

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?

Paragraph **a) to e)** Policy **DM10.11** Policies Map

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.

Character and growth – Urban Intensification

This could be a continuation of DM10.11 as DM10.11a has been deleted. ...

~~DM10.11a~~ To deliver the homes that Croydon needs in suitable and sustainable locations that will **accommodate higher levels of growth. In the areas of **focused intensification**, development should sustainably optimise **site capacity**. They may be significantly larger than existing and should:**

- a) Achieve a step change of density, scale, and height within the area of focussed intensification which enhances and evolves local characters, except for locations in the Places of Purley, Broad Green and Selhurst where place specific policy takes precedence;
- b) Have active well detailed frontages;
- c) Address the higher density of the development by providing amenity and communal facilities for intensified use including utilities infrastructure, play space, parking, cycle storage and refuse storage within the capacity of the site;
- d) Demonstrate innovative and sustainable design implementing mitigation measures to counter any identified flood risk; and
- e) Enhance landscape character, biodiversity and create opportunities for ecological, walking and cycling corridors.

Assessment:

To deliver the homes that Croydon needs in suitable and sustainable locations that will accommodate higher levels of growth. In the areas of **focused intensification**, development should sustainably optimise site capacity. They may be significantly larger than existing and should:

a) Achieve a step change of density, scale, and height within the area of focussed intensification which enhances and evolves local characters, except for locations in the Places of Purley, Broad Green and Selhurst where place specific policy takes precedence;

The limit of the step increase in **Intensification** is dependent on:

All intensification should be limited by the “**Site Capacity**” which in turn is dependent upon the local “**Setting**.”

It would be extremely helpful for this requirement to be stated in the **Policy** to assist **Applicants** and **Officers** in recognising there is an appropriate **limit** to the **Intensification** such that Applicants do not squeeze the maximum possible number of **Units** on a development site which is only limited by Minimum Internal Space Standards and does not consider the increased **Residential Density** (occupants/ha) on the available **supporting infrastructure** or the local “**Design Code**” factors and principles for the locality, as presumably the “**Design-Led Approach**” applies to “**Focussed Intensification**” Areas, as for all other areas.

It is assumed the title has been deleted – the previous iteration only relates to **Urban** Areas and **NOT Suburban**, (Outer Suburban or Suburban), **Urban** and/or **Central** Areas.

The Policy does **NOT** quantify the magnitude of this **Housing Density**, scale or height which would be appropriate for a) the local “**Setting**,” b) the development’s available “**Site Capacity**” or c) the relationship with adjacent dwellings.

The **Policy** has no regard to the local “**Setting**” or whether the proposed development’s “**Site Capacity**” can actually physically permit an increase in **Density**.

The **Policy** does **NOT** include any reference to the local “**Design Code**” as required on the **London Plan Policy D Design** (D1 to D4 of H2) or the requirements of the **National Model Design Code & Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129**.

NPPF 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 Guide** and the **National Model Design Code**. **These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.**”

There is **NO** guidance for an **Applicant** on what *increase* would be appropriate for **Focussed Intensification** or would be *acceptable* or *unacceptable* for any proposal's locality or **Site** at a given "**Setting.**" **Without definition, there is no difference between any "Intensification" category.**

Planning Committee officers have no **Policy guidance** on what would be *acceptable* or *unacceptable* for a qualified determination of a development proposal. Planning Committee Officers have no guidance on appropriate "**Focussed Intensification**" Densities above that normally expected at a locality which is within the "**Site Capacity**" at the "**Setting**" of proposed developments.

Planning Committee members have no perception of the limits of increased densities appropriate for areas designated as appropriate for "**Focussed Intensification**" **as there is no definition of what this actually means in the Revised Local Plan.**

The actual Density appropriate for the "**Setting**" or within the available "**Site Capacity**" or whether there is adequate supporting infrastructure etc., is not considered. Also, whether the proposal is within or exceeds the current Targets for the "Place" is never considered. All applications are considered on their own merits, irrespective of how the development affects the wider area.

a) **Have active well detailed frontages;**

This Policy requirement is meaningless – it is a subjective objective which is unquantifiable and subject to a Case Officer's subjective perception which could be prejudicial.

c) **Address the higher density of the development by providing amenity and communal facilities for intensified use including utilities infrastructure, play space, parking, cycle storage and refuse storage within the capacity of the site;**

What actually does "address" mean in this context?

To "address" the higher density of the development by providing amenity and communal facilities etc. either means:

- a) providing additional facilities to what is specified in other agreed Policies (and as such, the difference would require definition as these additional requirements are undefined), or,
- b) would mean enforcing the current Policies for those listed facilities which should be implemented anyway.

d) **Demonstrate innovative and sustainable design implementing mitigation measures to counter any identified flood risk;**

What different requirements are necessary for those locations designated "**Focussed Intensification**" which would require different and "*innovative and sustainable design implementing mitigation measures to counter any identified flood risks*", and how do they differ from any other designated areas? **and**

e) **Enhance landscape character, biodiversity and create opportunities for ecological, walking and cycling corridors.**

Again, what different requirements are necessary for those locations

designated for **“Focussed Intensification”** which would require *“Enhance landscape character, biodiversity and create opportunities for ecological, walking and cycling corridors”*, How do they differ from any other designated areas?

NPPF Compliance:

6. Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development¹¹;

The Policy **DM10.11.a)** does NOT quantify the magnitude of this Density, scale or height which would be appropriate for a) the local **“Setting”**, b) the development’s available **“Site Capacity”** or c) the relationship with adjacent dwellings.

The Policy has no regard to the local **“Setting”** or whether the proposed development’s **“Site Capacity”** can permit an increase in **Density**.

The Policy does NOT include any reference to the local **“Design Code”** as required on the **London Plan Policy D Design** (D1 to D4 of H2) or the requirements of the **National Model Design Code & Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129**.

There is **NO** guidance for an **Applicant** on what **increase** would be appropriate for **Focussed Intensification** or would be **acceptable** or **unacceptable** for any proposals locality or **Site** at a given **“Setting.”**

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

The Policy **DM10.11.a)** is NOT deliverable in its current form as the Policy is unquantifiable in the magnitude of the Density Intensification or the increase from nominal Density at the Site in relation to Setting and Site Capacity.

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

The Policy **DM10.11.a)** is NOT clearly written as it does not provide any guidance on the magnitude of **Density** increase justifiable for Focussed Intensification above that normally expected within the **“Site Capacity”** as defined by the **“Setting”** and the **“Site Area”**.

- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The Policy **DM10.11.a)** does NOT serve a clear purpose, as the policy is undefined and indeterminate. There is NO relationship between the Policy as stated and the appropriate Densities as required by the localities Design Code, or the Site Capacity as specified by the Setting and Site Area. The increase in Density required by Focussed Intensification is undefined and there is no methodology to actually assess its value.

Examining plans NPPF 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 needs²¹; 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;

The Policy as written is **NOT Positively prepared** as the parameters are undefined and indeterminate. The Policy does **NOT** include any reference to the local "**Design Code**" as required by the **London Plan Policy D Design** (D1 to D4 of H2) or the requirements of the **National Model Design Code & Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129**.

There is **NO** guidance for an **Applicant** on what **increase** would be appropriate for **Focussed Intensification**, or what would be **acceptable** or **unacceptable** for any proposals locality or **Site** at a given "**Setting**."

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

The Policy is **NOT Justified** as there are alternative strategies for defining appropriate Densities by a **Design Led Approach** as defined in the **London Plan Policy D Design** (D1 to D4 & H2) and the **National Model Design Code & Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129**.

- 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;

The Policy is **NOT Effective** as it is indeterminate and does **NOT** provide adequate Guidance for Applicants to prepare their proposal or Planning Officers to make a determination, and,

- 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.

The Policy is NOT consistent with national Policy as the Policy disregards the **Design Led Approach** as defined in the **London Plan Policy D Design** (D1 to D4 & H2) and the **National Model Design Code & Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as 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.

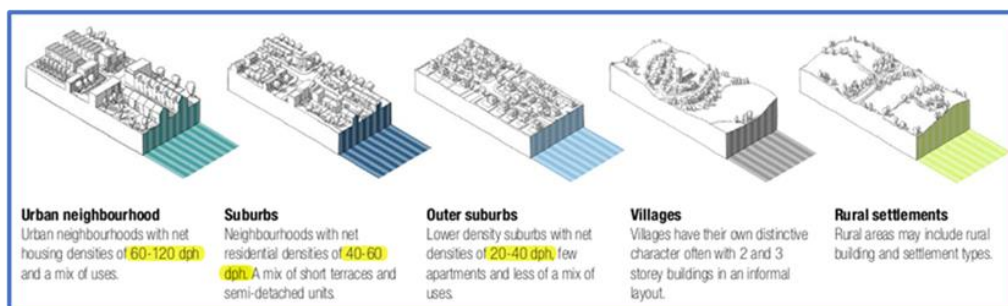
Recommendation:

The Policy requires a fundamental re-think as in its current form it is NOT helpful in guidance to Applicants or Planning Officers.

The objectives to increase Densities are limited by **Site Capacities** and local **Settings** which are indirectly related to the Local Setting as defined by the Design Code for the Locality.

The requirement for “**Focussed Intensification**” should require Applicants’ proposals ensure the maximum density allowed by the **Site Area** appropriate for the “**Setting**” to be offered, but to remain within the defined range for the “**Setting**”.

The **National Model Design Code & Guidance**¹ (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129** has the following maximum Densities for the Settings (Outer Suburban, Suburban, Urban and central).



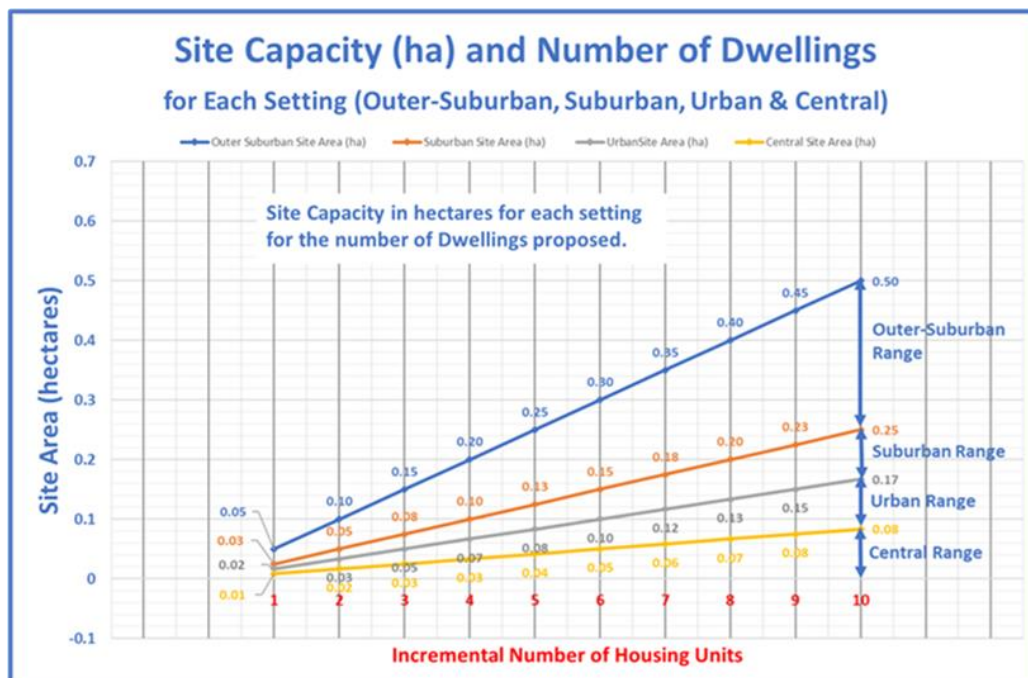
**NPPF Model Design Code² Part 1 The Coding Process Section 2B
Figure 10 page 14.**

The Design Code Densities for the “Outer Suburban”, “Suburban” and “Urban” Settings (Central would be a minimum of 120u/ha and limited by minimal Internal Space Standards) would determine the maximum limits for “Focussed Intensification” at those Settings.

Without guidance, developers will squeeze as many Units on a site as is possible for maximum profit irrespective of the local setting, character and Site Capacity limitations or the “Intensification” category of the locality. Guidance would assist Applicants and Officers in their proposals and determinations and meet the objective of Development Management. Planning Officers haven’t a clue on what Density is acceptable and what is not acceptable!

¹ <https://www.gov.uk/government/publications/national-model-design-code>

² [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009793/NMDC Part 1 The Coding Process.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009793/NMDC_Part_1_The_Coding_Process.pdf)



Graphical illustration of Site Capacities for the various 'Settings' and the Incremental Increase in Number of '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

These figures could be increased proportionally with the increase in Units.

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.

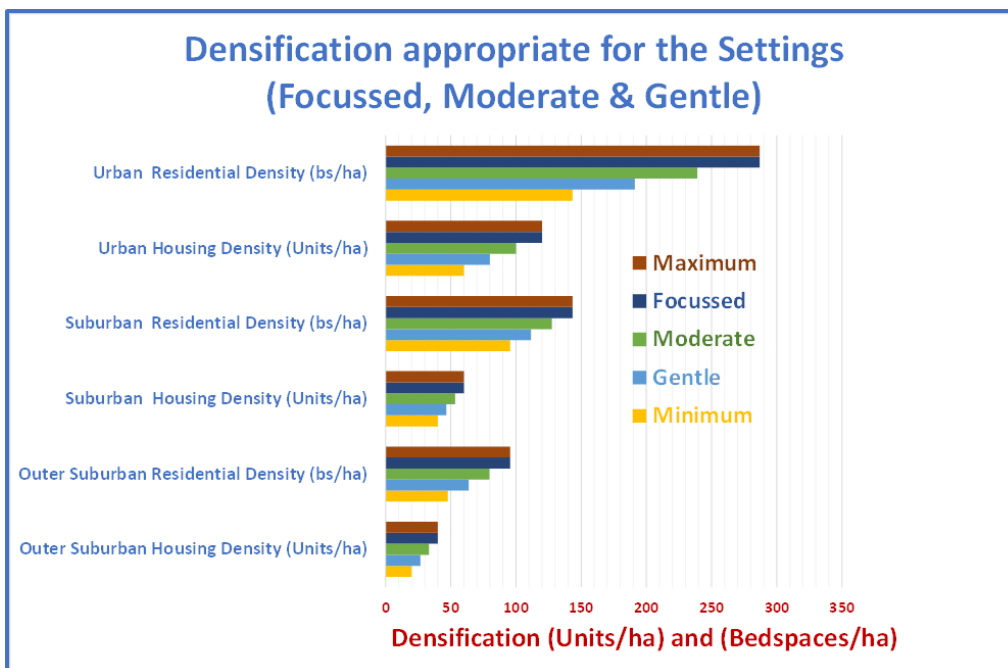
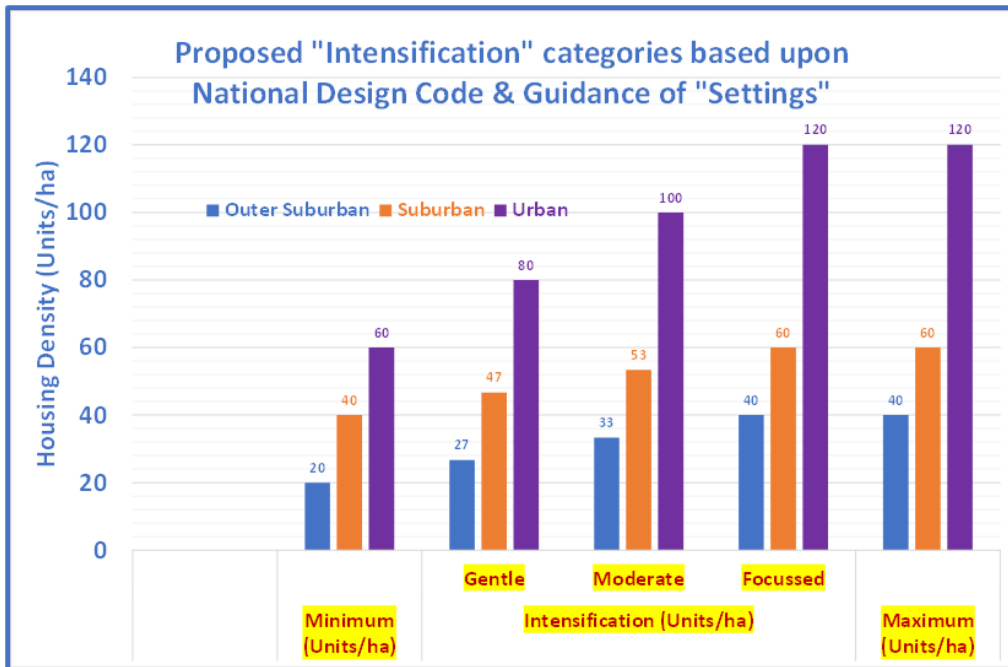
The **National Design Code” Setting”** defines the Housing Density Range which defines “Site Capacity”. Any “Intensification” therefore should be restricted to within the “Density Range” specified by the “setting”.

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” such that the **Development is within the scope of existing supporting infrastructure.**

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



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

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.”**

Conversion to equivalent **Residential Density** by factor of **2.39** which is the **National Average** for Dwelling Occupancy.³

‘**Outer-Suburban**’ or ‘**Outer (London) Suburban**’ is a new designation (for *Croydon LPA*).

If Croydon LPA disagree with the **National Model Design Code and Guidance** requirements, **we would respectfully request an explanation:**

- a) **Why should Croydon LPA have a different policy to the National guidance?**
- b) **What is so different about Croydon’s Planning Policy?**
- c) **What would be their equivalent definitions for each Setting, and on what supporting evidence?**

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

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)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

³ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

