

<p>The Local Government Ombudsman PO Box 4771 Coventry CV4 0EH</p>	<p>Monks Orchard Residents' Association (MORA) Planning</p>
	<p>4th June 2019</p> <p>Email:</p> <p> Planning@mo-ra.co hello@mo-ra.co chairman@mo-ra.co </p>

Complaint Ref: RE: CASE4939913 – 9a Orchard Rise, Shirley (Ref: 18/06070/FUL) London Borough of Croydon

Dear Sir / Madam

The Monks Orchard Residents' Association (MORA) is a registered Residents' Association with the London Borough of Croydon LPA. We 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 in our quarterly magazine.

Our complaint relates to the process of the planning committee's determination of Planning Application Ref: 18/06070/FUL at 9a Orchard Rise, Shirley, Croydon CRO

The London Borough of Croydon Planning Committee of 21st March 2019 was determining Application Ref: 18/06070/FUL for a Backland Development at 9a Orchard Rise for Demolition of the existing house and ancillary office and erection of a two-storey block of 4 flats and 5 three bedroom houses, provision of parking spaces, refuse storage and cycle stores, when a committee Councillor queried whether the minimum width of the access drive to the backland development proposal would comply with the emerging Suburban Design Guide SPD2 Policy for access to this backland development proposal behind a row of bungalows. The Planning Officer indicated that the drive is an existing driveway but then stated that SPD2 on Suburban Residential Developments had not yet been adopted and therefore could NOT be used in the determination of this application.

The Chair of the committee abruptly closed the debate with regard to the relevant Supplementary Planning Guidance and would not allow consideration of this emerging policy document SPD2 which we believe was very relevant to this application and, therefore, that it was inappropriate to prevent the substance of this emerging policy document being considered prior to making a determination.

This Design Guide (SPD2) was an emerging policy document due to be presented to the Council Cabinet the following day and then due to be put before the Full Council for adoption six days later. As such this was a significant policy document relevant to the debate, as the access to the backland development was a significantly contentious issue to both local affected residents and the councillors on the planning committee.

It is understood (Case 19 000 971) that:

The LGO cannot question whether a council's decision is right or wrong simply because someone disagrees with it. We must consider whether there was fault in the way the decision was reached that is likely to have affected the outcome.

We contend that there was "Fault in the way the decision was reached" as the Supplementary Planning Guidance was an emerging policy document which at paragraph 2.29 had a bearing on the acceptability of the access and specified appropriate width and thus was a significant policy document to be considered

prior to formulating a decision, but any further discussion was prevented by the Chair based upon the reason that the emerging guidance had not been adopted by the council.

We bring your attention to the NPPF (2018 & 2019) which states at Para 48

Determining Applications ...

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².

The Planning Guidance SPD Suburban Residential Developments was due to be presented to the Council Cabinet the following day and was due to be put before the Full Council six days later and as such the status of the policy was in an advanced state of adoption and therefore was a significant policy document relevant to the debate as the access to the backland development was a significantly contentious issue to both local affected residents and the councillors on the planning committee as defined by NPPF para 48.

We have raised this complaint with the London Borough of Croydon as **Case Reference 4939913** through their **Stage 1** and **Stage 2** Complaints procedure (see: <http://www.mo-ra.co/planning/planning-complaints/> **Ref: CASE4939913**), and we are not satisfied with their **Stage 1** or **Stage 2** responses. On both responses they have not addressed the reasons the chair preventing discussion of SPD2 but have dismissed the reasons against the acceptance of the access to the development on the grounds that it has been used as access for the existing family occupants.

We contend that access for a single family with a small printing business which allows access for family car and delivery of consumables for a small printing business is not appropriate for a development of 9 dwellings accommodating 33 occupants and 9 parking spaces with an access of ≈3.1m width and 28m length bounded by high close boarded fencing, which does not meet the requirements of SPD2. It is our concern that there will be insufficient width for Fire Tenders and other emergency vehicles or Pantechicons furniture removal lorries for deliveries for residents taking occupation. These future requirements for access to the proposed development were prevented from debate by the Chair of the planning committee.

It is our understanding that the Council Constitution regarding 'Planning Decision Making' is set out in the **London Borough of Croydon Planning Constitution at Appendix 4.K at para 7:**

7 DECISION MAKING

7.1 In making a decision on a planning application a Committee Member **must:**

- Come to their decision only after due consideration of **all** of the **information reasonably required to base a decision upon**. This will include the **local information that Members are uniquely placed to access**, but always remembering to take decisions on **planning grounds alone**. If they feel there is insufficient time to digest new information or that there is **insufficient information** before them, then they should **seek an adjournment** to address these concerns.

The SPD2 Supplementary Planning Guidance should have been considered as a contribution to **ALL** of the information reasonably required to base a decision on. However, the Chair failed to meet that "decision Making" guidance.

Note: It is also understood that 'refused' applications can be challenged by an applicant by an appeal to the Planning Inspectorate but that 'approvals' do not have an equivalent challenge procedure other than by an expensive Judicial Review, which as a local Residents' Association we cannot afford. Our only redress against inappropriate approval decisions is via the council's complaints procedure and the Local Government Ombudsman if the LGO consider it would be unreasonable to expect our association to go to court (Local Government Act 1974, section 26(6)(c), as amended). For this reason, we are of the view that it is of significant importance that due process and consideration of planning policies are evaluated in a professional manner by planning case officers and planning committees. The pressure to meet housing targets should not be at the expense of disregarding the agreed and adopted planning policies.

Our complaint relates to the process of the Planning Committee in the determination of Planning Application Ref 18/06070/FUL for 9a Orchard Rise, Shirley CR0 7QZ at the Planning Committee Meeting of 21st March 2019 and that when an application is discussed at the Planning Committee all relevant appropriate evidence should be considered to ensure that a proposed development meets adopted planning policies and that the proposed accommodation is safe and secure for future occupants. If the LPA ignore Planning Policies the community loses confidence in the planning process which causes dissent amongst the community when it is necessary to have community support for providing more houses. Community support requires those necessary houses meet the agreed planning policies.

Our complaint revolves around the chair's abrupt interjection when an emerging planning document was raised by a councillor and the Planning Officer indicated that the policy document had not yet been adopted and therefore could not be considered in the determination of the proposal but that the document was of sufficient agreed status to have been considered for this application as adoption was only 6 days away.

There are no detailed minutes of the proceedings but the proceedings were Webcast.

The Local Residents supporting this complaint are Appended to this letter.

All supporting documents for this complaint can be found at:

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

Kind Regards

Derek Ritson



Tel:

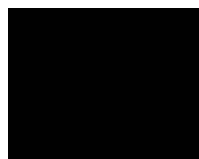
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Derek C. Ritson I. Eng. M.I.E.T.

MORA Planning

*Representing, supporting and working with
the local residents for a better community.*

Sony Nair



Sony Nair

**Chairman,
Monks Orchard Residents' Association.
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