

Mr D Ritson  
C/O Monks Orchard residents  
Association  
planning@mo-ra.co

Contact: Pete Smith  
pete.smith@croydon.gov.uk  
Our Ref: CAS-163554  
Date: 30 April 2020

Dear, Mr Ritson

### **Stage 1 Complaint – 16 – 18 Ash Tree Way**

I refer to your communication with the Council (dated 6<sup>th</sup> April 2020) in respect of the above site. Your communication has been treated as a Stage 1 Complaint under the Council's Corporate Complaints Procedure.

### **Your Complaint**

Your letter raises concerns over our apparent failure to correctly consider and interpret planning policy when assessing this application. These are detailed as follows:

- Our apparent failure to properly consider the design of the proposed development and the extent to which it complemented the existing character and appearance of the area. Particularly in relation to the proposed roof form
- Our apparent failure to consider the impact of the development in relation to flooding
- That you believe the Council ignored the requirement of Paragraph 122 of the National Planning Policy Framework when making its decision.
- You consider the density of the development to be inappropriate and that it contributes toward an unsustainable Public Transport Accessibility
- You believe that housing targets are resulting in the development failing to comply with Planning Policies
- That you consider the level of development approved by this development to be an overdevelopment and inappropriate in an area of a PTAL of 1a
- You question the case officers statement that the site is located "very close to the intensification area of Shirley"
- That you consider that the parking layout for this development to be inappropriate and you questions the transport officer's assessment of the

acceptability of the arrangements. You also question delivery arrangement and access arrangements for the site.

## **My Findings**

I was not present on the night when this application was presented to Planning Committee and consequently, have reviewed the web-cast including the officer's presentation, the various questions and items of clarification raised by Planning Committee Members, comments made by the speakers (for and against) and the Planning Committee debate. It is clear to me that the application was debated in full by the Planning Committee and many of the points you have raised in your letter were considered in detail, prior to the formal resolution of granting planning permission.

I will now turn to the points which you have raised in your letter. Where the issues are inter-related, I have decided to group these together.

### Character of the Development

Having reviewed the Planning Committee presentation, it is clear to me that in addition to the information included in the officer's report, the character of the area was identified as part of the officer's presentation, was discussed by Planning Committee and was also raised as part of the objectors comments.

The application proposes the erection of 8x2 storey houses with accommodation in roof space. I note from your letter that you have particular concerns regarding the proposed roof form which includes gable roofs rather than hip roof forms. Whilst properties in Ash Tree Close do have hip roofs, there are also a number of properties which have gable roof forms (properties in Morris Close). In order for a development to respect the area in which it sits, it is not necessary for a proposal to faithfully replicate the appearance of the immediate surrounding properties.

The character of the area was clearly discussed at the Planning Committee meeting and was fully considered and debated in accordance with the character of the area.

### Flooding

As stated with the planning officer's report, the application site is located within a Flood Zone 1. This is the lowest type of flood area.

As above issues of flooding, the site's location in relation to the Chaffinch Brook was considered as part of the questions and debate by the Planning Committee. In fact Councillor Streeter raised this point in detail. I am therefore in no doubt that Members had a full understanding of flooding designation of this site. As highlighted by the case officer's report and the officer presentation, officers recommended a number of planning conditions relating to flood risk mitigation. These conditions seek to secure the provision of permeable paving and securing a Sustainable Urban Drainage scheme.

### Paragraph 122 of the National Planning Policy Framework - Achieving Appropriate Densities.

Within your letter you have highlighted one specific paragraph of the NPPF. However the NPPF makes it clear that the guidance document should be read as a whole. As I am sure you are aware the NPPF states that decisions should apply a presumption in favour of sustainable development and that decision-makers at every level should seek to approve applications for sustainable development where possible. In addition, the Housing Chapter also states that it is important to support the Government's objective of significantly boosting the supply of homes. Paragraph 122 also states that planning decision should support development that make efficient use of land.

I do not believe that the decision taken in this case ignored the above paragraph of the NPPF and I believe that the decision is in accordance with the wide objectives of the NPPF and the Development Plan.

#### Public Transport Sustainability Level (PTAL) and Cumulative Impact

As a local planning authority, we do not consider this development to be an overdevelopment of the site. Whilst it is appreciated In this case the PTAL rating is 1a which is low, we required on site car parking to be provided for each unit rather than reducing the car parking to a lower level - as would normally be the case in an area characterised by higher PTAL rating.

I can assure you that we do take cumulative impact of developments into account when considering planning decisions. As you will be aware, a large number of Shirley planning applications are referred to and determined by Planning Committee and Members have a comprehensive understanding of the development proposals for this area.

#### Housing targets are resulting in development failing to comply with Planning Policies.

As stated above, the NPPF states that one of its objectives is to significantly boost the supply of homes. It also requires local planning authorities to determine the minimum number of homes specified – and seek to deliver more. Consequently, housing targets are set out in the development plan and policies seek to ensure that development responds and meets that housing need. Housing targets therefore form part of planning policy.

As you are aware, when dealing with a planning application it is necessary to balance a number of policy objectives against each other it is for this reason that decisions need to be taken against consideration of the development plan as a whole. Greater weight will often need to be given to some policies rather than others. In many cases the need to deliver more housing in accordance with the NPPF and the development plan is given significant weight.

#### Residential Density and PTAL Rating of the Site

We have corresponded around the relevance and interpretation of the London Plan density matrix on a number of previous occasions and have no desire to repeat previous commentary.

I have touched on the level of development and car parking provided already in this letter. As you are aware the density matrix should not be applied mechanistically. In addition, the emerging London Plan seeks to remove the reference to the density matrix and as this document has moved closer towards adoption and has gained further weight. It is very likely that the density matrix will not be included in the new London Plan when it is adopted.

As you will be aware we always interpret the density matrix flexibly – using it as a general guide but then focussing on how a scheme addresses the various issues that inform density of development (scale, mass, relationships, residential quality, car parking and amenity space). As you would expect the matrix is one consideration which needs to be balanced against other policy objectives within the Development Plan as a whole.

This development provides a net increase of 6 family sized homes within a residential area, for which there is a need. These units make an important contribution to the Council's housing stock. In view of the acceptability of this scheme in terms of space standards, amenity space, scale, form and relationship with neighbours, the scheme is considered to be suitable, set within its context. The level of off street car parking provided for this development at a ratio of 1 space per unit has also been incorporated to respond to the PTAL rating of the site.

#### Proximity of the site to the Shirley Intensification Area

You have queried the statement within the officer's report that the application site is located within close proximity of the Shirley Intensification Area. The officer 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".

Whilst proximity is a matter of perception, I do accept that this point could have been further qualified as part of the officer's report. This is a matter which I will discuss with officers for the future. However, Members were provided with an O/S extract identifying the location of the application site. Moreover, the location of the site was also identified as part of the officer's presentation. I am therefore satisfied that members were fully aware of the location of the site.

#### Parking Layout and Delivery and Servicing Arrangements

The layout of the access, car parking spaces and pedestrian arrangements for this development were discussed in detail at the Planning Committee.

In relation to pedestrian arrangements and vehicles, it was made clear that it was intended that the access to the site would be formed through provision of a shared surface for both pedestrian and vehicles. This is not an unusual situation with new developments. In addition, the applicant provided swept path analysis to show how the car parking spaces were to be accessed and egressed. All of these matters were reviewed by the Council's Transport Team who concluded the arrangements were acceptable.

You have also raised concerns about the servicing arrangement for this development and that the development does not include a turning head. Again, servicing of the site together with access for emergency services is a matter that was discussed in detail at the Planning Committee. The report confirmed that servicing would need to take place from Ash Tree Close, as it does for the existing properties. As indicated above, planning decisions need to be taken in the balance. In this case making the best use of the site to provide family homes was prioritised over providing a greater amount of the site as road/turning head.

Finally, I appreciate that you may not agree with our assessment of this application and the decision taken by the Planning Committee. However, the borough does have significant housing targets and therefore it is necessary that we seek to deliver homes across the borough. I do not agree with you that we are not assessing applications in accordance with adopted planning policy. As discussed, the application was determined in accordance with the development plan, when considered as a whole. I am satisfied that this development struck the right balance in terms of its assessment.

If you feel that your complaint has not been investigated properly or you wish to provide any significant new information that has previously not been considered, then you may complain to the next stage of the Complaint Procedure. However, I must advise you that escalating your complaint to the next stage will not result in the reversal of a planning decision that has already been taken, as this is beyond the jurisdiction of the Council's Corporate Complaints Procedure.

For a Stage 2 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  
7<sup>th</sup> Floor, Zone C  
Bernard Weatherhill House  
8 Mint Walk  
Croydon  
CR0 1EA  
Tel/typetalk: 020 8726 6000  
Email [Complaints@croydon.gov.uk](mailto:Complaints@croydon.gov.uk)

If you have any queries, please contact me on 020 8726 6000 extension 88726 or email [pete.smith@croydon.gov.uk](mailto:pete.smith@croydon.gov.uk).

Yours sincerely



**Pete Smith**

Head of Development Management  
Planning and Strategic Transport  
Croydon Council