

Ms. Sara Burke - Case Officer
The Planning Inspectorate, Room 3/10
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**Monks Orchard Residents' Association
Planning.**

4th January 2022

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Town and Country Planning Act 1990

Appeal under Section 78

Location The Sandrock, 152 Upper Shirley Road, CROYDON CR0 5HA

Application Number: 20/02136/FUL

Appeal Reference: APP/L5240/W/21/3279949

Dear Ms Sara Burke

Please accept this formal letter supporting the LPA refusal of the proposed development **Ref: 20/02136/FUL** as our written Statement for request for a Dismissal of the **Appeal Ref: APP/L5240/W/21/3279949** against the LPA's refusal for: *"Erection of two storey side and rear extension to The Sandrock Public House to provide an enlarged service (including front seating area) to the existing pub (Sui Generis) and conversion of the upper floors including extension to form 4 flats and construction of a three storey building to the rear comprising 11 flats and 4 houses, hard and soft landscaping, communal/amenity/play space, car parking"*.



1 LPA Reason(s) for Refusal:

- 1.1 The proposed development, by reason of the height, width, depth and overall design of the extensions would poorly integrate to the public house and with the siting and massing of the rear block would be detrimental to the appearance and setting of the locally listed building resulting in a development that would be out of keeping with the character of the area and cause harm to the locally listed building. As such, the proposal would be contrary to Policies D1, D3, D4, HC1 of the London Plan (2021), Policies SP4, DM10, DM18 of the Croydon Local Plan (2018) and the Croydon Suburban Design Guide (2019).
- 1.2 The proposed development, by reason of its combined site layout, height, width and depth would result in a cramped form of overdevelopment that would be detrimental to the residential amenity of neighbouring and surrounding occupiers as well as future occupiers of the development especially in regard to daylight/sunlight. As such, the proposal would be contrary to Policies D1, D3, D4, D5, D6 of the London Plan (2021), Policies SP4, DM10 of the Croydon Local Plan (2018) and the Croydon Suburban Design Guide (2019).
- 1.3 The proposed development, by reason of insufficient on-site parking for future users of the public house would result in overspill parking which would be detrimental to the highway and pedestrian conditions of the area. As such, the proposal would be contrary to Policies T1, T4, T6 of the London Plan (2021), Policies SP8, DM29, DM30 of the Croydon Local Plan (2018) and the Croydon Suburban Design Guide (2019).

2 Response Supporting LPA Reason 1 of Refusal

- 2.1. **Reason 1:** *“The proposed development, by reason of the height, width, depth and overall design of the extensions would poorly integrate to the public house and with the siting and massing of the rear block would be detrimental to the appearance and setting of the locally listed building resulting in a development that would be out of keeping with the character of the area and cause harm to the locally listed building.”*
- 2.2 The above (page 1) illustration provides clear evidence of the inappropriate design and massing compared to the architecture, character and visual appearance of the existing structure of the Sandrock Public House. The proposed extension to the Pub is an extremely unattractive structure without any recognition or respect of the period or heritage in keeping with the existing. It has no fenestration detail, is incongruous and the roof form is flat and completely *‘out of character’* with any of the surrounding roof forms. The visual appearance is absolutely grotesque for this sensitive local historical location.

3 Assessment and Evidence (Reason 1 Refusal)

3.1 Croydon Local Plan “Growth” Policies’

- 3.1.1 The current **Croydon Local Plan** (2018) **‘Growth’** Policies, as defined in Table 6.4, DM10.1 to DM10.11 or DM34 to DM49 and DM36 to DM49 *‘purports’* to describe “Growth” by either “Redevelopment” or “Evolution” by “Regeneration”, but gives no definition of the acceptable magnitude of growth in terms of **‘Site Capacity’**, **‘Local and future supporting infrastructure’** or **‘Public Transport Accessibility’** and therefore the Policy is *‘unenforceable’* and *‘undeliverable’* as it has no measurable methodology, is *imprecise*, *indeterminate* and *devoid* of any Policy definition other than guidance to “seek to achieve” a minimum height of 3 storeys at specific locations.

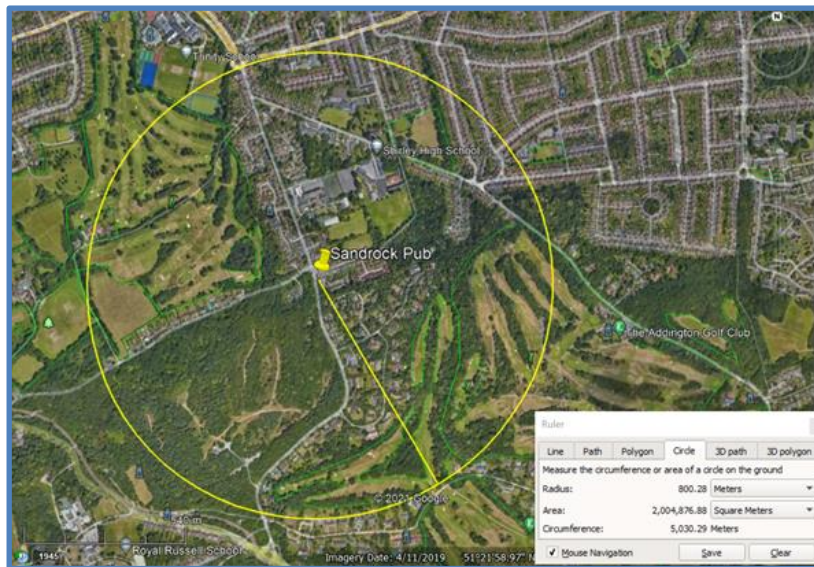
3.1.2 The adopted **Croydon Local Plan (2018)** and the **Draft Revised Croydon Plan** does **NOT** have any guidance on **Design Codes** or **Design Guidance** as required of the **London Plan (March 2021)** or the **NPPF (June 2021)**.

3.2 The London Plan requirements:

3.2.1 **London Plan Policy D3 Para 3.3.2 states:** “A *design-led approach to optimising site capacity* should be based on an **evaluation** of the site’s **attributes**, its surrounding context and its **capacity for growth** to determine the appropriate form of development for that site.”

3.2.2 **London Plan Policy D3 Para 3.4.8 states:** “For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in **Policy D6 Housing quality and standards**. The higher the **density** of a development the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design and ongoing management. This is important because these elements of the development come under more pressure as the **density increases**. The housing minimum space standards set out in **Policy D6 Housing quality and standards** help ensure that as densities increase, quality of internal residential units is maintained.”

3.2.3 The new **London Plan Policy H2** at para **4.2.4** states:
4.2.4 Incremental intensification of existing residential areas within **PTALs 3-6** or within **800m** distance of a station¹ or town centre boundary² is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2.



Goole Earth Image showing 800m radius from the Sandrock Pub Site

3.2.4 The **implication** of **Para 4.2.4** is that “**Incremental Intensification**” is “**inappropriate**” at **PTAL levels** below **3 (<3)** and at distances greater than **800m (>800m)** from either **train/tram Stations** or **District Centres** and thus implied, this location is inappropriate for “**incremental Intensification**”.

¹ Tube, rail, DLR or tram station

² District, major, metropolitan and international town centres

3.2.5 The proposal does not meet **ANY** of the **London Plan Policies D3 or H2** and is a totally *inappropriate* development on grounds of **overdevelopment, exceeding the available 'Site Capacity'**.

3.3 The NPPF.

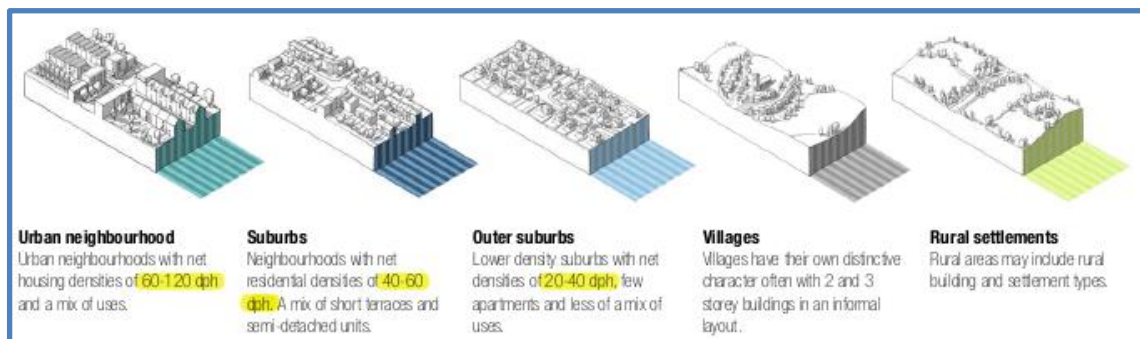
3.3.1 The NPPF para 129 states:

"129. Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide³ and the National Model Design Code⁴. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes."

As both the Croydon Local Plan (and the draft revised Croydon Local Plan) and The London Plan do NOT provide Design Code specification guidance for any localities within the London Borough of Croydon, the NPPF at para 129 indicates the National Model Design Code and Guidance should be used "to guide decisions".

3.4 Massing and Setting (Locality)

3.4.1 National Model Design Codes⁵ (The Coding Process, Part 2B, Coding Plan Page 14)



National Models Design Code Recommended Housing Density Ranges per Setting.

3.4.2 The Local 'Site Capacities' can be established from an analysis of **Local population data** provided in the **GLA statistics** and an analysis of the **housing density** using the figures for occupation of dwellings based upon a national assessment⁶ as there is no known available data on number of dwellings in the locality or the **Setting** of the Shirley Wards.

³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009795/NMDC_Part_2_Guidance_Notes.pdf

⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009793/NMDC_Part_1_The_Coding_Process.pdf

⁵ <https://www.gov.uk/government/publications/national-model-design-code>

⁶ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

3.4.3 The Table (below) lists the established recommended ranges of Housing Densities for the Settings: 'Outer Suburban' (Outer London Suburban), 'Suburban', 'Urban' and 'Central' ranges and typologies as defined by the National Model Design Code and Guidance is shown graphically below for 2 to 24 Units.

| Units (Dwellings) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-----------------------------------|------|------|------|------|------|------|------|------|------|------|
| Outer Suburban (max Site Area ha) | 0.05 | 0.10 | 0.15 | 0.20 | 0.25 | 0.30 | 0.35 | 0.40 | 0.45 | 0.50 |
| Outer Suburban (min Site Area ha) | 0.03 | 0.05 | 0.08 | 0.10 | 0.13 | 0.15 | 0.18 | 0.20 | 0.23 | 0.25 |
| Suburban (max Site Area ha) | 0.03 | 0.05 | 0.08 | 0.10 | 0.13 | 0.15 | 0.18 | 0.20 | 0.23 | 0.25 |
| Suburban (min Site Area ha) | 0.02 | 0.03 | 0.05 | 0.07 | 0.08 | 0.10 | 0.12 | 0.13 | 0.15 | 0.17 |
| Urban (max Site Area ha) | 0.02 | 0.03 | 0.05 | 0.07 | 0.08 | 0.10 | 0.12 | 0.13 | 0.15 | 0.17 |
| Urban (min Site Area ha) | 0.01 | 0.02 | 0.03 | 0.03 | 0.04 | 0.05 | 0.06 | 0.07 | 0.08 | 0.08 |
| Central (max Site Area ha) | 0.01 | 0.02 | 0.03 | 0.03 | 0.04 | 0.05 | 0.06 | 0.07 | 0.08 | 0.08 |

Table showing minimum and maximum Site Capacities for number of Units for each Setting

We have investigated the parameters for our Shirley South Ward, which includes the Sandrock Pub, as listed in the following Tables:

| Design Code Summaries (Housing Densities) | | | | | | |
|---|-------------|------------|-------------------|-----------------------------|----------------------------|---------------------------------|
| Location | Area (ha) | Population | Dwellings (Units) | Residential Density (bs/ha) | Housing Density (Units/ha) | Setting for Design Code Density |
| Shirley North Ward | 327.90 | 15666 | 6555 | 47.78 | 19.99 | <Outer Suburban |
| Shirley South Ward | 387.30 | 14147 | 5919 | 36.53 | 15.28 | <Outer Suburban |
| All Shirley | 715.20 | 29814 | 12474 | 41.69 | 17.44 | <Outer Suburban |
| MORA Area | 178.26 | 9283 | 3884 | 52.07 | 21.79 | Outer Suburban |
| Sandrock Pub (Proposal) | 0.23 | 72 | 19 | 313.04 | 82.61 | Urban |

Local Design Code Densities and Settings.

3.4.4 The Area of Shirley South Ward is ≈387.30ha. The population of Shirley South Ward at 2021 is estimated (GLA data) at 14147.25 persons.

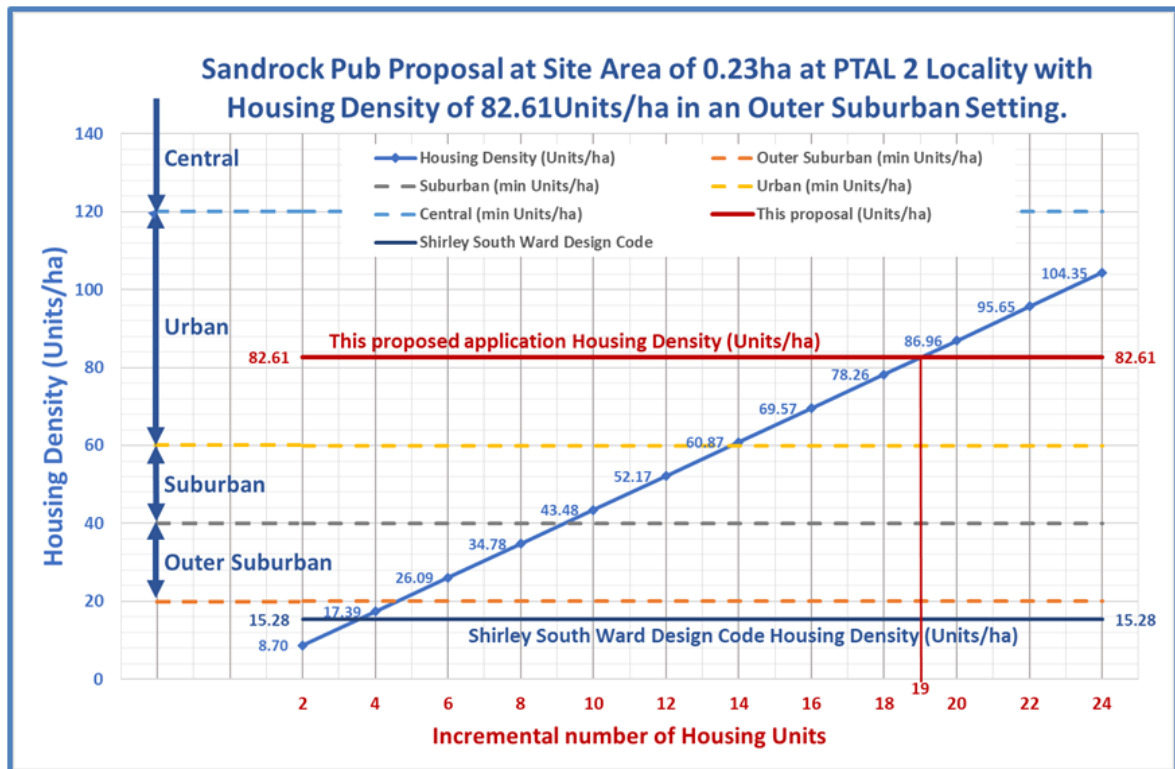
| Shirley South Ward | | |
|---|--------------|-----------------|
| Shirley South Area | 387.3 | ha |
| Population of Shirley South (GLA) | 14147 | Persons |
| Dwellings in Shirley South Ward | 5919 | Units |
| Housing Density Shirley South Ward | 15.28 | Units/ha |
| Residential Density Shirley South Ward | 36.53 | bs/ha |

3.4.5 With an average occupancy of 2.39⁷ persons per dwelling (Statista & NOS Data), this gives an average of 5919.35 dwellings in an area of 387.3ha which equate to a housing density for the Ward at 15.28U/ha (i.e., <20Units/ha) and 36.53persons/ha.

3.4.6 This clearly puts the Shirley Wards below the National Model Design Code (NMDC) 'Outer (London) Suburban' Setting, Design Code Density category of between 20 and 40 units per hectare.

3.4.7 However, the proposal with 19 units on a Site Area of 0.23ha equates to 82.61units/ha which would place this proposal within an 'Urban' Setting range of 60 to 120 Units/ha.

⁷ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>



Sandrock Pub proposed Housing Density (Units/ha) showing 19 units in a Site Area of 0.23ha.

- 3.4.8 This is **clear evidence** that the proposal is an over development for the ‘**Site Capacity**’ in an ‘**Outer Suburban Setting**’ and thus **non-compliant** to the **Local Design Code Setting** as defined in the **National Model Design Code and Guidance** and the **London Plan Policy D3 Optimising site capacity through the ‘design-led approach’**.
- 3.4.9 **London Plan D3 Para 3.3.2:** “A ‘**design-led approach**’ to optimising ‘**site capacity**’ should be based on an ‘**evaluation**’ of the site’s ‘**attributes**’, its surrounding context and its ‘**capacity for growth**’ to determine the appropriate form of development for **that site**.”
- 3.4.10 **London Plan D3 Para 3.4.8:** “For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in **Policy D6 Housing quality and standards**. **The higher the density** of a development the **greater this scrutiny** should be of the **proposed built form, massing, site layout, external spaces, internal design and ongoing management**. This is important because these elements of the development come under more pressure as the **density increases**. The housing minimum space standards set out in **Policy D6 Housing quality and standards** help ensure **that as densities increase, quality of internal residential units is maintained**.”
- 3.4.11 The proposal has **19 Units** on a site of **0.23ha** which can be graphically illustrated as shown above against the prevailing **Settings** – **Outer Suburban, Suburban, and Urban** as defined by the **Nation Model Design Code and Guidance** as published by the **LUHC Department** as referenced from the **NPPF (para 129)**.
- 3.4.12 The above assessment provides **clear evidence** that the proposal is ‘**inappropriate**’ for this local ‘**Outer Suburban**’ **Setting** and supports the **LPA reason for refusal** on grounds of the height, width, depth and overall design of the extensions that ‘**would poorly integrate**

*to the public house and with the **siting and massing** of the rear block would be detrimental to the appearance and **setting** of the locally listed building resulting in a development that would be out of keeping with the character of the area and cause harm to the locally listed building.*

3.5 Residential Densities and Public Transport Accessibility

3.5.1 It is people who require supporting infrastructure, **NOT** Dwellings, so we need to establish equivalent **Residential Densities** in terms of Persons/ha as related to the supporting accessibility to public transport for each of the **Design Code Settings**. The Local Plan, the London Plan, the NPPF or the National Model Design Code guidance does not relate Residential Density to the '**Setting**' (Outer Suburban, Suburban or Urban etc.,). This, however, can be achieved by using the Office of National Statistics data and Statista⁸ data. *In 2020, the average number of people per household in the United Kingdom was 2.39 compared with 2.37 in the previous year.* We can use this as a factor to convert equivalent **Units/ha** to **Bedspaces/ha** as shown in the above Table.

| Conversions | Housing Density Units/ha | Residential Density (bedspaces /ha) |
|----------------------|--------------------------|-------------------------------------|
| Outer Suburban (min) | 20 | 47.8 |
| Outer Suburban (max) | 40 | 95.6 |
| Suburban (min) | 40 | 95.6 |
| Suburban (max) | 60 | 143.4 |
| Urban (min) | 60 | 143.4 |
| Urban (max) | 120 | 286.8 |
| Central (min) | 120 | 286.8 |

3.5.2 For the **Residential Density** using **GLA** and **Statista**⁹ data the Housing Density of Shirley South Ward is **15.28 Units/ha** and Residential Density **36.53 Persons/ha**. This **confirms** the **Local Setting** to be below the "**Outer – Suburban**" or "**Outer London Suburban**" Setting for **Housing Density** of **20 to 40 Units/ha**

3.5.3 These equivalent values can also be plotted which provides an equivalent **Residential Density** in relation to the local **PTAL** for a **Suburban Setting** assuming the Incremental increase in **PTAL** is Linear (See below).

3.5.4 Residential Density and PTAL:

The **TfL** range of **PTAL** for a **Suburban Setting** is derived from the **TfL Connectivity Assessment Guide**¹⁰ and for the range **PTAL 0 to 6** is **150hr/ha to 350hr/ha**.

Assuming the incremental increase is linear over the range:

Density = $y = mx + c$ Where $x = \text{PTAL}$ and $c = y$ when $x = 0$ & $m = \delta y / \delta x$.

So, $\delta y / \delta x =$ the rate of change of y wrt x is $= (350 - 150) / (6 - 0) = 33.33$.

Thus, Density $y = 33.33 \cdot x + c$ Where $x = \text{PTAL}$ and $c = y$ when $x = 0$ therefore $c = 150$

Thus, the function of Residential Density in relation to PTAL is:

Density = $y = 33.33 \cdot x + 150$ assuming the incremental increase is linear over the range.

3.5.5 This assessment, based upon **TfL analysis** and the '**Settings**' as defined by the **National Model Design Code**, indicates that the **Public Transport Accessibility Level (PTAL)**

⁸ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

⁹ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

¹⁰ <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>

required to support the proposed **Residential Density** as measured in **habitable rooms per hectare** needs to be:

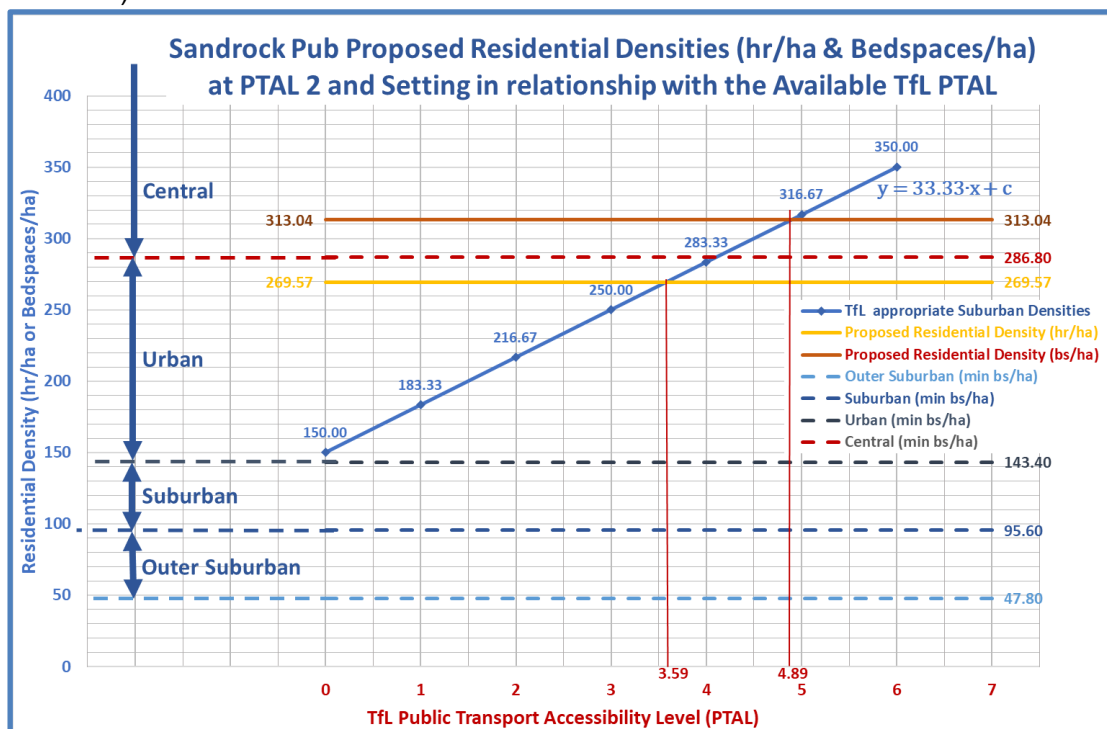
$$269.57 = 33.33 \times (\text{PTAL}) + 150 \quad \text{Therefore } \text{PTAL} = (269.57 - 150) / 33.33 = \mathbf{3.587}$$

And for **Bedspaces per hectare** needs to be:

$$313.04 = 33.33 \times (\text{PTAL}) + 150 \quad \text{Therefore } \text{PTAL} = (313.04 - 150) / 33.33 = \mathbf{4.89}$$

When the available PTAL is only 2.

- 3.5.6 This analysis gives an indication of the assessment of **Public Transport Accessibility** and **Connectivity** required of the proposal's **Residential Density** and establishes that the current available **PTAL 2** (forecast to remain at 2 until at least 2031 by TfL) is **inadequate to support the proposed Residential Density**, whether assessed by **Habitable Rooms** or **Bedspaces per hectare**.
- 3.5.7 For **269.57 Habitable Rooms/ha** the '**Setting**' would need to be '**Urban**' and for **313.04 Bedspaces/ha** the '**Setting**' would need to be '**Central**' when the actual Setting is **<Outer Suburban!** (i.e., at **15.28Units/ha**, less than **20Units/ha**, the lower limit of outer suburban).



Graph of Residential Density in relation to PTAL for the proposal based upon TfL Connectivity assessment

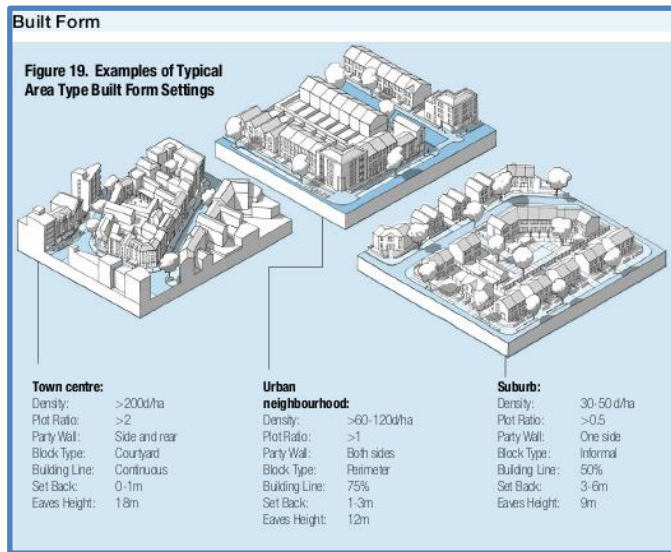
- 3.5.8 The foregoing assessment fully supports the Reason 1 for refusal by the LPA and should be considered by the Planning Inspectorate as supporting evidence for a **Dismissal of this appeal**, "by reason of the height, width, depth and overall design of the extensions would poorly integrate to the public house and with the siting and massing of the rear block would be detrimental to the appearance and setting of the locally listed building resulting in a development that would be out of keeping with the character of the area and cause harm to the locally listed building".

4 Response Supporting LPA Reason 2 of Refusal

4.1 **Reason 2:** *“The proposed development, by reason of its combined site layout, height, width and depth would result in a cramped form of overdevelopment that would be detrimental to the residential amenity of neighbouring and surrounding occupiers as well as future occupiers of the development especially in regard to daylight/sunlight.”*

4.2 The proposed **Plot Ratio (Floor Area Ratio)** is given by **GIA÷Site Area** in sqm. The **National Model Design Code Part 1, The Coding Process, 3A Guidance for Area Types, at Built Form, Figure 19 page 21.** Gives the guidance for **Plot Ratio** for a **Suburban Setting** to be **Less than 0.5.** (<0.5).

4.3 The actual Plot Ratio for this proposed development is **1426.3/2300 = 0.6201** which is a **24.03%** increase above that recommended in the **National Model Design Code.**



4.4 This is further evidence that the proposal's site capacity and layout is inappropriate for the local **'Outer Suburban'** Setting which supports the LPA reason for refusal of a cramped form of overdevelopment that would be detrimental to the residential amenity of neighbouring and surrounding occupiers as well as future occupiers of the development.

4.5 The Applicant failed to provide any Daylight Assessment information but at the Elevation fronting Sandrock Place shows the relationship between the local dwelling heights at 1a Sandrock Place and the proposed development. The prevailing Sunlight would therefore cast shadows over the adjacent dwellings for most of the afternoon.



Elevation Fronting Sandpits Road and Sandrock Place

4.6 **The foregoing assessment fully supports the LPA Reason 2 for refusal by the LPA and should be considered in supporting evidence for a Dismissal of the appeal** by reason of its combined site layout, height, width and depth would result in a cramped form of overdevelopment that would be detrimental to the residential amenity of neighbouring and surrounding occupiers, especially in regard to daylight/sunlight.



5 Response Supporting LPA Reason 3 of Refusal

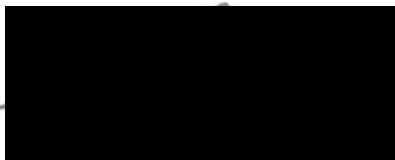
- 5.1 **Reason 3:** The proposed development, by reason of insufficient on-site parking for future users of the public house would result in overspill parking which would be detrimental to the highway and pedestrian conditions of the area.
- 5.1.1 This reason is based upon a general assumption that the viability of the Pub business would be jeopardised by the limited availability of Local parking space.
- 5.1.2 The proposed development has 10 parking Spaces, two of which are disabled Parking, but these Parking Bays are for occupants of the development. There are no additional Parking Bays for the Pub Clientele.
- 5.1.3 The likely clientele would be from visitors to the Shirley Hills open space as a closure to their visit and local residents' socialising events. Both would likely arrive by car as in both cases, the travel distance would attract a car as the most convenient transport.
- 5.1.4 There is no on-site parking for the clientele and therefore parking would be necessary on the adjacent street parking, either in Sandpit Lane or the opposite side of Upper Shirley Road in Oaks Road.
- 5.1.5 The Appellant has inferred car transport to a place licensed for sale of intoxicating drinks should be reflected upon and visitors should refrain from Car Transport to a Pub. However, responsible clients would choose drinks for drivers to be low or non-alcoholic.

6 Conclusions

- 6.1 **We have assessed the appellant's proposal grounds of Appeal and the LPAs grounds for refusal of the Application and provided, we believe, adequate supporting evidence for the LPA's decision and supporting evidence for a Dismissal of this Appeal.**
- 6.2 **We urge the Planning Inspector to accept this assessment and evidence as sufficient and appropriate to dismiss the appeal.**

Kind regards

Derek



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