

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Monks Orchard Residents' Association
(MORA) Planning

Email: Planning@mo-ra.co
hello@mo-ra.co
chairman@mo-ra.co

13th August 2020

London Borough of Croydon Complaint Ref: CAS-163554-V7D4M9.
Planning Approval Ref: 19/04705/FUL; 16-18 Ash Tree Close Croydon CR0 7SR.
Escalation to the Local Government Ombudsman.

Dear Sir / Madam

The enclosed is an escalation of our Complaint in accordance with the Local Government Act 1974 Section 26B (1), which has been the subject of Stage 1 and Stage 2 complaints procedure with the London Borough of Croydon Local Planning Authority (LPA) as a result of the approval of application Ref: 19/04705/FUL; 16-18 Ash Tree Close, Croydon CR0 7SR.

The Monks Orchard Residents' Association (MORA) is a registered Residents' Association with the London Borough of Croydon LPA. We currently represent 3,879 residential households in the Shirley North Ward for which we do not charge a membership fee – we raise minimal operating costs, funded from advertisers and sponsorship on our website and magazine. Thus, we have inadequate funds for Judicial Review. See: <http://www.mo-ra.co/>

Resultant on previous complaints to the Local Government Ombudsman, which have failed to be investigated due to lack of local 'Resident Consent', we have ensured local resident support before escalating this complaint to the LGO and therefore enclose two 'Consent' Forms in accordance with the Local Government Act 1974 Section 26A (1) (b). One Consent Form does **NOT** have the signature and details of the witness as it is understood this can be waived during the COVID -19 epidemic for safety reasons. Can you confirm this is acceptable or if still required? if so, I can re-request this is provided by the neighbour affected.

See: <http://www.mo-ra.co/planning/planning-complaints/>

In summary, we believe our Complaint is worthy of an independent investigation as detailed in our enclosed submission and we would therefore appreciate consideration by the **Local Government Ombudsman** to evaluate this evidence and adjudicate on the issues raised in accordance with the **Local Government Act 1974 Section 26 etc., as amended** and report accordingly. If the LGO decide NOT to investigate, please inform us WHO SHOULD?

Kind Regards

Derek C. Ritson



Email: planning@mo-ra.co
Derek C. Ritson I. Eng. M.I.E.T.
MORA Executive Committee - Planning

Sony Nair



Sony Nair
Chairman,
Monks Orchard Residents' Association.



Cc:

Sarah Jones MP Croydon Central
Cllr. Sue Bennett Shirley North Councillor
Cllr. Richard Chatterjee Shirley North Councillor
Cllr. Gareth Streeter Shirley North Councillor

Bcc:

MORA Executive Committee
Affected Local Residents

13th August 2020

Email:

Planning@mo-ra.co
hello@mo-ra.co
chairman@mo-ra.co

London Borough of Croydon Complaint Ref: CAS-163554-V7D4M9. p
Planning Approval Ref: 19/04705/FUL; 16-18 Ash Tree Close Croydon CR0 7SR.
Escalation to the Local Government Ombudsman.

Dear Sir / Madam

The Monks Orchard Residents' Association (MORA) is a registered Residents' Association with the London Borough of Croydon Local Planning Authority (LPA). We currently represent 3,879 residential households in the Shirley North Ward for which we do not now charge a membership fee – we raise minimal operating costs, funded from advertisers and sponsorship on our website at: <http://www.mo-ra.co/>

Please consider this letter as a formal **Complaint** against the approval at London Borough of Croydon 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). This Complaint has been through the Local Council's Stage 1 & 2 process.

We make this Complaint on behalf of **two affected residents** who have given their **consent** ([REDACTED]) who have contributed towards and approved this Complaint and also our local residents who are most affected by this development. We only raise Complaints if there is sufficient evidence that **Planning Policies** are being ignored **without reasonable justification in the case officers' reports and at committee, as there is NO opportunity to appeal against an approved application** and we do NOT have funds to support a **Judicial Review**. We view this as maladministration.

This complaint has been through the **Stage 1 & 2 complaints procedure** of the London Borough of Croydon and we have been advised in the Response to our Stage 2 Complaint by Ms. Shifa Mustafa – Executive Director "Place" that "if we are not satisfied with the council's stage 2 response, we should escalate our complaint to the **Local Government Ombudsman**; which this letter provides.

"However, if you remain dissatisfied you can ask the Local Government and Social Care Ombudsman to consider your complaint."

Our original Complaints are listed below with **Ms. Shifa Mustafa's (Executive Director – Place)** responses to our stage 2 complaint in **"red italics"**.

The Case Officer has provided 'FALSE' information in his Report ^[1] to the Planning Committee and in addition, the Case Officer and Planning Committee have failed to fully consider current adopted Planning Policies and have approved an application which is an over-development and out of Character for the locality, detrimental to the adjacent Residents amenity specifically and detrimental to local residents in general. This could be considered "Maladministration!"

Our evidence is set out below:

Our original Complaint comprised the following issues:

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"?

Ms. Mustafa's Response:

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.

Our Response:

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.**

This Policy requires roof-forms to be sympathetic with the local character and all roof-forms in **Ash Tree Close** are "**hipped**" roofs and the development has "**gable**" roof forms. The wider area is undefined by the policy and could encompass the whole of the borough which invalidates the policy. As Ms. Mustafa's reference to Morris Close is between **61m** and **81m** (LOS) distance 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?

[1] Planning constitution section 5 para 5.1

Ms. Mustafa's reference to the EiP for the Croydon local plan 2018 infers that all "Clarifications and Vague Policy Statements" were discussed and resolved by the Inspector. However, that is not true as I attended and contributed to many of the EiP hearings on local Residential Planning Policies in 2018 and many issues raised by the hearing attendees were not reflected in the Inspector's Final Report.

In summary, the LPA are not implementing their own policy DM10.7 d) but are favouring the developer.

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 below. Removal of vegetation and covering the area with 8 dwellings (at 16-18 Ash Tree Close) 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 at "very low risk of surface water flooding" as stated by the Case Officer?

Ms. Mustafa's response:

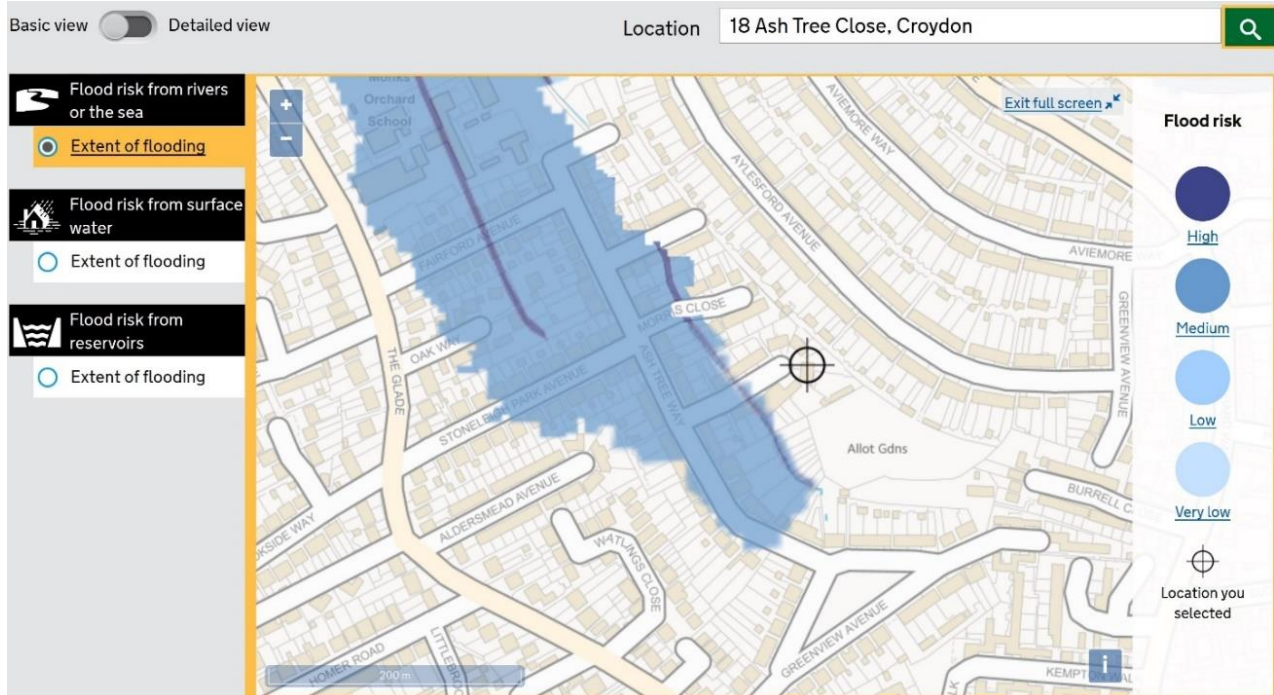
"The application site lies in a Flood Zone 1 which is the lowest category of flood area. As per the Environment Agency website, it is an area at very low risk of surface water flooding. The application did not therefore fall within the criteria requiring consultation with the Lead Local Flood Authority,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

Our response:

Ms. Mustafa in her Stage 2 response states *"The application site lies in a Flood Zone 1 which is the lowest category of flood area..."* However, the environment agency flood map (see below) indicates the application area is very close to medium and high risk of flooding and that the loss of the developed area to absorb precipitation and surface water due to the development and from the loss of vegetation and absorption due to construction will contribute to a higher probability of increased flooding locally and increased probability of flooding further downstream of the Chaffinch Brook; including Stoneleigh Park Avenue, Oak Way, Fairford Avenue and Ash Tree Close.



Envirioment Agency Flood Map for locality which shows close proximity to High & Medium risk of flooding from the Chaffinch Brook.



Previous flooding in Fairford avenue (downstream and close to the Development Site) – proof of flood risk locally.



This illustration (Left) shows previous flooding in rear gardens of Fairford Avenue, Showing Monks Orchard School and playground in the background.

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 who ignored the issues and were thus outvoted by the full committee (See point made by the Governance Review 2020 – in conclusions below).

The Condition 5 D of approval only requires a detailed design of a proposed Sustainable Drainage (SUDS) System for this site and did not require soil samples (likely to be London clay with little or no infiltration) or water table investigation and Report for evaluation by the Case Officer or to ascertain the possible flood implications downstream prior to a determination.

In Summary; The Planning Committee failed to fully consider the implications of the Development on local area flooding and the probable increased probability of the 'Chaffinch Brook' flooding downstream properties with the increased possibility of localised flooding.

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

NPPF Para 122 For your information:

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.

Ms. Musafa's Response:

"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."

The Case Officer States at Para 8.7

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:

Only the fact that the development is in a suburban setting is true, all other stated justifications are untrue! This was erroneous information provided to the Planning Committee and is therefore "Maladministration".

There is no definition of appropriate densities for the various designated localities contained in the **Croydon Local Plan (2018) Policy DM10** and therefore we have assessed the proposal against the current adopted (2016) **London Plan Policy 3.4 Optimising Housing Potential**; Which states:

Policy 3.4 Optimising Housing Potential

"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^[1]. 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.

3.29 The form of housing output should be determined primarily by an assessment of housing requirements and not by assumptions as to the built form of the development. While there is usually scope to provide a mix of dwelling types in different locations, higher density provision for smaller households should be focused on areas with good public transport accessibility (measured by Public Transport Accessibility Levels [PTALs]), and lower density development is generally most appropriate for family housing.

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."

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	2 to 3	4 to 6
Suburban	150–200 hr/ha	150–250 hr/ha	200–350 hr/ha
3.8–4.6 hr/unit	35–55 u/ha	35–65 u/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
Urban	150–250 hr/ha	200–450 hr/ha	200–700 hr/ha
3.8–4.6 hr/unit	35–65 u/ha	45–120 u/ha	45–185 u/ha
3.1–3.7 hr/unit	40–80 u/ha	55–145 u/ha	55–225 u/ha
2.7–3.0 hr/unit	50–95 u/ha	70–170 u/ha	70–260 u/ha
Central	150–300 hr/ha	300–650 hr/ha	650–1100 hr/ha
3.8–4.6 hr/unit	35–80 u/ha	65–170 u/ha	140–290 u/ha
3.1–3.7 hr/unit	40–100 u/ha	80–210 u/ha	175–355 u/ha
2.7–3.0 hr/unit	50–110 u/hr	100–240 u/ha	215–405 u/ha

16- 18 Ash Tree Close - Development Parameters:

19/04705/FUL 16-18 Ash Tree Close Croydon CR0 7SR						Setting		Suburban						
Site Area		1335sq.m.				Residential Density		299.63hr/ha			PTAL	2011	1a	
Site Area		0.1335ha				Housing Density		59.93u/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	
40					(*) Sitting & Dining Open Plan functional areas = 2 Habitable Rooms									

TfL WebCAT - Assessing Transport Connectivity in London – Public Transport Accessibility Level (PTAL).			
Table 3.2 Sustainable Residential Quality (SRQ) Density matrix (Habitable Rooms & 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		
Residential Density	299.63 bed spaces/ha		
Housing Density	59.93 Units/ha		

Thus, for this development: Extract from Transport for London “WebCAT” – Assessing Transport Connectivity in London & For Suburban Setting, Public Transport Access Level (PTAL) London Plan Policy 3.4 Optimising Housing Potential - Table 3.2 (the approximate Appropriate Densities for this locality are shown in **BLUE**, (within the allowable broad range) and the actual densities shown in **RED**).

The Residential Density of 299.63hr/ha at a suburban setting would require a PTAL of 5.33 (in the highest range of 4-6) when the local PTAL is 1a (numerically equivalent at 0.66) and TfL forecast this locality to remain at PTAL 1a until at least 2031. A Housing Density of 59.93 units/ha would require a PTAL of 2.83 (see appendix A).

It is Residential Density that is more important as it is Residents that require supporting infrastructure, NOT Housing Units.

The **Case Officer's Report** and the **Planning Committee DID NOT INCLUDE** any justification as required of the provisions of **London Plan Supplementary Planning Guidance (SPG) Housing Paras 1.3.50 to 1.3.52** with regard to:

- The proposal is not in a ***"town centre, opportunity areas or an intensification area, or is surplus industrial land or other large sites"***
- Did not consider ***"planned public transport connectivity (PTAL)"***
- Did not consider the loss of ***"residential and environmental quality"***
- Did not consider the ***"scheme's overall contribution to local 'place making'"***
- Did not consider ***"the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;"***
- Did not consider whether ***"the proposal is in the types of accessible location the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites)."***

The calculations supporting these values are contained in our original objection letter for the application but for convenience are reproduced at Appendix A of this Complaint submission.

Therefore, this development's Residential Density at this location is inappropriate and will have "Unustainable Public Transport Infrastructure" at least until 2031 which is non-compliant to NPPF Para 122 and the London plan policy 3.4. The LPA have totally ignored the current adopted London Plan guidance on Residential Density for this development and thus failed to meet requirements of NPPF Para 122. There were NO other factors quoted to justify this high level of Residential Density at PTAL of 1a as required by the policy.

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 Croydon Local Plan Policy at paragraph 6.41. The overall effect in Shirley North Ward requires a local **PTAL trending to >5!** when the local PTAL is 1. (See Histogram Below).

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 policies should not put the implementation of the plan at serious risk.

Ms. Mustafa's Response:

“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.”

Our Response:

It is our understanding that the phrase: *“the weight to be afforded each issue is solely a matter for the decision maker”*. Applies to the body of decision makers – not one individual. It is assumed that decisions undergo ‘peer review’ and the “actual determination” is not with one individual case officer. If so, this would be extremely suspect and dangerous as it would leave Case Officer's subject to coercion or worse when large financial costs are at stake.

Croydon Local Plan Review -2019

Homes by Place (2019-2039)

Place	Total
Addington	280 to 350
Addiscombe	1,480 to 1,880
Broad Green & Selhurst	880 to 1,070
Coulsdon	2,050 to 2,490
Central Croydon	11,540 to 12,980
Crystal Palace & Upper Norwood	480 to 670
Kenley and Old Coulsdon	2,000 to 2,480
Norbury	540 to 670
Purley	7,260 to 9,390
Purley Way transformation area	2,900 to 4,470
Sanderstead	1,670 to 2,070
Selsdon	870 to 1,070
Shirley	360 to 460
South Croydon	890 to 1,070
South Norwood & Woodside	560 to 620
Thornton Heath	1,450 to 1,880
Waddon	500 to 610
Already under construction	5,370
Borough totals	At least 46,040 new homes across the borough

The second paragraph from Ms. Mustafa stating *"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.** ... Our target number relates to that for the whole of the borough of Croydon."* is **NOT TRUE!** As can be seen in the **LPA's published (2019) Croydon Local Plan Review – Issues and Options**, at page 15, "where it clearly states **"Homes by Place (2019-2039)"**"; including the **Shirley Place (Both Wards)**. i.e. **broken down by "Place"**.

The Issue of the last two paragraphs of Ms. Mustafa's response: *"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."*

"It's density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential." are dealt with above and at **Complaint #3** and at **Appendix A**. The Table above indicates number of dwellings between 2019 & 2039 for the **Shirley "Place"**. Thus, the average yearly requirement for both **Shirley North & Shirley South Wards** is **18 to 23 dwellings per year** over the period. To illustrate the analysis, it is necessary to provide a detailed mechanistic evaluation (See Appendix A).

Ms. Mustafa States:

Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential." Our interpretation of the **"broad Ranges"** of **Table 3.2** are the stated ranges within the **PTAL ranges given** and do **NOT** allow Densities outside those **"broad ranges"** unless fully qualified by stated **justification**. The Case Officer did not provide detailed justification in his report or to the committee which also did not provide any detailed justification as required by the policy.

However, Mrs Mustafa Responses Continues:

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.

Our Response:

We **DO NOT AGREE** with Ms. Mustafa's figures as the **Monks Orchard Residents' Association** does not cover the **whole of Shirley North** but these approvals have significantly **exceeded** the yearly average totals for the **whole of Shirley** (Shirley North & Shirley South Wards (i.e. The **Shirley Place** as defined by the Local Plan)).

Monks Orchard (Post Code Area) Approvals (2019)

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
Totals			6	54	48

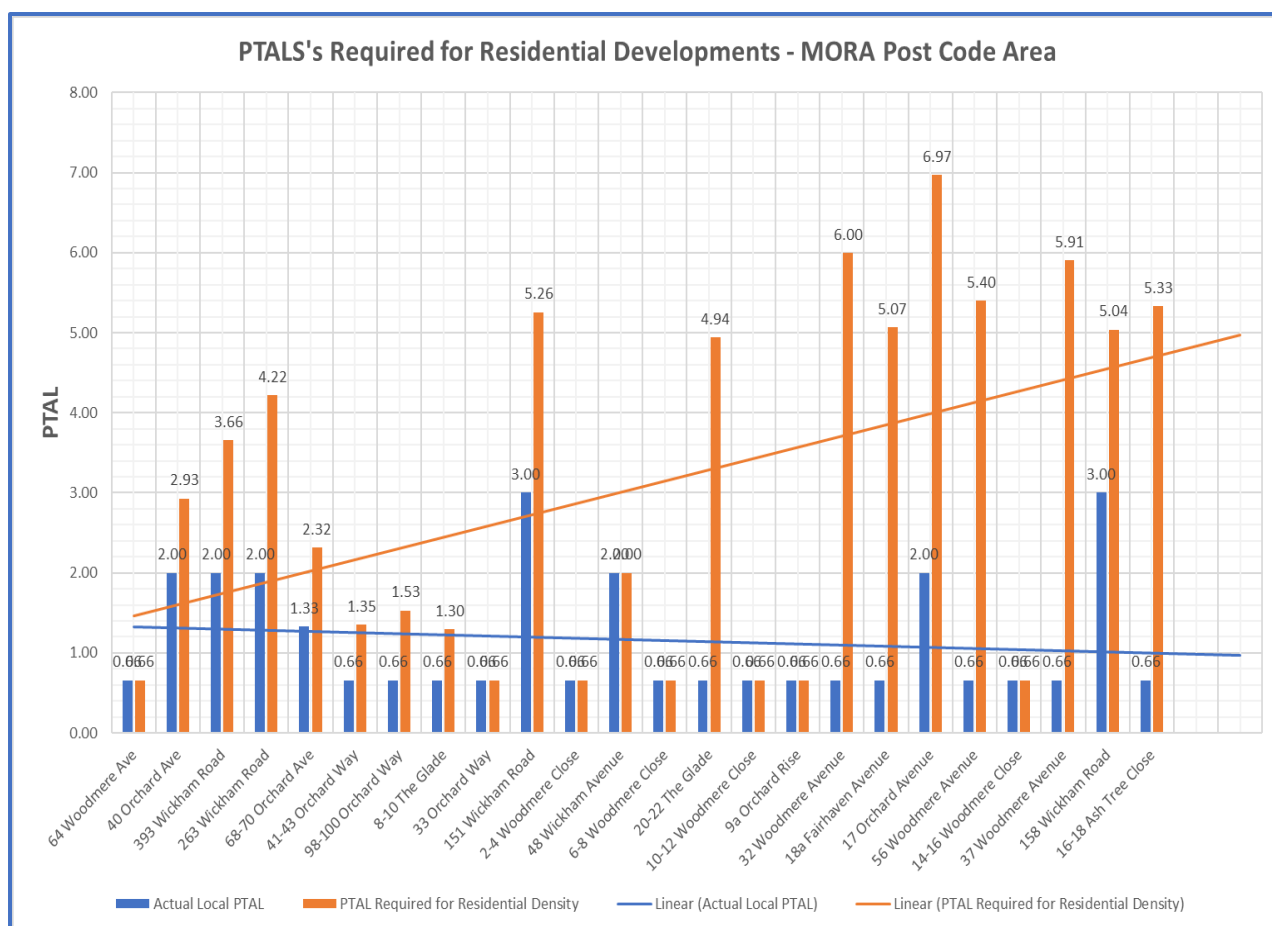
Applications & Approvals for Monks Orchard Post Code Area (2020) - (so far)

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
(Old Lion Works) 141B Wickham Rd	19/04699/FUL	12/02/20	0	1	1
158 Wickham Road	19/03279/FUL	waiting	1	6	5
195 Shirley Road	20/02405/FUL	waiting	1	9	8
211 Wickham Road	20/00299/FUL	waiting	0	4	4
			5	35	30

This data is for the actual MORA Post Code Area of which we monitor planning applications
 See MORA Website at: <http://www.mo-ra.co/about/area/>

The above data is **proof** that Ms. Mustafa has provided '**incorrect data**' as our analysis in the tables above do not include **all** of Shirley North Ward or the entirety of Shirley South Wards. MORA only covers a part of Shirley North Ward. (see: <http://www.mo-ra.co/about/area/>) but exceeds the target of 18 to 23 dwellings per year, for the whole of the "Shirley Place".

It is appropriate at this juncture to highlight the effect of recent in-fill and re-developments in the MORA Post Code Area as illustrated in the histogram below; a number of which have been the subject of MORA complaints to the Croydon LPA and Complaints to the LGO, but which the LGO have declined to further investigate due to lack of residents' consent. (As it affects all our members and residents). See: <http://www.mo-ra.co/planning/planning-complaints/>



This Histogram shows recent planning approvals; Residential Densities appropriate requirements for available PTAL and the actual required PTALs, Trending to PTAL 5

In summary, we have proved that the cumulative effect of recent approvals for just the MORA Post Code area significantly exceeds the appropriate Residential Densities as does this approval for 16-18 Ash Tree Close and that the data provided by Ms. Mustafa in her stage 2 response is 'Highly Suspect'.

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?**

Ms. Mustafa's Response:

Ms. Mustafa has NOT responded to this section of our complaint.

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 range” 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 at least until 2031.

Ms. Mustafa's Response:

This has been addressed in answer to Complaint #3 above but the required justification has NOT been provided i.e. Ms. Mustafa has not attempted to provide justification or answered the question.

Our Response:

The proposal does **NOT** have a “similar footprint, form and spacing” as quoted by the Case Officer, to the existing surrounding (*adjacent*) properties at the turning head of the Ash Tree Close (*another erroneous quote which could be considered ‘Maladministration’*) 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 much further away along Ash Tree Close, **NOT** the adjacent or surrounding properties.

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 “Intensification” boundary with the Shirley Centre?

What is the Policy definition of “very close”?

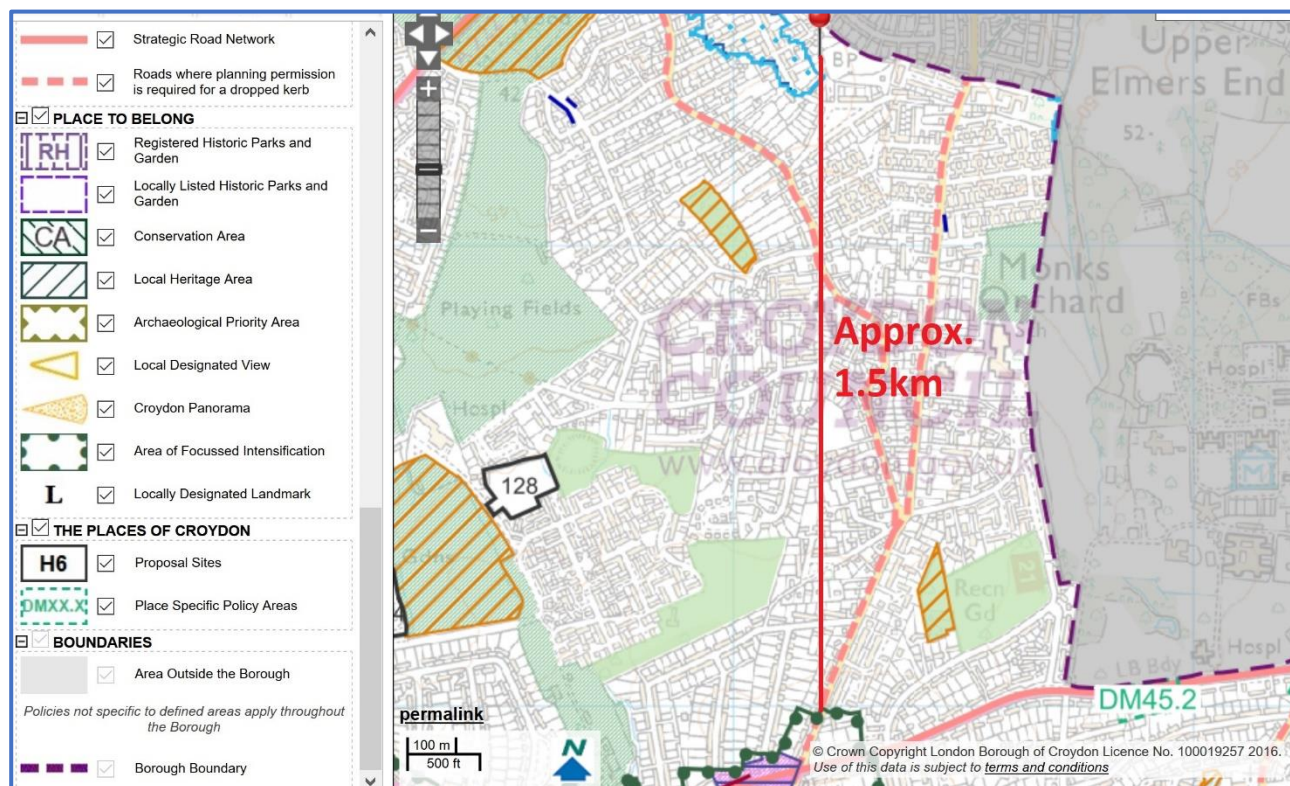
Ms. Mustafa's Response:

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.

Our Response:

The Ordinance Survey Map provided by the applicant only shows the local vicinity to give members an idea of the actual locality of the proposed development in relation to the surrounding locality and does not indicate the distance to the nearest “Intensification” area. We therefore challenge Ms. Mustafa’s statement.



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

The **Case Officers Report**, in his guidance to the planning committee states at **Para 8.7** *“that the site is very close to the intensification area of Shirley, it is considered an appropriate density for this site”*.

This was erroneous guidance to the Planning Committee which could have influenced the Committee Members that the site could be considered appropriate for intensification. This is “Maladministration”!

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” designated border of the Shirley Centre as measured on Google Earth.

Case Officers Report para 8.7

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.

This is further evidence that the planning officers have a ‘mindset’ to approve developments in spite of agreed adopted policies to the contrary, and providing false information to the planning committee to attain an approval. **This could be considered Maladministration.**

The definition for “**Incremental Intensification**” is provided in the emerging London Plan which states at para 4.2A.1

4.2A.1 “Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary 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. ...”

This site at 16-18 Ash Tree Close has a PTAL of 1a and is significantly greater distance than 800m from the nearest station or Croydon Town Centre boundary.

We raised the issue of Parking problems, which is a clear indication that the site is over-developed. The applicant provided swept paths of vehicles for each parking bay (ingress & egress) and a significant number (75%) required the vehicle to encroach over the footpath of adjacent properties and also to encroach over the curtilage of front gardens of adjacent properties and we considered this is **totally unacceptable** for the prospective affected residents of those properties, 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 72 [2] if there are 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). We believe 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

[2] Section 72 of the Highways Act 1835

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 - Section 72** 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 of the development, for the life of the development?**

Ms. Mustafa's Response:

"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."

Our Response:

If it was the case that *"After review, it was considered there would be adequate space within the site to avoid excessive reversing."* Why doesn't the swept path diagrams show how many reversing's are required to prevent incursion over the footpath and garden curtilages?

Ms. Mustafa continues:

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." This "Small number is questioned as it applies to 75% of the parking bays. However, mounting the footpath is illegal and the encroachment into adjacent residents' front gardens (ignored by Ms. Mustafa in her response) is totally inappropriate and unacceptable for the life of the development.

See Appendix B for our detailed analysis of Parking Provision and Necessary Manoeuvres.

Complaint #9: This assumption (that delivery drivers would park in the turning head of Ash Tree Close) 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 and less distance to carry goods. 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?

Ms. Mustafa continues:

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.

Our Response:

For delivery vehicles, this assumption is totally flawed, as the drivers of delivery vehicles would access the driveway to get as near as possible to the customers premises for speed and less distance to carry the goods, and would then have to reverse out of the driveway and cross the footpath of existing Ash Tree Close into Ash Tree Close turning head and use the existing turning head to continue in a forward gear. If the Driver did not have a passenger to disembark and ensure it was safe to reverse and signal as such to the driver, this manoeuvre could be exceedingly dangerous for pedestrians, for the lifetime of the development.

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.

Our Response:

It is illegal (Highways Act - Section 72) ^[3] to mount any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers. Thus, it is not legal for Ms. Mustafa to include the footpath as a 'shared' surface.

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.

Our Response:

We do NOT agree with this parking arrangement, as it indicates an over-development of the site area inappropriate for the area and likely to cause significant friction between future residents of the development, for the life of the development.

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."

[3] 72 Penalty on persons committing nuisances by riding on footpaths, &c.

..... F1 If any person shall wilfully 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 wilfully 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 [F3level 2 on the standard scale], over and above the damages occasioned thereby.

Our Response:

Ms. Mustafa's responses to these issues give a good indication that policies are being ignored or overlooked in favour of provision of residential homes, when targets have already been exceeded and the option of a refusal to allow developers re-submission a more appropriate developments which fully meet the agreed policies and more appropriate to the character of the area, are not considered.

See Appendix B for detailed analysis of Parking Provision and Necessary Manoeuvres.

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.

Ms. Mustafa has not responded to this complaint #10.

In Summary:

We are of the view that the foregoing evidence clearly indicates that **this development** is an **over-development** for the locality and detrimental to the **adjacent** and surrounding residents. The **Case Officer and LPA Planning Committee** have failed to fully consider current adopted Planning Policies and have approved an application which is an **over-development** and out of **character** for the locality, **detrimental to the adjacent Residents' amenity specifically and detrimental to local residents** and out of **character with the locality**.

In failing to apply planning policies rigorously, or refuse the proposal and advising the applicant to re-submit a more appropriate proposal, the council has failed in its duty to local residents in **ignoring the agreed adopted policies** to which other applicants can subsequently refer by setting precedents to avoid meeting those agreed adopted planning policies.

A recent Croydon Governance review found Croydon LPA planning to have the most negative comments.

See:

<https://www.croydon.gov.uk/sites/default/files/Croydon%20Council%20Governance%20Review%20Enhancing%20Democracy%20March%202020%20main%20re....pdf>

The Panel noted that dissatisfaction with current planning policy appeared to be the **biggest issue**, mostly in regard to the **intensification of residential developments**. In response to the concerns about the planning process from Members and Residents the Panel commissioned a report from the national Planning Advisory Service (PAS).

Croydon Council Governance Review – “Enhancing Democracy – increasing participation” Final Report dated March 2020, Chaired by Dame Moira Gibb, findings were:

CROYDON 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 ^[4] report and ensuring those form a key part of the Planning Committee’s journey to improve residents’ 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 confirm our findings of Mr Pete Smith’s response to our Stage 1 complaint and Ms. Mustafa’s response to our stage 2 Complaint.

We (MORA) appreciate the response from Ms. Mustafa but it is very distressing that our concerns are not fully addressed or even considered as reasonable. We are therefore compelled to escalate the complaint to The Local Government Ombudsman for an ‘independent’ investigation of this assessment as these issues are fundamental to the concerns of the adjacent residents and Shirley Residents in general. The Local Residents have lost confidence in the Planning Process.

In summary, we believe our Complaint is worthy of investigation as detailed above and we would appreciate the Local Government Ombudsman to consider this evidence and independently adjudicate on the issues raised. We are of the view that the Policies are important for sustainable development and require assessment of Residential Densities to be supported by the available and planned Public Transport Infrastructure. If the LGO refuse to investigate this complaint, please advise us who should investigate it.

Kind Regards

Derek Ritson



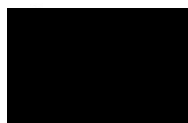
Tel: 0208 777 6669

Email: planning@mo-ra.co

Derek C. Ritson I. Eng. M.I.E.T.

MORA Executive Committee - Planning

Sony Nair



Sony Nair

Chairman,

Monks Orchard Residents’ Association.

Email: chairman@mo-ra.co

[⁴] Planning Advisory Service (PAS)



Cc:

Sarah Jones MP	Croydon Central
Cllr. Sue Bennett	Shirley North Ward Councillor
Cllr. Richard Chatterjee	Shirley North Ward Councillor
Cllr. Gareth Streeter	Shirley North Ward Councillor
MORA Executive Committee	
Affected Local Residents	

Appendix A - Density and PTAL Calculations

Appendix B – Parking Provision and Necessary Manoeuvres

Appendix A - Density and PTAL Calculations

The **Residential Density** is measured in hr/ha and equals $40/0.1335 = 299.63\text{hr/ha}$ and as measured in **bed spaces/ha** = $40/0.1335\text{bs/ha} = 299.63\text{bs/ha}$. The **PTAL** for the locality is **1a** (i.e. Numerically ≈ 0.66). The **Residential Density** range recommended for a **Suburban** Setting at **PTAL 1a** is between **150 to 200hr/ha**. However, the proposed development has **Residential Density** of **299.63hr/ha** which is in the **highest broad range of PTAL of 4 to 6**.

TfL WebCAT - Assessing Transport Connectivity in London – Public Transport Accessibility Level (PTAL).			
Table 3.2 Sustainable Residential Quality (SRQ) Density matrix (Habitable Rooms & 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		
Residential Density	299.63 bed spaces/ha		
Housing Density	59.93 Units/ha		

Assuming the incremental **PTAL** and **Residential Densities** over the ranges recommended are approximately linear, then the **PTAL** at **Residential Density** of **299.63hr/ha** should follow the **linear graph** of:

$$y = mx + c$$

where, y = **Residential Density**, $m = (\Delta y / \Delta x)$ = slope, x = **PTAL** and $c = y$ intercept when $x = 0$

For Residential Density;

$$m = \Delta y / \Delta x = (350 - 200) / (6 - 4) = 75$$

$$m = 75$$

There are two known points on the straight-line graph at max and min i.e. At y_{\max} & x_{\max} and y_{\min} & x_{\min} .

Thus:

$$\begin{aligned} 350 &= 75 * 6 + c & 350 &= 450 + c \\ 200 &= 75 * 4 + c & 200 &= 300 + c \\ \text{Adding} & & 550 &= 750 + 2c \text{ therefore } c = -200/2 \text{ and } c = -100 \end{aligned}$$

Then, **Residential Density** of 299.63 requires a **PTAL** of:

$$299.63 = \left(\frac{\Delta y}{\Delta x} \right) x - 100 = \left(\frac{350 - 200}{6 - 4} \right) x - 100 = \frac{299.63 + 100}{75} = x = 5.3284 = \text{PTAL}$$

In addition, assuming the incremental **PTAL** and **Housing Density** ranges are approximately linear over the **broad ranges**, the **Housing Density** at $8/0.1335 \text{ u/ha} = 59.93\text{u/ha}$ with an average habitable rooms per unit of $40/8 = 5.0\text{hr/u}$ requires a **PTAL** to be in the broad range of **35-65 u/ha** when the actual **PTAL** should be in the mid-range of 2 to 3 as can be shown by the formula:

$$y = mx + c$$

where y = **Housing Density**, $m = (\Delta y / \Delta x)$ = slope, x = **PTAL** & $c = y$ intercept when $x = 0$.

$$m = \Delta y / \Delta x = (65 - 35) / (3 - 2) = 30 \text{ therefore } m = 30$$

Again, there are two known points on the straight-line graph at max and min i.e.

At y_{\max} & x_{\max} and y_{\min} & x_{\min} .

Thus:

$$65 = 30 * 3 + c$$

$$65 = 90 + c$$

$$35 = 30 * 2 + c$$

$$35 = 60 + c$$

$$\text{Add } 100 = 150 + 2c \quad c = -50/2 \quad \text{therefore } c = -25$$

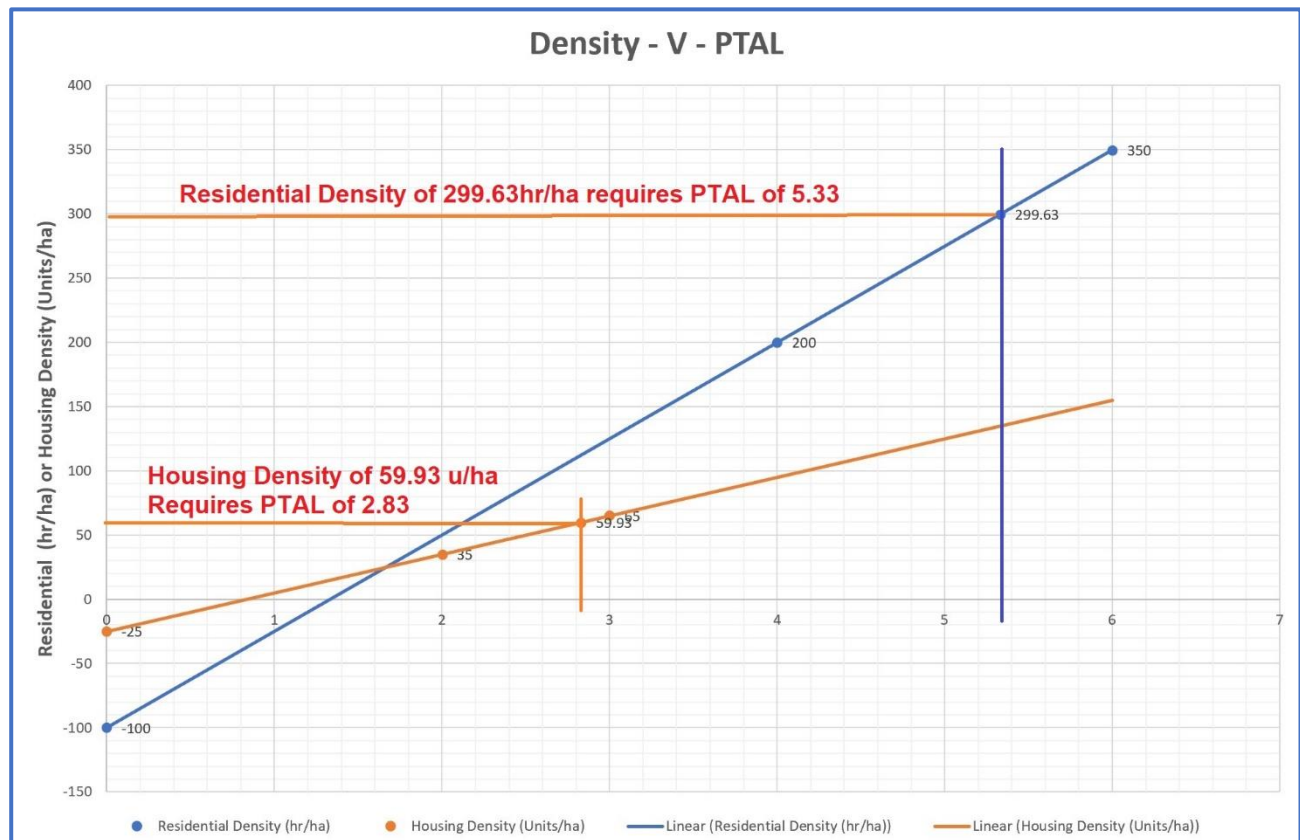
Then Housing Density at 59.93 would require a PTAL of:

$$59.93 = \left(\frac{\Delta y}{\Delta x}\right)x - 25 = \left(\frac{65-35}{3-2}\right)x - 25 = 30x - 25 = x = 2.831 = \text{PTAL}$$

If the PTAL between 0 and 2 is assumed linear the PTAL 1a = 0.66 and PTAL 1b = 1.33.

Then it can be shown from the **London Plan Density Matrix Table 3.2** at a **suburban setting** to illustrate that the **Residential Density** of the proposed development is **totally inappropriate** at **299.63hr/ha** for the locality which has a PTAL of **1a** (≈ 0.66) when it actually requires a PTAL of **5.33** in the ranges **4 to 6** shown on **Table 3.2**.

Similarly, a **Housing Density** of **59.93u/ha** is **totally inappropriate** for a locality of **PTAL 1a** which would actually require a **PTAL of 2.83 (approaching 3)** – in the range **2 to 3**, but the locality has a **PTAL of 1a** in the lowest range at a **suburban setting**.



Graphical Illustration of Densities plotted against PTAL

The **appropriate** value for **Residential & Housing Densities** at this setting at **PTAL 1a** with an average of **5.0hr/u** are established similarly by: $y = mx + c$

where y = **Residential Density**, $m = (\Delta y / \Delta x)$ = slope, x = PTAL ($1a \equiv 0.66$), and c = y intercept when $x = 0$

$$m = (\Delta y / \Delta x) = (200 - 150) / (1 - 0) = 50$$

$$y_{\max} = 200 \text{ \& } x_{\max} = 1 \text{ and } y_{\min} = 150 \text{ \& } x_{\min} = 0$$

$$\text{then } 200 = 50 \times 1 + c = 200 = 50 + c$$

$$\text{\& } 150 = 50 \times 0 + c = \underline{150 = 0 + c}$$

$$350 = 50 + 2c \text{ thus } c = 300/2 \text{ therefore } c = 150$$

$$\text{Then } y = \text{Housing Density} = \left(\frac{\Delta y}{\Delta x} \right) x + c = \left(\frac{200 - 150}{1 - 0} \right) 0.66 + 150 \approx 183 \text{ hr/ha}$$

where y = **Housing Density**, $m = (\Delta y / \Delta x)$ = slope, x = PTAL ($1a \equiv 0.66$) and c = y intercept when $x = 0$

$$m = (\Delta y / \Delta x) = (55 - 35) / (1 - 0) = 20 \quad m = 20$$

$$y_{\max} = 200 \text{ \& } x_{\max} = 1 \text{ and } y_{\min} = 150 \text{ \& } x_{\min} = 0$$

$$\text{then } 55 = 20 \times 1 + c = 55 = 20 + c$$

$$\text{\& } 35 = 20 \times 0 + c = \underline{35 = 0 + c}$$

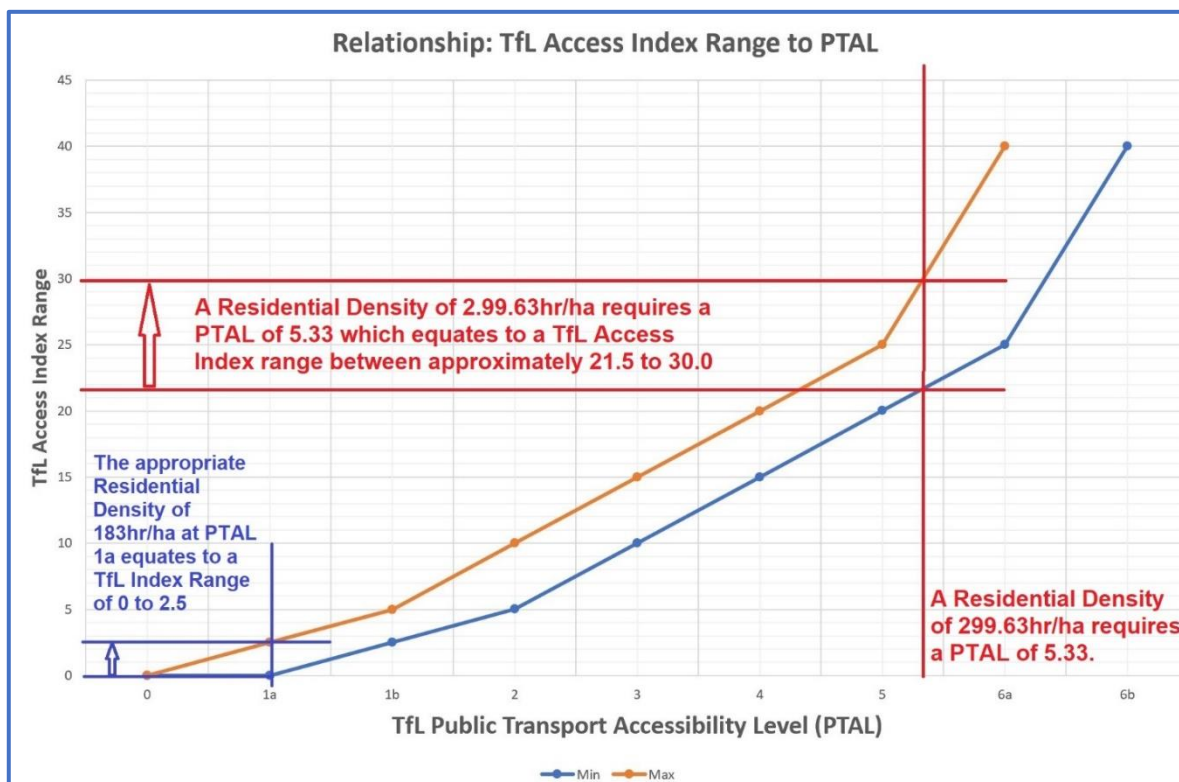
$$90 = 20 + 2c \text{ thus } c = 70/2 \text{ therefore } c = 35$$

$$\text{Then } y = \text{Housing Density} = \left(\frac{\Delta y}{\Delta x} \right) x + c = \left(\frac{55 - 35}{1 - 0} \right) 0.66 + 35 \approx 48.2 \text{ units/ha}$$

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

Transport for London (TfL) have evaluated public Transport Accessibility for all PTALs and have produced a conversion table which converts PTALs to a TfL Accessibility Index.



The London Plan uses PTAL as one of the key factors in determining the appropriate Density of Housing that is desired in different parts of London. This is based on the idea that areas with good public transport service are more suitable for Intense Higher Density Development and conversely those areas with poor Public Transport Accessibility should have lower densities. This is reflected in London Plan Policy 3.4 – Optimising Housing Potential.

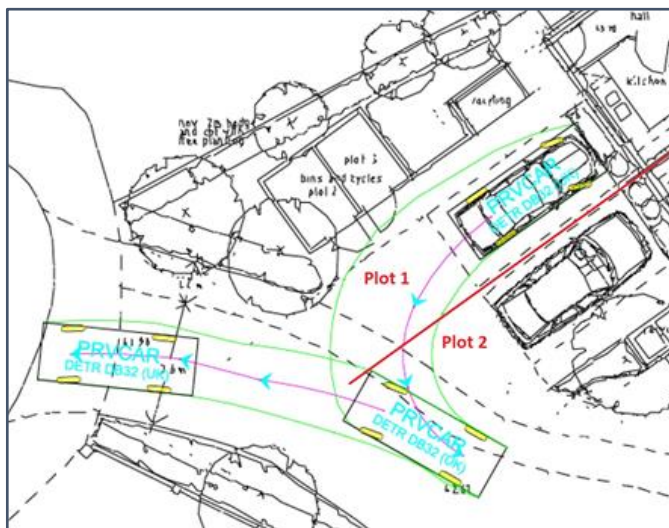
The Case Officer and Planning Committee dismiss any assessment of Density and reject the adopted London Plan Policy as inappropriate. This in spite of it being the current agreed and adopted Policy.

Appendix B – Parking Provision and Necessary 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 and 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 **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**.
- See our objection letters of **20th October 2019** and **18th December 2019**.

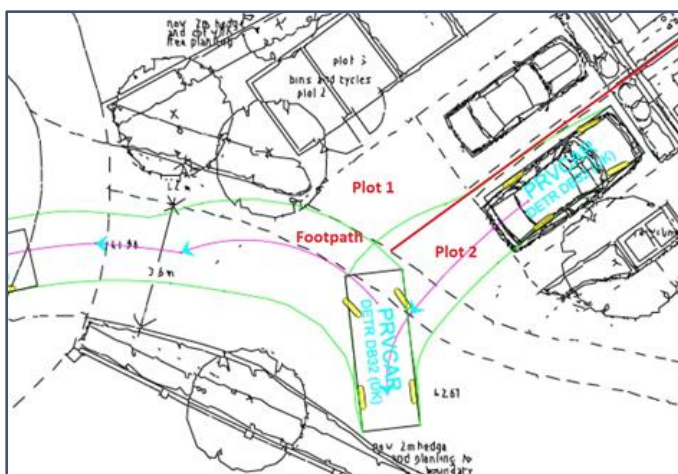
Plot 1 Parking Bay Egress



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

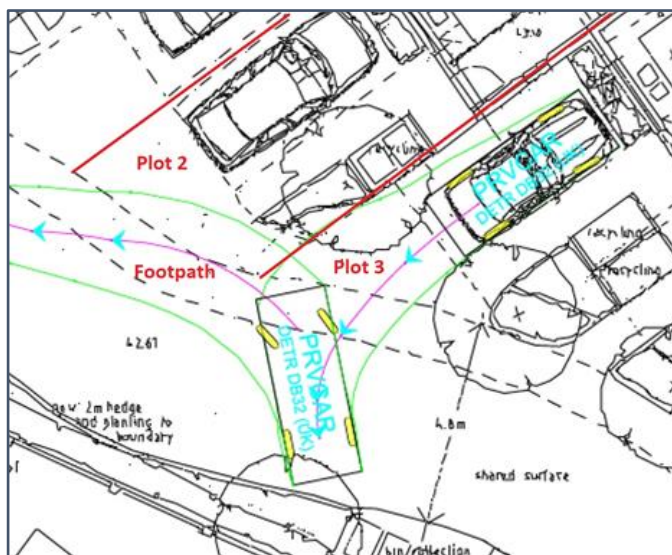


The Swept path diagram for Parking Bay **Plot 2** indicates the difficulty exiting the parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close roadway.

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.

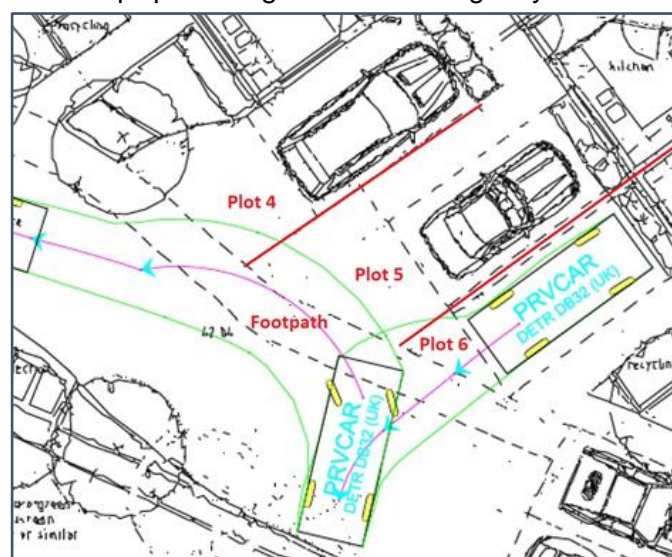
The new swept path diagram shows that it is necessary to encroach over the curtilage of **Plot 2** Forecourt and then necessary to change into a forward gear and mount the access footpath in front of **Plot 2** in order to exit in a forward gear into Ash Tree Close.

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



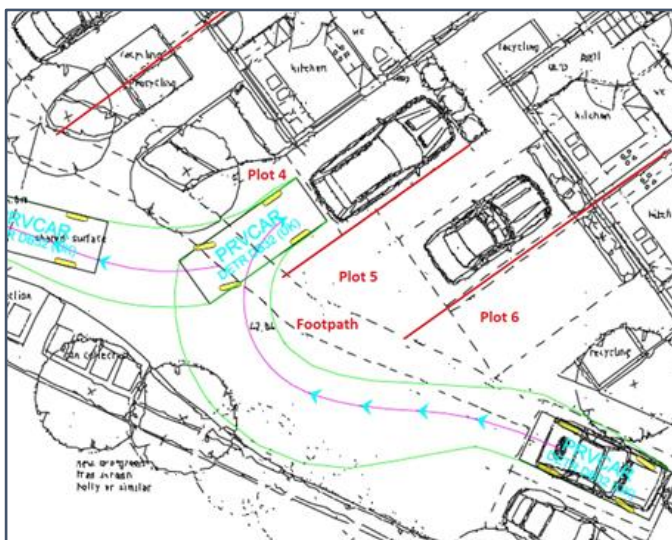
The Swept path diagram for Parking Bay for **Plot 6** indicates the difficulty exiting parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close roadway

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

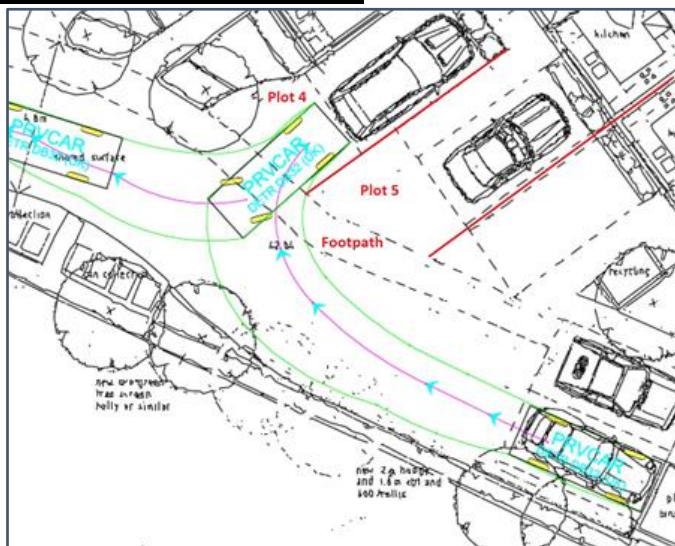


The Swept path diagram for Parking Bay **Plot 7** indicates the difficulty exiting parking bay in reverse gear in order to exit the driveway in a forward gear into Ash Tree Close roadway. The new swept path diagram shows that it is necessary to mount the footpath and encroach into the forecourt within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

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 probably illegal, under Highways Act Section 72 ^[5] if there are 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).

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.

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?

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.

... “[^{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!

IN ADDITION, Another indication of over-development is that the applicant could **NOT provide, within the site area, a turning head within the Cul-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

[5] Section 72 of the Highways Act 1835

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? Does “Prioritisation of Family Homes” have higher “weight” than the safety of local pedestrians or have higher “weight”, even when the target for the locality been has surpassed by 162.438% for 2019 and by 58.557% so far for 2020.