

Monks Orchard Residents' Association Planning

To: Complaints Department
London Borough of Croydon
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21st July 2019

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Stage 1 Complaint – Planning Application Ref: 19/01761/FUL Pegasus 18a Fairhaven Avenue, Croydon CR0 7RX

Dear Sir/Madam

Please consider this letter as a formal **Stage 1 Complaint** against the approval at Planning Committee on 20th June 2019 of Planning Application **Reference 19/01761/FUL** at **Pegasus, 18a Fairhaven Avenue, Croydon CR0 7RX** - for Demolition of existing dwelling and erection of a 3-storey block, containing 3 x 3 bedroom houses and 6 x 2 bedroom apartments with associated access, 9 parking spaces, cycle storage and refuse store.

Our complaint is threefold:

- 1** The failure of interpretation of the current adopted planning policies to ensure cumulative development proposals fully meet the requirements for the localities' existing and planned public transport infrastructure.
- 2** The failure to fully consider the implications of 'Access' limitations which are non-compliant to SPD2 section 29 and the resulting local parking stress.
- 3** The lack of consideration of contribution to Flood Risk into the Chaffinch Brook or to obtain advice from the Chaffinch Brook "Flood Alleviation Study" (FAS) to verify whether the proposal would contribute to increased risk of local flooding and contribute to the Chaffinch Brook culvert and flood risk toward Bywood Avenue.

Complaint Item 1: The failure of interpretation of the current adopted planning policies to ensure cumulative development proposals fully meet the requirements for the localities' existing and planned public transport infrastructure.

The Planning Policy to mitigate over-development for a locality is the current adopted London Plan Policy 3.4 Optimising housing potential in a locality relating to the setting and Public Transport Accessibility. The current cumulative effect of overdevelopments is having a significant detrimental effect on the local community provision of supporting infrastructure.

The allowed increase of Housing and Residential Densities for the locality at low PTALs, without reasonable justification, is overdevelopment of the sites and does NOT meet the guidance policy as defined by the London Plan Supplementary Planning Guidance (Housing) 2016 as set out in Paragraphs 1.3.50 to 1.3.55.

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 (1a=0.66)	2 to 3	4 to 6 (RD 5.07 HD 4.97)
Suburban	150–200 hr/ha (≈183hr/ha)	150–250 hr/ha	200–350 hr/ha (280.11 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 (3.33 hr/u)	40–65 u/ha (≈56.5u/ha)	40–80 u/ha	55–115 u/ha (84.03 u/ha)
2.7–3.0 hr/unit	50–75 u/ha	50–95 u/ha	70–130 u/ha

A Residential Density of 280.11hr/ha is totally inappropriate for the locality which has a **PTAL of 1a (≈0.66)** but would **actually require a PTAL of 5.07** in the broad ranges **4 to 6** shown on London Plan Policy 4.3 Optimising Housing Potential **Table 3.2**. The **appropriate** value for **Residential Density at this Suburban setting and at PTAL 1a** should be **≈ 183hr/ha in the broad range 150 to 200hr/ha**.

Similarly, a **Housing Density of 84.03u/ha is totally inappropriate** for a locality of **PTAL 1a** but would actually require a **PTAL of 4.97** in the highest range **4 to 6**, but the locality has a **PTAL** in the lowest range at a suburban setting. The **appropriate** value for **Housing Density** at this setting and **PTAL of 1a** with an average of **3.33 hr/u** should be **≈ 56.5u/ha in the broad range 40 to 65u/ha**.

Paragraph 8.6 of the Case Officer's Report states:

8.6 In respect to the density of the scheme, representations have raised concern over the intensification of the site and overdevelopment. The site is in a suburban setting with a PTAL rating of 1a and as such, the London Plan indicates that a suitable density level range is between 150-200 habitable rooms per hectare (hr/ha). Whilst the proposal **would be in excess** of this range (**280 hr/ha**), it is important to note that the London Plan indicates that it is not appropriate to apply these ranges mechanically and also **provides sufficient flexibility for higher density schemes to be supported where they are "acceptable in all other regards."** In this instance

the proposal is otherwise acceptable, respecting the **character and appearance of the surrounding area**, and does not demonstrate clear signs of overdevelopment (such as poor-quality residential units or **unreasonable harm to neighbouring amenity**). As such the density of the proposed development is acceptable.

At para 8.9 the Case Officer states: *"The height, scale and massing of the scheme would be acceptable, given that the site works well with the topography and would sit well with the adjoining properties."*

<p>16a Fairhaven Ave. Ref: 07/01681/P</p> <ul style="list-style-type: none"> • 6 x 3 bed houses (6 dwellings) • Site area \approx0.12ha • Housing Density = 50 u/ha • Residential Density = 250 hr/ha • Occupants/ha = 250 bs/ha • Access Drive width = 3.72m • SPD2 Access req'd = 3.6m 	<p>Pegasus 18a Fairhaven Ave Ref: 19/01761/FUL</p> <ul style="list-style-type: none"> • 6 Flats and 3 Houses (9 Dwellings) • Site Area = 0.1071ha • Housing Density 84.03 u/ha • Residential Density = 280.11 hr/ha • Occupants/ha = 308 bs/ha • Access Drive width = 2.75m • SPD2 Access req'd = 3.6m
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Although 16a Fairhaven Ave and 18a Fairhaven Ave look similar they are different in accommodation provision and parameters. This is not comparing Like with Like even though they (externally) look similar.

The Case Officer totally disregards the fundamental guidance, relating to the "broad Ranges" within each PTAL range as meaningless. The guidance gives tolerances within the ranges, not across the complete table 3.2. Although the character and appearance of 16a and 18a does seem similar, the actual accommodation, occupants, access and site areas are significantly different.

The Case Officer states that *"it is not appropriate to apply Table 3.2 mechanistically and also **provides sufficient flexibility for higher density schemes to be supported where they are acceptable in all other regards**. In this instance the proposal is **otherwise acceptable**, respecting the **character and appearance of the surrounding area**, and does not demonstrate clear signs of overdevelopment."*

The guidance for exceeding the density ranges are set out in the **London Plan Supplementary Planning Guidance at paragraph 1.3.8 which states:**

*"guidance on considering schemes **above** or below the (broad) **ranges** in the density matrix is provided below in paras 1.3.50 to 1.3.55."*

Developments above the density ranges

Para 1.3.50 ...*"as confirmed in section 1.1, meeting London's housing requirements will necessitate residential densities to be optimised in appropriate locations with **good public transport access**. Consequently, the London Plan recognises the particular scope for higher density residential and mixed-use development in **town centres, opportunity areas and***

*intensification areas, surplus industrial land and other large sites*¹⁰³. In addition, the Plan confirms that the housing SPG will provide general and geographically specific guidance on the justified, **exceptional circumstances** where the density ranges **may be exceeded**¹⁰⁴."

The Public Transport Accessibility at this location is 1a in the ranges 0 to 6 and as such is in the lowest category range – 0 1a 1b 2 ... to 6a 6b.

Also, this location is **NOT** in a "**town centre, an opportunity area or a designated intensification area, and NOT surplus or industrial land or other large site**¹⁰³" and therefore does not meet any of the exceptional circumstances where the density ranges may be exceeded.

SPG Housing (2016) Para 1.3.51 states:

1.3.51 In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, **providing important qualitative concerns are suitably addressed**. However, to be supported, schemes which **exceed the ranges in the matrix must** be of a high design quality and should be tested against the following considerations:

- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in chapter 7 of the London Plan;
- the location of a site **in relation to existing and planned public transport connectivity (PTAL)**, social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of livability, public realm, **residential and environmental quality**, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;
- a scheme's overall contribution to local **'place making'**, including where appropriate the need for 'place shielding';
- depending on their particular characteristics, the potential for large sites to define their **own setting and accommodate higher densities**;
- 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**;
- the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and
- **whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).**

1.3.52 where these considerations are satisfactorily addressed, the London Plan provides sufficient flexibility for such higher density schemes to be supported. it should, however, be recognised that this is not an exhaustive list and other more local or site-specific factors may also be given appropriate weight, taking into account the particular characteristics of a proposed development and its impact on the surrounding area.

The Case Officer's reasons did not include any of the provisions of SPG 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"⁴⁰³
- ❖ 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)."

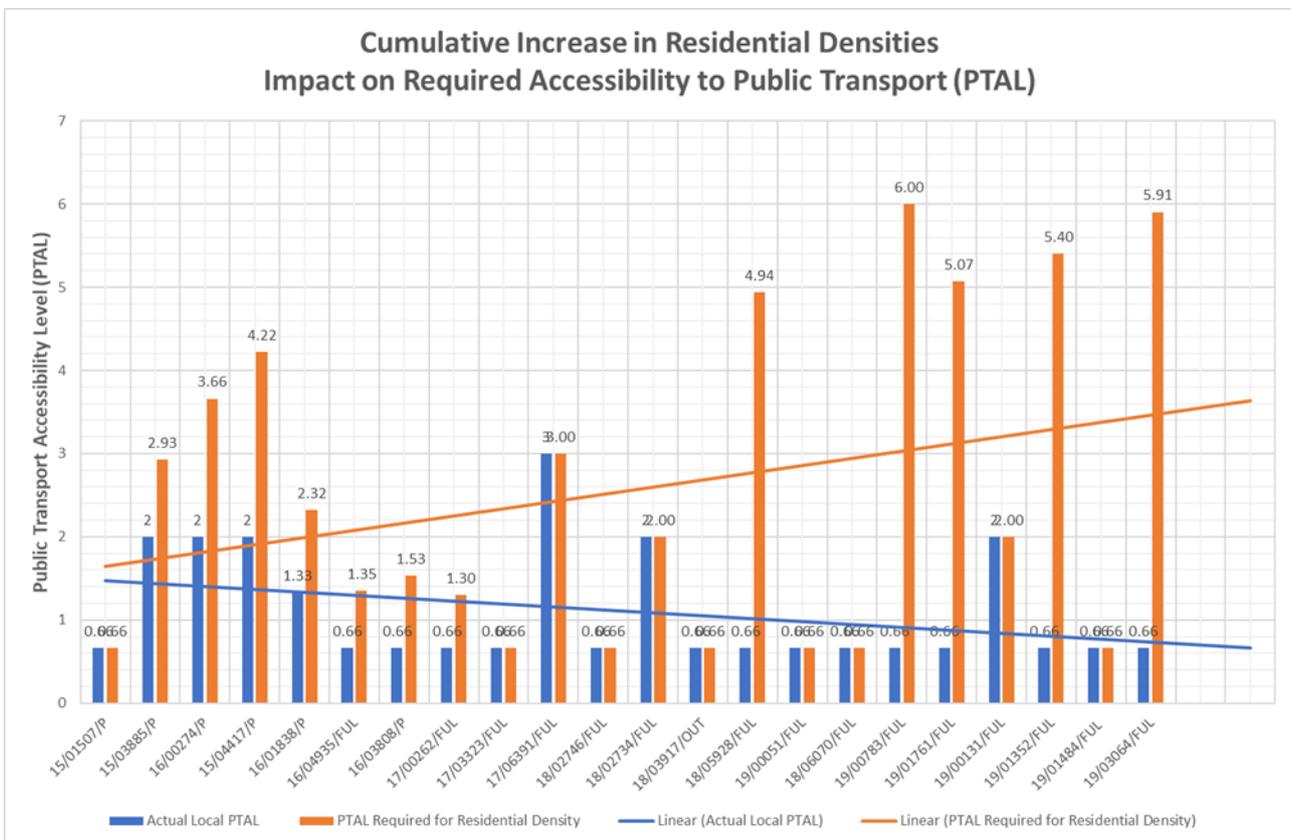


Illustration of excessive PTAL Requirement above the Local available PTAL due to Increased Densities of Applications in the MORA Post Code Area showing the ongoing PTAL linear trend requirement.

So, what exactly are the actual site-specific factors, taking into account the particular characteristics of this proposed development and its impact on the surrounding area, which allows the guidance of SPG Housing (2016) paras 1.3.50 to 1.3.55 to be disregarded and higher densities than recommended to be allowed?

If the appropriate Housing and Residential Densities are NOT observed, the Public Transport becomes oversubscribed at the higher density localities and cannot meet the required demand and the route becomes overcrowded. The MORA Post Code area has suffered an increase in population of close on **500** since 2015 without any visible increased provision of infrastructure and many of the approved developments have exceeded the recommended densities (See histogram above).

The Monks Orchard Post Code Area has a single bus route 367 which provides a single decker service through a residential area, within a road network which is not suitable for large double decker buses. The passenger carrying capacity is therefore limited and is also infrequent such that the buses get busier at the sites of inappropriate high residential densities, frequently becoming full to capacity as they travel through the residential area and do not stop to pick up further waiting passengers as they proceed. This is exacerbated by some residents having a 15 to 20min walk to the nearest bus-stop. As the service is only 20min intervals at best, these waiting passengers become very frustrated and eventually resort to other means of transport which is likely their personal car which is a significant waste of available road space for only one driver and thus contributes to local traffic congestion.

The Wickham Road (A232) is getting very congested and is approaching severe grid-lock at peak periods and there is little that can be done to remedy this situation becoming worse as the road capacity is nearing its maximum as traffic approaches Addiscombe Road toward central Croydon. The locality has not seen any improvement of infrastructure from Community Infrastructure Levy (CIL) contributions from any recent developments and therefore the 'CIL' collected has not contributed to the Shirley Wards locality's lack of services and infrastructure.

We keep hearing statements from planners and committee members to the effect that improved infrastructure follows developments but we cannot see any evidence of this. TfL are NOT proposing to improve public transport accessibility at this location prior to 2031. The cumulative uncontrolled excessively high Residential Density developments are increasing public transport occupancy to the extent that further usage is limited by capacity and users revert to other means of transport - their car.

Croydon Local Plan Policy 6.41 States:

*"National Planning Policy Framework in paragraph 50 encourages local 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 recognised 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 (paragraph 174)."*

NPPF 2019 para 49 states:

49. "However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its **cumulative effect** would be so significant, that to **grant permission would undermine the plan-making process** by predetermining decisions about the **scale, location or phasing** of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

Therefore, the **cumulative effect** of the granting approval for this application is an over development for the locality and there are no extenuating circumstances, as defined in SPG Housing para 1.3.50 not to meet the **broad ranges** of Table 3.2.

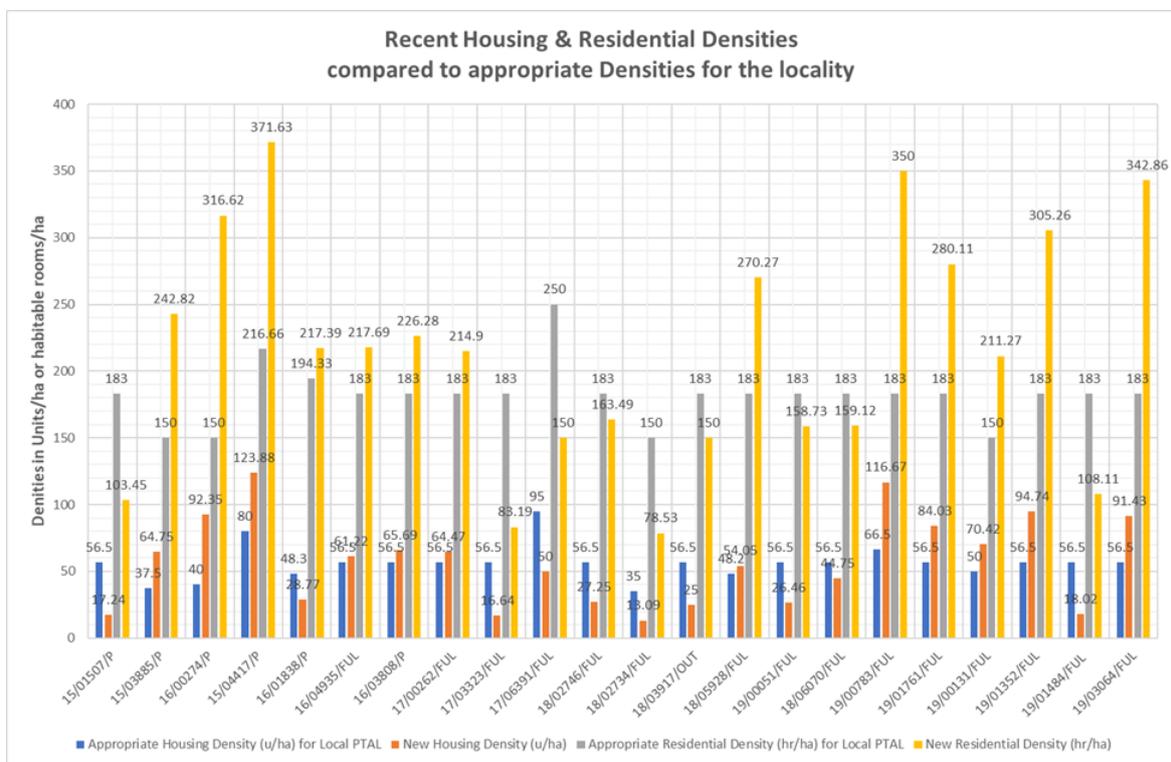


Illustration of excessive Housing and Residential Densities for Approved Applications in the MORA Post Code Area

The main issue is that the proposal significantly exceeds the recommended densities at this location at PTAL 1a and the local infrastructure to support the proposal is **NOT** available and is getting worse and TfL are not planning any increased public transport locally as the PTAL is forecast to remain at 1a up until 2031.

Complaint Item 2: The failure to fully consider the implications of Access limitations which are non-compliant to SPD2 section 29 and the resulting local parking stress.

The case officer's report at paragraph 8.29 states:

8.29 *"The parking layout and access arrangement would allow for access and exit movements in forward gear and whilst the access point to the site is of a width of **2.75m**, this is deemed acceptably wide for private vehicles (i.e. the cars of future occupiers) to pass onto and off of the site which functions as such in its existing state. Whilst it is recognised that emergency vehicles (such as a fire truck) would be unable to access the site, due to the scale of the development and the distance from the street to the rear of the site, such an arrangement can be acceptable subject to the three terraced properties at the northern end of the site being fitted with sprinkler systems (which would be required by Building Regulations). Subject to a condition requiring the applicant to provide drawings demonstrating suitable visibility splays the proposed access arrangement to the site is deemed acceptable and would not harm the safety and efficiency of the highway network."*

The Access width is stated as **2.75m** which is **non-compliant** to the requirements stated in SPD2 para 2.29.10 which states:

ACCESS REQUIREMENTS: 2.29.10 Fig 2.29e.

When designing a proposal, consideration should be given to the need for appropriate access arrangements, including safety. The requirements are given at **Fig 2.29 e)** which clearly states that the width should be no less than 3.6m.

This includes:

- **Providing emergency service access**²⁷ and refuse collections;
- Where emergency or service vehicle access is not possible, **such as back land sites** with narrow driveways, alternative service requirements should be discussed with the relevant authority;
- Where appropriate access and **turning for refuse collection vehicles**²⁸ is not possible, a refuse store must be provided within 20m of the street²⁹. This point must be no more than 30m from the front door of the dwelling (excluding vertical distance) (Refer to figure 2.29g);
- Where it is not possible to find a suitable location for the refuse store, the proposed development may be required to demonstrate how the refuse associated with the development will be available on the street on collection days, for example, through an established management company and management schedule for the development;

- Where a **car free** development is proposed, it may be possible to provide pedestrian only access where the appropriate **set down space is easily accessible** from the closest highway to meet access requirements³⁰;
- Access into a building and individual unit via circulation spaces should be designed to allow ease of access for all users. Consideration must be given to the accessibility of outdoor space and the provision of space for activities to occur outdoors which support the health and development of children (Refer to Figure 2.34c);
- Where a proposal on a rear garden or back land requires the use of a rear lane to access the development, this route ensures safety for users and residents through the use of lighting, high quality surfaces and overlooking. Where the location would prohibit any natural surveillance from a public highway or neighbouring properties over such an access route, proposals will generally not be acceptable.

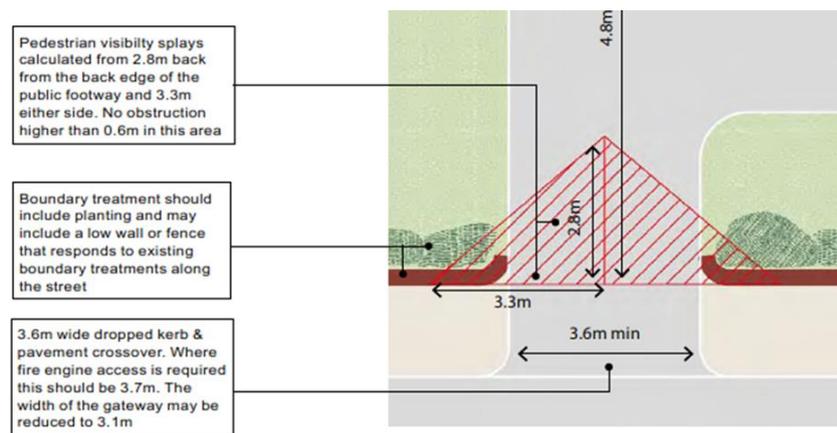


Figure 2.29e: Requirements for entrances and boundary treatments.

The Case Officer acknowledges that the access width is **2.75m** a full **0.85m** less than the required **3.6m**.

This width will be insufficient to allow **Fire Tenders** or **Removal Pantechnicons** to access the site. It is understood at **Case Officers Report at Para 8.29** "*Whilst it is recognised that emergency vehicles (such as a fire truck) would be unable to access the site, due to the scale of the development and the distance from the street to the rear of the site, such an arrangement can be acceptable subject to the three terraced properties at the northern end of the site **being fitted with sprinkler systems** (which would be required by Building Regulations).*" However, no such conditions of approval have been specified in the **Decision Note requested list of conditions**.

Fairhaven Avenue is a Cul-De-Sac of just 5.4m wide and the turning head at the end of Fairhaven Avenue has diameter of 8.1m which is insufficient for large vehicles to turn around to exit in a forward gear. The configuration of the Cul-De-Sac and the access width to the proposed development was not adequately considered when analysing the access arrangements for this proposed development.

The applicant did not provide any swept path diagrams for any vehicle types to either access the site or for larger vehicles to safely turn within the available turning head in Fairhaven Avenue. It is extremely doubtful that a large **Pantechnicons Removal Vehicles** could access the site or even once entered Fairhaven Avenue in a forward gear could actually turn around to exit in a forward gear due to the limited diameter of the turning head in Fairhaven Avenue.

Therefore, we contend that the case officer gave inadequate analysis of the implications of limited access to this proposed development before recommending approval.

Complaint Item 3: The lack of consideration of contribution to Flood Risk into the Chaffinch Brook or to obtain advice from the Chaffinch Brook "Flood Alleviation Study" (FAS) to verify whether the proposal would contribute to increased risk of local flooding and contribute to the Chaffinch Brook culvert and flood risk toward Bywood Avenue.

The Case Officer Stated at Para 4.0:

Subject to conditions, the proposals would "not" have an adverse impact on flooding.

And at Para 8.37 Stated:

8.37 "The site is "not" located in any designated flood risk area. The applicants have submitted a Surface Water and SuDS Assessment which is based on a desktop study of underlying ground conditions. It is likely that infiltration of surface water runoff following redevelopment may be feasible. The parking area will incorporate permeable paving which will provide capacity for surface water runoff from hard standing areas in up to the 1 in 100 years plus 40% climate change event. This can be secured through use of a planning condition."

The Case Officer has obviously not looked at the Environment Agency surface water Flood risk Map!

During committee debate, **Cllr. Paul Scott** indicated that the "*level should be raised by a couple of bricks to ensure surface water flooding was less likely.*" Which was accepted by the Planning Officer.

We raised the issue of local surface water flooding in our objection letter and stated:

"The proposed development is in a low risk flood area which has a possible 300mm to 900 mm flood depth as indicated in the above Environment Agency Flood Map (Circled) exacerbated by the proposed development being sunk into a ≈0.5 metre hole in the ground."

Chaffinch Brook "Flood Alleviation Study" (FAS)

*"Until recently, it was considered that the main flooding source around the Chaffinch Brook was fluvial. However, it has been illustrated that flooding issues in the vicinity of the Chaffinch Brook are attributed to **multiple sources including directly from watercourses, groundwater, surface***

water and surcharging culverts and sewers. *The interaction of flooding mechanisms from these different sources is **not fully understood** at present in the **Chaffinch Brook catchment.***

"The Chaffinch Brook FAS seeks to improve the understanding of flooding in this location and identify feasible options for reducing flood risk within the catchment."



It is understood that the surface water, soil and sewage from this area, which includes Fairhaven Ave, is routed into the same drains as the Chaffinch Brook culvert under the Ashburton Playing fields. We understand, the culvert is there to prevent flooding of the properties at the Bywood Avenue end of the playing fields, including properties in Fairhaven Avenue. This proposed development will increase the volume of surface water and soil waste and sewage into these drains and in times of high precipitation could significantly increase the probability of higher surface water flooding due to the increased number of households.

We requested the proposed development should be informed to the **Chaffinch Brook FAS** for their evaluation and for their comments to be considered. It seems from the Consultation comments list

this was not requested or received. Also, the proposed Development is to be sunk into a hole in the ground by approximately $\approx 0.5\text{m}$ which will attract surface water to pool into this development area.

The Decision Note at Condition 13 States:

13 The development hereby approved shall be undertaken in strict accordance with the Surface Water and SuDS Assessment.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding.

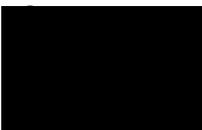
Why is there no mention of the Chaffinch Brook issues, advice from the Chaffinch Brook Flood Alleviation Study (FAS) or the suggested need to raise the development by a few courses of bricks to overcome any surface water issues as the locality suffers probability of 300mm to 900mm surface water flooding, in the listed 'Conditions' of the Decision Note.

We believe that the above evidence in our complaints Items 1, 2 & 3 provides sufficient evidence to have supported a refusal of this application or for a recommendation for a revised application to overcome these important issues.

Yours sincerely



Derek C. Ritson - I. Eng. M.I.E.T. (MORA Planning).



Sony Nair – Chairman, Monks Orchard Residents' Association.
On behalf of the Executive Committee, MORA members and local residents.

Cc:

Sarah Jones MP	Croydon Central
Mr. Pete Smith	Head of Development Management (LPA)
Steve O'Connell	GLA Member (Croydon & Sutton)
Cllr. Sue Bennet	Shirley North Ward Councillor
Cllr. Richard Chatterjee	Shirley North Ward Councillor
Cllr. Gareth Streeter	Shirley North Ward Councillor

Bcc:

MORA	Executive Committee
Local Residents & Interested Parties	