

## Representation Form for Croydon Local Plan Review

 www.croydon.gov.uk	<b>Local Plan</b> Publication Stage Representation Form	<b>Ref:</b>  <b>(For official use only)</b>
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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](mailto: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&lt;br/&gt;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?

Paragraph  Policy **DM11c** Policies Map **Moderate Intensification**

4. Do you consider the Local Plan is :

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

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.

**DM10.11c** Developments within the areas of moderate intensification should be larger than the existing by delivering at least an additional storey. The increasing density should:

- Respect and enhance the character of the area and
- Provide amenity and communal facilities for intensified use including utilities infrastructure, play space, landscaping, parking, cycle storage and, refuse storage within the capacity of the site.

### Assessment

**DM10.11c** Developments within the areas of moderate intensification should be larger than the existing by delivering at least an additional storey. The increasing density should

The 'magnitude' of change of '**Density**' for areas designated appropriate for "**Moderate Intensification**" is undefined. Presumably the 'Density' referenced is "**Housing Density**" (Units/ha) and NOT **Residential Density** (hr/ha or bedspaces/ha).

The **Policy** does **NOT** quantify the **magnitude** of this **moderate Density**, larger than the existing by delivering at least an **additional storey**, 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 **Height** or **Density**.

Without definition, there is no distinguishing difference between any category of “Intensification.”

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 **Moderate Intensification** or would be **acceptable** or **unacceptable** for any proposal’s locality or **Site** at a given **“Setting.”** **No guidance is provided on the appropriate Floor Area Ratios (GIA/Site Area).**

Without definition there is no difference between any category of “Intensification.”

Planning Committee officers have no Policy guidance on what would be **acceptable** or **unacceptable** for the level of “Focussed Intensification” at a “Setting” to provide a qualified determination of a development proposal. Planning Committee Officers have no guidance on appropriate **“Moderate Intensification”** Densities above that normally expected at a locality 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 **“Moderate 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 by Planning Committee Officers. 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 and what would be the appropriate Floor Area Ration (GIA/Site Area).

a) Respect and enhance the character of the area

This Policy requirement is meaningless – it is a subjective objective policy which is unquantifiable and subject to a Case Officer's perception which could be prejudicial. It is an objective NOT a Policy definition.

b) Provide amenity and communal facilities for intensified use including utilities infrastructure, play space, landscaping, parking, cycle storage and, refuse storage within the capacity of the site.

What difference in the provision or definition of the facilities identified in **b)** would be appropriate for those proposed developments within a “**Moderate**” Intensification Area, in comparison to those same facilities’ provision or definition of requirements for any other designated Area?

London Plan Policy at para 4.2.4 provides some guidance on localities appropriate for Incremental Intensification but gives no guidance of the magnitude of “Incremental” or “Intensification” other than it would be appropriate for localities at Public Transport Accessibility Level 3 or greater and greater than 800m from a Tram/Train Station or district Centre.

Thus, locations <PTAL 3 and >800m from a Tram/Train Station or District Centre would be inappropriate for “Incremental Intensification, if we knew what “Incremental” actually meant in terms of magnitude or what level of Intensification applied.

**NPPF Compliance:**

Para 16 Plans should:

a) be prepared with the objective of contributing to the achievement of sustainable development<sup>11</sup>;

The Policy **DM10.11c**. does NOT quantify the magnitude of Moderate Intensification 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 **Moderate Intensification**, would be **acceptable** or **unacceptable** for any proposal’s locality or **Site** at a given “**Setting**,” or what would be an appropriate **Floor Area Ratio (GIA/Site Area)**.

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

The Policy **DM10.11c** 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 **DM10.11c** is NOT clearly written as it does not provide any **guidance** on the magnitude of **Density** increase justifiable for Moderate 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 **DM10.11c** 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 Moderate 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 areas objectively assessed needs<sup>21</sup>; 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 would be **acceptable** or **unacceptable** for any proposal’s 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.

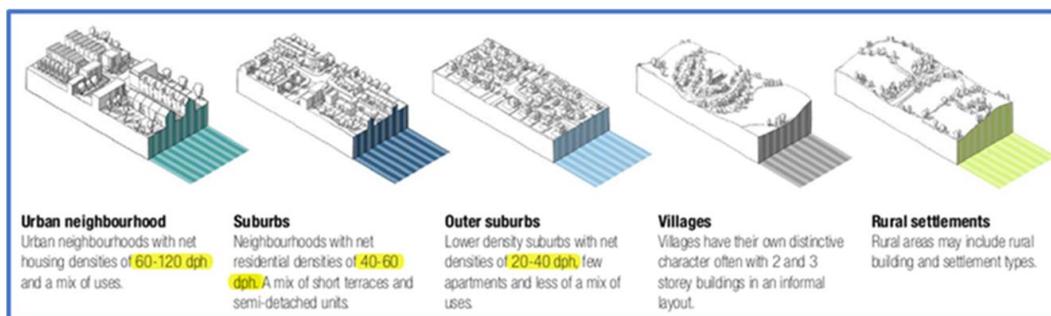
**The Policy is NOT consistent with national Policy** as the Policy disregards the **Design Led Approach** as defined in the **London Plan Policy D Design** (D1 to D4 & H2) and the **National Model Design Code & Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling 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 Guidance for Site Capacities which are appropriate for the Revised Croydon Local Plan are defined in 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**



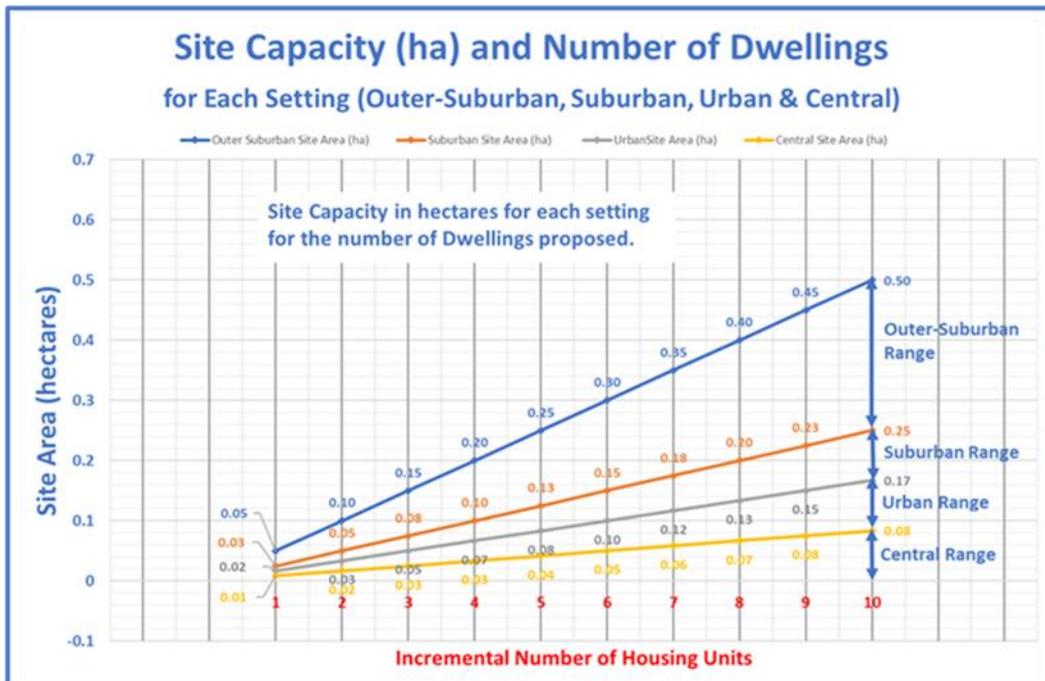
**NPPF Model Design Code<sup>1</sup> Part 1 The Coding Process Section 2B  
Figure 10 page 14.**

The following Table and graph illustrate the limits (Maximum & Minimum) Site Areas in hectares, required for the **Site Capacity** for the number of **Units** (dwellings) for the various “**Settings**”; **Outer Suburban, Suburban, Urban and Central**. The minimum Site Area for **Central “Settings”** is undefined but would be limited by the required internal accommodation “**Minimum Space Standards**” and the required “**Private Amenity and In-Built Storage Space** as defined in the **London Plan Policy Table 3.1**.

For greater clarity this data can be plotted graphically to illustrate the **Site Capacity** required to accommodate an incremental increase in number of dwellings which an available development site can accommodate. The Table above can be expanded proportionately but as we only normally have in-fill re-developments of 9 dwellings I have only shown the analysis up to ten Units.

This is irrespective of the **Policy DM10.11c** for **Moderate Intensification**.

However, if intensification exceeds the **National Model Design Code** parameter, it makes a mockery of the **National Model Design Code and Guidance** published by government.



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 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”.

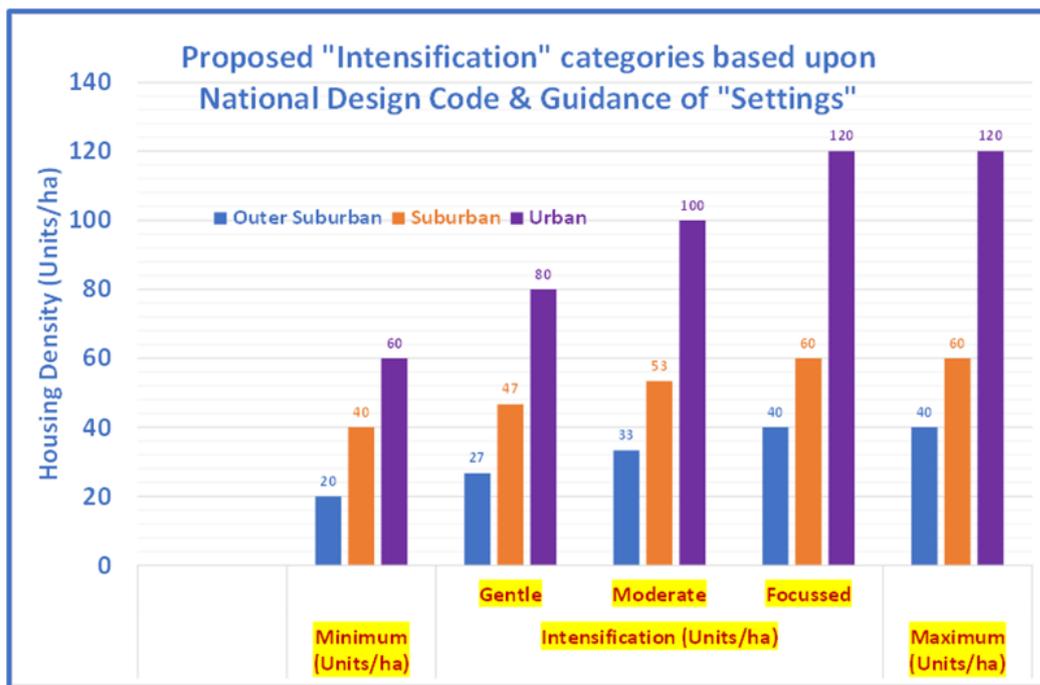
Thus, assuming that “Intensification” within a “Setting” as defined by the National Model Design Code & Guidance, retains the “Setting” designation, then the Intensification should remain within in the defined Range of that Setting.

Therefore, we can define an estimate of the ‘Intensification’ categories within each of the “Settings” and the “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 1/3<sup>rd</sup> & 2/3<sup>rd</sup> 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”**

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

As Intensification of local Residential Areas is such a contentious issue with local residents, we would respectfully request that this representation be seriously considered by Croydon LPA and the Inspector, and in the event that Croydon LPA disagree with the National Model Design Code and Guidance requirements, we would request an explanation:

- a) Why should Croydon LPA have a different policy to that defined by the National guidance?
- b) What is so different about Croydon’s Planning Policy for it not to implement National Policy?



