

Mr D Ritson
MORA
Via email only:
planning@mo-ra.co

complaints@croydon.gov.uk

Our ref: RE/CASE4939913
Date: 23 May 2019

Dear Mr Ritson,

RE: CASE4939913 – 9a Orchard Rise, Shirley (LBC Ref 18/06070/FUL)

Thank you for your letter, received 1 May 2019, concerning the above development. Your complaint has been registered at Stage 2 of the Council's complaints procedure and, as Executive Director of Place, it is my role to oversee this stage of the procedure.

Having reviewed your complaint, I understand it relates specifically to the suitability of the access driveway to the above property, which you feel was recommended for approval without full consideration being given to the Suburban Design Guide (SDG).

I have read the response you received from Pete Smith at Stage 1 and I agree with Mr Smith's assertion that the SDG is not planning policy and is not a set of statutory rules; as the name suggests, the SDG provides guidance to inform suitable design approaches, and is treated as a material planning consideration.

Planning applications should comply with the development plan "as a whole" and the Local Planning Authority have to take an overall view on the merits of such applications before putting them to Planning Committee; therefore I do not agree that the paragraphs you highlight in your letter are evidence of either Health and Safety issues being ignored or of maladministration by the Planning Team.

The proposed development intends to utilise the existing access onto the site and, as you are aware, when this is the case, the acceptability is judged on a case by case basis. Officers were satisfied that the width is adequate and, even though larger vehicles may have more difficulty than cars, it was not felt that this represented a sustainable reason for refusal.

With regards to access for emergency services, in particular the fire service, having discussed this point with Mr Smith, he has confirmed that he did indeed intend to refer to the fire tender fighting any fire from Orchard Rise, rather than Orchard Way. Please accept our apologies for this oversight.

While I appreciate your point that Orchard Rise is not a particularly wide road, it

does have very wide pavements which could be used to alleviate any difficulties with access for vehicles in an emergency. This is an existing residential area, and there is an existing property on the plot to be developed, and I feel these same issues would arise at any address on Orchard Rise that the fire service was called out to.

The development will also need to meet fire safety building regulations, which will be the responsibility of either the Local Authority or an Approved Inspector to sign off, depending on who the developer applies to. Therefore this would not be a valid reason to overturn planning permission.

I appreciate that there will always be situations where views on planning merits differ between the Local Planning Authority and local residents, but disagreement with the opinions or actions of the Planning Team and the subsequent decision taken by the Planning Committee is not in itself evidence of any malpractice, and I am satisfied that the Planning Department is working in accordance with the policies and proposals contained within the Croydon Local Plan 2018.

While I understand you may not agree with this development, the Council's complaints process cannot be used to overturn a planning decision unless it can be evidenced that the planning process was defective (i.e. material objections were made but not considered) and I can see no reason that the decision should be overturned.

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:

By writing to: The Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

By telephoning¹: 0300 061 0614

By texting: Text 'call back' to 07624 804 299

By online form: www.lgo.org.uk

Yours sincerely



Shifa Mustafa
Executive Director of Place

¹ Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01 or 02) from both mobiles and landlines, and will be included as part of any inclusive call minutes or discount schemes in the same way as geographic calls