

Mr D Ritson
Sent via email
planning@mo-ra.co

complaints@croydon.gov.uk

Our ref: CAS-163554-V7D4M9
Date: 15 June 2020

Dear Mr Ritson,

Stage 2 Complaint – 16-18 Ash Tree Close

I write further to your email dated 18 May 2020 to the Corporate Resolution Team in respect of your Stage 1 complaint. Your complaint has been registered at Stage 2 of the Council's complaints procedure and, as Executive Director of the Place department, it is my role to oversee this stage of the procedure.

I understand your complaint relates to your concerns that the planning proposals do not meet reasonable requirements within planning policies, that you believe the Council find it more imperative to meet housing targets than to implement correct planning policies and that you are concerned the proposed development lacked proper consideration.

In addition, you have also raised concerns about the potential flooding implications, the location of the development in relation to the intensification area of Shirley and the parking layout proposed. I now had the opportunity to review your complaint and provide my response below.

Planning Committee meeting.

Having reviewed the webcast of the Planning Committee meeting myself, I am confident that all concerns were raised, addressed accordingly and open to further discussion, debate and questioning if anyone present felt it was necessary or required prior to the committee vote. A comprehensive report was provided to all attendees.

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.

Policy DM10.7 asks us to form positive contributes to the character of the local and wider area, and that proposals should ensure that the design is sympathetic with its local context.

In terms of the language used in the plan when referring to the 'local and wider area'. Whilst this wording is not defined within the plan, clearly it is implemented in a pragmatic and reasonable way. When this application went to the Planning Committee, Ross Gentry, Strategic Applications Team Leader, described the immediate surrounding area but in looking at the wider context, he referred to properties in Morris Close just one road to the north of Ash Tree Close where this development is planned.

I feel it is important to highlight that as part of the process of preparing a Local Plan, documents are subjected to an 'Examination in Public' (EiP). This is a form of public inquiry where an independent planning inspector will test the document to ensure it meets the requirements of the relevant legislation and to consider whether the document is justified, effective and consistent with national policy.

In conclusion, this policy has been found to be sound by a Planning Inspector through the EiP as part of the adoption process for the plan, and the assessment of this application took a reasonable interpretation of these words in terms of context.

Failure to consider the impact of the development in relation to flooding.

The application site lies in a Flood Zone 1 which is the lowest category of flood area. As per the Environment Agency website, it is an area at very low risk of surface water flooding. The application did not therefore fall within the criteria requiring consultation with the Lead Local Flood Authority, who are the statutory consultee in relation to such matters

The Chaffinch Brook Flood Alleviation Study Team have been formed to look at the area to understand why flooding happens there, to establish what the causes are, what the impacts of flooding are to the area and to identify potentially affordable and viable solutions that could improve the management of flood risk. This study team has not been formed and does not have a remit to review and comment on Planning Applications.

This particular point was discussed in the Planning Committee and as you say, Councilor Streeter had raised the issue in detail. I am in no doubt that all members of the committee were provided with the necessary information and understood the site in terms of any flooding concerns.

The Council ignored the requirement of Paragraph 122 of the National Planning Policy Framework when making its decision.

Planning permission decisions must be made in accordance with the development plan, unless there are material considerations which indicate otherwise and in line with relevant guidance, which includes the National Planning Policy Framework (NPPF).

The NPPF and the Development Plan contain a wide range of policies which seek to achieve a number of policy objectives. As a result of this, there will be instances when two different policies will seek to achieve different things and in some instances, work against each other.

Should this be the case, then it will be necessary for the decision maker to weigh these matters in determining the application. However, the assessment of an application is not a tick box exercise and I do not believe the Council has ignored any part of the NPPF, as we consider it as a whole taking into account the objectives it sets out to achieve.

You consider the density of the development to be inappropriate and that it contributes toward an unsustainable Public Transport Accessibility. You consider this to be an overdevelopment and inappropriate in an area of a PTAL of 1a.

The Planning system which is in place in England and Wales is governed by a number of Legislations, Policy Documents and court precedent. It has been established through decisions made within Courts that it is a fundamental principle of the planning system that the weight to be afforded each issue is solely a matter for the decision maker.

The 2018 Croydon Local Plan sets out the strategic housing target for the Borough and the plan does not break this target down by area or ward. It is also important to note that Policy SP2.2 of the Local Plan states that "In order to provide a choice of housing for people in Croydon, the Council will seek to deliver a minimum of 32890 homes between 2016 and 2036". This may mean that some wards within Croydon will have a higher number of applications approved than others and there is also a consideration that there are other areas of the borough which are already higher in intensification. Our target number relates to that for the whole of the borough of Croydon.

I acknowledge that you are of the opinion that the Council has not challenged an applicant's proposal with regards to density, and I would like to assure you this is not the case. The Planning Team handle a large number of pre-application service requests. It is often in these circumstances that applicants are advised if a scheme is unacceptable. As such, members of the public would be unaware of this background work and the unsuccessful schemes that takes place at the pre-application stage.

The subtext of 3.4 of The London Plan says 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 the density matrix mechanistically.

Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential”.

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

I understand you have concerns that the MORA postal code area has already met and surpassed its Housing targets. In response to this, there are not yearly targets for Shirley North and South, and as explained above the Local Plan sets out Borough wide overall annual targets.

The number of units approved in 2019 are as follows;

Shirley North – 50 units over 11 sites
Shirley South – 20 units over 7 sites.

You question the case officers’ statement that the site is located “very close to the intensification area of Shirley”

There is no definition of ‘very close’ and this matter of perception is something we acknowledged in the Stage 1 response from Pete Smith. To reconfirm, the officer’s 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”.

I have been assured that the Planning Team managers are to discuss this with officers for future reporting as whilst proximity is a matter of perception, I acknowledge this point could have been clearer. That said, all members attending the Planning Committee Meeting would have been provided with an ordinance survey extract so they would have known exactly where the site was located in reference to other area.

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.

I am aware this point was also discussed in some detail at the Planning Committee.

The development includes one parking space per dwelling and the Transportation Team have confirmed that a parking ratio of 1:1 would be acceptable provided that vehicles are able to enter and leave the site safely without the need for excessive reversing.

A swept path analysis has been submitted with the application that demonstrated tracking and the manoeuvre required to drive in to and out of parking bays. After review, it was considered there would be adequate space within the site to avoid excessive reversing.

Whilst it was established these manoeuvre could encroach upon the outlined footpath in the site, the Transportation Team consider this arrangement to be acceptable as it relates to a relatively small number of spaces.

It is recognised that larger vehicles including emergency vehicles could find access into the site and maneuverability somewhat difficult. It has however been demonstrated that a fire truck can park at the access point to the development and reach the farthest property with a hose length of 45 metres.

From a building regulations perspective as long as the hose can reach 45 metres to the furthest property it is deemed appropriate. In addition to this, if you install sprinklers in a property then it is acceptable that this can be increased to a distance of 75 metres.

Alongside this, the width of the drive way is 3.5 metres but including the shared surface pedestrian area, this opens to the total road width to 4.8 metres.

The drive way and parking bays have been laid out to ensure the space has been best utilised, making practical use of the land and space available. It is an open space and so all vehicles be them parked, driving or maneuvering can easily be seen.

It is also anticipated that there will be some onus on the pedestrians using the pedestrianised areas to ensure they take any necessary precautions, as expected in any car parking area.

Taking this all onto consideration, I do not think it is right to introduce a significant turning head at the cost of residential homes.

As you are aware, the Corporate Resolution Team are unable to overturn a planning decision as part of the Corporate Complaints process. Whilst I understand that this is not perhaps the response you were hoping for, I'm satisfied the decision to grant planning permission for 16 – 18 Ash Tree Close was correct. The local planning authority stands by the approach adopted in this case, and I'm content the scheme was correctly presented to the Planning Committee for decision.

Having reviewed the Stage 1 response, I am also satisfied that this has fully addressed your concerns and am in agreement that the application was determined in accordance with the development plan, when considered as a whole.

Your complaint has been considered at Stage 2 of the Council's complaints procedure. I hope I have satisfactorily addressed your concerns.

However if you remain dissatisfied you can ask the Local Government and Social Care Ombudsman to consider your complaint. However, in line with government guidance, the Local Government and Social Care Ombudsman are not currently accepting new complaints.

They will accept complaints again when the situation improves and government guidance changes. You can find the most up-to-date information at www.lgo.org.uk or by listening to the recorded message on 0300 061 0614.

Yours sincerely,

A black rectangular redaction box covering the signature of Shifa Mustafa.

Shifa Mustafa
Executive Director – Place

We want to improve the experience our residents have when making a complaint. We know that making a complaint can mean you may be already going through a stressful experience, and we don't want the complaints process to be any harder than it has to be. It would be really useful if you could complete this short survey about your experience when escalating your complaint to Stage 2 of the complaints procedure. <https://getinvolved.croydon.gov.uk/survey/905>