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**30<sup>th</sup> March 2022**

## TOWN AND COUNTRY PLANNING ACT 1990

Appeal (W) under Section 78

Location: 81 The Glade, Croydon, CR0 7QN, ,

Application Number: 21/00108/FUL

Appeal Ref: APP/L5240/W/21/3286648

Representation Close: 5th April 2022

Dear Latoya Blake-Griffiths – Case Officer

We provide the following evidence to support a dismissal of this appeal in **two parts**.

**Part 1** - Relates to the Appellant's Grounds of Appeal, and

**Part 2** - Relates to, what we consider to be, the unprofessional assessment of the proposal and inappropriate recommendation in the Case Officer's Report<sup>1</sup> to the Planning Committee providing a recommendation for approval based upon suspect interpretation of planning policy to the Planning Committee for their analysis and assessment. The Webcast of the Committee proceedings and determination can be viewed at: <https://civico.net/croydon/13697> starting at time stamp 40:00 (For the **Full** Planning Committee).

### The proposal parameters:

81 The Glade - Ref 21/00108/FUL - Amended Drawings															
21/00108/FUL   Demolition of existing dwelling and erection of a 4 storey building comprising 9 flats with associated landscaping and amenity space, and relocation of vehicular crossover.															
Site Area	765	sq.m.		Residential Density	352.94	bs/ha						Plot Area Ratio	0.73		
				Residential Density	379.08	hr/ha		PTAL	2011	1a	0.66	Average hr/Unit	3.22	hr/unit	
	0.0765	ha		Housing Density	117.65	u/ha		PTAL	2031	1a	0.66				
	Floor	Bedrooms	Bed Spaces (Persons)	Habitable Rooms (Open Plan)	GIA	GIA LP Table 3.1	Built-In Storage (sq.m.)	Built-In Storage Required LP	Private Open Space (sq.m.)	Private Open Space Required	Disabled Facilities	Communal Open Space	Play Space for Children	Estimated possible Children	Parking
Flat 1	Ground	3	4	4	74	74	1.8	2.5	11	7		88.5	16.5	2	
Flat 2	Ground	2	3	3	66	61	2.2	2.0	18.5	6	W/CH			1	1
Flat 3	First	1	2	3	57	50	2.9	1.5	5	5				0	
Flat 4	First	2	3	2	50.0	61	2.0	2.0	8	6				1	
Flat 5	First	2	3	3	61.0	61	2.1	2.0	8	6				1	
Flat 6	Second	3	4	4	76	74	2.4	2.5	8	7				2	
Flat 7	Second	3	4	5	76	74	2.5	2.5	8	7				2	
Flat 8	Third (RS)	1	2	2	50.0	50	2.5	1.5	5	5				0	
Flat 9	Third (RS)	1	2	2	51.0	50	2.8	1.5	5	5				0	
Totals		18	27	28	561	555	21.2	18.0	76.5	54	1	88.5	16.5	9	7

<sup>1</sup> [https://publicaccess3.croydon.gov.uk/online-applications/files/A30A35AA8293F7331B5604C199AB51F4/pdf/21\\_00108\\_FUL-ITEM\\_6.1\\_81\\_THE\\_GLADE\\_CROYDON-3315173.pdf](https://publicaccess3.croydon.gov.uk/online-applications/files/A30A35AA8293F7331B5604C199AB51F4/pdf/21_00108_FUL-ITEM_6.1_81_THE_GLADE_CROYDON-3315173.pdf)

## **Part 1 - The MORA response to the Applicant's grounds of appeal Statement.**

- 1 We have analysed the reasons for refusing Planning Permission by the Planning Committee and the Grounds of Appeal by the Appellant. We will articulate why we believe the proposal is an excessive overdevelopment for the locality, based upon the following evidence which provides full justification and explanation. The Case Officer recommended approval, but the Planning Committee voted for a refusal decision on Thu 21<sup>st</sup> Oct 2021.

### **1.1 The Appellant's Appeal Statement: The Reasons for Refusing Planning Permission**

- 1.1.1 This Section of the Appeal Statement explores the reasons given by the Planning Committee for refusing to Grant Planning Permission for the proposed development.

**Reason 1** The proposed development by virtue of its excessive height, scale and massing would represent an overdevelopment of the site which would fail to respect the height, scale and massing of the local area and be harmful to the existing street scene. The proposed development would therefore conflict with policies SP4 and DM10 of the Croydon Local Plan (2018) and policies D1 and D3 of the London Plan (2021).

*"Para 2.2. This first reason is not precise and does not clearly articulate how the proposed development is considered to be inappropriate. None of the symptoms of overdevelopment are listed to confirm how it is considered that the proposal would represent overdevelopment of the site, no explanation is given for why it is considered that the proposal would harm the street scene, and the language 'fail to respect' is not specific. Unfortunately, there is no clarity to be gained when the listed Policy D1 is read, as the same terminology is used. This reason is not specific enough to allow a full understanding of the relationship that is considered inappropriate."*

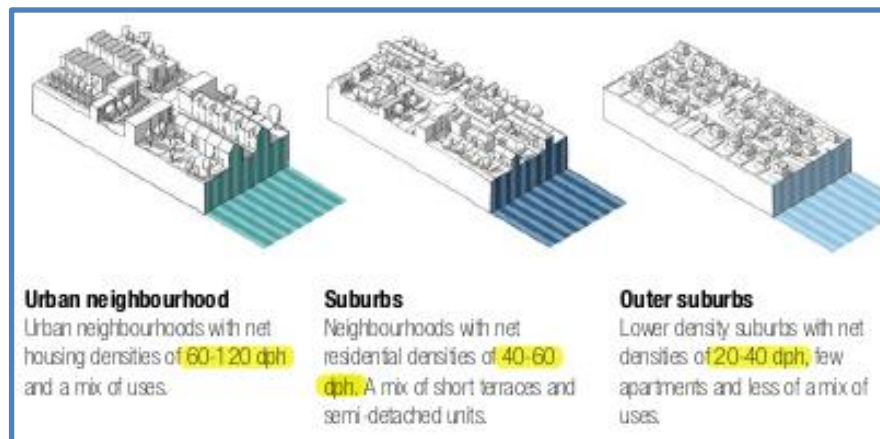
- 1.2 The Policies supporting a refusal are listed in Reason 1 but omits to include the **NPPF** (20 July 2021) at para **129 which states:**

*"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.**"*

- 1.2.1 The **National Model Design Code and Guidance**<sup>2</sup> referenced from **NPPF para 129**, was published by the Department for Levelling Up, Housing & Communities (DLUHC) in January 2021 and updated in **June 2021 and therefore was Policy at the time of this Decision.**

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

- 1.2.2 The **NPPF** (Updated July 21) referenced para 129 and as there is no locally produced **Design Guides** or **Design Codes**, the **National** documents **SHOULD** be used to guide decisions (**NPPF para 129**). The National Model Design Code & Guidance lists parameters for **Area Types** or **Settings**.



**National Model Design Code Area Types & Parameters to guide decisions on applications in the absence of locally produced design guides or design codes.**

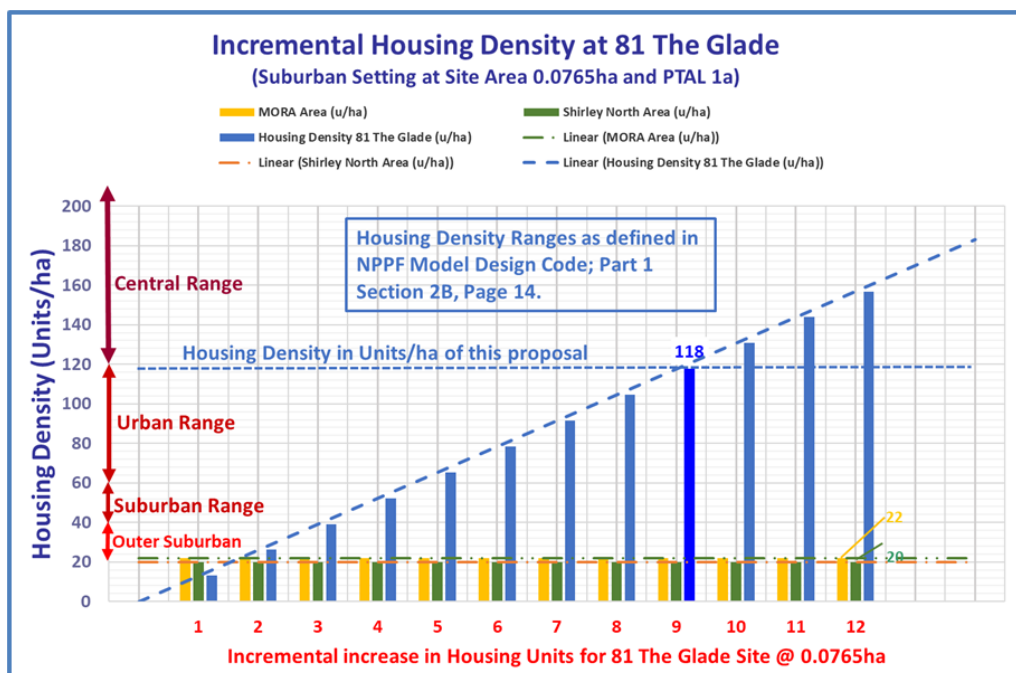
Design Code Summaries (Housing Densities Units/ha)						
Location	Area (ha)	Population	Dwellings (Units)	Residential Density (bs/ha)	Housing Density (Units/ha)	"Setting" for Design Code Density
Shirley North Ward	327.90	15666	6555	47.78	19.99	<Outer Suburban
Shirley South Ward	387.30	14147	5919	36.53	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 7QN	0.77	47	14	61.04	18.18	<Outer Suburban
81 The Glade (Proposal)	0.0765	27	9	352.94	117.65	Urban

**List of Area Types and their evaluated Densities using the National Model Density Design Code Setting Ranges for the Local Ward Areas, the Post Code Areas, the MORA RA Area and 81 The Glade.**

- 1.2.3 We therefore assess our local Design Codes, based upon the guidance of the **National Model Design Code and Guidance Part 1 : The Coding Process, 2B The Coding Plan, Figure 10 Example Area Types (at Page 14)**. Any deviation from this guidance needs full justification as to why the difference and what the equivalent parameters should be locally, again, **fully justified reasoning by the Inspectorate**.
- 1.2.4 The Site area of **0.0765ha** with **9** dwellings gives a **Housing Density** of **117.65units/ha** ( $\approx 118\text{Units/ha}$ ), when the **NPPF National Model Design Code<sup>3</sup>** states **Housing Density** for **Outer (London) Suburban** Area Type "Settings" should be in the Range **20 to 40Units/ha** and **Suburban Settings**, **40 to 60Units/ha**. The proposal at **117.65Units/ha** is in the **Urban** range of **60 to 120Units/ha**. This is clearly an **overdevelopment** for the locality as **Shirley** is definitely **NOT 'Urban'** as defined by the **National Model Design**

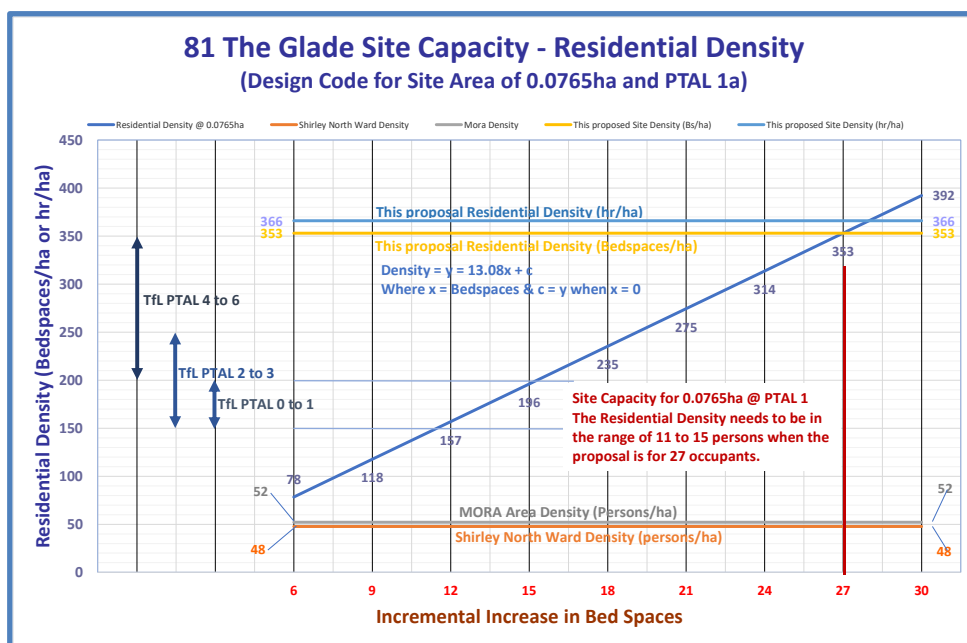
<sup>3</sup> <https://www.gov.uk/government/publications/national-model-design-code>

**Code & Guidance** and as clearly demonstrated by all the various local assessments identified in the table above.

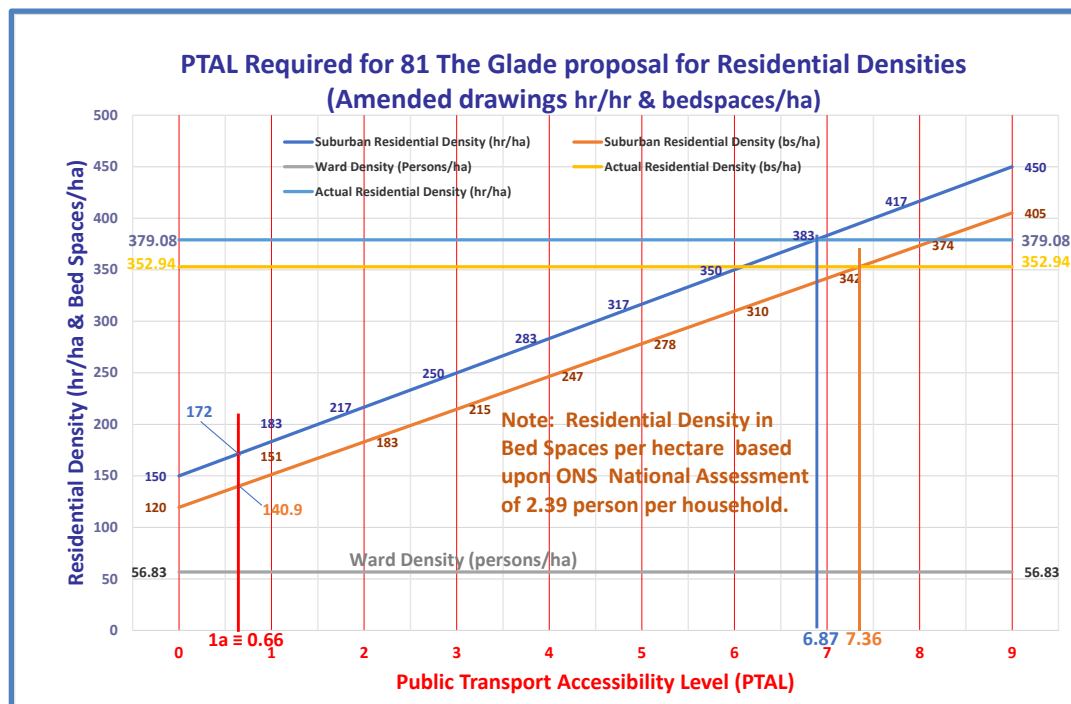


**Graphical illustration of the proposed Housing Density on a Site Area of 0.0765ha and PTAL 1a**

- 1.2.5 This is **clear evidential proof** that the proposed development at **81 The Glade** has a **Housing Density of ≈118 Units/ha** in the **upper region** of an “**Urban**” **Setting** (closely approaching a **Central Setting**) as defined by the **National Model Design Code**, when the locality is **below** or in the **lower region** by all assessments, an **Outer (London) Suburban** range of **20-40 Units/ha** and additionally at a **Low PTAL** of **1a** (on a scale of 0 – 6).



**This illustrates that the TfL Accessibility PTAL appropriate to support the proposal for 27 Occupants, is inadequate for a Residential Density of 366hr/ha or 353 bedspaces/ha.**



**Alternatively - Residential Density plotted against TfL Public Transport Accessibility (PTAL)<sup>4</sup>**

- 1.2.6 Furthermore, the “Area Type” Setting **Supporting infrastructure** is **not adequate** for a **Residential Density** of **27 bedspaces** in a site area of **0.0765ha** =  $27/0.0765 = 325.94$  **Bedspaces/ha** or **28 habitable rooms** in a site area of  $28/0.0765\text{hr/ha} = 366.0$  **hr/ha** with a **PTAL of 1a**. This **Residential Density** would require a **PTAL of >6 (Greater Than)**.
- 1.2.7 This is further clear, substantive, evidence of **overdevelopment** as the **Residential Density**, whether measured in **habitable rooms** per hectare or **bedspaces** per hectare would require a **PTAL in excess of 6** when the available **PTAL is 1a** and there is no prospect of improved **Public Transport Accessibility** over the life of the Plan.
- 1.2.8 Additionally, the **National Model Design Code**, and the proposal’s location at an **Outer (London) Suburban Residential Area Type “Setting”**, with a **Site Area** quoted at **0.0765ha = 765m<sup>2</sup>** and the proposed development’s **Gross Internal Area (GIA)** as given in the Amended Drawings at **561m<sup>2</sup>**, the **Floor Area Ratio (FAR)** is given by **GIA/Site Area =  $561/765 \approx 0.73$** . The **NPPF National Model Design Code** for **Suburban (residential)** settings indicates the **Floor Area Ratio (FAR) should be <0.5**. (Less than) which at **0.73** is a further indication that the **Floor Area Ratio (FAR)** of **0.73** is clear evidence of a significant **over-development** for this **Outer Suburban Residential Area Type “Setting.”** This is a  $|0.5 - 0.73|/0.5 = 0.23/0.5 = 0.46 = 46\%$  **increase to that recommended by the NPPF National Model Design Code!** If the Inspector assesses this as acceptable, we would respectfully request justification for its acceptability.
- 1.2.9 Therefore **ALL** the **evidence** of **Housing Density** and **Residential Density** of the proposal clearly demonstrates that it **exceeds** that appropriate for the **Area Type** as defined in the

<sup>4</sup> <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>



**National Model Design Code and Guidance. The Floor Area Ratio at 0.73** (greater than 0.5) and the **PTAL** required of greater than **6** in an area of **PTAL 1a** **clearly demonstrates a significant over development** for the **Area Type** or "Setting", thus supporting the Planning Committee's Refusal determination.

1.2.10 This '**comprehensively**' supports the **Planning Committee's Reason 1** for a **Refusal** determination confirming that the proposal, by virtue of its **excessive height**, scale and massing would represent an overdevelopment of the **site** which would fail to respect **the height, scale and massing** of the **local area** and be harmful to the existing street scene.

1.2.11 This evidence completely refutes the **Case Officer's** recommendation to the committee as we show in our assessment of the Case Officers unprofessional assessment of the proposal and Report Recommendation to Committee in **Part 2** of our representation.

## 2 **The Appellant's Appeal Statement - The Reasons for Refusing Planning Permission**

2.1 **Reason 2** *"The proposed development by virtue of its excessive height, scale and massing would represent an overbearing and unneighbourly form of development which would harm the amenity of neighbouring properties in Lorne Gardens. The proposed development would therefore conflict with policy DM10.6 of the Croydon Local Plan (2018).*

*Para 2.4. This second reason that has been given for refusing to Grant Planning Permission also lacks precision; it does not confirm what element of the building is considered to impact so negatively on the Lorne gardens properties so as to warrant refusing the Application. It is not clear whether it is the height of the main 4 storey part of the building or the height and/or proximity of the ground floor, 1st, or 2nd floor elements.*

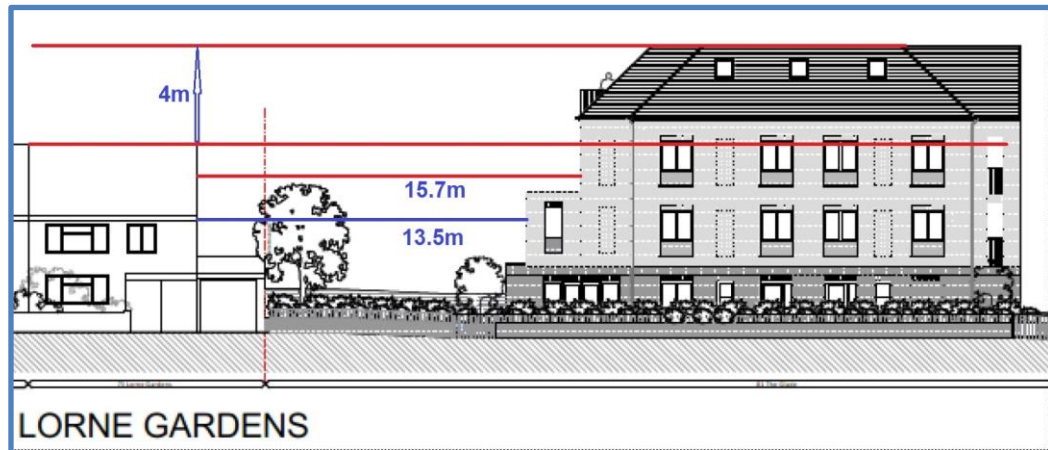
*Para 2.5. It is also not clear on in what area of the Lorne Gardens properties it is considered that the overbearing impact would be too great. We presume that the concern is associated with the massing as perceived from the front access area of No73, as there are no windows from habitable rooms providing views in this direction and therefore no opportunity to see the proposed development once inside this property. The rear garden is to the north and due to site orientations, views into this area are from No79 and 77 the Glade, this area is not perpendicular to the proposal and so any sense of overbearing is significantly reduced."*

2.1.1 Local Plan Policy **DM10.6** The Council will support proposals for development that ensure that;

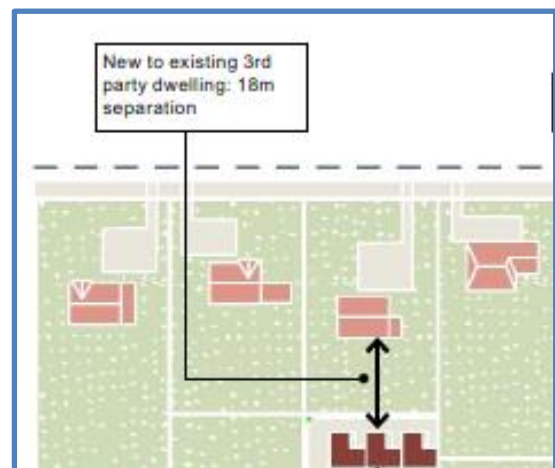
- a. The **amenity of the occupiers of adjoining buildings are protected**; and that
- b. They do not result in direct overlooking at close range or habitable rooms in main rear or private elevations; and that
- c. They do not result in direct overlooking of private outdoor space (with the exception of communal open space) within 10m perpendicular to the rear elevation of a dwelling; and that
- d. Provide adequate sunlight and daylight to potential future occupants; and that
- e. They **do not result in significant loss of existing sunlight or daylight levels of adjoining occupiers.**

2.1.2 The appellant has questioned the Reasons for refusal on the grounds that they do not identify what element of the building is considered to impact negatively on the adjacent properties to warrant a refusal, we have considered all aspects and relationships.

- 2.1.3 The Impact on the street scene from Lorne Gardens and the adjacent dwelling, South facing Elevations Impact negatively, (Street Scene) as viewed from Lorne Gardens, showing the height difference and separation between the proposal at **81 The Glade** and **79 Lorne Gardens**.



- 2.1.4 The overbearing height is approximately **~4m** above the height of dwellings in Lorne Gardens and only **~13.5m** distant from the actual adjacent dwelling (as scaled off the supplied Drawings). **SPD2 at Figure 2.9f** requires a minimum of **18m** separation between existing and new developments.



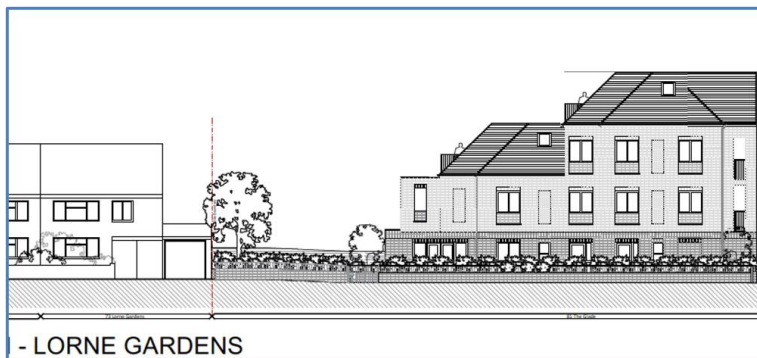
- 2.1.5 **SPD2 para 2.14.2 states:** Redevelopment of **corner plots** to provide new dwellings, including extensions or conversions:

- Should seek to include an (1) additional storey to the **3 storeys** recommended in the Croydon Local **Plan Policy DM10.1**. Some corner plots may be able to accommodate further height provided the massing is responsive to neighbouring properties. (SPD 2.11 See later).



- 2.1.6 We have already proved the Massing is unacceptable and the height of the proposed development is **4 storeys**. Therefore, the height as perceived from Lorne Gardens fails the **SPD2 guidance** of one additional storey to that of the existing adjacent dwellings which are all **2 storey** dwellings. As the massing is not responsive to neighbouring properties (also see later SPD2 para 2.11), the corner height fails the policy SPD2 para 2.14.2.

2.1.7 We offer the following illustrations which would overcome the issues of overbearing and provide the full height fronting the Glade where a reduced height fronting Lorne Gardens would be much more acceptable. **However, this would NOT resolve the failure to meet the 45-Degree Rule toward the rear (Westward rear Elevation) of 83 The Glade (See later).**

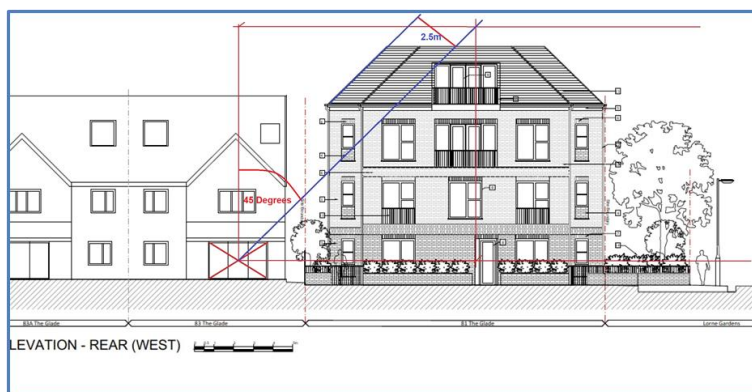


2.1.8 **SPD2 Para 2.11.1 States:**

*"Where a development projects beyond a rear building line, the height and footprint of the projection does not necessarily need to be lower or narrower, provided the guidance on relationship to boundaries (Refer to Section 2.16) and overlooking (Refer to Section 2.9) is followed. It should be demonstrated that there would be **no unreasonable impact on neighbouring amenity**. Where it is necessary to mitigate impact on neighbouring amenity, the projection beyond the rear building line may need to **step down in height and width**, to meet the guidance below:*

- It follows the **45 degrees rule demonstrated in Figure 2.11b and 2.11c**. In exceptional circumstances, where orientation, topography, landscaping and neighbouring land uses allow, there may be scope for a depth beyond **45 degrees**.*
- The flank wall is designed to minimise visual intrusion where visible from neighbouring properties"*

2.1.9 As there are NO mitigating circumstances, i.e., where orientation, topography, landscaping and neighbouring land uses allow, there are NO circumstances whereby the **45-Degree Rule** should be relaxed. Therefore, the proposal **materially impacts** on the amenity of **83 The Glade** and fails to meet the **45-Degree SPD2**



**The West facing (Rear) Elevation to 83 The Glade**

requirement to clear the **45-Degree** projected line by at least **2.5m**, a significant amount as depicted on the provided drawings.<sup>2</sup> (However, See **2.1.11** for new information).

2.1.10 This analysis supports the **Planning Committee's Reason 2** for a refusal "The proposed development by virtue of its excessive height, scale and massing would represent an overbearing and unneighbourly form of development which would **harm the amenity** of neighbouring properties in Lorne Gardens. The proposed development would therefore conflict with policy DM10.6 of the Croydon Local Plan (2018)."



- 2.1.11 However, this analysis has recently proved to be based on incorrect supplied drawings which have since been investigated and identified. The Inspector is advised to refer to **Part 2 paragraph 2.10** of this submission for a more detailed and corrected analysis.
3. **The Appellant's Grounds of Appeal Statement Paragraph 3 - Planning Legislation and Policy Framework.**
- 3.1. This section explores the relevant Policies and Guidance when considering the reasons that have been given for refusing Planning Permission.
- 3.2 **National Planning Policy Framework**
- 3.2.1 *"The **National Planning Policy Framework (NPPF)** sets out the Government's planning policies and how these should be applied during policy-making and decision-taking. The purpose of development is defined within this document as being to contribute to the achievement of sustainable development. This is further explained as forming an economic role, a social role, and an environmental role. Where relevant to the subject site and proposal, the social role includes ensuring that a sufficient number and range of homes can be provided. Furthermore, the environmental role requires development to contribute to protecting and enhancing our natural, built, and historic environment, while making effective use of land."*
- 3.2.2 *"At the heart of the Framework there is a presumption in favour of sustainable development, as outlined in Paragraph 11. This requires plans to be made that positively seek opportunities to meet development needs of their area, with sufficient flexibility to adapt to rapid change. This paragraph also sets out that proposals which accord with an up-to-date development plan are approved without delay."*
- 3.2.3 **Sustainable Developments** require proposed developments meet the adopted Policies for **sustainability**. This means meeting the **Design Code** Requirements as defined by the **LPA**, or, if these do not exist, referring to the guidance as defined in the **National Model Design Code guidance** as published by the Department for Levelling Up, Housing & Communities. The **sustainability** is defined by meeting the **Design Code Site Area Capacity** for the "**Area Type**," and to ensure the proposal has **adequate supporting infrastructure** existing or planned, for the life of the development. The sustainability is a requirement to future proof the proposal as much as possible – not a reason to disregard or to circumvent agreed adopted Policies!
- 3.2.4 **NPPF Para 129** (referred above at para 1.2.3) with reference to Design Codes States *"...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.**"*
- 3.3 **Re: Appellant's statement 3.3:** The Croydon Local Plan was adopted in 2018 and the revised 2022/23 version has been the subject of consultation under Regulation 19. (Jan & Feb 22) and will undergo Examination in Public estimated early June 2022.
- 3.4 **Re: Appellant's Statement 3.4:** The **Target** for Minor Developments for the Shirley "Place" is **278** Dwellings over **20** years which equates to a yearly average of **13.9**. This Target has been significantly exceeded as we show as follows.

3.4.1 The response to our **FOI** request **Ref: 4250621** of 31st January 2022 is set out below.

3.4.2 "The Shirley **"Place"** as defined in the Local Plan has an area of approximately **≈770 hectares** and comprises **Shirley North and Shirley South Wards**" and therefore the **FOI** response suggests completions for Shirley **"Place"** can be calculated by adding the completion figures together for each **Ward**. The **FOI** Response indicates *"Information regarding the total number of demolitions in each ward is not held centrally."*

Shirley North				
	2018	2019	2020	2021 (partial)
Gross units	48	94	73	16
Net units	45	87	69	12
Shirley South				
	2018	2019	2020	2021 (partial)
Gross units	12	17	3	5
Net units	10	15	0	5
Shirley Place				
	2018	2019	2020	2021 (partial)
Gross units	60	111	76	21
Net units	55	102	69	17

- The Council does not hold the information we requested in a reportable format.
- The Council does not know the **exact Area** in hectares of any **"Place"**
- The Council does not hold the **Number of Dwellings per "Place."**
- The Council does not hold the **Number of Persons per "Place"**

3.4.3 The analysis of this limited information (**FOI** request) supports our assumption that the completions are recorded but that no action is taken by the LPA as a result of those completions and that the **"Place" Area does NOT equate to the sum of the Ward Areas.**

3.4.4 Analysis of the recorded data shows over the **three full years 2018 to 2020** the Net Increase in Dwellings for **Shirley** = Shirley North + Shirley South = **55 + 102 + 69 = 226 ≈ 75** per yr. (However, this is **NOT** The Shirley **"Place"** but the net increase for the **Shirley North + Shirley South Wards**).

TARGET OUTTURNS (Estimates)							
Locality	Area (ha)	Dwellings	Population	Percentage of Shirley (Place?)	Units over 20 yrs (Estimate)	Per Year	Actual (Outturn/yr)
Shirley North Ward	327.90	6555	15666	45.85%	127	6	?
Shirley South Ward	387.30	5919	14147	54.15%	151	8	?
All Shirley	715.20	12474	29814	100.00%	258	12	75
Shirley "Place" (Approximately)	770.00	?	?	107.66%	278	75	?
MORA AREA	178.26	3884	9283	24.92%	69	3	34

3.4.5 The **MORA Area** (which we monitor) is only **24.92%** of **All Shirley**, but at a rate of **34dpa** over the **20yr** period, **≈ 680** would exceed the **Target for the Shirley "Place" of 278** by **402 Dwellings for the Whole of the Shirley "Place" (≈770ha FOI response)**. This is a **200%** Increase for the Shirley **"Place"** when the **MORA Area** is only  $(178.26/770) =$  **23.15%** of the area of the **Shirley 'Place'**.

3.4.6 This rate is averaging **55 + 102 + 69 = 226 over 3yrs ≈ 75.33 dwellings per yr.**, so over **20** years will be **≈ 1507 dwellings**. (Exceeding the Target by **≈1,229**). The Target for the Shirley Place at **Table 3.1** of the Revised **Croydon Local Plan** indicates a Target of **278 for the Shirley "Place" over the period 2019 to 2039.**

- 3.4.7 From the **FOI Request**, the Area of the Shirley “Place” is **≈770ha**. The total Area of Shirley North & South Wards is **715.2ha** (GLA figures) therefore, there is a **54.8ha** excess of land in other adjacent Wards which numerically means the **Target for Shirley Wards** of **278** should be reduced by **7.12% = 258** (and the difference added to the Targets of the relevant adjacent Wards).
- 3.4.8 We are confident that this analysis has **refuted** the appellant’s statement in relation to the housing **‘need’** and Targets in the **Shirley Wards** as the **Housing Need for this area has already been Met.**
- 3.5 **Re: Appellant’s Statement 3.5:** The most effective use of Land does not excuse excessive number of units for the **“site capacity”** or to ignore **“site capacity”** limiting policies, such as **Density**, **play space** for children and other minimum **Space Standards** requirements.
- 3.5.1 The Presumption in favour of Development does **NOT** signify that defined and adopted Planning Policies should be discounted. There is an overarching requirement that development proposals should be **“sustainable”** meaning future proofed as far as possible. Proposals should be within the **capacity** of the **Site** and have appropriate supporting **infrastructure**, **which this proposal clearly does not meet.**
- 3.6 The **London Plan (March 2021):**
- 3.6.1 **Re: Appellant’s Statement 3.7:** The **Target** for Minor Developments over the next **20** Year’s yearly average has been **significantly exceeded** in the **Shirley North Ward** and has **significantly exceeded** the target for the Shirley **“Place”**. Therefore, the Appellant’s arguments of **para 3.7** **have already been met.**
- 3.6.2 **Re: Appellant’s Statement 3.8:** The London Plan requires applicants’ proposals follow a **Design-Led-Approach** by assessment against **Local Design Codes** to meet the available **“Site Capacity”** which, by our previous analysis shows that this proposal does **NOT** comply as **NO Site Capacity Assessment** has been undertaken.
- 3.6.3 **Re: Appellant’s Statement 3.9:** **London Plan GG2 “D” States:**  
*“Applying a design-led approach to determine the optimum development capacity of sites”*  
The applicant has not implemented a **“Design-Led-Approach”** to ensure the proposal is the optimum development **capacity** appropriate for the **Site** at the **setting** of the Locality. **The proposal does NOT meet this requirement.**
- 3.6.4 **Re: Appellant’s Statement 3.10:** Policy D1 states:  
*“Defining an area’s character to understand its capacity for growth.”*  
*A Boroughs should undertake **area assessments** to define the **characteristics, qualities and value** of different places within the plan area to develop an understanding of different areas’ **capacity for growth**. Area assessments should cover the elements listed below:*  
*4) **existing and planned transport networks** (particularly walking and cycling networks) and public transport connectivity ... “*  
**The proposal does NOT meet these requirements to satisfy a capability for Growth.**

- 3.6.5 The proposal does NOT include any area assessment or characteristics, qualities and value of the locality nor does it consider the “*existing and planned Public Transport Accessibility Level*” availability for the locality.

**Policy D1 PARA 3.1.7 States:** “... As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. ...” however;

**Policy D3 Para 3.3.3 states:** “The area assessment required by Part A of Policy D1 London’s form, character and capacity for growth, coupled with an area’s assessed capacity for growth as required by Part B of Policy D1 London’s form, character and capacity for growth, will assist in understanding a site’s context and determining what form of development is most appropriate for a site.”

The proposal has NOT been assessed to consider this requirement.

- 3.6.6 The Proposal had no evaluation of the ‘Site Capacity’ to ascertain acceptability of the housing density appropriate for the locality.

**Also, Policy H2 Small Sites at para 4.2.4 States:**

*“4.2.4 Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station<sup>47</sup> or town centre boundary<sup>48</sup> is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2.”*

- 3.6.7 The proposal’s location is inappropriate for Incremental Intensification being at PTAL1a and < 800m from a Tram/Train Station or District Centre. Thus, Residential Areas with PTALs less than 3 and greater than 800m from a Tram/Train Station or District Centre would be **inappropriate** for “*incremental Intensification*”. This site is PTAL 1a and greater than 800m from the nearest train/tram station or District Centre and thus **inappropriate** for “*Incremental Intensification*”.

- 3.7 **Re: Appellant’s Statement 3.11:**

*“So, the Local Plan and SPD2 should be the product of this character assessment. The SPD promotes the suburbs, and corners, and site optimisation, and gradual increase in density and scale.”*

- 3.7.1 We do have concerns that both the Croydon Local Plan (2018) and SPD2 do not have any viable or ‘meaningful’ Policies to Manage “Growth” (The Job Description of “Development Management”). However, the National Model Design Code definitions and guidance at NPPF level are available and should be used to guide applicants in the absence of locally produced Design Codes or Guidance. We have conclusively shown that the Site Capacity has been breached.

- 3.8 **Re: Appellant’s Statement 3.12:**

- 3.8.1 It is entirely understood that:

- *“As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive.*
- *Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change.*



- *Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."*

3.8.2 However, it is a fundamental objective of the adopted Policies that all these incremental changes should recognise and remain within the **"Design Code"** limitations and **"Site Capacity"** of the 'proposed development', to ensure the existing infrastructure supports the new development, which in this case, the proposal **clearly does not.**

3.9 **Re: Appellant's Statement 3.13:**

3.9.1 We have answered the delivery of homes by meeting the Targets and the contribution by **Shirley North Ward** to meeting and exceeding those Targets as outlined above.

3.9.2 The evolution of Residential Areas needs to be **moderate** and **gradual** in order to gain Local Residents' support and confidence in the Planning Process, to be within **Site Capacity Limits** of **density** and within acceptable levels of **supporting Infrastructure**, including **Public Transport Accessibility Levels (PTAL)**, all of which are parameters of the local **Design Code** at the **Area Type** or **Setting** of the proposed development.

3.10 **Re: Appellant's Statement 3.14:**

3.10.1 It is clear from our assessment of all parameters of the proposal that the proposal exceeds the current **London Plan Design-Led-Approach** assessment and design guidance criterion at this **Site Capacity**, on **Housing Density** and **Public Transport Accessibility** and is therefore inappropriate.

3.11 **Re: Appellant's Statement 3.15:**

3.11.1 We respond to each of the statements referenced:

3.11.2 **Policy D3 (Optimising Site Capacity through a Design-led Approach)**

**A** The **Design and Access Statement** and initial Planning Statement has many occurrences of **"Site"** and **"Capacity"** but not one of them relates to the actual proposal's **"Site Capacity"** in terms of **Density** or **Setting** or any parameters evaluating the acceptability or otherwise that the proposal meets the Capacity of the available **Site Area** for this locality. **There is therefore no evidence that this proposal meets the London Plan Policy D3 Design-Led-Approach.**

**B** It is not evident that the Proposed Development location is well connected to jobs, services, infrastructure and amenities by public transport. The PTAL is 1a (in the range 0-6 which is considered poor) and is served by a single decker 367 Bus Route of frequency around every 20 minutes, there are few GP Surgeries, one recently closed, not many amenity services, and very few local Jobs. The locality is however served by one senior and two primary schools. The area could not be considered well connected to jobs, services, infrastructure and amenities by public transport.

**C** **Policy H2 Small Sites at para 4.2.4 States:**

*"4.2.4 Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station<sup>47</sup> or town centre boundary<sup>48</sup> is expected to play*

*an important role in contributing towards the housing targets for small sites set out in Table 4.2.”*

Thus, Residential Areas with **PTALs** less than **3** and greater than **800m** from a **Tram/Train Station** or **District Centre** would be inappropriate for “incremental Intensification. This site is **PTAL 1a** and greater than **800m** from the nearest train/tram station or **District Centre** and thus ‘**inappropriate**’ for **Incremental Intensification**.

#### **D Form and Layout**

- i) We are convinced that there is insufficient stepping of the elevation toward dwellings in Lorne Gardens.

#### **3.12 Re: Appellant’s Statement 3.16:**

3.12.1 As far as we can determine from the supplied elevations, the depth of stepping on the elevation to Lorne Gardens is only **2.3m**, between the ground and first floors, which is the depth of the Balconies. There is no stepping between the **3<sup>rd</sup> and 4<sup>th</sup> floors** (Roof space). This is nowhere near the stepping indicated in the **SPD2 illustration**.

3.12.2 Items ii) to vi) are all subjective policies without specific definition so could not be challenged.

#### **3.13 Re: Appellant’s Statement 3.17:**

3.13.1 The appellant’s statement is meaningless.

3.13.2 Items vii) to xi) are all subjective policies without definition so could not be challenged.

#### **3.14 Re: Appellant’s Statement 3.18:**

3.14.1 The appellant’s statement is a subjective assessment of their approach.

3.14.2 Items xii) to xiv) are all subjective objectives and refer to policies without any definition so cannot be logically assessed or challenged.

#### **Quality and character**

Item xi. respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character

**E. The development proposal did NOT assess the Site Attributes** to establish whether the proposal complied with the “**Site Capacity**” at the local ‘**Setting**’ (outer Suburban) for the proposed **nine dwellings** and therefore the Appellant’s statement is unsubstantiated. The proposal should have been refused for this reason as **NOT** meeting the objectives as detailed in **Policy D3**.

#### **3.15 Local Plan**

#### **3.15.1 Re: Appellant’s Statement 3.19 to 3.23:**

3.15.2 These are all statements of the obvious. The Croydon Local Plan (2018) sets out the Strategic plan at policies AP1, SP2, SP2.7 and SP4 detailed objectives and policies currently adopted.

3.16 **Re: Appellant's Statement 3.24:**

3.16.1 This again is a statement of the obvious. The Croydon Local Plan (2018) sets out the Subjective objectives as stated in Part 2 A, B and C of the adopted Policies.

3.17 **Re: Appellant's Statement 3.25:**

3.17.1 We agree the intention of the phrase; **“respect and enhance”** for a quality of development that will improve local character, but we strongly reject and refute that the proposal either respects or enhances the character of the locality. These policies are subjective objectives and thus subject to interpretation. However, the proposal has unacceptable massing, is overbearing, and is not within the **‘Site Capacity**. The proposed increase in **Density** would be appropriate for an **Urban Setting** – but **Not** an **Outer Suburban - Outer (London) Suburban**, setting. Any incremental increase in **Density** at this setting should be **moderate, gentle and gradual** – Shirley is definitely **NOT Urban**.

3.18 **Re: Appellant's Statement 3.26:**

3.18.1 The existing dwelling has survived many years and has character, although redevelopment might be considered appropriate, any redevelopment must accord with planning policies which have the objective of maintaining the character of the locality and within acceptable levels of increased densification. This proposed redevelopment exceeds that principle of gradual or moderate incremental intensification by a significant degree as though the area was an **Urban Area Type or Setting**.

3.19 **Re: Appellant's Statement 3.27:**

3.19.1 We cannot accept that the design team have analysed the parameters of the site and local area to define a proposal with form, materials and detailing, which will enhance and bolster the unique character. However, the location is **outer suburban** not a **“townscape.”** The proposed set back stepping away from Lorne Gardens is inadequate to overcome the overwhelming, overbearing nature of the visual impact.

3.20 **Re: Appellant's Statement 3.28:**

3.20.1 This statement is repeating Policy DM10.1. However, policy DM10.1 has no quantifiable parameters which give guidance to applicants, developers or planning officers. The Policy, therefore, is subjective and vague and as such is not enforceable if challenged. Case Officers make a judgment on their professional experience – possibly a *prejudicial* judgement knowing that it is unlikely to be legally challenged.

3.21 **Re: Appellant's Statement 3.29:**

3.21.1 The appellant is making a subjective assessment and interpretation of the policy. There are levels of the meanings of respecting character or incremental enhancement which accord with the policy but are **NOT** excessive and a suitable balance of moderate or gradual **gentle intensification** is the objective.

3.22 **Re: Appellant's Statement 3.30:**

3.22.1 The appellant is quoting **Policy DM10.6** paras. a) to e) which other than c) are all subjective. Further clarifications are given in **SPD2**. As no challenge is made to how these policies relate to the proposal, I do not see the point of the referral.

3.23 **Re: Appellant's Statement 3.31:**

3.23.1 The rear elevation facing **79 Lorne Gardens**, has an ≈2.3m step set back at second floor.

3.23.2 This is not considered a reasonable stepping to reduce the massing and overbearing nature of the street scene of the proposal. It is accepted that there is no loss of sunlight or daylight other than to the rear garden of **83 The Glade**. Section four diagrams of the grounds of appeal have been considered but have generated no further comment.

3.24 **Re: Appellant's Statement 3.32:**

3.24.1 The appellant is quoting **Policy DM10.7**. As no challenge is made to how these policies relate to the proposal, I do not see the point of the referral.

3.25 **Supplementary Planning Document Suburban Design Guide 2019**

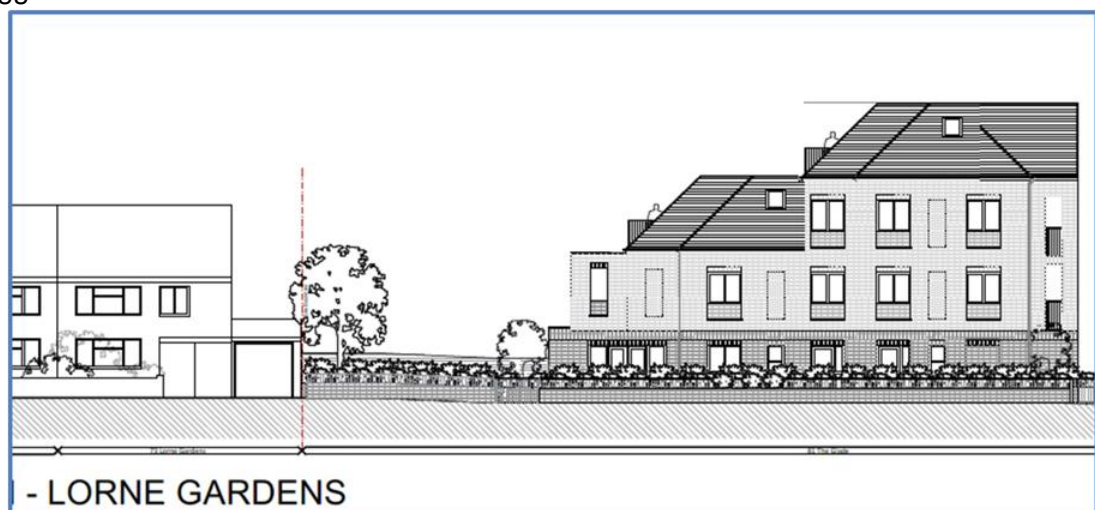
3.25.1 **Re: Appellant's Statement 3.33:**

This statement draws attention to SPD2 in relation to its position in the hierarchy and weight of planning policies and the guidance for interpretation of policies for corner plots. The policies within the Local Plan have greater weight in determining planning applications as part of the Council's development plan, but it is expected that applicants shall adhere to this guide as a significant material consideration to the determination of planning applications.

3.25.2 This is very true, but it should also be acknowledged that the **NPPF** and the **London Plan** have a higher level of weight than either the **Croydon Local Plan** or the Guidance in **SPD2**. On that understanding, greater weight should be afforded to the **NPPF National Model Design Code (NMDC)** and **Guidance** than either the **London Plan** or the **Croydon Local Plan**, but the **National Model Design Code** and **Guidance** have clearly been disregarded.

3.26 **Re: Appellant's Statements 3.34, to 3.43:**

3.26.1 We can accept an additional storey at the corner plot but that it should not be for the full depth of the development. The roof form could be modified (as previously suggested) for a proportion of the third floor and second floor with modification of the third-floor accommodation and staircase for access in line with the objectives of the policy as suggested in the illustration below.



**Suggested Third and Fourth Floor Roof Modifications**



- 3.26.2 This would require more architectural modification, but the principle would be more acceptable and would reflect the Design principles as provided in **SPD2 Figure 2.14a**). The third-floor roof form could follow a similar roof form but one floor lower.
- 3.26.3 The accommodation would probably be a smaller number of Units but would be tending more toward the **Design Code** for the site area (though still exceeding it), for an outer Suburban Setting as defined in the **National Model Design Code** (20 to 40 Units/ha).
- 3.26.4 However, this solution does **NOT** resolve the **non-compliance** to the **45-Degree Rule** as it affects the amenity of **83 The Glade**. (See later)

3.27 **Re: Appellant's Statement 3.44:**

- 3.27.1 The viability of a proposal is not a planning policy. Developers have had the opportunity to make representations on Planning Policies both at National (NPPF) and local (London Plan) levels and the Croydon Plan Review consultation is current. The National Model Design Code and Guidance was published in January 2021 for consultation and the agreed version published in June 2021. Developers may have set the percentage profitability margin too high or their productivity level too low, but these difficulties are not planning matters.

3.28 **4. Relationship to Lorne Gardens Street scene and amenity.**

- 3.28.1 The Appellant's Statement at para 4.3. Indicates : *The diagram below demonstrates the relationship between the heights of the neighbouring properties and the proposal. It is noteworthy that the proposal is less than a full storey (usually considered to be between 3 and 3.5m) taller than the nearest neighbour 83 The Glade, at only 2.4m taller. The proposal is 3.65m (a full storey) taller than number 73 The Glade, which as noted previously contains 3 floors of accommodation at number 71. The proposal comfortably sits within the existing street scene of The Glade, taking the opportunity to gradually increase height to define the corner plot.*
- 3.28.2 We do NOT challenge the relationship between the front elevation of **81 The Glade** and **73 The Glade** separated by the street of **Lorne Gardens**, or the **front** elevation of **81 The Glade** and **83 The Glade**.



- 3.28.3 However, we do challenge the non-compliance of the **Rear Elevation 45-Degree Rule** projection from the **Centre of the nearest Habitable Room Window** (the access to their Patio from their lounge) as detailed above at para 2.1.8. It is *perplexing* that the appellant illustrates the **45-Degree Rule** compliance with **79 Lorne Gardens** (See below) but fails to acknowledge the failure to meet the very **same Policy** to the rear elevation of **83 The Glade**.

- 3.28.4 When the MORA Chairman raised this **45-Degree Rule** from the rear nearest ground floor window of **83 The Glade** during his 3-minute speech at the Planning Committee, the Planning Officer confusingly responded there was another window not shown on the Plans. This can be observed at **time stamp 1.14.15** on the Webcast (<https://civico.net/croydon/13697>). We requested clarification of the **SPD2** Policy from the Spatial Planning Team Head in **November 2021** to clarify whether **Patio Doors** were considered equally with the Policy, but after two reminders to date, the **Head of the Spatial Planning Team** has still failed to clarify the actual policy definition as it relates to this application. We have raised this issue in our **Part 2 a para 2.10** of this submission, but from a loss of amenity perspective there is no significant difference between a window or patio doors. However, see Part 2 para 2.10 for more recent investigation.



**Assessment of 45-Degree Rule from 79 Lorne Gardens (but appellant ignores the same rule for 83 The Glade)**

- 2.29 **Appellant's Statement Section 5 Exploration of precedents**
- 2.29.1 It is understood, each application proposal is determined on its own merits. Previous approvals could reflect the adopted Policies at the time of approval and Policies change over time. Therefore, precedents may undermine current Policies and thus should not influence current decisions.
- 2.30 The forgoing assessment of the appellant's Grounds Of Appeal have been comprehensively refuted and the evidence gives ample reason to Dismiss this Appeal.

## **Part 2 The MORA Response to the LPA's Case Officer's Report.**

### **1 Introduction**

- 1.1 We are of the view that the **LPA** are prioritising meeting housing **"need"** in preference to meeting **"Planning Policies."** Planning Policies are being circumvented in order to meet **Housing Targets**. There are many issues to be addressed on perceived inaccuracies and lack of policy analysis attributed to the **Case Officer's** assessment of this proposal in arriving at a recommendation to the Planning Committee to **"Grant Permission."**
- 1.2 We offer the following evidence, questioning the validity of the **Case Officer's** Recommendation to **"Grant Permission"** in the **Case Officers Report** in response to the adopted policies and our representation dated 28th January 2021 to the **LPA** during the consultation period, a copy of which should have been forwarded to you for your consideration.



- 1.3 We have compiled this section of our representation submission, extracting statements from the Case Officer's Report and our interpretation and criticisms of the Report on the specific issues therein.
- 1.4 If the Planning Committee had approved this application, we would have seriously considered raising the following issues as a formal complaint to the LPA and without satisfactory answers would have escalated to the **Local Government Monitoring Officer**, as potential issues of Maladministration evidence identifying incorrect and confusing guidance to the Planning Committee Members, prejudicing their decision-making process.
- 1.5 The Local Government Ombudsman (LGO) will not investigate non-compliance to Planning Policies from a Residents' Association as the Residents' Association could NOT prove such non-compliance would have actually **"materially"** affected the Residents' Association. The LGO only investigate complaints that "materially" affect a Resident. There is NO process for a Residents' Association to hold an LPA to account other than an extremely expensive Judicial Review.
- 1.6 As a Residents' Association representing over 3800 Households, we take the view that the Planning Policies drafted and negotiated, then subsequently examined in public and assessed by the Planning Inspectorate and finally adopted, at considerable public expense; should be enacted with due diligence, and any **'non-compliant'** Policies recommended for acceptance should be fully Justified with precise and detailed explanation as otherwise the recommendation undermines the Planning Inspector's authority and discredits the efforts of all those involved in the Policy specification, definition and adoption.
- 1.7 It is understood that the Croydon Director of Planning, who sat in on this (Part 'virtual' due to Covid precautions) Planning Committee for this determination, is a member of the **Royal Town Planning Institute (PTPI)**<sup>5</sup>. Therefore, *if* we have justifiable issues with the manner in which the LPA oversees the planning process, or the professional viability of decisions taken, we understand we do have recourse through the **Professional Town Planning Body**. We are concerned that ignoring Planning Policy or not providing **full Justification** for disregarding those Policies, is not in accordance with the principles of Membership of the RTPI - **Item 5, "Conduct of Membership"**.
- 1.8 We hope that you find this and the following information both constructive and helpful in formulating your decision on the Appeal for this proposal as presented.
- 1.9 See the **Webcast** at <https://civico.net/croydon/13697> (The **Full Planning Committee Meeting** starts at time stamp approx. **40:00**).
- 2 Case Officer's Report – (see also pre-application advice<sup>6</sup>):** (Case Officer's Report text in Blue)
  - 2.1 Case Officer's Report [Ref 4 SUMMARY OF KEY REASONS FOR RECOMMENDATION](#)
    - 2.1.1 **Item 4 Bullet Point 1:**      • *"The principle of the **intensified residential** development is **'acceptable'** given the residential character of the surrounding area and the **need for housing nationally and locally.**"*

<sup>5</sup> <https://www.rtpi.org.uk/media/3120/regulations.pdf>

<sup>6</sup> <https://docs.planning.org.uk/20210115/117/QMS10HJLHMV00/n12o3x1az0siowwi.pdf>

- 2.1.2 This statement implies that the perceived need for housing nationally and locally transcends adopted Planning Policies on densification. The principle of any redevelopment should **NOT** be judged on the “**need**” for housing either nationally or locally but judged on compliance to the current adopted **National** and **Local Planning Policies** as applied to the **Site Capacity** and locality.
- 2.1.3 The principle of **intensification** or **incremental intensification** at this location as defined by the **London Plan Policy H2** and the **National Model Design Code and Guidance**. It is **unacceptable** that the **Case Officer** should be unaware of these **Policy** definitions.
- The **London Plan Policy H2** para 4.2.4 which states:
- “Incremental intensification’ of existing residential areas within **PTALs 3-6** or within **800m** distance of a station<sup>47</sup> or town centre boundary<sup>48</sup> is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2....”*
- 2.1.4 Our interpretation of this Policy is that for **Residential Areas** of **PTALs <3** and **>800m** from a **Tram/Train Station** or a **District Centre** are, therefore, **inappropriate** for “**Incremental Intensification**”, which is the case for this proposal. An appropriate increase in densification should be ‘**gentle and moderate**’ respecting the “**Site Capacity**” (**London Plan Policy D3**, the local **Design Code**, the **NPPF National Model Design Code & Guidance**) and the **Character** of the locality.
- 2.1.5 Therefore, this proposal is **non-compliant** to both the **National Model Design Code and Guidance** and the **London Plan Policies D3 and H2**. The **Case Officer** has **NOT** assessed the **Site Capacity** appropriate for the **Local Area Type** or **Setting**. The **Case Officer** has disregarded the **Policy** definition and guidance for the assessment of “**Site Capacity**” limitations at **0.0765ha** at **PTAL 1a** for a **Housing Density** of **117.65 units/ha** in an “**Outer Suburban**” “**Area Type**” and has recommended approval when the “**Site Capacity**” has **NOT** been assessed in accordance with the **Policies** or has the capacity for the proposal. The **Case Officer** assumes the “**Site Capacity**” for the **Area Type** is “**Urban**” when the actual **Area Type** is “**Outer Suburban**.”
- 2.1.6 **NPPF Para 129 States:**
- “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. .... 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.**”*
- 2.1.7 The **Case Officer** Has **NOT** assessed a determination based on whether the proposal is within the ‘**capacity of the site**’ as no quantifiable assessment of ‘**Site Capacity**’ has been undertaken as required by **London Plan Policy D3** or as defined by the **Local Design Code** as required of the **London Plan Policy D4** and the **NPPF National Model Design Code (Part 1)** and **Guidance (Part 2)** for the **Locality**. In fact, a **Local Design Code** for the site has **NOT** been determined. This is considered extremely unprofessional of a **Planning Officer**.



2.1.8 The Case Officer has declared that “*intensified residential development is ‘acceptable’ given the residential character of the surrounding area and the need for housing nationally and locally*” which is tantamount to falsification of **Policy guidance** to the **Planning Committee** in order to **ignore Policy** in preference to meet housing “need” when that ‘need’ has already been met (See later in this submission).

2.2 **Item 4 Bullet Point 2:** • “*The design and appearance of the development would not harm the character of the surrounding area.*”

2.2.1 This interpretation is very subjective and suspect. The proposal has a **Floor Area Ratio** (GIA/Site Area) of **561/765 = 0.73** (*amended Drawings*) when the maximum for **Outer Suburban** and **Suburban Residential** localities *should be less than* **<0.5** (See: **NPPF National Model Design Code**<sup>7</sup>, Section 3A Guidance, Build Form ii, Page 20), which indicates an over development (**a 46% increase**), for this ‘**Site Capacity**’. This gives an indication of significant **over development** and excessive **Massing** for this ‘**Outer (London) Suburban**’ Setting. For the **Case Officer** to disregard this guidance shows significant unprofessionalism.

2.2.2 **SPD2 Section 2.10 & 2.14**

**SPD2 Para 2.10.2** *DM10.1 of the Croydon Local Plan recommends a minimum of **3 storeys**, as such where suburban contexts allow for additional accommodation in a roof space or basement these should be afforded as follows:*

- *Where a design includes a roof space in addition to **three full floors**, it is then possible that this space is used for accommodation; this may be within the eaves or in set-back roof form.*

**SPD2 Para 2.14.2** *Redevelopment of corner plots to provide new dwellings, including extensions or conversions:*

- *Should seek to include an (1) **additional storey to the 3 storeys** recommended in the Croydon Local Plan Policy DM10.1. Some corner plots may be able to accommodate further height provided the massing is responsive to neighbouring properties.*
- *Should respond to the positioning of neighbouring front elevations, which may require **stepping in footprint** to maximise development potential of a corner plot.*

2.2.3 From the foregoing it seems unlikely that the Case Officer made a site visit to ascertain the site context or, if a visit were made, the site assessment was extremely unprofessional as the design and appearance of the development would surely be perceived to definitely harm the character of the surrounding area and be overwhelming to the adjacent residents in Lorne Gardens. See SPD2 Fig 2.14a.



<sup>7</sup> <https://www.gov.uk/government/publications/national-model-design-code>

- 2.3 **Item 4 Bullet Point 3:** • *“The living conditions of adjoining occupiers would be protected from undue harm.”*
- 2.3.1 The proposal has a detrimental effect on the Amenity of **83 The Glade** insofar as their outlook from the ground floor Lounge toward their Rear Garden is **Seriously impaired** by the proposed development failure to meet the **45° Degree Rule** (SPD2 Para 2.11.c)) which intersects the proposed development by a significant amount. The proposed development is on the southern facing flank and as such would cast a shadow over significant areas of the neighbour’s rear garden throughout the year. If the development were allowed, the occupiers of **83 The Glade** would lose the pleasure of sitting out in their rear garden in summer sunshine. (See later comments on the **45-Degree Rule** resulting from **further investigation** of the **Rear Elevation** of **83 The Glade** at para 2.10 below).
- 2.3.2 This is also an extremely **unprofessional failure** of the **Case Officer** to adequately inform Committee Members of the **SPD2 Policy Failure** for their information to make a considered determination.
- 2.4 **Case Officer’s Report Para 6.4** -The Monks Orchard Residents Association objects to the proposal on the following grounds:
- 2.4.1 **Item 6.4 Bullet Point 1:** • *“The proposed density is **274.5hr/ha** which is too great. A proposal in this location should be ‘gradual or gentle densification.’ According to the Council’s ‘Small site evidence base’ the proposal is an overdevelopment for this typology and suburban setting.”*
- 2.4.2 The **Site Area** of the proposal is **0.0765ha** and the **Number of Habitable Rooms** as a result of the amended drawings we believe is **28**, giving a **Residential Density** of **366hr/ha** or, more appropriately, the number of bedspaces at **27** gives a **Residential Density** of **352.94bedspaces/ha**. We do not know how the Case Officer arrived at a **Residential Density** of **274.5 hr/ha** (*Probably assumed 21 habitable rooms*), but as the proposal has some open plan accommodation, the Habitable Rooms and functional space parameters can be somewhat confusing.
- 2.4.3 The **Case Officer** did **NOT** dispute our assessment but did **NOT** give any reason why the high density was considered acceptable when judged against the **Local Setting** of **Outer (London) Suburban** or with a **PTAL** of **1a**.
- 2.5 **Item 6.4 Bullet point 2:** • *“Does not reflect the character of the area with regard to massing or density and does not reflect the Borough Character Appraisal for the “Shirley Place”.*
- 2.5.1 Again, the Case Officer did **NOT** dispute this but did **NOT** give any reason why such a high Housing Density of **≈118Unit/ha** at an **Outer (London) Suburban** setting was considered acceptable for the **0.0765ha ‘Site Capacity’** when an Outer Suburban **Area Type** for **9 Units** would require a **Site Area** of between **0.225ha to 0.450ha**. (National Model Design Code Guidance).
- 2.6 **Item 6.4 Bullet Point 6:** • *“It does not comply with **London Plan Policy D2** because of the absence of an **Infrastructure Delivery Plan** and because there are no plans to improve public transport in the area.*
- *Officer note: this is a minor application and policy D2 states that it will not normally be necessary for minor developments to undertake infrastructure assessments or*

*for boroughs to refuse permission to these schemes on the grounds of infrastructure capacity.”*

2.6.1 The **Case Officer** has acknowledged that minor applications do not **‘normally’** require infrastructure assessments **“IF”** they are included in the borough’s Transport **infrastructure delivery plans**.<sup>8</sup> However, the **Shirley North Ward** is **NOT** included in any **Croydon Transport Infrastructure Delivery Plans** to provide improved transport accessibility which **negates the London Plan Policy**, as explained below at **para 2.6.2** and **2.6.3**. when considered against the recent cumulative developments locally exceeding the Shirley Place Targets by:  $(1229 - 278)/278 = 951/278 = 342.09\%$  . **(the Case Officer appears NOT to understand the qualifying phraseology?)**.

## 2.6.2 The London Plan Policy D2 States:

A The density of development proposals should:

- 1) consider, and be linked to, the provision of **future planned levels of infrastructure** rather than existing levels,
- 2) be proportionate to the **site’s connectivity and accessibility** by walking, cycling, and **public transport** to jobs and services (including both **PTAL** and access to local services)<sup>9</sup>.

B Where there is currently **insufficient capacity of existing infrastructure** to support proposed densities (including the impact of **cumulative development**), boroughs should work with applicants and **infrastructure providers** to ensure that **sufficient capacity will exist at the appropriate time**. This may mean that if the development is contingent on the provision of **new infrastructure**, including **public transport services**, it will be appropriate that the development is *phased accordingly*.

## London Plan Policy D2 Para 3.2.4 States:

*“Minor developments will typically have **incremental** impacts on local infrastructure capacity. The cumulative demands on infrastructure of minor development should be addressed in boroughs’ **infrastructure delivery plans or programmes**. Therefore, it will not **normally** be necessary for minor developments to undertake infrastructure assessments or for boroughs to refuse permission to these schemes on the grounds of infrastructure capacity.”*

2.6.3 As Shirley and Shirley North Ward are **NOT** included in any **‘Boroughs Infrastructure Delivery Plans’**<sup>10</sup> and as **Croydon LPA** are **NOT** negotiating improvements in Shirley North Ward with TfL (The London Public Transport Infrastructure provider), it should therefore be **abundantly clear that it would be appropriate to undertake an infrastructure assessment** for this proposal or refuse the scheme on grounds of **infrastructure site capacity** limitations. This is a logical interpretation of **para 3.2.4** of the

<sup>8</sup> <https://www.croydon.gov.uk/sites/default/files/2022-01/infrastructure-delivery-plan-2021.pdf>

<sup>9</sup> PTAL and Time Mapping (TIM) catchment analysis is available on TfL’s WebCAT webpage. TIM provides data showing access to employment, town centres, health services, and educational establishments as well as displaying the population catchment for a given point in London.’

<sup>10</sup> <https://drive.google.com/file/d/1v7u6ID7rqzjJDsMwQueuf5-c7x6GpZel/view>

**London Plan** and was pointed out in our representation submission, but the **Case Officer** chose to disregard these issues.

2.6.4 It is acknowledged that although the **New London Plan** omits the **Density Matrix**, the **London Plan** still references out to the **TfL Connectivity Guide**,<sup>11</sup> (See: **Policy D2 A 2 & Policy T4 B:**) for **TfL WebCAT & Time Mapping**.

2.7 **Item 6.4 Bullet Point 7:** • *“It does not comply with London Plan policy D3 re density nor with TfL’s Guidance on density.*

- *Officer note: MORA has requested that the officer’s report comments on the detailed statistical density analysis provided in their submission. The analysis has been reviewed, however the current policy approach set out in London Plan policy D3 emphasises that developments should follow a design-led approach to establish the most appropriate form of development for the site’s context.*
- *“The design-led approach is being pursued by the Council and that is why the importance of Character Appraisals are emphasised in justifying a design approach. A quantitative analysis regarding density in purely numerical terms is now a less important part of the assessment process.”*

2.7.1 The request was made as the **London Plan Policy D3** requires ‘**assessment**’ of the proposed development to be within the available ‘**Site Capacity**’. Para 3.2.2 states:

*3.2.2 If development comes forward with a capacity in excess of that which could be supported by current or future planned infrastructure, **a ‘site-specific’ infrastructure assessment will be required.***

2.7.2 The **Case Officer** has excused themselves from making such an **assessment** on the erroneous grounds that the **Design-Led-Approach** does not require such an **assessment**. **This is clearly untrue as Policy D3 para 3.3.2 clearly states:**

*“3.3.2 A design-led approach to optimising ‘**site capacity**’ should be based on an “**evaluation**”<sup>12</sup> of the **site’s ‘attributes,’** its surrounding **context** and its **capacity** for **growth to determine the appropriate form of development for that site.**”*

2.7.3 The ‘**Attributes**’ of the Site includes the **Site Area**, the **Site’s Setting**, the available and future **infrastructure**, the Local **Character** and the **Site’s Design Code(s)** etc. - It is **NOT** possible for any **meaningful evaluation** of **Site Capacity** without a **quantifiable analysis** and **assessment** of these parameters. There is **NO** mention in the **New London Plan** that a “**Mechanistic**” or “**Quantitative**” analysis in numerical terms “**is less important,**” in fact Para 3.3.3 states:

*“3.3.3 The area assessment required by Part A of Policy D1 London’s form, character and **capacity for growth**, coupled with an area’s **assessed capacity for growth** as required by **Part B of Policy D1** London’s form, character and capacity for growth, will assist in understanding a **site’s context** and determining what form of development is most appropriate for a site. **Design options for the site should***

<sup>11</sup> <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>

<sup>12</sup> “Evaluation”: the making of a judgement about the **amount, number, or value** of something; an assessment.



***be assessed to ensure the proposed development best delivers the design outcomes in Part B of this policy."***

Which infers that an **analysis** of the **attributes**, **mechanistically** is now **MORE** appropriate since publication of the new **London Plan** (March 21). The **Case Officer** is ignoring Policy.

- 2.7.4 In addition, the **Case Officer** has **NOT** identified any '**Design Code**' assessment to support their analysis that the proposal would comply with the requirements and limits of the '**Site Capacity**' as required of the **London Plan Policy D3** or **H2** or given any **justification** for not observing or implementing the Policy.

*"Policy H2 Small sites:*

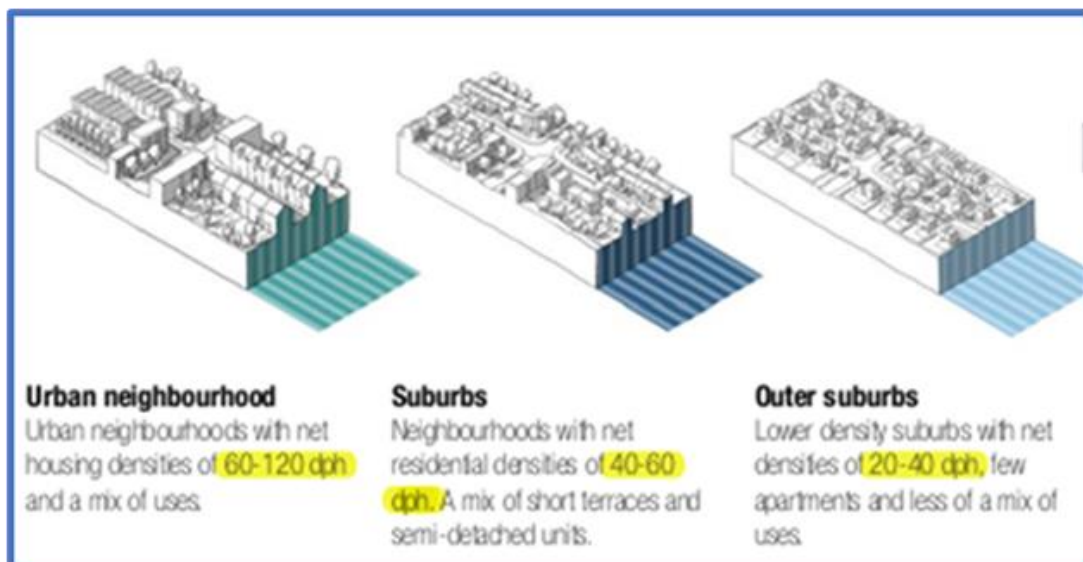
*B Boroughs should:*

- 2) *where appropriate, prepare site-specific briefs, masterplans and housing 'design codes' for small sites ..."*

*"4.2.5...To proactively increase housing provision on small sites through incremental development, Boroughs are encouraged to prepare **area-wide housing 'design codes,'** in particular, for the following forms of development: **residential conversions, redevelopment, extensions of houses and/or ancillary residential buildings. ..."***

- 2.7.5 We raised questions relating to **London Plan Policy D2 and D3** in our submission, none of which were adequately considered, justified, or explained by the Case Officer!

- 2.7.6 **National Model Design Code Housing Densities for Urban, Suburban and Outer Suburban Settings.**



**Illustration of Housing Densities and the relationship with the NPPF Model Design Code Densities and appropriate Settings Extract from National Model Design Code illustration 10 page 14**

- 2.7.7 The Local **Design Code** definition procedures are given in the **Nation Model Design Code (NMDC)** publications by the **Department for Levelling Up, Housing & Communities** and include recommended **Housing Densities** at various **Settings** first published in January 2021 for consultation and subsequently formally adopted and published in June 2021.

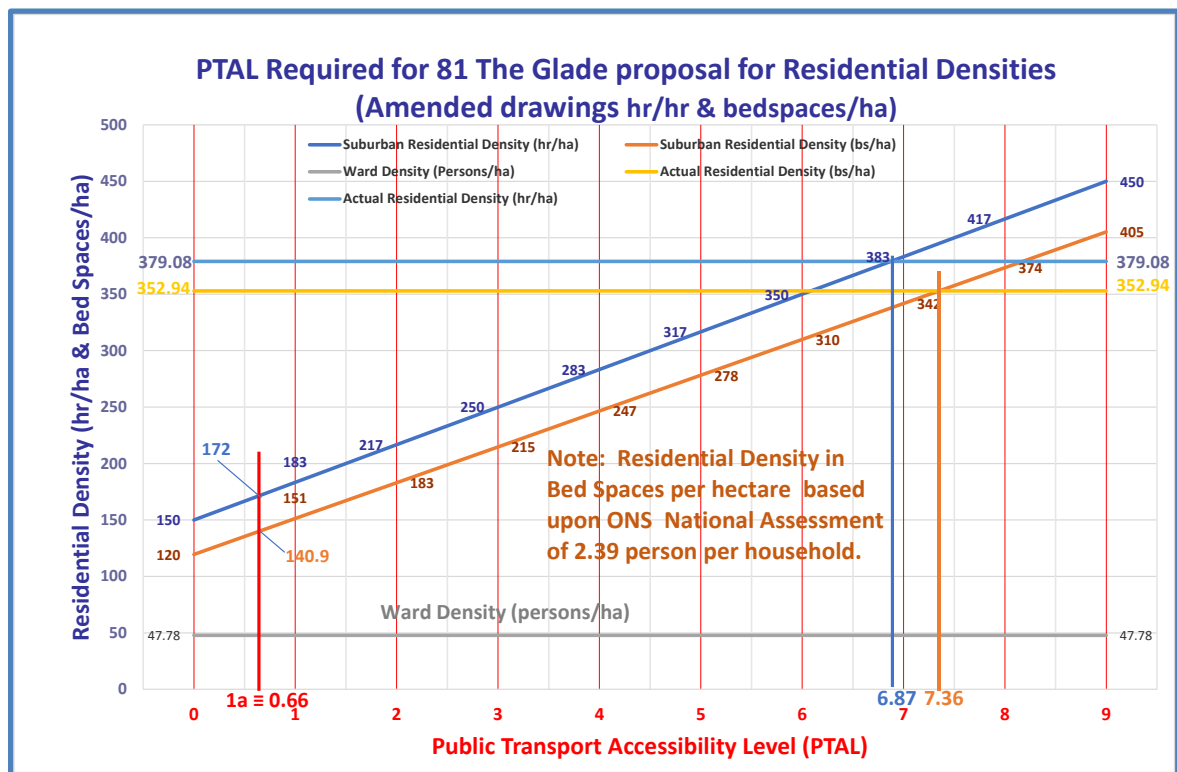


Design Code Summaries (Housing Densities)						
Location	Area (ha)	Population	Dwellings (Units)	Residential Density (bs/ha)	Housing Density (Units/ha)	Setting for Design Code Density
Shirley North Ward	327.90	15666	6555	47.78	19.99	<Outer Suburban
Shirley South Ward	387.30	14147	5919	36.53	15.28	<Outer 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 7QN	0.77	47	14	61.04	18.18	<Outer Suburban
<b>81 The Glade (Proposal)</b>	<b>0.0765</b>	<b>27</b>	<b>9</b>	<b>352.94</b>	<b>117.65</b>	<b>Urban</b>

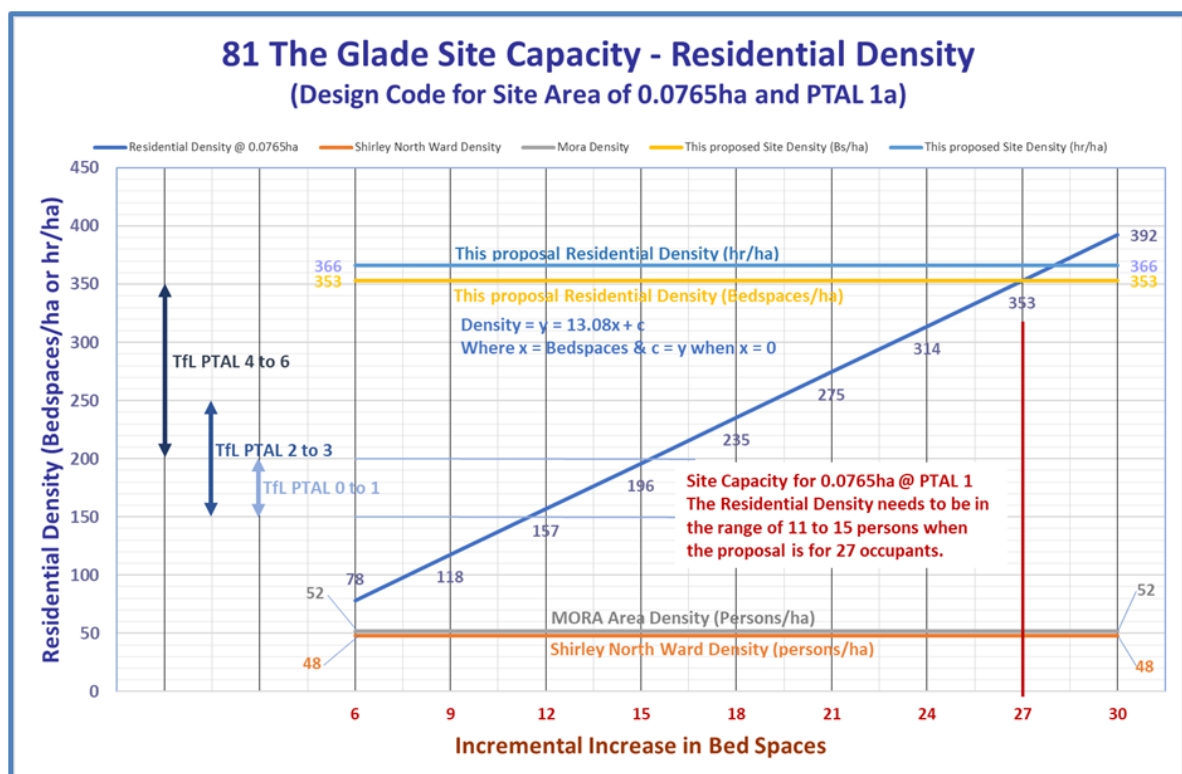
### Tabular illustration of Housing Units and the National Model Density Design Code Setting Ranges for 81 The Glade

- 2.7.8 We have assessed our local Density **Design Codes** for **Shirley**, The **Shirley North Ward**, our **Residents' Association Area** of **MORA** and number of households<sup>13</sup> and also, the **Post Code Area** for **81 The Glade** at **CR0 7QN**. The Table above of **Design Code Housing Densities** (Units/ha) gives an assessment for the locality at the various levels. All the existing **Density Design Codes** are **below or just within the Outer (London) Suburban Range** of **20 to 40Units/ha** as Defined by the **National Model Design Code (NMDC)**.
- 2.7.9 This also establishes the **Post Code CR0 7QN** at '**81 The Glade**' to be **18.18Units/ha** which is also below an '**Outer (London) Suburban**' Setting **Design Code Density Range** of **20 to 40 Units/ha** but the **proposal** is actually for a **Housing Density** of **9/0.0765 = 117.65Units/ha** ( $\approx 118\text{U/ha}$ ), which is at the **high end** of the **National Model Design Guide** for an **Urban** Setting of **60 to 120 Units/ha**, getting very close to the **Central Setting**, which is totally **inappropriate** for this **Outer (London) Suburban**, Residential **Setting**. There is **NO** known area within the **Shirley Wards** (Shirley North or Shirley South Ward) Areas **above** an Outer - Suburban – [Outer (London) Suburban] Setting. It should be recognised that **NPPF para 129 states that: "These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes."**
- 2.7.10 The above clearly shows that the **Design Code** for **81 The Glade Post Code** being **18.18Units/ha** is **below the 20 to 40 Units/ha** for an **Outer Suburban Settings** and that the **proposal at 117.65 Units/ha** is **totally inappropriate** for the local Setting.
- 2.7.11 What is the point of defining **National Guidance** if the **LPA Case Officers** just ignore that guidance and do not even assess proposals in the spirit of that guidance or even justify why they refuse to implement them? Is this appropriate for **Professional Planners** who are members of the **Royal Town Planning Institute (RTPI)**?
- 2.8 **Item 6.4 Bullet Point 8:** • *"It will increase demand on public transport."*
- 2.8.1 This was briefly mentioned in the Case Officer's report, but the **Case Officer** did not acknowledge it presented a problem. However, it is necessary to consider these requirements for Sustainable Developments.
- 2.8.2 The required **TfL Public Transport Accessibility**, whether calculated in Residential Density of **Habitable Rooms/hectare** or **Bedspaces/hectare**, would require a **PTAL** of either **6.48** or **7.36** respectively when the available **PTAL** is **1a**  $\equiv$  numerically **0.66**.

<sup>13</sup> <http://www.mo-ra.co/about/roads/>



**This graph illustrates the required Public Transport Accessibility Level (PTAL) requirement for the proposal at 81 The Glade CR0 7QN**



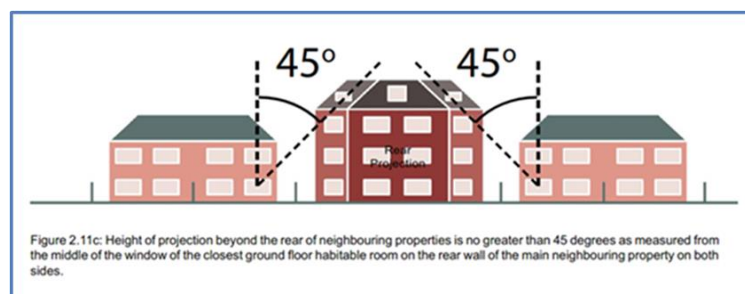
**This Graph illustrates the over-development in terms of Bed Spaces per hectare for the TfL PTAL Range of the proposal at 81 The Glade CR0 7QN**

- 2.8.3 This parameter of **Public Transport Accessibility** needs to be assessed and contributes to the **National Model Design Code** definition for the **Locality** and requires consideration to evaluate and assess '**Site Capacity**' for sustainability.
- 2.8.4 The **London Plan** at Reference<sup>26</sup> indicates "PTAL and Time Mapping (TIM) catchment analysis is available on TfL's WebCAT webpage. TIM provides data showing access to employment, town centres, health services, and educational establishments as well as displaying the population catchment for a given point in London (see Public Transport Access Levels (PTALs) in Glossary for more information on WebCAT and Time Mapping)." <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>
- 2.8.5 This requirement and analysis was completely ignored by the **Case Officer** in the Report and shows another example of the unprofessional evaluation and assessment of the proposal.
- 2.9 **Item 6.4 Bullet Point 9:** • "No daylight assessment has been provided to assess impacts on 83 The Glade. The south facing rear garden of **83 The Glade** will be in virtual constant shade and the new building will be overbearing. 45°degree projection lines are breached from number 83."



**The Supplied Drawings Rear Elevation Illustration of 45-Degree Rule projection from Centre of Ground Floor Patio Door at 83 The Glade.**

- 2.9.1 The proposed development would cast shadows over the rear garden of 83 The Glade for most of daylight hours as the proposed development would be about 3m higher than 83 The Glade and would also fail the 45-Degree Rule by about 2.5m intersect of the projection.



## 2.9.2 SPD2 Para 2.11.1 States:

2.11.1 “Where a development projects beyond a rear building line, the height and footprint of the projection does not necessarily need to be lower or narrower, provided the guidance on relationship to boundaries (Refer to Section 2.16) and overlooking (Refer to Section 2.9) is followed. It should **be demonstrated** that there would be **no unreasonable impact on neighbouring amenity**. Where it is necessary to mitigate impact on neighbouring amenity, the projection beyond the rear building line **may need to step down in height and width**, to meet the guidance below:

- It follows the 45 degrees rule demonstrated in Figure 2.11b and 2.11c. In exceptional circumstances, where orientation, topography, landscaping and neighbouring land uses allow, there may be scope for a depth beyond 45 degrees.
- The flank wall is designed to minimise visual intrusion where visible from neighbouring properties.”

## 2.9.3 The Pre-Application Meeting<sup>14</sup> on 8<sup>th</sup> October 2021 at para 8.3:

“On the north side of the site, the proposal in its current form steps away from the boundary with number 83 towards the rear, which helps to respect the **45-degree** line and minimise impacts on daylight and outlook to the rear windows of number 83. This is welcomed and the **45-degree** lines **should be shown on both plan and elevation in any subsequent design iterations.**”

This was NOT addressed, as the 45-Degree from 83 The Glade was NOT shown on the offered plan or considered.

## 2.10 Case Officer's Report at Para 8.26 states:

2.10.1 “8.26 The mass of the proposed building does not breach a **45-degree** line from the closest rear windows of number 83 in plan. A **45-degree** line taken in elevation from the middle of the ground floor living room doors at the rear of number 83 **would be breached by the proposed building, but this line would be breached by any building taller than the existing building on the site.** A daylight and sunlight assessment has not been provided. The ridgeline of the roof is 2.5m higher than the ridgeline of number 83 and the hipped roof form helps to ensure that the mass of the proposed 3 storey building would not be overbearing to number 83. Additionally, the rear section of the proposal has been pulled away from the boundary. Finally, in considering the impact of this section on the neighbour, the orientation of the two properties needs to be taken into account – with this scheme being to the south and so likely to have a greater impact. However, **as any building on this site taller than the existing would breach the 45-degree rule, and as the patio door affected is one of two openings to the full width living room in no 83, this relationship is considered to be acceptable as the light and outlook available to the other window would be much less affected by the proposal.**”

2.10.2 Resultant upon the Case Officer's interpretation of SPD2 Section 2.11, on the 45-Degree Ruling, we have made **further investigations** of the rear elevation of **83 The Glade**. These investigations have found that the Applicant's Rear elevations of 83 The Glade are

<sup>14</sup> <https://docs.planning.org.uk/20210115/117/QMS10HJLHMV00/n12o3x1az0siowwi.pdf>



**incorrect** in a number of areas (which should have been corrected after the Case Officer's Site Visit).

- a) There are **two Patio Doors** at **83 The Glade** – **NOT three** as depicted on the applicant's supplied elevation plans (French Doors);
- b) There are **windows each side** of the Patio Doors; (half height French Windows). *This is probably the reference to a second window by the Planning Officer at the Committee (see Part 1 para 3.28.4) quoted without explanation.*
- c) The SPD2 Policy indicates the "height of projection beyond the rear of the neighbouring properties is no greater than 45-Degrees as measured from the middle of the window of the closest ground floor habitable room on the rear elevation of the neighbouring property." This would mean the projection would be from the nearest 'French' window which would strike a 45-Degree projection **lower and more significant than previously considered**.
- d) The furthest ground floor window (different room) has three panes; We are not sure if this serves a habitable room but is shielded by the Lounge protrusion.



**New Estimated position of French windows at the rear ground floor of 83 The Glade and the revised 45-Degree Projection after further investigation**

- 2.10.3 These differences should have been established during the **Site visit** by the **Case Officer** and the drawings should have been corrected for evaluation by third parties commenting. Not to have corrected these errors is considered extremely unprofessional by the **Case Officer** as it resulted in **ambiguity which should have failed the Validation check of the proposal. This should have been explained during the assessment at Planning Committee prior to a determination.** Additionally, a more appropriate response at Committee would have assisted in the understanding by members and Officers of the failure to meet the policy and thus assist in the decision-making process.
- 2.10.4 However, a **45-degree** projection from the estimated centre of each of these newly identified "French" windows on the ground floor at **83 The Glade**, indicates a greater level of intersect of the proposed development and even from the furthest French window the **45-Degree (vertical) Rule is non-compliant.** Therefore, the proposal remains **significantly Non-**



**Compliant** to the **45-Degree vertical Rule SDP2 Guidance** as shown by the amended illustration above. It also creates a change to the **Horizontal 45-Degree intersect projection** which intersects the rear protrusion of the proposal.

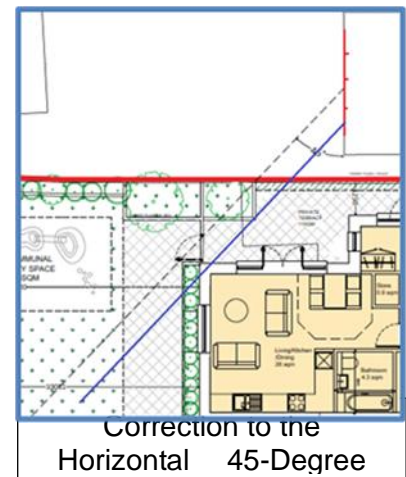


**Apple Map Image of rear of 83 The Glade.**

2.10.5 The new information also has implications on the **horizontal 45-Degree Rule** in that the 45-degree projection from the nearest French window (as estimated in the diagram to the right) now intersects the proposed dwellings as illustrated. The solution suggested by **SPD2** Section **2.11** is either to reduce the footprint or to reduce the height.

2.10.6 As the Applicant has not provided a Daylight or Sunlight Assessment, it is NOT possible to assess the measurable affected loss of amenity, or the loss of Daylight/sunlight and any assumed estimate of the likely loss is extremely unprofessional.

2.10.7 We are concerned that the **Case Officer has completely undermined the objective of the SPD2 Policy to protect the Amenity of adjacent occupants.** The statement accepting that **“this line would be breached by any building taller than the existing building on the site”** but is acceptable, infers the Policy does not need to meet the 45-Degree Rule, and thus sets a **Precedent for all future proposals**, making the Policy probably **void and unenforceable** as future applications that are non-compliant could not be refused due to the **precedent** set by this Case Officer’s interpretation of the Policy. We have sought clarification from ‘Spatial Planning’ but none has been forthcoming.



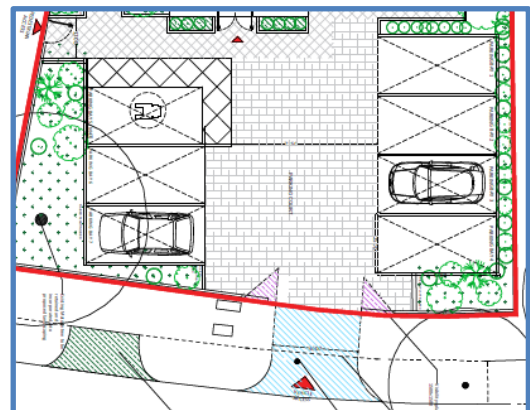
- 2.10.8 **We believe this is further evidence of the Case Officer ‘circumvention’ of Policies to ensure approvals with the objective to meet a perceived housing “need”, even when targets have already been achieved and surpassed, as has been previously established (See also para 2.14 and 2.15 below).**
- 2.10.9 The **Case Officer** did **NOT** provide any meaningful **Justification** for not meeting the **SPD2** guidance or to identify any **exceptional circumstances** why the policy should **NOT** be considered for the proposal. In fact, the **Case Officer** has dismissed the Policy by reason as set out above. We believe the **Case Officer’s** analysis and assessment of this Policy is completely unprofessional and inappropriate.
- 2.11 **Item 6.4 Bullet Point 11:** • *“SPD2 recommends that in areas of semi-detached homes in a planned estate, that proposals should not exceed 3 storeys, and that the 3rd storey should be partially concealed within the roof form which, for gentle densification, would be considered a maximum and more appropriate for this location.”*
- 2.11.1 This is a reflection on the **London Plan Policy H2 para 4.2.4** which infers ***Incremental intensification*** for Minor Developments in Residential Areas of **PTAL <3** and **>800m** from a **Train/Tram Station** or **District Centre** is ***inappropriate*** (see above).
- 2.11.2 The Hierarchy of Policies is: **NPPF**, the **London Plan**, the **Croydon Local Plan**, and **SPD2** so, the **London Plan** Policies carry more weight than the **Croydon Local Plan**. This issue has been more fully addressed previously above. The **Case Officer** has **NOT** challenged this issue.
- 2.12 **Item 6.4 Bullet Point 12:** • *“Deficiency of play space: 120m<sup>2</sup> should be provided for 12 children according to London Plan policy S4.”*
- 2.12.1 The **London Plan Policy S4** states:
- “... for residential developments, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of play space should be provided per child that:*
- a) provides a stimulating environment*
  - b) can be accessed safely from the street by children and young people independently*
  - c) forms an integral part of the surrounding neighbourhood*
  - d) incorporates trees and/or other forms of greenery*
  - e) is overlooked to enable passive surveillance*
  - f) is not segregated by tenure.”*
- 2.12.2 Thus even for the **amended drawings** which now **estimates 9 children** the allocation should be **90m<sup>2</sup>** when only **18.5m<sup>2</sup>** is offered. Again, the **London Plan Policies** are a **higher hierarchical level** and therefore carry more weight than the **Croydon Local Plan** which requires **10m<sup>2</sup>** for each child but only for dwellings of **10 units** or more. **Why should children living in accommodation less than 10 units have less Play Space than those in accommodation greater than 10 Units.**
- 2.12.3 The **Case Officer** has not contested our representation and has **NOT justified** why the proposal was recommended for approval despite of **not meeting the London Plan Policy**.
- 2.13 **Item 6.4 Bullet Point 13:** • *“Under-provision of car parking, no EVCPs, swept paths are not provided.”*

- 2.13.1 The London Plan Policies for Residential Parking in outer London Boroughs is given at Table 10.3 (below).
- 2.13.2 The number of **dwelling**s proposed at **81 The Glade** is **9** at **PTAL 1a** and therefore **London Plan Table 10.3** indicates the **Maximum Residential Parking allowed** is **13.5** (Rounded to **14**) where the provision is just **7**; **That is 51.85% of what should be provided**, one of which is a **Disabled Parking Bay**. This indicates further evidence of overdevelopment as there is insufficient **Site Area** to accommodate the London Plan Parking Policy of **13** Spaces which is further evidence of overdevelopment of the Site.

Location	Number of beds	Maximum parking provision*
Outer London PTAL 4	1 – 2	Up to 0.5 - 0.75 spaces per dwelling+
Outer London PTAL 4	3+	Up to 0.5 - 0.75 spaces per dwelling+
Outer London PTAL 2 – 3	1 – 2	Up to 0.75 spaces per dwelling
Outer London PTAL 2 – 3	3+	Up to 1 space per dwelling
Outer London PTAL 0 – 1	1 – 2	Up to 1.5 space per dwelling
Outer London PTAL 0 – 1	3+	Up to 1.5 spaces per dwelling^

**Extract from Table 10.3 - Maximum Residential Parking Standards**

- 2.13.3 The allocation of only **7** spaces for a likely occupation of **18 adults** is under provision by at least 7 bays (~50%) and will result in overspill which would require on-street parking normally overnight. This overspill is likely to be in Lorne Gardens.
- 2.13.4 Given the “**modest**” forecourt area, as acknowledged in the applicant’s “Addendum” it would be appropriate to have provided **swept path illustrations** for ingress and egress when all other bays are occupied. This is appropriate specifically for Bays with **minimum lateral space** i.e., nearest to the building, as there would be very restricted steering lock possible for an exit manoeuvre from that bay. These practicalities have not been considered by the **Case Officer**.
- 2.13.5 The **Case Officer** has **NOT** responded to this request or requested the applicant to provide swept path illustrations. The possibility that it might be extremely difficult for a driver to extricate their vehicle from the bay nearest the building, for the life of the development, has **NOT** been considered.
- 2.13.6 Although no EVCPs were provided, the Case Officer has indicated Conditions for their provision would be attached to the grant of permission.





- 2.14 **Item 6.4 Bullet Point 14:** • “There has been a net increase of 48 new homes in the MORA postcodes in 2019 and 22 in 2020. CIL money has not visibly been spent in the MORA area to improve public transport.”

**Item 6.4 Bullet Point 15:** • “Housing targets have been met.”

- 2.14.1 Taking these two bullet point references together, as they are related to the same data.
- 2.14.2 There are no planned improvements in Public Transport accessibility up to 2031. The London Plan requires a target number of dwellings over the period 2021 to 2039 for each of the London Boroughs. The small sites minimum target (2019/20 -2028/29) in Table 4.2 for Croydon is 6,410 (at 641 per year). The Croydon Plan Review, however, requires a Borough Total of 46,040 homes over the period 2019 to 2039 which equates to 2302 per year.
- 2.14.3 The response to our FOI request Ref: 4250621 on 31<sup>st</sup> January 2022

“Shirley Place as defined in the Local Plan has an area of approximately 770 hectares and comprises Shirley North and South Wards and therefore the completions for Shirley Place can be calculated by adding the completion figures together for each ward. This is shown in the summary table (attached). Information regarding the total number of demolitions in each ward is not held centrally.”

The Statement is **NOT True as the Shirley Wards total area is 715.2ha NOT ≈770ha!**

TARGET OUTTURNS (Estimates)							
Locality	Area (ha)	Dwellings	Population	Percentage of Shirley (Place?)	Units over 20 yrs (Estimate)	Per Year	Actual (Outturn/yr)
Shirley North Ward	327.90	6555	15666	45.85%	127	6	?
Shirley South Ward	387.30	5919	14147	54.15%	151	8	?
All Shirley (Shirley Place?)	715.20	12474	29814	100.00%	278	14	?
MORA AREA	178.26	3884	9283	24.92%	69	3	43
Shirley North Ward minus MORA	149.64	2671	6383	20.92%	58	3	?

- The Council does not hold the information we requested in a reportable format.
- The Council does not know the exact Area in hectares of any “Place”
- The Council does not hold the Number of Dwellings per “Place.”
- The Council does not hold the Number of Persons per “Place”

- 2.14.4 The FOI Summary spreadsheet (below) provided a list of completions (FOI Response) and a summary table for Shirley North and South wards from 2018 – 2021. The completions figure for 2021 is only available up until and including 31 August 2021.

Shirley North				
	2018	2019	2020	2021 (partial)
Gross units	48	94	73	16
Net units	45	87	69	12
Shirley South				
	2018	2019	2020	2021 (partial)
Gross units	12	17	3	5
Net units	10	15	0	5
Shirley Place				
	2018	2019	2020	2021 (partial)
Gross units	60	111	76	21
Net units	55	102	69	17

- 2.14.5 The analysis of this limited information supports our assumption that the completions are recorded but that no action is taken as a result of those recorded completions.
- 2.14.6 Analysis of the recorded data shows over the three full years 2018 to 2020 the Net Increase in Dwellings for Shirley “Place” = Shirley North + Shirley South = **226**
- 2.14.7 This give an average of **75.33** per year, so over 20 years = **1507 dwellings**. (Exceeding the Target by **1,229**). **The Target for the Shirley Place at the Revised Croydon Local Plan Table 3.1 indicates 278 over 20 yrs.**
- 2.14.8 *From the FOI Request, the Area of the Shirley “Place” is **≈770ha**. The total Area of Shirley North & South Wards is **715.2ha** (GLA figures) therefore, there is a **54.8ha** excess of land in other **adjacent Wards** which numerically means the Target for **Shirley Wards of 278** should be reduced by **7.12% = 258** (and the difference added to the Targets of the relevant adjacent Wards). So, there is therefore **54.8ha** of development land attributed to Shirley which is actually in other wards! **This distorts the Shirley outturns.***
- 2.14.9 The acknowledged differences confirm the Monitoring of the Targets is not being managed by “Development Management” and the calculations for targets are most unprofessional.
- 2.15 **Targets and Outturns:**
- 2.15.1 **Monitoring Outturns of the “Places” (evidence).**
- The Targets for Croydon are set by the **GLA** to meet Housing need, and the distribution across the Places of Croydon are set by **Croydon LPA** to meet the **Local Housing Need**.
- If the Targets are **NOT** monitored, it is ‘**NOT POSSIBLE**’ to establish whether Housing “Need” is still deficient or has been met. If Housing need has been met it removes the pressure for Increased Density especially in areas of Focussed or Moderate Intensification.
- Additionally, Table 3.1** shows the Target for new dwellings for the **Shirley “Place”** over 20 years (2019 to 2039) to be **278** which is **13.9 ≈ 14** per year.
- 2.15.2 The **FOI** response indicates the current rate of redevelopment would give an outturn of **≈1,507** additional dwellings, **exceeding the Target over 20 yrs. to 2039 by 1,229**. This is a **442%** excess.
- 2.15.3 The **outturn** for the **Monks Orchard Residents’ Association (MORA) Area** over the **3 yrs** since **2019** is averaging at **43 dpa**, and the **MORA** area is a very **small** portion of ‘**Shirley**’ or the ‘**Shirley Place**’, as shown in the Table below (We don’t know the Area of the **Shirley “Place”** but the FOI indicates approximately 770ha).
- 2.15.4 The **MORA Area** (which we monitor) is only **24.92%** of **All Shirley**, but at a rate of **43dpa** over the **20yr** period, would exceed the **Target of 278** by **582 Dwellings** **for the Whole of the Shirley “Place”**. This is **200%** Increase for the Shirley “Place” when the **MORA Area** is only **23.14%** of the area of the **Shirley ‘Place’**



TARGET OUTTURNS (Estimates)							
Locality	Area (ha)	Dwellings	Population	Percentage of Shirley (Place?)	Units over 20 yrs (Estimate)	Per Year	Actual (Outturn/yr)
Shirley North Ward	327.90	6555	15666	45.85%	127	6	?
Shirley South Ward	387.30	5919	14147	54.15%	151	8	?
All Shirley	715.20	12474	29814	100.00%	258	12	75
Shirley "Place" (Approximately)	770.00	?	?	107.66%	278	75	?
MORA AREA	178.26	3884	9283	24.92%	69	3	36
Shirley North Ward minus MORA	149.64	2671	6383	20.92%	58	3	40

### Target current Outturns

- 2.15.5 This information provides **ample evidence** that the **Croydon LPA** are **NOT** '**Managing Developments**' to reflect the **Targets** across the **Borough** as required of their Job Title: viz "**Development Management**" and the **Policies SP1.0A** as defined **do not assist that objective**. **Targets are to meet Housing Need so if Targets are exceeded, that satisfies Housing Need – then why allow any intensification in areas which have already met Housing 'Need' as defined by the Target?** Any redevelopment should reflect the Local Design Code parameters for the locality with Zero of only gentle intensification within the Design Code limits for the relevant locality.

### 2.16 Further Supporting Analysis:

- 2.16.1 MORA is a **small part** of the **Shirley Place** and a **small part** of the **Shirley North Ward** but has had a considerable proportion of the **Shirley "Place"** allocation since **2019**.

Local Area	Area (ha)	% of All Shirley
Shirley North Ward	327.90	45.85%
Shirley South Ward	387.30	54.15%
All Shirley	715.20	100.00%
MORA	178.26	24.92%
Shirley Place (approximate)	770.00	107.66%

- 2.16.2 This Table (above) shows that the **MORA** area is **24.92%** of the total Area (ha) of the Shirley Wards at **715.2ha**.
- 2.16.3 Thus, the **outturn** for **just** the **MORA** area of **178.2ha** since **2019** is now **150 dwellings (Not full 4 yrs., yet)** averaging at **≈35.5 per year**. At the current rate, the **outturn** over **20yrs** would be **≈710 dwellings** when the **Target** for the **whole** of the **Shirley "Place"** (**≈770ha FOI**) is just **278**. (see table 3.1 of the Revised Croydon Local Plan).

**The LPA should appreciate the significance of this unbalanced assessment.**

MORA Area Re-developments (178.2 hectares)					
Year	Existing Dwellings (Demolished)	New Dwellings	Overall Increase	Over 20 yrs	Policy Requires 40% Affordable
2019	6	54	48	960	19
2020	5	28	23	460	9
2021	10	68	58	1160	23
2022	2	15	13	260	5
<b>Totals</b>	<b>21</b>	<b>150</b>	<b>142</b>	<b>2840</b>	<b>57</b>
Average per year	5.75	41.25	35.50	710.00	None were
Target Table 3.1 for Shirley "Place" (770 hectares)			14.20	284.00	affordable

- 2.16.4 Therefore, this clearly states the evidence that **Housing Need** is currently satisfied in the Shirley North Ward. Data supporting the Tables above are obtained from the LPA Public Register, GLA, ONS, Statista<sup>15</sup>, and the MORA Planning App.<sup>16</sup>
- 2.16.5 This Method of Assessment could be appropriate for any of the Croydon “Places” or a locality in the Borough.

### 3 Conclusions.

- 3.1 We therefore contend that the **Case Officer’s Report** contains **inappropriate guidance** to the Planning Committee, as set out in the above analysis and does not reflect the current adopted **Planning Policies** to which the **Committee evaluates** as guidance to consider and base their **determination**. **We have assessed the proposal on substantive evaluation against Planning Policies, not vague or subjective interpretations of those Policies.**
- 3.2 We also are of the view that the **Case Officer** failed to discharge **professional responsibility appropriately** in failing to assess the proposed development’s ‘**Site Capacity**’ or the **relevant Planning Policies** in accordance with the current adopted **National and Local Level** to ensure the proposed development would be appropriate for future occupants and supported by the existing infrastructure for sustainable development.
- 3.3 In summary, it is considered from the above analysis, that we have responded to the main thrust of the **Appellant’s Grounds of Appeal** and found them in contradiction of **Planning Policies** and therefore the proposed development is **inappropriate** for an **Outer Suburban Locality** [Outer (London) Suburban] locality and that this appeal should be **dismissed**.
- 3.4 In Conclusion, we believe we have provided adequate evidence to show the **Case Officer’s Report** did not adequately address the non-compliance to established adopted Policies, and that these failures taken in total were of sufficient weight to have required a refusal by a professional assessment, which would have saved the expense of the determination by the Planning Committee.
- 3.5 The Case Officer failed to provide adequate reasons or justification why current adopted policies were disregarded when our representation highlighted the need for those policies to be considered.
- 3.6 We therefore urge the Planning Inspectorate to Dismiss this appeal for the aforementioned reasons set out in this representation.
- 3.7 It is of critical concern that policies are being transgressed or circumvented in order to meet housing need and targets, and that Targets are NOT monitored or outcomes Managed by Development Management, rather than ensure appropriate Housing meets the design guidance, quality and fit for purpose, for future occupants and are appropriate for the Site capacity and locality for sustainable developments.

<sup>15</sup> <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

<sup>16</sup> <http://www.localplanningapps.co.uk/croydon/mora/anupdate/planningtable.html>

- 3.8 It is firmly believed on the evidence provided, that the proposal was inappropriate for the **Site Area** and **Locality** and that the application should have been refused prior to presentation to the planning committee.

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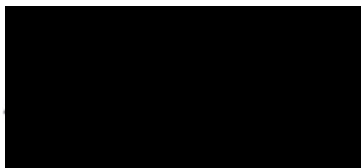
It is our belief that, under the leadership of the Croydon Director of 'Planning and Sustainable Regeneration,' Planning Officers have been instructed to place more emphasis on meeting "*Housing Need*" than maintain their professional judgement on the implementation of the current adopted Policies, which has resulted in flawed recommendations and decisions culminating in the complete loss of confidence by Croydon residents in the planning process.

We would profoundly object to any of our well-earned Taxes being spent on Local or National Plan revisions when Officers completely disregard the policies once approved and adopted.

If this proposal is allowed, It would be absurd to believe that the Planning Policies have any meaningful weight and local residents would be quite correct in their current complete loss of confidence in the Planning Process.

We apologise for the length of this submission, but we believe all the information herein is relevant to the Inspector and should be considered prior to a determination.

Kind Regards



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