	5
16-18 Ash Tree Close	19/04705/FUL	27/02/20	2	8	6
67a Orchard Avenue	20/00356/FUL	03/04/20	1	2	1
158 Wickham Road	19/03279/FUL	waiting	1	6	5
195 Shirley Road	19/06037/FUL	waiting	1	9	8
211 Wickham Road	20/00299/FUL	waiting	0	4	4
<b>Totals 2020 (so far)</b>			<b>5</b>	<b>34</b>	<b>29</b>

This gives an indication for 2020 approx. half year totals.

Increase dwellings by 29 when the full year target average is 18.29.

An increase percentage of ((29 - 18.29)/18.29) × 100 = 58.557% for just approaching half a year.

These do NOT include the “Brick by Brick” Developments in the Shirley Wards

**Comment #17.2:**

Can you confirm the number of approved dwellings during 2019 for Shirley North and Shirley South Wards in relation to the current yearly Targets for years 2019 and 2020? I doubt this legacy will be appreciated by any Shirley Residents?

**Comment #17.3:**

Why has the **2019 and 2020** (so far) **in-fill and re-development** in the **MORA Post Code Area** been allowed to **outstrip** the yearly target for **ALL of Shirley Wards** by **162.438%** for **2019** and **58.557%** so far for **2020** and that is just a part of Shirley North Ward when the actual yearly Target covers **Both Shirley North and Shirley South Wards**?

**Croydon Local Plan (2018) Quantities and Locations**

**SP2.2** In order to provide a choice of housing for people in Croydon the Council will seek to deliver a minimum of **32,890<sup>8</sup>** homes between 2016 and 2036.

This will be achieved by:

- a. The allocation of **6,970** homes in the Croydon Local Plan's Detailed Policies and Proposals beyond the Croydon Opportunity Area;
- b. **10,060** homes being delivered across the borough on **windfall sites**;

SP2.2 b) is the windfall sites across the borough

**Croydon Plan Review Windfall Sites:**

Borough	Target (2016 – 2036) 20 yrs.	Annual Average	CLP Review 40% of total (2019 – 2039)	Annual Reduced Target
Croydon	10,060	503	6156	308

Total for borough 18,416 minus Central Croydon Average 12,260 = 6,156

Draft New London Plan (as recommended by the Inspector 8<sup>th</sup> Oct 2019)

**New Revised London Plan APPENDIX B**

Table 4.2 10-year targets (2019/20 -2028/29) for net housing completions on **small sites** (below 0.25 hectares in size).

Planning Authority	10-year Housing Target		Annualised Average	
Croydon	6,410	<del>45,110</del>	<del>4,511</del>	641
All London Total	119,250	<del>245,730</del>	<del>24,573</del>	11,925

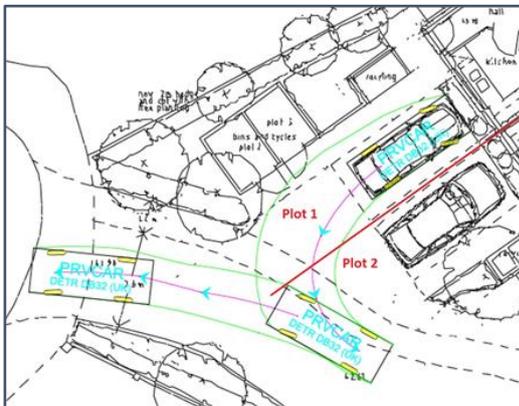
These figures are for the whole of the borough.

## Appendix C – Parking Provision and Manoeuvres

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 forecourt curtilage of other dwellings NOT associated with the parking space allocation and this would prevail for the life of the development.

- 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**.
- This was identified in our submission of **20<sup>th</sup> October 2019** which resulted in amended drawings of **12<sup>th</sup> 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.
- See our objection letters of **20<sup>th</sup> October 2019** and **18<sup>th</sup> December 2019**.

### Plot 1 Parking Bay Egress

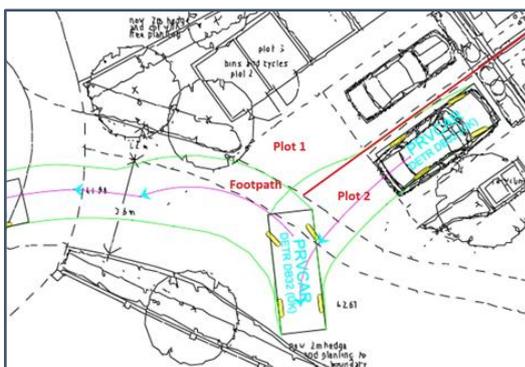


The future occupants of **Plot 2** would likely object to this necessary manoeuvre for the life of the development as an inconvenience which could cause conflict for the life of the development.

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.

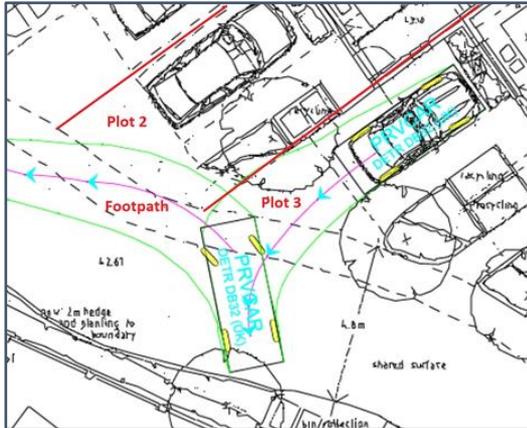


The new swept path diagram shows that it is necessary to encroach over the curtilage of **Plot 1** Forecourt and then necessary to change into a forward gear and mount the access footpath in front of **Plot 1** in order to exit in a forward gear into Ash Tree Close.

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.

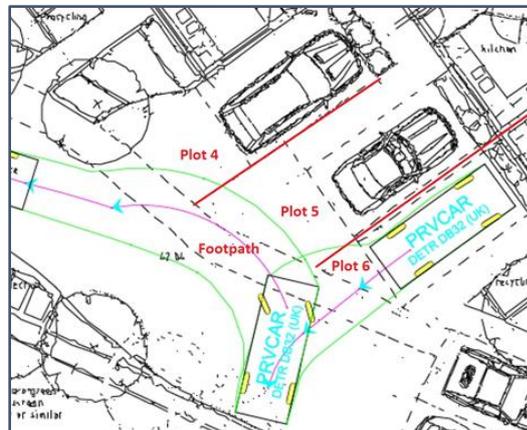
The new swept path diagram shows that it is necessary to encroach over the curtilage of **Plot 2** Forecourt and then necessary to change into a forward gear and mount the access footpath in front of **Plot 2** in order to exit in a forward gear into Ash Tree Close.

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

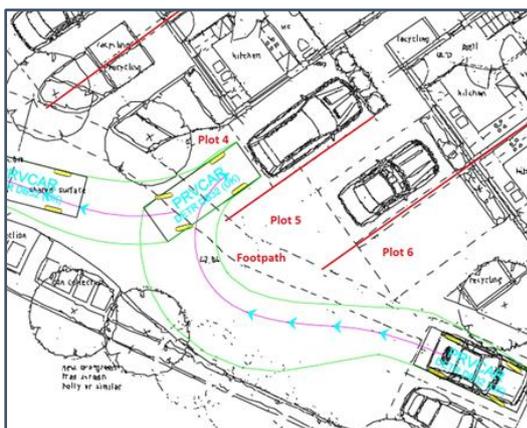


gear in order to exit the driveway in a forward gear into Ash Tree Close roadway. The new swept path diagram shows that it is necessary to encroach over the curtilage of **Plot 4 & 5** Forecourt and mount the access footpath in front of **Plot 4 & 5** in order to exit in a forward gear into Ash Tree 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.

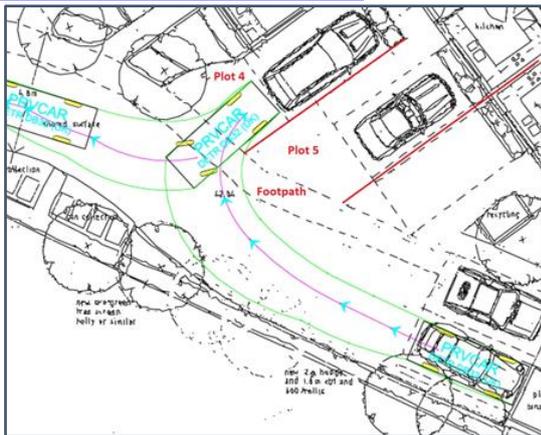
### Plot 7 Parking Bay Egress



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.

#### Comment #18.1:

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**).

#### Comment #18.2:

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**?

#### Comment #18.3:

**This action is probably illegal, under Highways Act Section 27** <sup>[2]</sup> 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).

#### Comment #18.4:

The Act does NOT differentiate between **adopted or unadopted** Roads. It covers **ANY footpath or causeway** by the side of any road made or set apart for the use or accommodation of foot passengers.

[2] [Section 72 of the Highways Act 1835](#)

**Comment #18.5:**

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?

**Comment #18.6:**

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.

**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.**

... “[<sup>F1</sup> 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; . . . . . [<sup>F2</sup>; every person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding [<sup>F3</sup> 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

**Comment 18.7:**

**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!**

**IN ADDITION, Another indication of **over-development** is that the applicant could **NOT** provide, within the site area, a turning head within the Cull-de-sac Access Drive such that delivery vehicles could access as close as possible to the desired dwelling and exit in a forward 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 Cull-de-sac where there is a turning head, and would not enter the access driveway.

