

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 Policy **DM10.11b** 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 DM10.11b Developments in areas of **focussed intensification** should contribute to an increase in density and a change in character. They will be expected to enhance and sensitively respond to positive aspects of existing local character by being of high quality and respectful of the existing place in which they would be placed.

Assessment:

DM10.11b Developments in areas of **Focussed Intensification** should contribute to an increase in density and a change in character. They will be expected to enhance and sensitively respond to positive aspects of existing local character by being of high quality and respectful of the existing place in which they would be placed.

The “Focussed” Intensification increase in density and change in character is undefined and has no maximum magnitude limitation irrespective of the local “Setting.”

There is no definition of Density and how it should “enhance and sensitively respond to positive aspects of the existing local character” as there is no quantifiable definition of Quality. This is an undefined objective without definitive meaning.

There is NO requirement that the development has adequate Supporting Infrastructure.

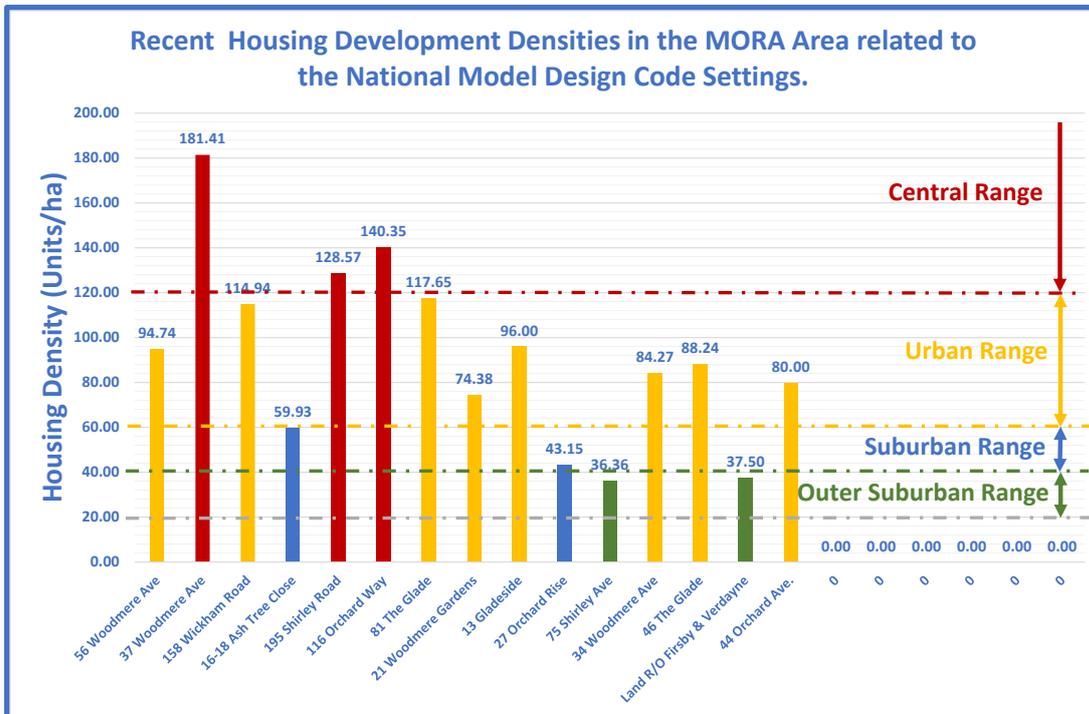
There is no requirement to ensure a proposal is within the available ‘site capacity’ of the proposed development or within the ‘Design Code’ limits of the

Local 'Setting.'

The Policy as written has no relationship with local parameters or an appreciable meaning. There are physical limitations to increased Densities including limits to Floor Area Ratios which require assessment and available supporting infrastructure.

Without definition, there is no difference between any category of "Intensification."

Planning committee officers have no guidance or comprehension as to what is, and what is not, acceptable intensification as is demonstrated in the Graphic below of recent development in the low-density MORA residential Area:



Planning Officers and Planning Committee members seem to have NO concept of the different level of Intensification appropriate to a "Setting" or whether a proposal is within the available "Site Capacity". The Policy should clarify these requirements such that both Applicants and Planning Officers have the appropriate guidance on what "Intensification" is appropriate for a development proposal.

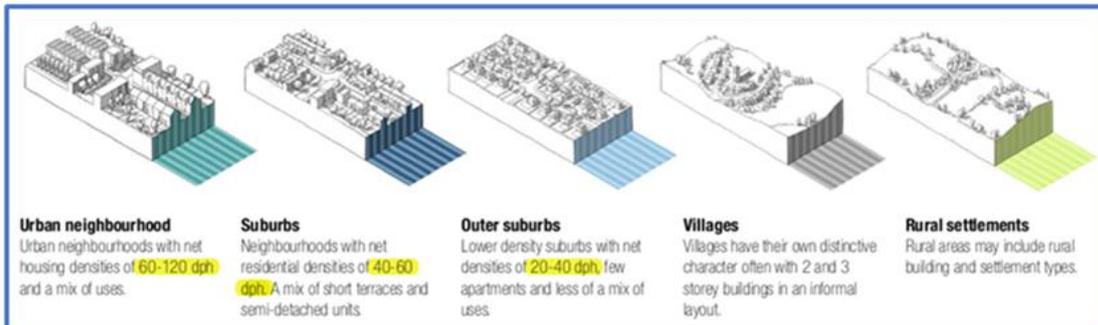
This is a fundamental requirement of the Local Plan Policy for "Development Management" (the job description of LPA Officers).

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 **Guidance for assessment of Design Codes**.

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

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

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.**



These 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. This guidance would assist Applicants and Officers in their proposals and determinations and fulfil their responsibilities to the community.

NPPF Compliance:

- 6. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development¹¹;

The **Policy DM10.11b** does NOT quantify the magnitude of this Focussed Intensification 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 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**; what would be *acceptable* or *unacceptable* for any proposal’s locality or “**Site**” **Capacity** at a given “**Setting**.”

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

The **Policy DM10.11b** 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 DM10.11b** 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 DM10.11b** **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 whether appropriate or inappropriate.

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 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 proposal’s locality for a **Site Capacity** 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**. Without Guidance, there is no defined difference between any of the “**Intensification**” Categories.

The **objectives** to increase **Densities** are limited by the actual physical **Site Capacities** at the local “**Setting**” which indirectly relate to the appropriate **Density Ranges** as defined by the **Design Code** for the Locality.

“**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 that “**Setting**”.

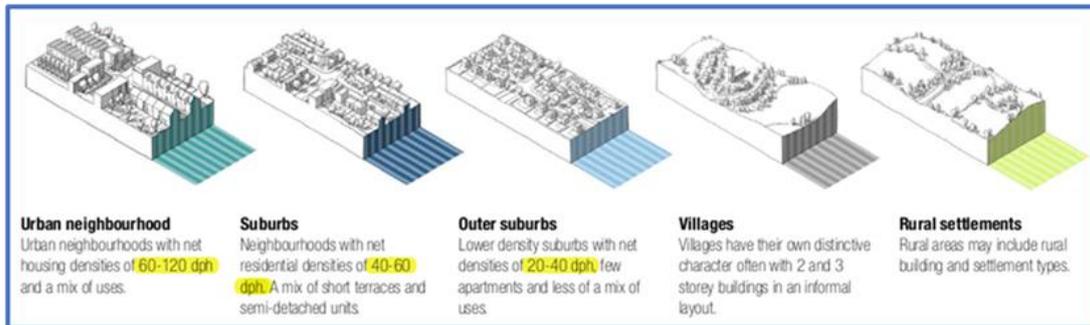
Without **MONITORING TARGETS**, it is unknown whether **HOUSING NEED** is **unmet or satisfied**.

The **Policy** should acknowledge the **National Policies** defined in The **National Model Design Code & Guidance**² (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129** have the following maximum **Densities for the Settings (Outer Suburban, Suburban, Urban and central (See below))**.

There are practical limits in **Housing and Residential Densities** appropriate for “**Growth**” for sustainability and to ensure proposed developments are managed proportionately which is the fundamental responsibility of **Development Management** whilst custodians of the development of the **London Borough of Croydon**.

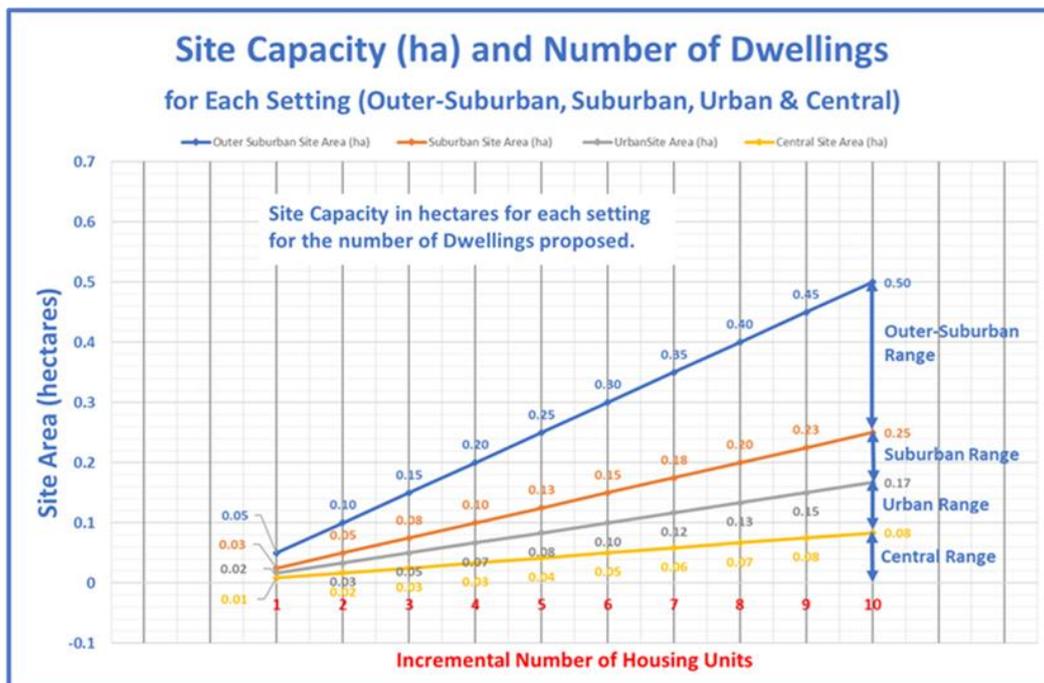
² <https://www.gov.uk/government/publications/national-model-design-code>

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 “Focused Intensification” at those Settings.



NPPF Model Design Code³ Part 1 The Coding Process Section 2B
Figure 10 page 14.

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.



³

[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)

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.

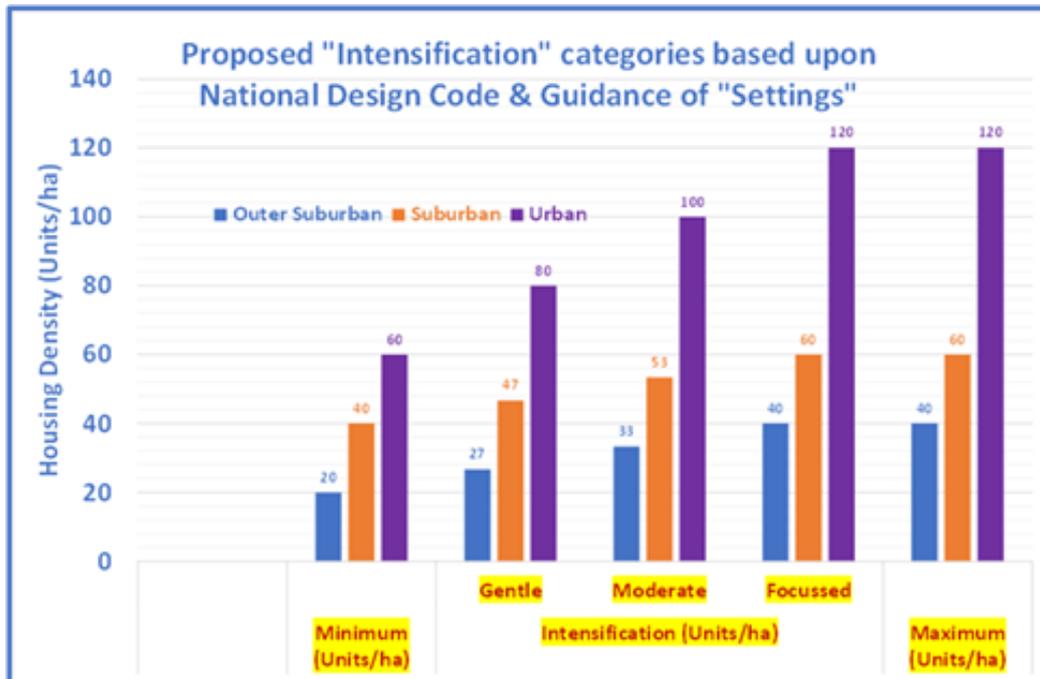
Using the **National Model Design Code and Guidance** in the National Model Design Code, Part 1, Section 2B Coding are the dph, the **Housing Densities** units/ha for “**Outer Suburban**” or “**Outer (London) Suburban**” at 20 to 40 units/ha, “**Suburban**” at 40 to 60 units/ha and “**Urban**” at 60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

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 “**Focused 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:



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

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

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.”**

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

If Croydon LPA disagree with these **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:

