

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?

Paragraph Policy **DM10.11d** 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.

DM10.11d. In other areas of the borough (excluding Conservation Areas and Local Heritage Areas) to support evolution without significant change, the developments should complement the predominant height, scale and density of buildings in the area.

Assessment:

This presumably relates to evolution and re-developments in Residential localities inappropriate for “Gentle” Incremental Intensification by in-fill redevelopment of existing sites.

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 that greater than 800m from a Tram/Train Station or district Centre.

Thus, location <PTAL 3 and >800m from a Tram/Train Station or District Centre would be inappropriate for “Incremental Intensification” (or “Gentle” intensification), i.e., if we knew what “Incremental” or “Gentle” actually meant in terms of the magnitude of the increase or what level of Intensification should be

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

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**.

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.**”

The **National Model Design Code and Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129** still applies to this category as the **Site Capacities** are still limited by the **Setting**.

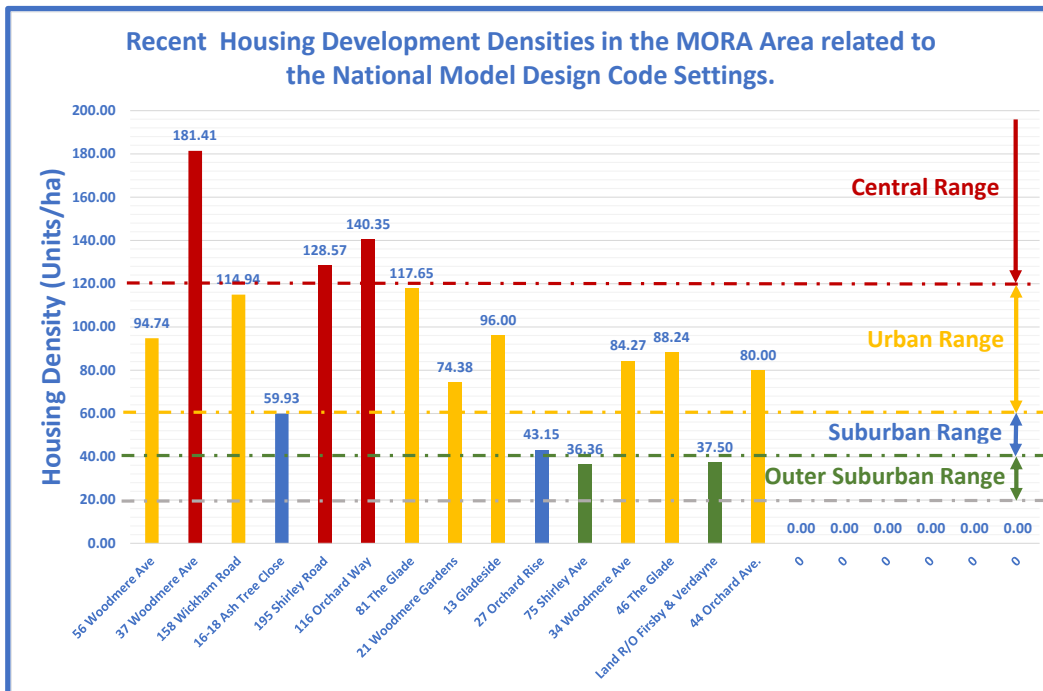
Evidence:

The levels of in-fill and redevelopment in the Shirley North Ward (MORA Area) have been monitored by MORA and although we have minimal Conservation Areas or Areas of Nature Conservation, the bulk of the Residential Area has been subject to a high degree of re-development by replacing single dwellings with blocks of Flatted developments up to 9 dwellings.

The proposals and approvals bear no relation to the categories of Intensification (Similar in Policy Definition to the proposed Local Plan Version, but slightly different nomenclature), and bemonstrates that neither Applicant or Planning Officer have any concept of appropriate Densities, or they intentionally ignore the Policies or guidance as shown by the graphical illustration below.

The illustration only covers the most recent proposals, but it clearly indicates that there is absolutely no Management of local Developments in the Shirley North Ward, and we see no reason why it should be any different throughout the Borough.

Local Residents have quite understandably lost confidence in the Planning Process which is unfortunate as the need to supply additional homes is being questioned by local residents when support is necessary.



It is demonstrably clear that there is absolutely no consistency in the Intensification afforded to the Local Developments in Shirley North Ward with some even more appropriate to a “Central Setting” when Shirley is by all analysis in accordance with the National Model Design Code and Guidance clearly an “Outer Suburban Setting.”

Design Code Summaries (Housing Densities 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

NPPF Compliance:

Para 16 Plans should:

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

The Policy **DM10.11d.** does NOT quantify the magnitude of Gentle or 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 the 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 **Moderate Intensification** or what would be *acceptable* or *unacceptable* for any proposal's locality or **Site** at a given "**Setting**."

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

The Policy **DM10.11d** 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 **DM10.11d** 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 **DM10.11d** **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 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** which 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**.

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

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 should include a definition of the appropriate Site Capacity at the local Setting for Applicants and Planning Officers to have the appropriate guidance in the proposal coming forward and for officers to have the appropriate guidance to enforce the Policies.

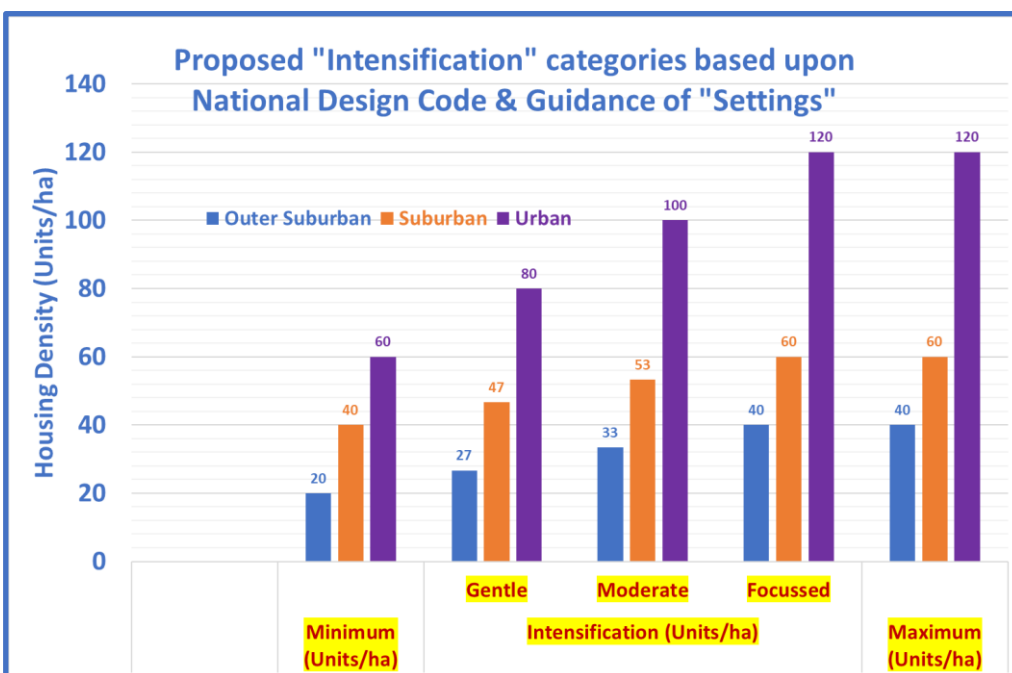
The Policy should reflect the **Design Led Approach** as defined in the **London Plan Policy D Design (D1 to D4 & H2)** and the **National Model Design Code & Guidance** (January 2021 & updated June 2021) published by the **Department for Levelling Up, Housing and Communities** as referenced from **NPPF para 129**.

Location	Area (ha)	Population	Dwellings (Units)	Residential Density (bs/ha)	Housing Density (Units/ha)	"Setting" for Design Code Density
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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
Shirley "Place" ¹ (approx)	770.00	?	?	?	?	?
Average	205.08	8787	3670	42.72	17.35	<Outer Suburban
All Shirley	715.20	29814	12474	41.69	17.44	<Outer Suburban
Shirley Place	770.00	33414	13981	43.39	18.16	<Outer Suburban

“Outer Suburban” or more appropriately “Outer London Suburban” as defined by the “National Modern Design Code and Guidance” is a new designation for Croydon LPA and is appropriate for the Shirley “Place” as shown by the Table above.

“Gentle” Intensification resultant on in-fill and redevelopment should therefore be of a lower rate than “moderate” or “focussed” intensification and it is suggested that a “Gentle” Intensification should be NO greater than a one third the increase between the minimum of the *Outer Suburban” Setting and the minimum of the next Setting which is the Suburban setting = 26.66 ≈27units/ha.

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



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

- 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?
- 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:

Reasons to participate in the Hearing Session [REDACTED]:

To make the case for accepting the methodology of the **Design-Led Approach** to the assessment of **“Intensification”** of Development proposals at local **“Settings”** and the **National Model Design Code and Guidance** concepts are embodied in the **Revised Croydon Local Plan or reference to the London Plan “Design-Led Approach Policy D1 to D6 and H2.**

This is the opportunity to modify the Local Plan to define **“Shirley as an “Outer-Suburban”, Setting such that any “Gentle” Intensification or densification** is within the parameters of the correct **“Setting”** as Defined by the **National Model Design Code and Guidance.**

The ultimate effect should be greater acceptance of appropriate development proposals for residential areas by local residents thus overcoming the current hostility to new developments.

To provide further evidence if necessary or required.

[REDACTED]

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*