

Representation Form for Croydon Local Plan Review

 www.croydon.gov.uk	Local Plan Publication Stage Representation Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

**Croydon Local Plan
(Revised) December 2021**

Please return to [ldf@croydon.gov.uk] BY [5:00pm on 17/02/2022]

NB - LPA to include data protection / privacy notice, see para 4 of Explanatory Note

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal
Details*

2. Agent's Details (if
applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="Derek"/>	<input type="text"/>
Last Name	<input type="text" value="Ritson"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Not Applicable"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Monks Orchard
Residents' Association"/>	<input type="text"/>
Address Line 1	<input type="text" value="[REDACTED]"/>	<input type="text"/>
Line 2	<input type="text" value="Shirley"/>	<input type="text"/>
Line 3	<input type="text" value="Croydon"/>	<input type="text"/>
Post Code	<input type="text" value="[REDACTED]"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text" value="planning@mo-ra.co"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation: **Monks Orchard Residents' Association (MORA)**

3. To which part of the Local Plan does this representation relate?

Paragraphs **a), b) & c)** Policy **SP1.0C** Policies Map **Focussed Intensification**

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy Delivering Homes

SP1.0C There are residential areas where the characteristics and infrastructure provision have led to the identification of potential for sustainable housing growth and renewal.

- a) Areas of “**Focussed Intensification**” are areas where a step change of character to higher density forms of development around transport nodes and existing services will take place in locations where access to local transport and services is good.
- b) “**Moderate Intensification**” – are areas where density will be increased, whilst respecting existing character, in locations where access to local transport and services is good.
- c) Evolution and “**Gentle Intensification**” will be supported across all other residential areas.

MORA Assessment:

SP1.0C - a) “Focussed Intensification”, SP1.0C - b) Moderate Intensification and SP1.0C c) Evolution and gentle densification are all abstract “noun” phrases and are therefore meaningless statements if not defined in terms of a specified percentage increase or a quantifiable step change proportionality

from the prevailing local parameters and are therefore unsuitable as definitions of a **Policy specification**.

- There is no definition of the magnitude or measurement of the increase in percentage or “**step change**” for “**Focussed Intensification**”, **Moderate Intensification or Gentle Intensification**” in terms of **Density** in relation to the proposed development available “**Site Capacity**” at the local “**Setting**”, and the existing **Residential Density** (Persons/ha) or an existing **Housing Density** (units/ha) or a variation to the **Floor Area Ratio** (GIA/Site Area) of a proposed development.
- The **Policy SP1.0C** does not provide Policy definitions as they are undefined objectives.
- The growth Policies expressed in Policy **SP1.0C** are **NOT** used in the **National Model Design Codes and Guidance**, so it is unclear how “**densification**” of development proposals are controlled as related to the local “**Design Code**”, the “**Setting**”, The “**Site Capacity**” or the “**Floor Area Ratios**” or also the relationship with local **Character**.
- There is **NO** definition of the **allowable distance** of a proposed development from a **Transport Node** (in metres) at the various **Public Transport Accessibility Levels (PTALs)** appropriate for “**Focussed Intensification or Moderate Intensification**”, **required of the Policy**.
- There is **NO definition** of what is considered “**Good**” transport and services? (Would **PTAL >4** be considered “Good”)?
- There is no criteria for the Policy or any definition of any “**Intensification**” based upon these categories which could sustain a legal challenge or for an applicant to be sure of the acceptability of any development proposals put forward for determinations.
- The Policy categories as defined are meaningless and cannot be enforced, and therefore the policy is completely and utterly flawed.

Dictionary Definitions:

Focussed:

“To direct attention toward something or someone: to adjust something in order to see more clearly: focus attention/efforts/resources”.

i.e., Not definitive.

“Moderate”

“Neither small nor large in size, amount, degree, or strength: not extreme: to (cause to) become less in size, strength, or force; to reduce something: being within a middle range in size, amount, or degree; neither great nor little:

i.e., Could be interpreted to be not as large or as small but middle range or to be reduced range. Quite confusing as a defining Policy!

“Gentle”

calm, kind, or soft: not violent, severe, or strong: not steep or sudden:

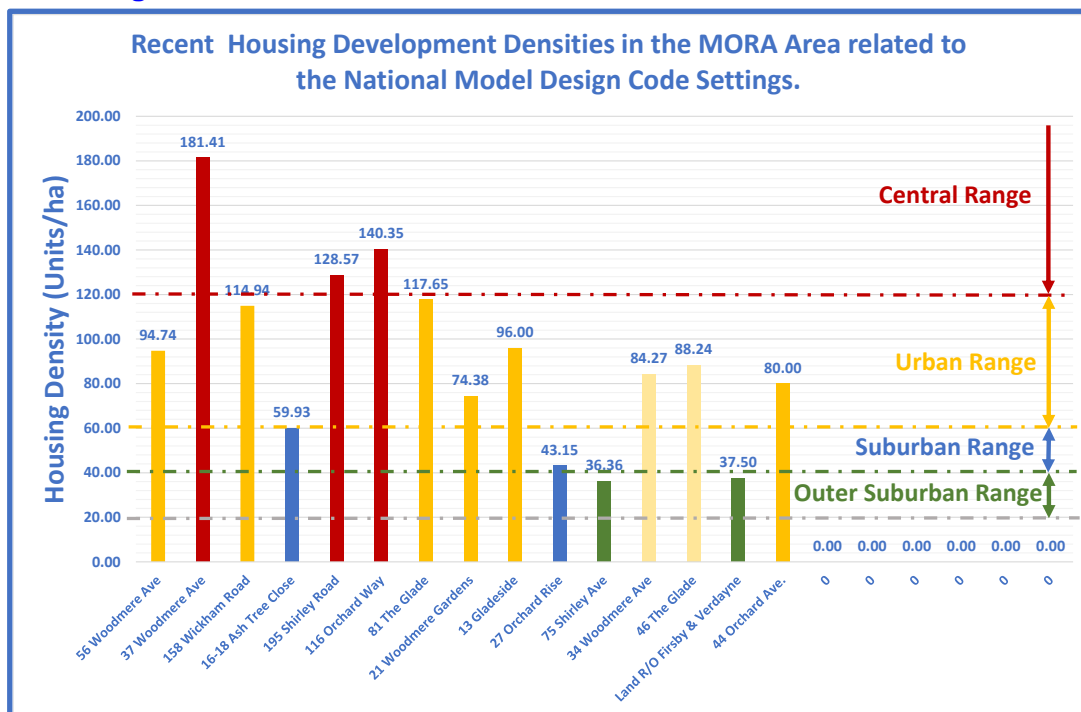
i.e., vague, more emphasis on what it is NOT. An undefined description.

It is therefore established that the categories of the Policies have no quantifiable meaning without a **definitive magnitude of Density** (Housing & Residential) for **any of these categories**.

The categories require more specific parameter definition as required of the **London Plan¹ Design-Led Approach** as defined in **Policy D – Design; Policy D1 to D4 and H2** or the **National Model Design Code and Guidance²** and **Local Design Code** as it relates to the **Local Setting** and the ‘**Site Capacity**’ and **Floor Area Ratio (GIA/Site Area)**.

SP1.0C - a) “Focussed Intensification”, - b) Moderate Intensification and c) Evolution and gentle densification are all undefined and as such the **Policy SP1.0C is totally flawed**.

In summary, there is no definitive difference between any of the categories of **“Intensification”** which differentiates one appropriate densification category from any other category. There is **NO** appreciation of the actual physical increase in density appropriate for **Development proposals’ “Site Capacity”** at the appropriate **“Setting”** to be within the local **Design Code** or appropriate **Floor Area Ratio of the Setting**.



Recent Development proposals which show that Applicants and Planning Officers have NO comprehension on the Housing Density appropriate for a Setting in the MORA area.

¹ <https://www.legislation.gov.uk/ukxi/2012/767/regulation/21/made>

² <https://www.gov.uk/government/publications/national-model-design-code>

There has been no account taken during committee determinations, indicating a complete lack of 'comprehension' by members of the planning committee, of the assessment of the **different categories of intensification policies** of the previous iteration of the **Local Plan**, in which the **"Growth"** Policies were stated (with slightly different nomenclature in the revised version). This implies that the policy is virtually superfluous in determinations and that Development Management have **NO** realistic Policy to **"Manage Growth"** across the Borough.

There is **NO Policy** within the revised Local Plan to actually Manage **"Growth"** which is a fundamental requirement of **"Development Management"** (i.e., the **LPA Planners' Job description**).

Management of Developments has been defined by the **Design Led Approach** as advocated in the **New London Plan Policy D - Design Policies D1 to D4 and H2** and more importantly, the **National Model Design Codes and Guidance published (Jan & June 2021) by the Department for Levelling Up, Housing & Communities referenced from the NPPF at para 129.**

The Revised Croydon Local Plan **Policies SP1.0C a) to c)** does not refer to the London Plan Policies or the National Model Design Codes or Guidance or define how these Policies should be implemented.

NPPF Compliance:

16. Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development³;

The Policy **SP1.0C - a) "Focussed Intensification", - b) Moderate Intensification and c) Evolution and gentle densification**, do **NOT** contribute to achieving sustainable development as there are no quantifiable parameters which allow the assessment of a development's sustainability.

- b) be prepared positively, in a way that is aspirational but deliverable;

The Policy as documented is **NOT** deliverable as there is no definition of what the Policy actually means with regard to the management of increased densification or Growth.

- c) be shaped by early, proportionate, and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

There has been **NO** effective engagement to define the Policy.

- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

The Policy is meaningless, and it is **NOT** evident how a decision maker should react to development proposals or an Applicant to prepare proposals.

- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply

³ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

to a particular area (including policies in this Framework, where relevant).

The Policy has NO clearly defined purpose as there is no distinguishing difference between the three categories of densification.

NPPF Examining plans para 35

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs⁴; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Policy SP1.0C has NO defined distinguishing parameters to identify any difference between the **Intensification** Categories of **“Focussed”**, **“Moderate”** or **“Gentle”** Intensification in relation to the local **“Setting”**, the available or future planned **“Infrastructure”** or **“Public Transport Accessibility”**. Therefore, the Policy is **NOT Positively prepared**.

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Policy SP1.0C is NOT justified as it does **NOT** provide an appropriate strategy to ensure Intensification of proposed developments do not exceed **Site Capacities** or ensure proposed developments retain the character of the limits of the local **“Setting”** as defined in the assessment of the Local **Design Code**. Therefore, the Policy is **NOT Justified** as there are alternative methodologies to manage intensification within appropriate limits.

- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Policy SP1.0C has no difference in magnitude or specification between **“Focussed”**, **“Moderate”** or **“Gentle”** Intensification. Therefore, the Policy is **ineffective**.

- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Policy SP1.0C is NOT consistent with national policy as the definitions of Intensification do NOT include the **“Design Code”** parameters of the Locality as defined in the **National Model Design Code and Guidance** for **“Settings”**, nor does it reflect the **London Plan Required Policies D - Design Policies D1 to D4 and H2 Small Sites**. The increased **“intensification,”** whether **“Focussed,”** **“Moderate”** or **“Gentle”** should

⁴ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework.

be limited within the appropriate “**Site Capacity**” of the proposed Developments, the local “**Setting,**” or within the **Floor Area Ratio** (GIA/Site Area) whether **Focussed, Moderate** or **Gentle** as defined in the **Nation Model Design Codes and Guidance** referenced from **NPPF para 129**.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

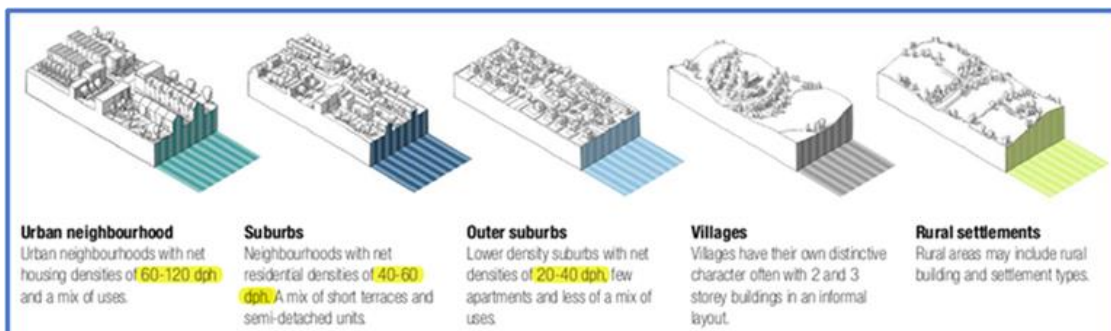
Recommendation:

The Policy requires more specific parameter definition as required of the **London Plan Design-Led Approach** as defined in **Policy D– Design; Policy D1 to D4 and H2** or the **National Model Design Code and Guidance**⁵ and the **Local Design Code** as it relates to the **Local Setting,** the ‘**Site Capacity**’ and the **Floor Area Ratio (GIA/Site Area)** for the setting.

The Policy **SP1.0C** requires definition such that an Applicant appreciates the limitations of the “**Site Capacities**” for their development proposals at the “**Setting**” and for Planning Officers to have confidence that development proposals are **sustainable** for the **Site** and **supporting infrastructure** for the life of the Plan.

The Evidence that Applicants, Planning Officers and Planning Committee members have no perception of the appropriate levels of Intensification for proposals at the local “**Setting**” is provided in the graphical previous illustration (at page 4 of this submission) showing recent proposals, some still awaiting a determination.

The most effective methodology of managing appropriate intensification is to meet the requirements of the **Design-Led Approach** as specified in the London Plan and the **National Model Design Codes and Guidance**⁶ in accordance with the agreed Local Design Code Housing Density and/or Residential Density for the “**Setting**” in Persons/ha or Units/ha.



These illustrations, extracted from the National Model Design Code, Part 1, show the ‘explicit definitive’ Housing Densities for the various Settings (Highlighted).

Outer-Suburban or Outer (London) Suburban is a new designation (for Croydon LPA) and will mean limitations for future development proposals as ‘**Site Capacities**’ in this setting will require proposed dwellings Design Code within the prescribed ranges of **20 to 40 Units/ha**

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
Post Code CR0 8S(*)	16.95	627	237	36.99	13.98	<Outer Suburban
Post Code CR0 8T(*)	11.82	644	246	54.48	20.81	Outer Suburban
Post Code CR0 7PL	1.73	47	19	27.17	10.98	<Outer Suburban
Post Code CR0 7QD	1.51	68	28	45.03	18.54	<Outer Suburban
Average	205.08	8787	3670	42.72	17.35	<Outer Suburban

Analysis of various areas within Shirley to establish the local Design Code Density as defined by the National Model Design Code & Guidance

Using the **National Model Design Code and Guidance** in the **National Model Design Code, Part 1, Section 2B Coding** are the dph, the **Housing Densities** units/ha for “Outer Suburban” or “Outer (London) Suburban” at 20 to 40 units/ha, “Suburban” at 40 to 60 units/ha and “Urban” at 60 to 120 units/ha we are able to recommend values for “Focussed”, Moderate and Gentle Densification.

The **National Design Code” Setting”** defines the **Housing Density Range** which defines “**Site Capacity**”. Any “**Intensification**” therefore should be **restricted** to **within** the “**Density Range**” specified by the “**Setting**”.

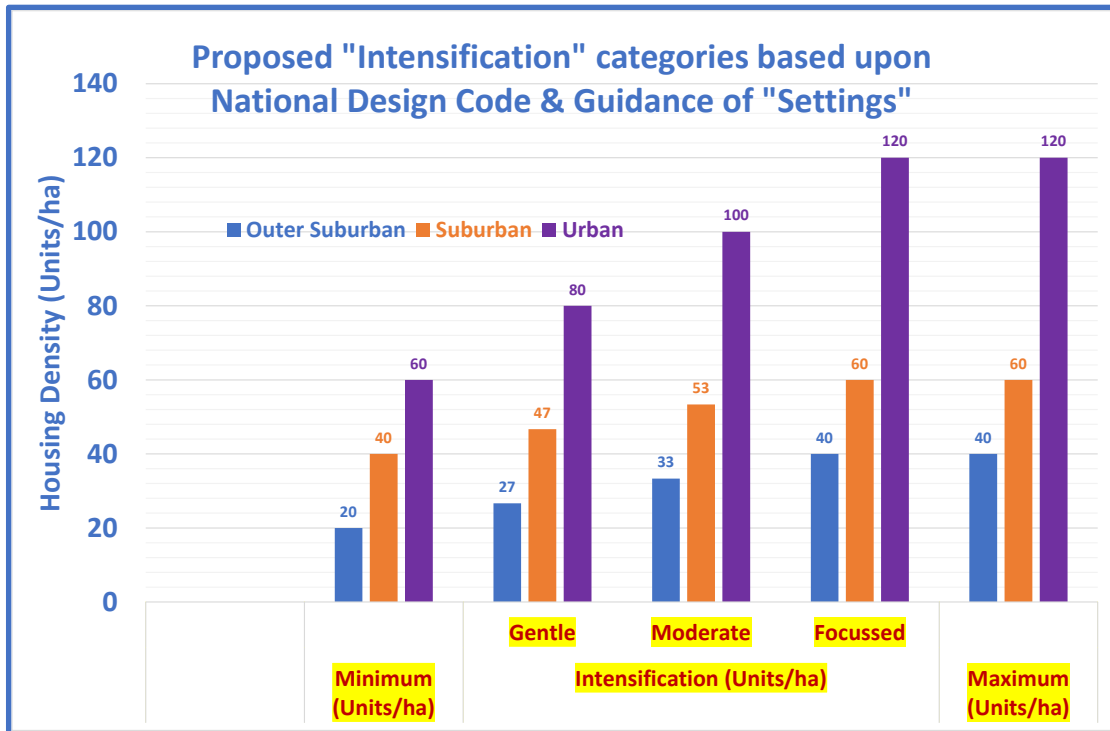
Thus, assuming that “**Intensification**” within a “**Setting**” as defined by the **National Model Design Code & Guidance**, retains the “**Setting**” designation, then the **Intensification** should remain within in the defined **Range of that Setting**.

Therefore, we can define an estimate of the ‘**Intensification**’ categories within each of the “**Settings**” and the “**Focussed Intensification**” should **NOT** exceed, but be equal to, the maximum range of that “**Setting**”.

The “**Gentle**” and “**Moderate**” **Intensifications** within the “**Setting**” are proposed as **1/3rd & 2/3rd** of the **Range** at the “**Setting**”, but could be any recommended values within the setting as shown in the Table below:

Housing Density Setting	Minimum (Units/ha)	Intensification (Units/ha)			Maximum (Units/ha)
		Gentle	Moderate	Focussed	
Outer Suburban	20	27	33	40	40
Suburban	40	47	53	60	60
Urban	60	80	100	120	120

The Central “**Setting**” lower limit is **120units/ha** but has **no upper limit**. However, the upper limit will be determined by the requirement to meet the **London Plan Table 3.1 “Minimum Internal Space Standards for new dwellings.”**



Graphical illustration of proposed Intensifications “Gentle, Moderate & Focussed” within the “Settings

This proposed identification of the appropriate “**Intensification**” at the various “**Settings**” would allow Applicants and Planning Officers a greater understanding of the appropriateness of development proposals for the different “**Places**” and localities across the Borough.

Any deviation or allowed tolerance from the defined allocations to a proposal would require **justification** from both **Applicant** and **Planning Officer** in their Applications and determinations.

Local Residents and Residents’ Associations would have greater confidence in the Planning Process as it could be clearly seen that Policies were reasonable and were being implemented as compared to the current unmanaged, uncontrolled determinations.

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

