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Monks Orchard Residents' Association Planning

11th April 2022

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Reference: 22/00726/FUL
Application Received: Tue 22 Feb 2022
Application Validated: Tue 22 Feb 2022
Address: 77 Woodmere Avenue Croydon CR0 7PX
Proposal: Demolition of single-family dwelling and garage to facilitate the erection of a detached 2-storey building with accommodation in the roof space, comprising of 7 self-contained apartments with integrated bike store and 8 off-street, car parking spaces.
Status: Awaiting decision
Consultation Close: Wed 17th April 2022
Case Officer: Jeni Cowan

Dear Ms Jeni Cowan

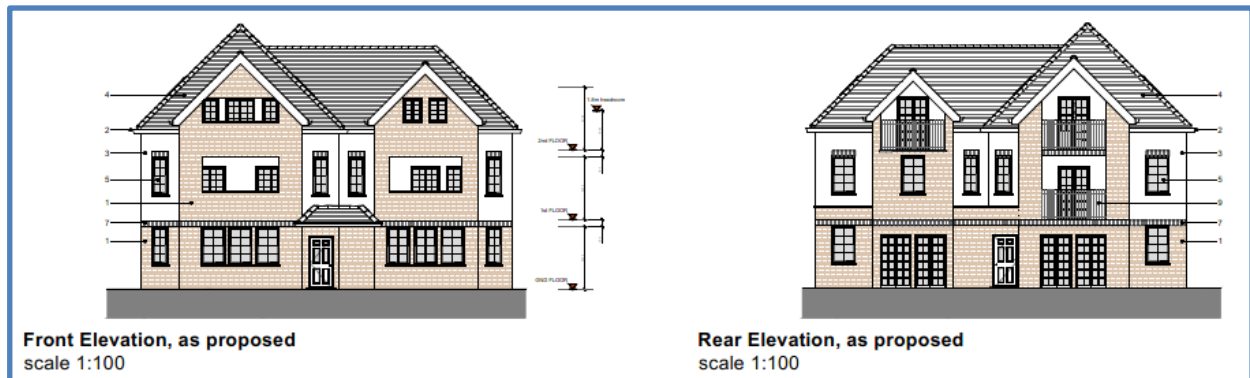
Please accept this letter as a formal objection to **Application Ref: 22/00726/FUL** for Demolition of single-family dwelling and garage to facilitate the erection of a detached 2-storey building with accommodation in the roof space, comprising of 7 self-contained apartments with integrated bike store and 8 off-street, car parking spaces.

We understand the need for additional housing, but that new housing developments and Residential Extensions & Alterations must be **sustainable** and meet the current and emerging planning policies to ensure future occupants have acceptable living standards and acceptable accessibility to Infrastructure and Public Transport. In addition, the defined “need” has been assessed by targets set by the GLA and proportionately allocated across the Borough by the LPA. If those Targets have been met or surpassed, the defined Housing “need” has been **satisfied**.

1 The Proposed Development's Parameters:

77 Woodmere Ave		Ref: 22/00726/FUL													
	Units	7				Residential Density (hr/ha)		200.70	hr/ha		Floor Area Ratio		0.41		
	Site Area	1146				Residential Density (bs/ha)		191.97	bs/ha		PTAL 2011	1a	0.66		
	Site Area	0.1146				Housing Density (U/ha)		61.08	U/ha		PTAL 2031	1a	0.66		
Dwelling	Type	Floor	Bedrooms	Bedspaces	Habitable Rooms	GIA offered (sq.m.)	GIA Required (sq.m.)	Built-In Storage Offered	Built-In Storage Required	Amenity Space Offered	Amenity Space Required	Probable Adults	Probable Children	Play Space Offered	Play Space Required
Flat 1	M4(2)	Ground	3	5	4	86.0	86	2.5	2.5	53.0	8	2	3	4.6	30
Flat 2	M4(3)	Ground	2	3	3	80.0	61	3.0	2.0	36.0	6	2	1	1.2	10
Flat 3	M4(2)	First	3	4	4	75.0	74	2.0	2.5	6.2	7	2	2	4.6	20
Flat 4	M4(2)	First	1	2	2	52.5	50	1.6	1.5	6.2	5	2	0	0	0
Flat 5	Studio	First	1	1	2	39.0	39	1.0	1.0	6.2	5	1	0	0	0
Flat 6	M4(2)	Second	2	3	4	64.0	61	2.0	2.0	6.4	6	2	1	1.2	10
Flat 7	M4(2)	Second	3	4	4	79.0	74	2.5	2.5	6.0	7	2	2	4.6	20
Totals			15	22	23	475.5	445	14.6	14.0	120	44	13	9	16.2	90

Representing, supporting and working with the local residents
for a better community



- 1.1 We only object when proposals **do not comply** with current adopted or emerging planning policies designed to minimise overdevelopment and retain the local character within acceptable constraints, or where policies are **vaguely specified** and subject to varying interpretations.
- 1.2 We have structured this objection on grounds of non-compliance to agreed adopted Planning Policies and guidance from:
- The NPPF (June/July 2021)
 - The Department for Levelling Up, Housing and Communities (DLUHC) National Model Design Codes and Guidance Documents published (January 2021 & June 2021);
 - The London Plan (March 2021)
 - The Croydon Local Plan (2018)
 - The Draft Revised Croydon Local Plan (December 2021 Not yet adopted)
 - Supplementary Planning *Guidance* (SPD2) (April 2019).

2 Policies & Guidance – The Evidence for a refusal - The NPPF.

- 2.1 **2. Achieving sustainable development:** The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

2.2 16. Plans should:

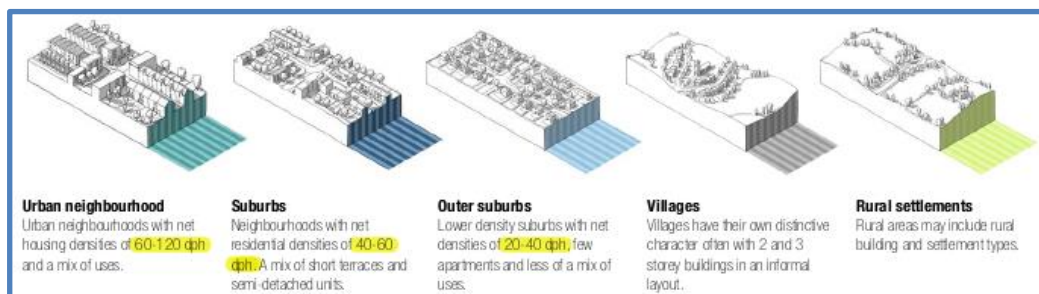
- be prepared with the objective of contributing to the achievement of sustainable development;
- be prepared positively, in a way that is aspirational but deliverable;
- be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- contain policies that are **clearly written and unambiguous**, so it is evident how a decision maker should react to development proposals;
- be accessible through the use of digital tools to assist public involvement and policy presentation; and
- serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

2.2.1 The 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. 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.**”*

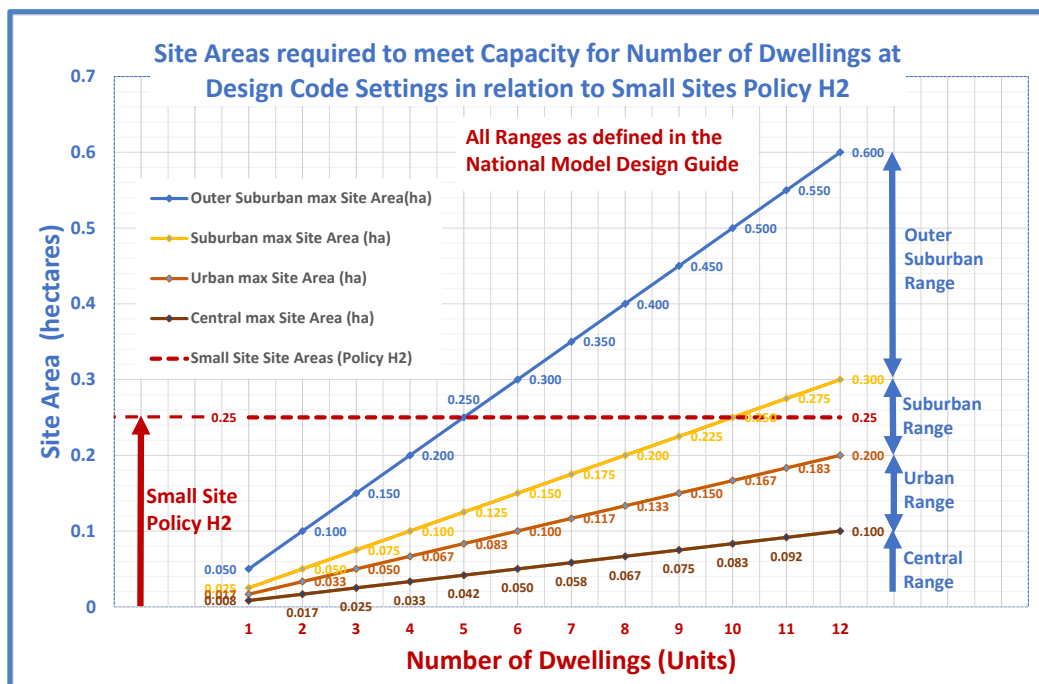
2.3 The DLUHC National Model Design Code & Guidance¹ Parts 1 & 2.

2.3.1 The ‘Settings’, ‘Outer Suburban’, ‘Suburban’, ‘Urban’ and ‘Central’ are defined in the National Model Design Code Part 1 The Coding Process, 2B Coding Plan, Figure 10 Page 14.



The National Model Design Code parameters Definitions for Local Settings.

2.3.2 Site Capacities (Units/hectare):



Graphical Illustration of Site Area Capacity ranges (ha) for Number of Units at each Setting, Outer-Suburban, Suburban, Urban and Central for 1 to 10 Units.

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



Units (Dwellings)	1	2	3	4	5	6	7	8	9	10
Outer Suburban (max Site Area ha)	0.05	0.10	0.15	0.20	0.25	0.30	0.35	0.40	0.45	0.50
Outer Suburban (min Site Area ha)	0.03	0.05	0.08	0.10	0.13	0.15	0.18	0.20	0.23	0.25
Suburban (max Site Area ha)	0.03	0.05	0.08	0.10	0.13	0.15	0.18	0.20	0.23	0.25
Suburban (min Site Area ha)	0.02	0.03	0.05	0.07	0.08	0.10	0.12	0.13	0.15	0.17
Urban (max Site Area ha)	0.02	0.03	0.05	0.07	0.08	0.10	0.12	0.13	0.15	0.17
Urban (min Site Area ha)	0.01	0.02	0.03	0.03	0.04	0.05	0.06	0.07	0.08	0.08
Central (max Site Area ha)	0.01	0.02	0.03	0.03	0.04	0.05	0.06	0.07	0.08	0.08

Table showing Site Capacities at Design Code Settings.

- 2.3.3 The above Graphical illustration and Table provide the ranges of ‘**Site Capacities**’ (in hectares) in terms of the **number of dwellings** and **Site Area (ha) capacity** for each of the ‘**Settings**’ – ‘Outer-Suburban’, ‘Suburban’, ‘Urban’ and ‘Central’ as defined by the Department of LUHC, **National Model Design Code & Guidance Parts 1 & 2**.³

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
77 Woodmere Ave.	0.1146	22	7	191.97	61.08	Urban

Analysis of Area Type “Settings” for the locality including the proposal at 77 Woodmere Avenue

- 2.3.4 The above table provides an assessment of **Local Design Code Residential**, and **Housing Densities** as related to the Local Type and Settings. All the assessments and analyses indicate the Setting for each locality is within or below the National Model Design Code for “Outer Suburban” except the Design Code Setting for this proposal.

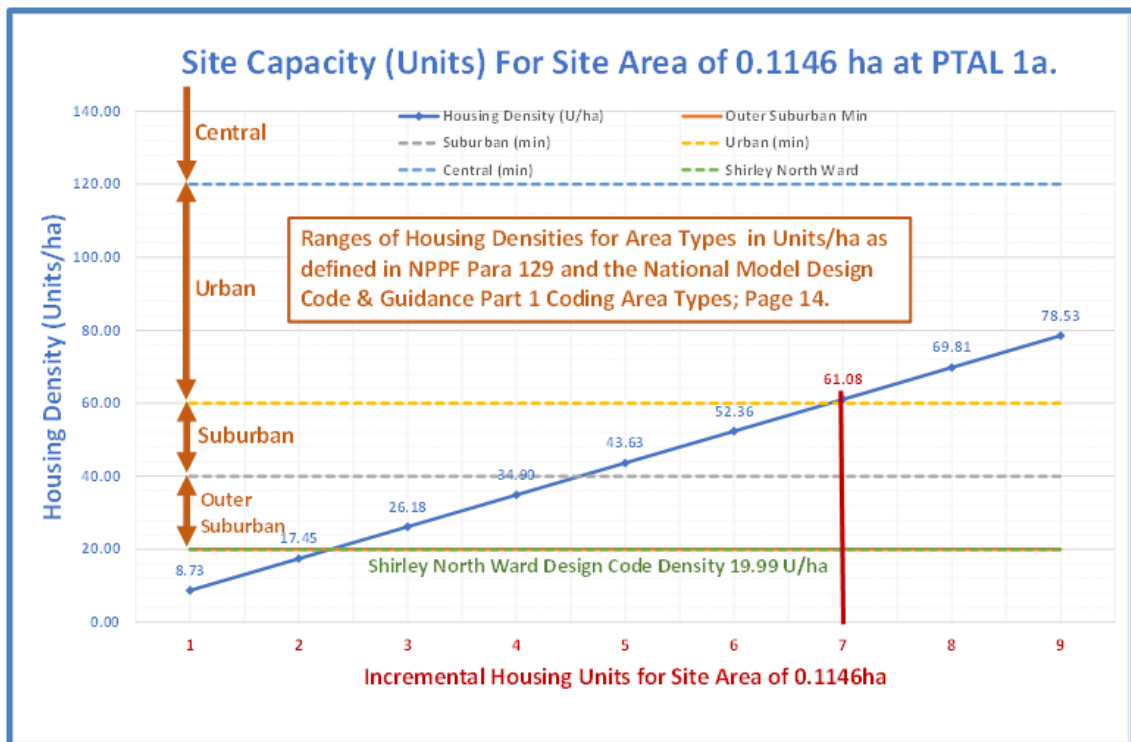
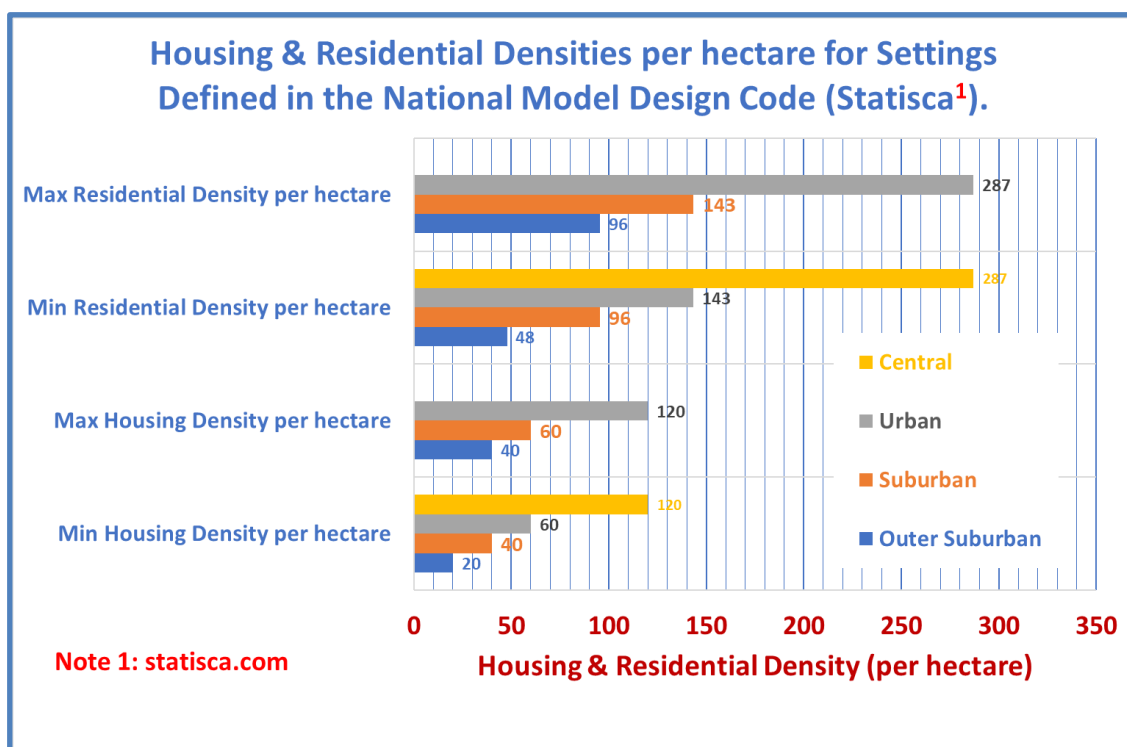


Illustration of Design Code evaluation of ‘Setting’ at Local Area for 77 Woodmere Avenue with Site area of 0.1146 hectares at PTAL 1a \approx 0.66

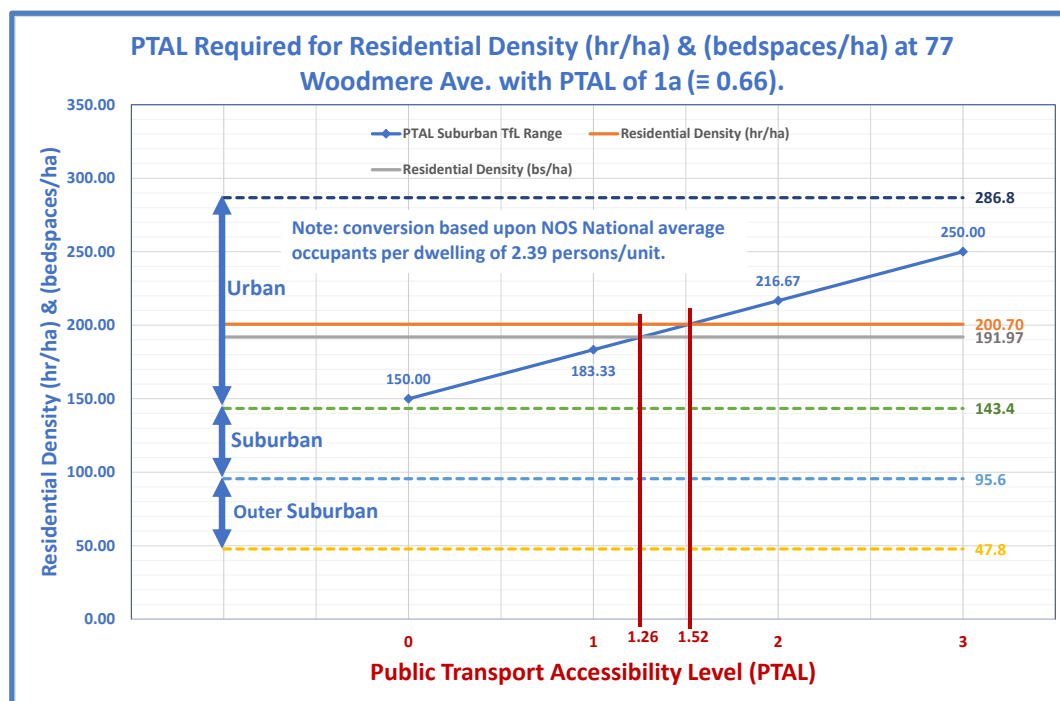
- 2.3.5 As indicated in **NPPF para 129**, in the **"absence"** of any locally produced **Design Guides** or **Design Codes** in the current **Croydon Local Plan (2018)** or the **Draft Revised Local Plan**, the **'Settings'** defined in the **National Documents** should be used to **"guide decisions on applications"**.
- 2.3.6 The proposal at **61.08Units/ha** is in the low range of an **'Urban'** Setting (60 to 120 Unit/ha). Therefore, this proposal is within the **"Urban"** Area Type **"Setting"** and therefore clearly an **over development** for the locality average which has a National Model Design Code Setting of **'Outer Suburban'**.
- 2.3.7 If the Case Officer disagrees or opposes the **Design Code Assessment** as defined by the **National Model Design Code or Guidance**, we would respectfully request that the Case Officer provides a full justification for so doing with a clear definition of the reasons and an appropriate equivalent **Design Code value** for the **Setting or Area Type** of the applications locality, detailed in the Recommendation Assessment Report to committee.
- 2.3.8 It is people who require supporting infrastructure, **NOT** Dwellings, units, or habitable rooms, so we need to establish equivalent **Residential Density** ranges for the 'Settings'. This can be achieved using the Office of National Statistic's data and Statista² data. In 2020, the average number of persons per household in the United Kingdom was 2.39 compared with 2.37 in the previous year. We can use this as a National factor to convert equivalent Units/ha to Bedspaces/ha as shown in the following illustration. This is the only known factor for conversion unless the Case Officer has other procedures to assess Residential Density.



Housing Densities and equivalent Residential Densities for each of the National Model Design Code Setting.

² <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

- 2.3.9 For Sustainability, proposals are required to be supported by the current or planned infrastructure which includes **Public Transport Accessibility (PTAL)**. Using this data, and TfL Connectivity data, we can plot and illustrate the required Settings for this proposed **Residential Density** in **hr/ha** and **bedspaces/hectare** which gives an estimated relationship between **Residential Density** and **PTAL** for each of the 'Settings.' There is NO prospect of PTAL improvement over the period of the Plan.
- 2.3.10 The evaluation of this proposal places **77 Woodmere Avenue** with **7 dwellings** of **Housing Density** at **200.70hr/ha** and **191.97 bedspaces/ha** clearly within the mid-range of an 'Urban' 'Setting', whereas the locality by all the various local Area evaluations is well within or even below the 'Outer-Suburban' Design Code 'Setting'. **Shirley is clearly not 'Urban'**
- 2.3.11 As there is NO guidance in the Current Local Plan or the Revised draft Local Plan, we are using the guidance provided in NPPF at Para 129 in that the National Model Design Code and Guidance to guide decisions on applications, "in the absence of locally produced design guides or design codes".



Residential Densities using TfL and ONS conversion data relating to the National Model Design Code Settings

- 2.3.12 Additionally, the **Floor Area Ratio (FAR)** given in the **National Model Design Code** for **Suburban Settings** should be (*"LESS THAN"*) **<0.5**. The **Floor Area Ratio** for the proposal is **GIA/Site Area = 475.5/1146 = 0.415** which is less than **0.5** and therefore **acceptable**.
- 2.3.13 All other evidence is **clear proof** of **over-development** of the '**Site Capacity**' for an area of **0.1145hectares** at an '**Outer Suburban**' Area Type as judged on **National Policies**. If the Case Officer disagrees with this assessment, we would respectfully request full and detailed **justification** as to why, or to define an equivalent "**Design Code**" value with full supporting criteria of assessment.

- 2.3.14 The applicant's proposal does NOT provide any evidence of meeting the National Model Design Code guidance. **None of these Policy requirements have been considered or met.**

3 London Plan Policy D3 Design

3.1 London Plan Policy D3 States:

"A **'All'** development **must** make the best use of land by following a **Design-Led Approach** that **optimises** the **"capacity" of sites**, including site allocations. Optimising **'site capacity'** means ensuring that development is of the most appropriate form and land use **for the site**. The **design-led approach** requires **consideration** of design options to determine the most appropriate form of development that responds to a **site's** context and **'capacity for growth'**, and existing and planned supporting **'infrastructure capacity'** (as set out in **Policy D2 Infrastructure requirements for sustainable densities**³), and that best delivers the requirements set out in **Part D**."

Policy D3 Para 3.3.2

"A **design-led approach** to optimising **site capacity** should be based on an **"evaluation"**⁴ of the **site's attributes**, its surrounding context and its **capacity for growth** to **determine the appropriate form of development for that site**."

Policy D3 Para 3.3.4

"Designating appropriate development capacities through site allocations enables boroughs to proactively **optimise the capacity** of strategic sites through a consultative **design-led** approach that allows for meaningful engagement and collaboration with **local communities**, organisations and businesses."

- 3.2 The applicant's proposal does **NOT** provide **any evidence** of meeting London Plan Policy D3 with respect to the **"Design-Led Approach"** or meeting or optimising the development within the **"Site Capacity"**.

3.3 London Plan Policy H2 - Small Sites para 4.2.5 States:

"The small sites target represents a **small amount** of the potential for **intensification** in existing **residential areas**, particularly in **Outer London**, therefore, they should be treated as minimums. 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**, **Redevelopments**, **extensions of houses and/or ancillary residential buildings**."

- 3.4 The issue here is that there is 'NO definition' of the magnitude of **"incremental"** but this should be defined in the Design Code for the Site or Locality, taking account of its Setting and supporting infrastructure. At Low PTALs, densities should be at the lower Design Code Densities range of the "Setting".

³ https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

⁴ Definition of **"evaluation"**: The making of a judgement about the **amount, number, or value** of something.

- 3.5 There is **NO** mention of the **London Plan (March 2021) Policy D3 or H2 Para 4.2.5** in either the Current adopted or the **Draft Revised Croydon Plan** and there is **NO** mention of “**Design Codes**” or their parameters or a “**Design-Led Approach**” in either the current adopted **Croydon Local Plan** or the **Draft Revised Local Plan**. **Therefore, the proposal is Non-Compliant to London Plan (March 2021) Policies D1 to D3 and H2.**

4 Croydon Local Plan

4.1 “Incremental, Focussed, Moderate or Gentle Intensification”

4.1.1 Croydon Local Plan (2018) ‘Growth’ Policies

The current adopted **Croydon Local Plan (2018) ‘Growth’** Policies, as defined in **Table 6.4**, which ‘purports’ to describe “**Growth**” by either “Redevelopment” or “Evolution” by “Regeneration”, but gives no definition of the acceptable magnitude of ‘growth’ in terms of ‘**Site Capacity**’, ‘**Local and future infrastructure**’ or ‘**Public Transport Accessibility**’ and therefore the Policy is ‘unenforceable’ and ‘undeliverable’ as it has no measurable methodology, is imprecise, indeterminate and devoid of any Policy definition other than guidance to “seek to achieve” a minimum height of **3 storeys** at specific locations.

- 4.1.2 However, the current Policy Fails to meet the guidance required in **NPPF (2019-21) Section 3. Plan-making** and specifically **NPPF** para 16 d) or Para 35, a) Positively prepared, b) Justified, c) Effective and d) Consistent with National Policy or, more importantly, the Statutory requirement to ensure ‘**Sustainable Developments**’. In fact, the Policy is quite “meaningless” and “nugatory” but subject to the “professional” prejudicial judgment of Case Officers without any objective justification as it is NOT possible to define the physical acceptable “Growth” quantifiably for any locality or setting.

- 4.1.3 It is understood that the **Draft Revised (December 2021) Croydon Local Plan** omits **Table 6.4** and replaces it with a modified version of **Table 6.5** which is just a tick box guide to evolution (*i.e., Again, no defining parameters*). **Paragraph 6.62** has been modified to include a “**Moderate Intensification**” designation and **6.56a** to include a “**Gentle densification**” category, but again, there is no definition for what is meant by “**Moderate**” or “**Gentle**”. These are abstract objectives, **NOT** policies.

- 4.1.4 The **Draft Revised Croydon Local Plan** at **Table 1.1** Croydon’s Planning Policy Framework indicates **The London Plan** has been an input to the production of the **Revised Croydon Plan**. However, the **Draft Revised Croydon Plan** does **NOT** reference **London Plan Policies** of ‘**Chapter 3 - Design**’ other than **D9** (Tall Buildings) and **D13** (Impact of Change). Therefore, the *main thrust* of **London Plan’s “Design-Led Approach”, “Site Capacity limitations”** and requirement for definition of “**Design Codes**” for **Residential localities Policies D1 to D4 and H2** have been completely disregarded.

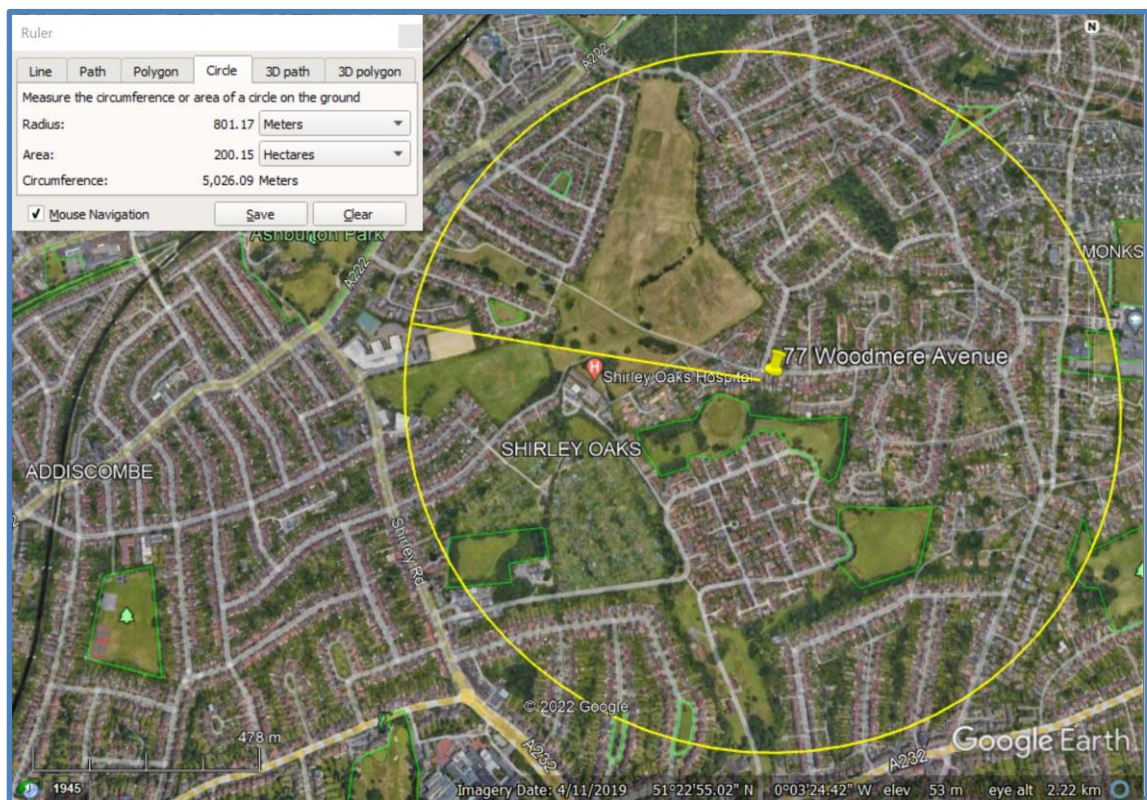
- 4.1.5 There is **NO definition** of any assessment parameters for “**Incremental Intensification**” in the Adopted **London Plan** or the adopted **Croydon Local Plan**. There is **NO definition** of any assessment parameters for “**Moderate Intensification**” in the Adopted **London Plan** or the adopted **Croydon Local Plan** or the revised draft **Local Plan**.

- 4.1.6 There is **NO definition** of any assessment parameters for **“Gentle Intensification”** in the Adopted **London Plan** or the adopted **Croydon Local Plan** or the revised draft **Local Plan**. In summary these designations are meaningless. *In fact, there is NO meaningful management Policy of “Growth”, a fundamental requirement of the job description for ‘Development Management’.*

- 4.2 The new London Plan Policy H2 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 station⁵ or town centre boundary⁶ ...”

- 4.2.1 **77 Woodmere Avenue** has a **PTAL of 1a** and is greater than **800m** from a **Tram/Train Station** or **District Centre** and as such is inappropriate for **incremental intensification**.



Google Image of 800m radius from 77 Woodmere Avenue showing that it is over 800m from Tram/Train Station and District Centre

- 4.2.2 If the case officer is minded to recommend approval, we request detailed **‘justification’** for allowing the proposed **‘intensification’** in terms of Housing and Residential Density for this proposal at this Setting and PTAL 1a in contradiction to the London Plan Policy H2 at para 4.2.4 and the London Plan Policy D3 and **“Design Code”** and the Department for Levelling Up, Housing and Communities **“National Model Design Code and Guidance”**.

⁵ Tube, rail, DLR or tram station.

⁶ District, major, metropolitan and international town centres.

5 Housing quality and standards.

- 5.1 The proposal meets most **London Plan Policy D6 minimum space Standards** given at **Policy D6 Table 3.1**.
- 5.2 The London Plan **Housing Design Guide LPG⁷** recommends at **C2.7 “Best Practice”** that development proposals ‘**Exceed**’ the **Table 3.1** minimum Space Standards requirements and increase the capacity of indoor waste and recycling bins.
- 5.3 **Flat 3** has only **2sq.m.** In-Built Storage when **MINIMUM** required at **Table 3.1** for **3b4p** Dwelling is **2.5sq.m.** The Policy states these are MINIMUM space standards which should be exceeded if possible (limited by Site Capacity).
- 5.4 **Flat 3** and **Flat 7** are **deficient** in meeting the MINIMUM Private Amenity Space **Flat 3** has **6.2sq.m.** which should be **7sq.m.** minimum and **Flat 7** has just **6sq.m.** which should have **7 sq.m. (That is the MINIMUM Without the 5% increase).**

5.5 Play Space for Children:

5.5.1 London Plan Policy S4 Play and informal recreation States:

“B Development proposals for schemes that are likely to be used by children and young people should:

- 1) *increase opportunities for play and informal recreation and enable children and young people to be independently mobile*
- 2) *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 ...”*

5.5.2 Croydon Local Plan (2018) Policy DM10.4 States:

DM10.4 *“All proposals for new residential development will need to provide private amenity space that.*

- d. ***All** flatted development and developments of **10 or more houses** must provide a minimum of **10m²** per child of new play space, calculated using the Mayor of London’s population yield calculator and as a set out in Table 6.2 below. The calculation will be based on all*

⁷ https://www.london.gov.uk/sites/default/files/housing_design_standards_lpg_-_publish_for_consultation_1.pdf

the equivalent of all units being for affordable or social rent unless as signed Section 106 Agreement states otherwise, or an agreement in principle has been reached by the point of determination of any planning application on the amount of affordable housing to be provided. When calculating the amount of private and communal open space to be provided, footpaths, driveways, front gardens, vehicle circulation areas, car and cycle parking areas and refuse areas should be excluded; and ...”

5.5.3 The current Croydon Local Plan at para 6.54 states:

6.54 *“The minimum standard of **10m²** per child of children's play space, where there are **10** or more children living in the development is from the Mayor's Housing SPG (2.16) and, although it applies to publicly funded housing development and that on GLA land, it is considered best practice. ... The SPG ... recommends a minimum benchmark of **10m²** of dedicated play space per child.”*

5.5.4 There is a contradiction between the **Croydon Plan** (2018), the **Revised Croydon Plan** and the **London Plan (March 2021)** in that the **Croydon Local Plan** limits the Policy of **10m² per child** to developments of **10 Units** or greater and the **Revised Croydon Plan** limits the requirement to developments with **10 or more children**. This is challenged on grounds of “Inequality” as a child of any Flatted Development between 1 and 9 units is being deprived of Play Space on very questionable reasons.

5.5.5 **The London Plan Policy S4 “Play and an informal recreation”** - has no restriction or differentiation on grounds of number of Units of a development or minimum number of children within a development and is therefore considered more appropriate and also has more “**Weight**” than the **Croydon Local Plan**. The Policy is **10sq.m./per child** of occupants of the development, irrespective of the number of Units.

5.5.6 As the **London Plan** is higher in the **Planning Hierarchy** it is assumed to carry more weight and therefore should override the deficiencies of the Croydon Local Plan, (**unless the Case Officer can give justification for not doing so**).

5.5.7 The evidence in the above table indicates a deficiency of Play Space for the probable 9 number of children to be 90 m² which, at 16.8m² is a deficiency of:

$$((16.8 - 90)/((16.8 + 90)/2)) = 73.2/53.4 = 1.37 = 137.079\% \approx \mathbf{137.08\% \text{ difference.}}$$

6 Parking

6.1 Croydon Local Plan (2018) SP8 Table 10.1 Transport and Communication Indicates:

Table 10.1 Car parking in new development

Development type	On-site car club/Pool car parking spaces	Electric charging points and parking bays	Disabled car parking	Overall number of car parking spaces	Overall number of cycle parking spaces including motor cycles and mobility scooters
Minor Residential ⁹⁸	1 space unless otherwise agreed by the Council and car club providers that the site is not suitable for a car club/pool car space	Enable the future provision of electric charging points and parking bays for electric vehicles with 20% of spaces to have an actual charging point	n/a	As per London Plan Table 6.2 with no provision for higher levels of car parking in areas with low Public Transport Accessibility Levels	As per London Plan Table 6.3 with cycle parking in major development to include charging for electric bicycles and mobility scooters

- 6.2 The **Draft Revised Croydon Local Plan** proposes at **DM30 - Car and cycle parking in new developments**:

“DM30.1 .1 To manage the impact that parking provision has on traffic generation. And the impact of traffic on the climate development must ensure that car parking provision is in accordance with the standards set out in Table 10.1.”

- 6.2.1 Table 10.1 indicates at PTALs 0, 1a or 1b the allocation for “All Homes in an Area with NO Controlled Parking Zone are 1 Space per Unit for 1- and 2-bedroom homes and 1.5 Spaces per Unit for 3 or more Bedrooms. This would therefore equate to 8.5 Spaces for this proposal at 77 Woodmere Avenue.

- 6.3 The **London Plan (March 2021) Policy T6 for Residential Parking**.

- 6.3.1 The **London Plan Policy T6 on Residential Parking** at Table 10.3 for **Outer London** at **PTAL 0** to **1** localities allocation of **1.5 Spaces per Dwelling** (irrespective of number of bedrooms) which for this proposal would require **10.5 Spaces** for this proposal, so would be a deficiency of **2.5 spaces**.

7 Residential Amenity, Overlooking, Sunlight and Daylight.

- 7.1 Validation Requirement - Daylight/Sunlight Assessment⁸

“Required for applications where new buildings are proposed in close proximity to existing development and would cast a shadow. The Council will need to be satisfied that there would be no adverse impact on the current levels of daylight/sunlight enjoyed by adjoining properties or building(s), including associated gardens or amenity space, as well as levels of daylight in the proposed spaces. An assessment will not be required where new buildings are not proposed in close proximity to existing buildings and will not have an impact on existing windows. It is recommended that developers enter into pre-application discussions to determine the requirement for a daylight and sunlight assessment as associated scope.”

- 7.2 There is no **Sunlight/Daylight Survey** submitted for assessment or evaluation for this application as required of the Croydon Planning Application Validation Requirements List (2018). Therefore, how can the Case Officer be satisfied that this requirement is met?

- 7.3 In addition, there are no ‘**Rear Elevation**’ drawings that illustrate the SPD2 mitigation of loss of **amenity** to either **75 or 79 Woodmere Avenue** as required of the **Validation Checklist**
- Any adjoining properties to show the **relationship between** them and the **application site**.

- 7.4 We have had assistance from the residents of **79 Woodmere Avenue** to provide the above dimensions but have not been able to obtain similar measurements from the residents at **75 Woodmere Avenue**. It should not be a responsibility of adjacent residents to supply these dimensions, when they are required to be provided by the Applicant as specified in the validation checklist (2018).

⁸ https://www.croydon.gov.uk/sites/default/files/Planning/Validation_Checklist_-_Jan_18.pdf



7.5

The following illustration shows the elevation fronting **Woodmere Avenue** with the projected position of rear Patio windows at 79 Woodmere Avenue, to illustrate the **45° Rule**. There is no equivalent **rear elevation** which shows the relationship with the adjacent dwellings to illustrate the **45-Degree Elevation Rule**.



Rear view of Nearest 'French' Window (right) of Patio Door at 79 Woodmere

From the floor to centre of the window
1,300mm.

From middle of the window to the wall of house **2,500mm**

From middle of the window to the boundary fence **3,800mm**

From Ground Level to Centre of the
"Window" or Patio Door. – **2,085mm**



Estimated (scaled off the supplied amended drawings), the non-compliance to the 45-Degree (Vertical) Rule.



Illustration of failure to meet SPD2 Para 2.11 b)



7.6 The above illustration shows the proposed development **fails the 45° Rule** of SPD2 Para 2.11 c) in that the 45° projection Intersects the proposed development from the Centre of the nearest rear **“Ground floor” Window** – the Patio French Window – of **79 Woodmere Avenue**.

7.7 The proposed development also **fails SPD2 policy 2.11 b) horizontal 45-Degree Rule** from 79 Woodmere Avenue as estimated and illustrated above:

8 Targets and Housing “Need”

8.1 We raised a Freedom of Information (FOI) request **Ref: 4250621** on 31st January 2022. The analysis of the response is as follows:

8.1.1 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**. This is **‘NOT True’** as is described later.

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”***

8.1.2 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 Shirley North and Shirley South Ward Areas**.

8.1.3 Analysis of the recorded data shows over the **‘three’ full years 2018 to end of 2020**, the Net Increase in Dwellings for Shirley = Shirley North + Shirley South = **55 + 102 + 69 = 226 ≈ 75 per yr.** (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

Estimated Target Outturns for Shirley and the MORA Area of 178ha (24.92%) portion of Shirley Ward Wards

- 8.1.4 The **MORA Area** of 178.2ha (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"** (≈ 770 ha FOI response). This is $(680-278)/278 = 144.6\%$ Increase for the Shirley "Place" when the **MORA Area** is only **23.14%** of the area of the **Shirley 'Place'**. This is **NOT** respecting the character of the locality.
- 8.1.5 The rate of dwellings is averaging **55 + 102 + 69 = 226 \approx 75.33 per yr. dwellings per year**, so over **20** years will be \approx **1507 dwellings**. (Exceeding the Target by $\approx 1,229$). The Target for the Shirley Place at **Table 3.1** of the Revised **Croydon Local Plan** indicates a Target of **278 dwellings over the period 2019 to 2039**.
- 8.1.6 From the **FOI Request**, the Area of the Shirley "Place" is ≈ 770 ha. 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).
- 8.1.7 We are confident that this analysis refutes any attempt by planning officers to argue that **"Housing Need"** is a reason for approval in this locality as the assessed **Housing Need for this area has already been Met.**

9 Summary and Conclusions

- 9.1 The initial plan and elevation drawings were ambiguous in the space between the proposed development and the boundaries with the adjacent properties which failed the validation checklist. This was corrected after representation to the Case Officer and the consultation period extended.
- 9.2 The applicant has failed to provide rear elevations showing the relationship between the proposal and the rear elevations of the adjacent dwellings in order to correctly assess the requirements of SPD2 section 2.11. However, the occupants of 79 Woodmere Avenue have provided local measurements for an assessment of SPD2 para 11.2c for 79 Woodmere Avenue, but we have not had success for similar measurements for 75 Woodmere Avenue.
- 9.3 The validation Checklist Table requires a Sunlight/Daylight Survey assessment to establish if there is any likely adverse impact on the current levels of daylight/sunlight amenity enjoyed by adjoining properties, including their associated gardens or amenity space, as well as levels of daylight in the proposed spaces. We assess this is probable as the proposal fails the 45° Rule SPD2 para 2.11 c). However, this requirement has



NOT been addressed or assessed and therefore we request that the case officer require the applicant provides the appropriate evidence for assessment **prior** to a recommended determination.

- 9.4 It is clear from the Applicant's provided documentation and Plans that no account has been taken of the **London Plan Policies D1 to D3 or H2** or the Current adopted Croydon Plan and there is NO mention of "Design Codes" or their parameters or a "Design-Led Approach" including the "Design-Led Approach or the National Model Design Code and Guidance to determine the Area Design Code(s) "Setting" for this proposal.
- 9.4.1 The **NPPF** at **Para 129** gives clear direction that in the absence of Local Design Codes and guidance, the **National Model Design Code and Guidance** should be used for assessing proposals.
- 9.4.2 Additionally, NO account has been taken on the main thrust of the New London Plan since the omission of the **Density Matrix**, to assess the proposal meets the **London Plan Policies D1 to D4 & H2** with regard to the **Design-Led Approach** and the requirement to assess whether the **Site Capacity** has been breached.
- 9.4.3 **Clear and precise justification should be provided if these policies are disregarded including proposed LPA equivalents with supporting information.**
- 9.5 After a detailed assessment of Housing Densities for the Shirley North Ward, the Shirley South Ward, the combined all of Shirley, the MORA Area and the Post Code of the locality for the redevelopment, all showing a local "Setting" of or below "Outer Suburban" Housing Density in units/hectare, we would expect the Case Officer to respond to this analysis and if these Policies are disregarded, would respectfully request reasons. if these Policies are not considered appropriate, we request realistic detailed justification why they are not considered appropriate and the justification of any alternative parameters are considered appropriate for determining the **Site Capacity**, and request they be defined with justifiable criteria and reasoning in the **Case Officer's Report**.
- 9.5.1 The offered Housing Density of the proposal is **61.08Units/ha** which is just within the **Urban Range** at **77 Woodmere Ave** is, by all our assessments of the locality, in an Outer Suburban Setting "Design Code" Area Type.
- 9.5.2 The proposal is inappropriate for **"Incremental Intensification"** as it is below **PTAL 3** and greater than **800m** from a Tram/Train Station or District Centre as defined by London Plan Policy H2 para 4.2.4.
- 9.5.3 The London Plan or Croydon Local Plan has no definition of **"Incremental"**, **"Moderate"** or **"Gentle"** intensification and therefore these Policy requirements are abstract and irresolute.
- 9.6 Housing quality and standards.**
- 9.6.1 The proposal meets most **London Plan Policy D6** minimum space Standards other than **Flat 3** and **Flat 7** as stated above.
- 9.7 Play Space**
- 9.7.1 There is a contradiction between the Croydon Plan and London Plan in that the Croydon Local Plan limits the Policy of 10m² per child to developments of 10 Units or greater.



This is challenged on grounds of Inequality as a child of any Flatted Development within 1 to 9 Units is being deprived of Play Space on very questionable reasons.

9.7.2 The London Plan has no restriction or differentiation on grounds of number of Units within a development and is therefore considered more appropriate.

9.7.3 As the London Plan is higher in the Planning Hierarchy it is assumed to carry more weight and therefore should override the deficiencies of the Croydon Local Plan, (unless the Case Officer can give justification for not doing so).

9.7.4 **The evidence in the above table indicates a deficiency of Play Space for the probable 9 number of children to be 90 m² which is at 16.8m² is deficiency of:**

$$((16.8 - 90)/((16.8 + 90)/2)) = 73.2/53.4 = 1.37 = 137.079\% \approx 137.08\% \text{ deficiency.}$$

9.8 Parking

9.8.1 The Croydon Plan Residential Parking allocation for this proposal is 8.5 (rounded to 9 nearest integer) and the London Plan allocation is 10.5 when the offered provision is 8 bays one of which is for disabled and one of which has EVC.

9.9 Targets

9.9.1 The **MORA Area of 178.2ha** is only **24.92%** of **All Shirley**, but at a rate of **34dpa** over the **20yr** period of the local plan, **≈ 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 $(680-278)/278 = 144.6\%$ Increase for the Shirley "Place" when the **MORA Area** is only **23.14%** of the area of the **Shirley 'Place'**. **It is plainly obvious that housing need in Shirley North Ward has been met.**

10 Recommendation

10.1 Taking all the foregoing evidence when considered in total, the proposed development should be refused on grounds of overdevelopment inadequate space standards, and insufficient play space for the probable number of children of the future occupants.

10.2 The local Design Code Area Type Setting is evident at "Outer Suburban" which limits the Housing Density to a maximum of 40Unit/ha when this proposal is 61.08Units/ha and therefore the Site Capacity of 0.1146hectares has been significantly exceeded.

10.3 The assessment is therefore that this proposal should be refused with the objective of the applicant reapplying with a more appropriate and suitable proposal.

Kind regards

Derek



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Croydon Central

Shirley North Ward

Shirley North Ward

Shirley North Ward

Bcc:

MORA Executive Committee, Local affected Residents & Interested Parties