



WELCOMES & UPLANDS ROAD ASSOCIATION

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Sarah Gill,
Investigator,
Local Government Ombudsman,
PO Box 4771,
Coventry,
CV4 0EH

3rd January 2018

Dear Ms Gill,

Re: 57 Welcomes Road Kenley CR8 5HA LGO Ref 17 013 962

We refer to your letter of 21st December 2017 regarding assessment of our complaint against Croydon Council. We wish to raise this matter with the Ombudsman because we consider that the Council has based the decision to grant outline planning permission for the construction of 7 flats with insufficient on site parking based on incomplete and inaccurate information about the immediate environs and the extent of the impact on the surrounding roads including Welcomes Road. Secondly the Council did not take our objections into account in a fair and objective manner.

It has long been established that the Welcomes and Uplands Road Association (WURA) is responsible for the maintenance of Welcomes Road, which is a Private Road, a Designated Footpath and a Public Highway. The frontaging properties along both roads, which number 224 in nearly all cases are covenanted to pay an annual road levy and the owners are by default members of WURA. This letter is being written by the Road Association on behalf of these members and in particular the immediate neighbours to 57WR who will be badly affected by the erection of a block of 7 flats next to them.

Background and why we consider that the Council have made a decision to grant outline planning permission ([17/06240/OUT](#)) without knowledge (or recognition) of the full facts:

1. The restricted width of Welcomes Road: The Council's own Highway Improvements Unit notes the width of the highway/footpath is 4.1 to 4.3 metres (slightly less than our estimate) outside 57 Welcomes Road and they confirm that it is an offence to park a vehicle so that one or more of its wheels is resting on or over a footpath. There is no pavement along the road. *See annexure 1*

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2. Character of Welcomes Road: Welcomes Road leads to land owned by the Corporation of London and Kenley Airfield which is owned by the Ministry of Defence and is also a heritage site. Welcomes Road is shared between all kinds of traffic from dog walkers and horse riders to HGVs. It is also used by a lot of wildlife including foxes and deer. There is or was until very recently a badger sett very near 57 WR living behind 61 WR.

3. Traffic behaviour: Wheeled traffic meeting along the road is almost always required to stop and pull over to allow the vehicles to pass each other. Sometimes this is only achieved by pulling into a frontagers drive particularly when a driver is confronted by an HGV or the refuse collection lorry. Verges and kerbs are occasionally mounted by passing vehicles causing damage. Photographs showing scenes typical of the traffic conditions encountered in Welcomes Road are attached. *See Annexure 2.*

4. Parking policy and guidelines: The parking guidelines for our roads were set out on the WURA web site many years ago and remain in force today. *Non residents are not authorised to park on any of the roads. Visitors to properties are requested firstly to park on the property of the address visited, secondly after requesting permission on a neighbour's drive and lastly on the road and in a position that will not impede other residents access to their properties. This includes contractors and removal trucks.* These guidelines were established to make sure that as far as possible the roads are free from parked vehicles and not obstructed. These arrangements are particularly relevant to Welcomes Road because of its narrowness in places and the danger created for pedestrians and the like bearing in mind that the road is also a designated footpath.

Welcomes Road, as a highway, needs to be kept clear of all obstructions including parked vehicles to allow free passage of emergency vehicles which may need to cut up the road from the A22 to deal with emergencies at the top of Welcomes Road, in Uplands Road or Hayes Lane. Officialdom at the Council ought to take these considerations on board but have shown no interest in doing so.

5. Depiction of the road by the selling agent: The road portrayed in the Right Move advertisement [Right Move advert](#) is misleading and is nothing like Welcomes Road which is a c 4 metre wide road/footpath. The apparent need to misrepresent Welcomes Road in the advertisement suggests that the applicant is aware of the shortcomings of the proposed on site parking arrangements in relation to the road outside the property. There is no on site visitor parking nor a parking bay big enough for a disabled person's vehicle which needs sufficient width to permit a car door to be fully opened.

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6. The autotracking projection for the car park is misleading: This projection reproduced on the last page of this letter does not deal with the more awkwardly located parking bays or allow for any vehicles bigger than a standard private car. It also assumes that every vehicle will be perfectly parked and fit into the bays. The severe slope upwards from the road means all the cars will be tilted making getting in and out difficult. The projected tracks imply that Welcomes Road is about 8 metres wide opposite the drive entrance not the actual 4 metre carriageway.

Autotrack does not demonstrate that a delivery van could enter and exit the car park area in a forward gear which is a normal requirement for any car park for a flatted development. Nor is there any recognition of the possibility of cars and delivery vans being parked on the road as well as the refuse collection vehicle. Removal vans or the like will obstruct the road and/or the car park for longer periods. Welcomes Road also carries pedestrian and cycle traffic which will be endangered by the presence of vehicles parked in the road.

There is also a bend in the road on the north end of the site adding to the already hazardous environment. Any vehicles parked on the road, which inevitably there will be, should this development go ahead, make entering and exiting the car park potentially dangerous and more difficult. It will also mean that neighbours will not be able to exit and enter their own properties with any certainty. There is a very real threat to the peaceful enjoyment of living here posed by these flats and the traffic chaos they will bring with them.

The construction of 7 flats to replace one household will increase visiting traffic commensurately when there is nowhere for visitors to park. The guidelines for waste collection from flats issued by the Council advises that it should be assumed that there are 3 persons living in each flat which will further increase visitor traffic.

8. Construction phase: The construction phase which will require substantial movement of building materials in and out (inc demolition of existing house) plus craning in the lift shaft sections and lift mechanism will likely be lengthy and will over load the road which has no formal sub structure. There is no viable parking available for tradesmen's vehicles in the immediate vicinity which will not obstruct the highways in the area most of which are privately paid for and narrow.

7. Refuse collection guidelines- may be in breach: Refuse collection will entail operatives pulling large 4 wheeled bins up and down a quite severe slope unless hundreds of tonnes of top soil is removed to flatten the area. There are foul drains crossing this site (which the owners are covenanted to protect and maintain) and the developers/builders may well be limited in what they can excavate by the presence of these drains. The refuse collection lorry will have no option but to stay on Welcomes Road whilst the bins are moved to and fro from the bin store.

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According to the Council's own guidelines slopes should be avoided wherever possible along the pathway, but where needed the gradient should fall away from the bin storage area and should be no greater than 1:12.

This site slopes up to the bin store though it is not clear from the plans what the gradient will be but assuming the slope remains unchanged in line with the plans it is likely to be quite challenging to pull a 4 wheeled bin up and down whether full or empty.

Democratic deficit:

1. Number of objections: The application for outline planning permission attracted well over 100 objections largely but not solely because of the precedent created by the building of flats on Welcomes Road regardless of the Inspector's views to the contrary. He maintained in his upholding of the last appeal that precedent is irrelevant and that each application is decided on its own merits. There are much bigger and better sites for flats along our roads than 57 WR.

If this development is allowed it will be hard to resist new applications for flats on such better sites with all that implies in terms of road usage and the eventual destruction and urbanisation of an area of natural beauty surrounding the much visited Kenley Airfield heritage site.

The development is clearly out of keeping with anything else ever built before in the road.

The strong views of the objectors, who are the same people who pay for the upkeep of Welcomes Road from after tax income, have been ignored by Council Officials.

2. The Public Hearing on August 17th 2017: In spite of interventions by our MP and local Councillor, to postpone the hearing for 57WR the Council insisted that the public hearing would go ahead in August even though many residents were away on holiday. Our local Councillor had to interrupt his holiday to attend what turned out to be a rubber stamping exercise because the Inspector on appeal had dismissed all objections meaning the only matter left to examine (according to the Chairman of the Planning Committee) was the installation of a lift from the car park for disabled people. As the lift had now been inserted in the plans and in spite of a request by our Chairman for the Planning Committee to visit the road and to assess the parking issues properly, this proposal to visit was voted down and the application was granted. The WURA Chairman outlined in the 3 minutes available to him to speak why the development would badly compromise traffic flows on Welcomes Road but a majority of the Committee appeared content to ignore everything he said. The immediate neighbours to 57WR, not unsurprisingly, are very distressed by the prospect of living next to a block of 7 flats but were never given a chance to speak at the August hearing.

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Summary of our case:

In terms of the Ombudsman's own criteria for considering a case we submit that the decision to allow these flats, political considerations aside, was based on incomplete and inaccurate information.

The road is also a highway where vehicles have a right to pass and re-pass and cannot be obstructed though incidental parking to deliver something is acceptable. At the Public Hearing on 17th August 2017 the Case Officer, when asked, estimated the width of Welcomes Road as 5 metres. Our complaint about this inaccuracy was dismissed on the basis that half a metre is irrelevant and that 5m was a fair estimate by the Case Officer although a 5 metre wide road is inadequate in the context of this particular development. 5 metres is also the recommended minimum width for utility and emergency vehicles. The exchange does demonstrate an awareness by the Planning Committee of the restricted width of Welcomes Road but they were content to ignore the unique problems Welcomes Road presents and the risks that inevitably arise from random on road parking. The narrowness of Welcomes Road means that it is potentially dangerous for pedestrians and cyclists at the best of times. On street parking greatly magnifies these risks.

Whilst it may be that Planning Authorities, when considering an application, can and do ignore road conditions adjacent to a new development there must be cases where the development is so inappropriate that such road conditions cannot and should not be ignored. We submit that this is one of them and that as such it would be appropriate for the Ombudsman to ask that the Council revisit the plans with a view to downsizing the project to something the community here might find acceptable and the dangers from on road parking treated with more seriousness than so far exhibited by the Planning Committee.

Although the applicant goes to some lengths to demonstrate that the roof line is no higher than 59 WR next door no internal drawings and dimensions including ceiling heights appear to have been submitted for the flats proposed for the loft. We regard this as a basic flaw in the granting of outline planning permission which needs to be addressed properly by all parties.

It would be appreciated if you could commend this case to the Ombudsman for a thorough review and to request the Council to postpone any final decisions on the latest planning application (full) until this review of the outline permission has been carried out.

Yours sincerely

Richard Russell
Secretary WURA

Colin Brown
Chairman

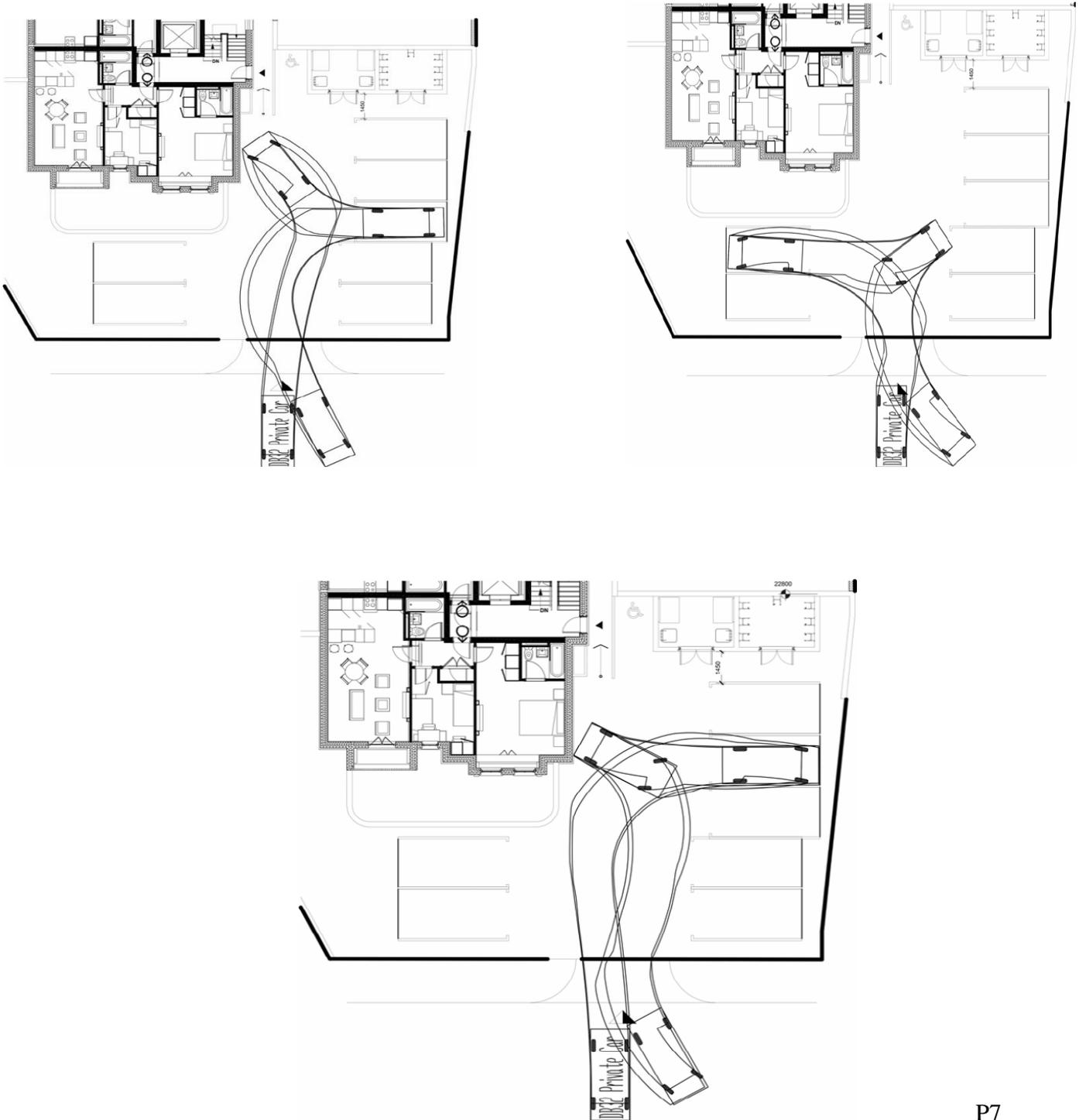
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PARKING – AUTO TRACK PROJECTION- ACTUAL WIDTH OF WR ABOUT 4 METRES



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