

Mr Ritson

planning@mo-ra.co

Contact: Nicola Townsend
nicola.townsend@croydon.gov.uk
Our Ref: CAS-248173
Date: 5 May 2021

Dear Mr Ritson

Thank you for your complaint received on 28th October 2020 regarding the procedure of the Council in relation to planning matters.

I have dealt with your complaint at Stage 1 of the Council's complaint procedure.

I must apologise for the delay in responding. Due to the Council's current financial position and the pandemic we have been unable to deal with enquiries and complaints as quickly as we would have wished.

Your Complaint

- The Council's website precludes planning issues being presented at Constitutional Review or Scrutiny why is this the case?
- You consider that Planning Applications which are considered by Officers should be published in advance of the consideration by an officer under Delegated Powers.
- Public engagement in the planning process.
- You have also raised concerns regarding the absence of officer reports in relation to a number of Planning Applications.

My Findings

I will take the above points in turn.

The Council operates a Leader and Cabinet model under which the vast majority of decisions are described as executive decisions which fall under the scope of the Leader and the Cabinet.

Scrutiny Committee in line with the Local Government Act 2000 scrutinises the executive decisions which are taken by the Leader and the Cabinet as well as the Council's overarching budget and policy framework.

Committees such as Planning/Planning Sub Committee and Licensing Committee consider applications in keeping with the Statutory and regulatory frameworks and are non-executive functions/decisions which cannot be taken by the Leader or Cabinet. Therefore on that basis the Scrutiny committee does not consider these non-executive matters which fall within the remit of the Planning/Planning Sub Committee.

However, the Scrutiny Committee can review in accordance with the Council's Constitution the plans and strategies for planning, development and conservation in the Borough comprising the Croydon Plan and other approved and adopted development plan documents and supplementary planning documents which make up the Local Development Framework for Croydon.

The Council's Constitution clearly sets out the criteria for the applications which are to be considered by Planning Committee or Planning Sub Committee. Whilst the planning applications which are considered and determined by Planning/Planning Sub Committee are subject to the relevant access to information legislation which requires Committee papers to be published 5 days in advance of the Committee meeting this is not the case for applications determined by Officers under Delegated Powers.

Decisions taken by officers under Delegated Powers do not constitute a Committee of the Council and therefore it is not necessary for reports or recommendations to be published in advance of a decision being taken.

Public engagement in the Planning system is governed by the Town and Country Development Management Procedure Order. It sets out the requirement for a formal period of public consultation to take place prior to a Local Planning Authority determining a planning application. This consultation takes place irrespective of whether an application is determined by Planning/Planning Sub Committee or by officers under Delegated powers.

All representations received as a result of the publicity given to an application are reviewed and considered by Officers as part of the assessment of an application prior to making a recommendation. However, when deciding a Planning application whether that is at Planning/Planning Sub-committee or by Officers under Delegated Powers it is necessary for the decision maker to consider the proposed development against adopted Development Plan policies together with any material planning considerations raised in representations received from adjoining occupiers. It is necessary for applications to be assessed and determined against adopted Planning Policy. Decision makers are required to balance a number of issues with Planning Policy which cover factors such as design, highways impact, impacts on adjoining occupiers and heritage issues (where relevant) together with representations received from members of the public as part of the planning process.

As a Local Planning Authority we are required by the Town and Country Development Management Procedure Order to keep a register of applications which are submitted to and determined by the Local Planning Authority. In accordance with this Legislation we are required to also record details of the

decision taken by the Local Planning Authority. All decisions whether they are taken by Committee or by officers under Delegated Powers are uploaded to the Statutory Planning Register as part of our standard practices.

Finally within your email you have raised concerns regarding a number of applications where you believe an officer report has not been uploaded onto the Council's website. I will take each of these applications in turn:

195 Shirley Road. Ref: 20/02405/FUL

As set out in your email when this decision was made a copy of the report was not uploaded to our website by the officer issuing the decision. This was due to a technical error. As soon as you brought this matter to our attention we ensured that this matter was resolved and the relevant report published. I apologise for this error.

110 The Glade. Ref:20/02926/LP | Erection of outbuilding |

Section 191 of the Town and Country Planning Act requires a LPA when determining an application for a Lawful Development Certificate to give its reasons for determining that the proposal is lawful. These reasons are detailed on the decision notice relating to this application, which is available to view on the Council's website.

11 Orchard Avenue. Ref: 20/01578/FUL | Provision of an additional storey to convert the existing single family house into two flats|.

As stated above as part of our standard practices the officer report should be uploaded to the Council's website by the relevant officer at the same time that the planning decision is released. I note in this instance this did not occur and I apologise that this was the case. Thank you for bringing this to my attention. I have now ensured that the report is published on the Council's website.

1 Woodmere Avenue. Ref: 20/02804/HSE | Demolition of garage, erection of single storey side and rear extension, associated alterations.

In this case the officer's assessment/report is detailed as an Informative on the Decision notice which is available to view on the Councils website.

I do apologise that due to technical errors two reports as identified above were not originally uploaded to the Councils website. These matters have now been rectified and the relevant reports are available to view.

If you feel that your complaint has not been investigated properly or you wish to provide significant new information then you may complain to the next stage of the complaint procedure. For your complaint to be considered you will need to contact the Complaint Resolution team explaining clearly why you feel your complaint has not been investigated properly, or provide details of any new significant information or evidence that may alter the decision made:

Complaint Resolution Team
Floor 7, Zone C

Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA
Phone: 020 8604 7015
Email: complaints@croydon.gov.uk

If you have any questions, please contact me on 020 8726 6000 ext number 62982.

Yours sincerely

Nicola Townsend

Head of Development Management
Planning and Strategic Transport
Croydon Council