

Mr. James Pocock - Case Officer
The Planning Inspectorate, Room 3/10
Kite Wing,
Temple Quay House,
2 The Square, Temple Quay
Bristol
BS1 6PN.

**Monks Orchard Residents'
Association
Planning**

[Emails: planning@mo-ra.co](mailto:planning@mo-ra.co)
chairman@mo-ra.co
hello@mo-ra.co

10th October 2022

TOWN AND COUNTRY PLANNING ACT 1990
Appeal under Section 78
Location: 21 Woodmere Gardens, Croydon, CR0 7PL
LPA App Ref: 21/03702/FUL
Appeal Ref: APP/L5240/W/22/3298225
Written Representation Close: 11th November 2022

Dear Mr Pocock - Case Officer

Please accept this representation from the **Monks Orchard Residents' Association (MORA)** as a request for this Appeal to be **Dismissed** on the grounds as follows. We fully support the **Local Planning Authority (LPA)** Case Officer's Recommendation for a refusal and provide the following analysis to support the Delegate Committee decision for a refusal. We objected to the proposal in our submission to the LPA of which you should have received a copy, if not we could supply a copy on request.

Our representation to the LPA on 16th August 2021 was based on the original proposal and drawings dated 12th July 21. However, it is understood that amended drawings were presented by the applicant on 18th January 2022 of which we were **NOT** informed or given an opportunity to resubmit or change our representation. However, this representation requesting dismissal of the appeal against the **LPA's refusal**, is based upon the **LPAs Refusal** of the Application as amended by drawings of January 18th, 2022. Our comments are related to the proposal as amended and therefore supersedes our original objection in the areas that have changed.

We have structured this representation on the grounds of the **LPA refusal** and the compliance to **Planning Policies** as published in the **NPPF**, the **National Model Design Codes and Guidance** by the **Department of Levelling Up, Housing & Communities (DLUHC)**, the **London Plan**, the **Croydon Local Plan (2018)** and the **Revised Local Plan (Dec 2021)**.

It is our understanding there is a **'need'** for additional housing, however, all proposals should meet the adopted **Planning Policies** irrespective of that **'need.'** Additionally, the housing **'Targets'** defined to meet that **"need"** have been **'apportioned'** across the Borough against the **"Places"** of Croydon. We will show that the allocated target for meeting that housing **"need"** in the **Shirley North Ward** has been **"exceeded"**, and has exceeded the infrastructure sustainability required, and thus has removed the **pressure** for additional housing Units in the **Croydon Shirley North Ward**.

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



Fronting Woodmere Gardens



Fronting Woodmere Avenue

21 Woodmere Gardens Ref: 21/03702/FUL		Units	9	Residential Density		256.1983	hr/ha	Floor Area Ratio		0.57	PTAL		2011	Zero
Amended Drawings: 18-01-22		Site Area	1210	Residential Density		239.6694	bs/ha	Site Area Ratio		0.87	PTAL		2021	Zero
		Site Area	0.121	Housing Density		74.38017	unit/ha	Footprint Area		1050.00	PTAL		2031	Zero
New Dwellings	Floor	Bedrooms	Bed- Spaces available (Persons)	Habitable Rooms (*)	GIA Offered	GIA Required	Built-In Storage offered (Note1)	Built-In Storage Required	Private Open Space offered (sq.m.)	Car Parking Space	Disabled Bay or Electric Charging Point	Cycle Store	Estimated Number of Adults	Estimated Number of Children
Apartment Unit 1 (M4(3))	Ground	2	3	3	76	61	1.5	2	50	1	DB	-	2	1
Apartment Unit 2 (M4(2))	Ground	2	3	3	67	61	2	2	36	1	Width?	2	2	1
Apartment Unit 3 (M4(2))	First	2	3	3	74	61	nil	2	6	1	-	2	2	1
Apartment Unit 4 (M4(2))	First	3	4	4	90.8	74	Not Stated	2.5	7	1	-	2	2	2
Apartment Unit 5 (M4(2))	Second	1	2	2	50	50	nil	1.5	6	1	Width?	2	2	0
Apartment Unit 6 (M4(2))	Second	2	3	3	74.8	61	Not Stated	2	7	1	EVC	2	2	1
Terraced Unit 7	Ground	1	1	2.5	88.5	84	Under Stairs	2.5	45.5	1	-	2		1
	First	2	3	2			2.5							
Terraced Unit 8	Ground	0	0	2	82	70	Under Stairs	2	29.5	1	-	2		1
	First	2	3	2			1.5							
Terraced Unit 9	Ground	1	1	2.5	88.5	84	Under Stairs	2.5	130			2		1
	First	2	3	2			2.5							
Totals		20	29	31	691.3	628	8	19	365.5	8	0	18	18	11
* 0.5 Habitable Room open plan Kitchen/Dining/Lounge				Car Spaces per occupant		0.28		Block Area (A)		788.00		sq.m.		
Average hr/unit		3.44 hr/u		Car Spaces per adult		0.44		Block Area (B)		262.00		sq.m.		
Note 1				Excluding Wheelchair Storage (Unit 1)				Total		1050.00		sq.m.		

1 Initial Observations

1.1 Parking

1.1.1 Paragraph 1.2 of Applicant's "Grounds of Appeal" states:

*"The proposed development comprised the Demolition of single-family dwelling and garage and the erection of 3 x two storey terraced houses with accommodation in the roof space, with **3 off street car parking spaces** and a detached 2-storey building with accommodation in the roof space, comprising of 6 self-contained apartments with intergraded bike and refuse stores and **6 off street car parking spaces**" (the 'proposed development') at 21 Woodmere Gardens, Croydon, CR0 7PL (the 'appeal site')."*

1.1.2 The Amended Plans Site Layout indicates **"6"** Parking Spaces for the Block of 6 Flats fronting Woodmere Gardens – one of which is for Disabled Parking, and **two** parking Bays fronting Woodmere Avenue three Terraced Units totalling **8** (not **9**) parking spaces.

1.1.3 The original plans show 3 parking bays fronting Woodmere Avenue but the refusal was for the amended drawings of **2 Bays** fronting Woodmere Avenue.

1.1.4 Parking Bays #2 & #5 as measured of the site plan, both have widths of $\approx 2.4\text{m}$ which is the **absolute** minimum allowed.

1.1.5 There are no “**swept path**” illustrations to show ease of parking with all other bays occupied, to be confident of the acceptability of parking manouvres, especially for a large 4x4 accessing and exiting **Bays #2** or **#5** with limited lateral manouverability when **all** other bays are occupied. We challenge whether the parking accessibility is possible in all cases.

1.2 **Built- In Storage.**

1.2.1 The **London Plan Policy D6 Housing Quality and Standards - Minimum Space Standards** at **Table 3.1** lists the ‘**MINIMUM**’ **In-Built Storage** required for the Various Unit Capacities (bedrooms & persons). **Unit 1** has **1.5 sq.m** but requires **2 sq.m**. **Units 3 & 5** have **Zero Built-In Storage** but each requires a **Minimum** of **2 sq.m**. **Units 4 & 6** has **undefined In-Built Storage** and **Unit 8** has storage below the Stairs which may have a height restriction limitation. **This provision is unacceptable.**

2 Reasons for Refusal 1 & 2:

2.1 *Reason 1: “The proposed development, by reason of **scale, massing, poor elevational composition, materials, and detailing** would result in an **unsightly, dominant, and imposing form of development** which would fail to **integrate successfully in townscape terms** or make a positive contribution to the setting of the local character and immediate surroundings ...”*

2.2 *Reason 2: “The proposal by reason of its **massing** and proximity close to neighbouring properties 19 Woodmere Gardens and 101 Woodmere Avenue would result in an **intrusive and imposing form of development** leading to a loss of outlook for surrounding neighbours, overlooking of neighbouring garden of no.19 ...”*

2.3 Scale and Massing

2.3.1 In order to assess the appropriate ‘**Scale and Massing**’ for the **Site**, it is necessary to analyse the **Local Area Type Setting** of the location to establish the local **Design Code** in order to respect the local **setting** and the **supporting infrastructure**. This assessment should also include an analysis of the proposal’s **Site Area Capacity** and the **capacity of local infrastructure** to support the **proposal** in terms of the appropriate additional requirements of the future occupants of the proposal.

2.3.2 **Croydon Local Plan: -**

2.3.2.1 There are only ‘**two**’ references in the whole of the **Revised version** of the **Croydon Local Plan** referencing “**Design Codes**”, neither of the references indicating any methodology of assessment or determination and only relating to **Policy DM38: the Croydon Opportunity Area; DM38.1 & DM38.2.**

2.3.2.2 **The adopted Croydon Plan & Revised (December 2021) Policy DM10 States:**

DM10.1 Development should be of high quality and, reflecting the local character of the area including any heritage assets. All new development should be of a high-quality design which will maintain and enhance the character of the area **having regard to:**

- a. The area’s development pattern, layout, and siting;
- c. The area’s appearance, existing materials and roofscapes, **scale, height, massing, and density of existing built form.**

The statement: **“having regard to”** is an absurd and quite meaningless policy requirement phrase as it is indeterminate and has no defined ‘Policy’ meaning, it is NOT enforceable and is subject to an officer’s *‘prejudicial’* assessment.

2.3.3 London Plan:

2.3.3.1 London Plan Policy D3 Optimising site capacity through the design-led approach - 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**), and that best delivers the requirements set out in **Part D**.”*

2.3.3.2 **Policy D3 Para 3.3.2** *“A **design-led approach** to optimising **site capacity** should be based on an **“evaluation”** of the **site’s attributes**, its surrounding context and its **capacity for growth** to determine the appropriate form of development for that site.”*

2.3.3.3 **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**.”*

2.3.4 NPPF Chapter 12 - Achieving well-designed places

2.3.4.1 The NPPF Para 128 States:

*“To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare **design guides** or **codes** consistent with the principles set out in the **National Design Guide and National Model Design Code**, and which reflect local character and design preferences. **Design guides and codes** provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place and should allow a suitable degree of variety.*

2.3.4.2 The NPPF para 129 states:

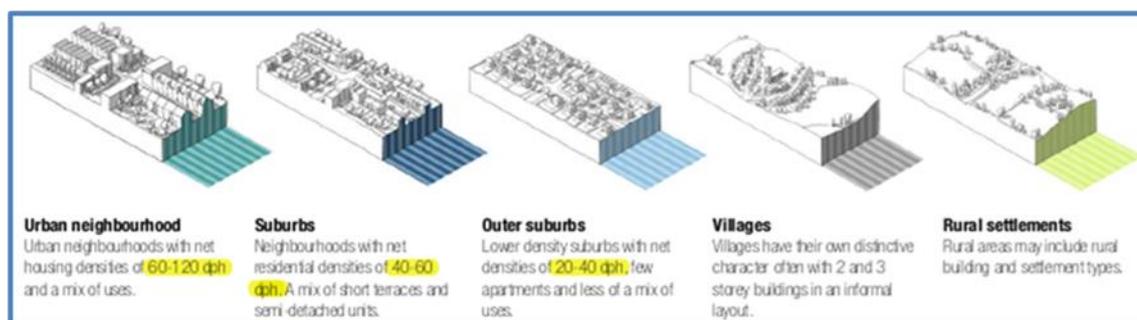
***Design guides and codes** can be prepared at an area-wide, neighbourhood or site-specific scale, and to **carry weight in decision-making** should be produced either as part of a plan or as supplementary planning documents. ... all guides and codes should be based on **effective community engagement** 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**.”*

2.3.5 These **Policies** are **profound** and **extremely relevant**. However, as there is **no guidance on defining ‘Local Design Codes’** in either the **London Plan** or the **Croydon Local Plan**, the **National Model Design Codes & Guidance** as referenced from the **NPPF paras 128 & 129** **“should be used.”**

2.4 National Model Design Code & Guidance

2.4.1 The DLUHC National Model Design Code & Guidance ^{Ref:1} Pts 1 & 2.

2.4.2 The **Settings**; ‘Outer Suburban,’ ‘Suburban,’ ‘Urban’ and ‘Central’ guidance are defined in the **National Model Design Code Part 1 The Coding Process, 2B Coding Plan**.



The National Model Design Code Parameters Definitions for Local Settings.

2.4.3 The **Housing Densities** for the **Area Types** or **Settings** and the appropriate **Site Capacities** for **Units per site** are given in the following Table and Graphically illustrated below showing **Development Site Areas** for each of the **National Model Design Code ‘Outer Suburban’, ‘Suburban’, ‘Urban’ and ‘Central’ Area Types** and their **Site Capacities** for the incremental number of **Dwellings (Units)** for **Minor Developments**.

Site Capacities:	1	2	3	4	5	6	7	8	9	10	11	12
Number of Dwellings												
Outer Suburban max Site Area (ha)	0.050	0.100	0.150	0.200	0.250	0.300	0.350	0.400	0.450	0.500	0.550	0.600
Outer Suburban min Site Area (ha)	0.025	0.050	0.075	0.100	0.125	0.150	0.175	0.200	0.225	0.250	0.275	0.300
Suburban max Site Area (ha)	0.025	0.050	0.075	0.100	0.125	0.150	0.175	0.200	0.225	0.250	0.275	0.300
Suburban min Site Area (ha)	0.017	0.033	0.050	0.067	0.083	0.100	0.117	0.133	0.150	0.167	0.183	0.200
Urban max Site Area (ha)	0.017	0.033	0.050	0.067	0.083	0.100	0.117	0.133	0.150	0.167	0.183	0.200
Urban min Site Area (ha)	0.008	0.017	0.025	0.033	0.042	0.050	0.058	0.067	0.075	0.083	0.092	0.100
Central max Site Area (ha)	0.008	0.017	0.025	0.033	0.042	0.050	0.058	0.067	0.075	0.083	0.092	0.100

Table listing Number of Dwellings in Site Area Capacity for Area Type Settings.

2.5 Local Design Code Assessments.

2.5.1 The **National Model Design Code Guidance Area Type *Built Form* “Worksheet”** to establish the average **Housing Density** of the local area. (see Table below)

2.5.2 **Local Assessment of Design Codes:** The Design Code Setting and local Area Type requires assessment by using the **National Model Design Code Guidance**. On each of our assessments the locality is **≥ Outer Suburban (See Table Below)**.

2.5.3 **All assessments** of the Shirley Wards by separate and combined evaluations show that the locality is conclusively **≤ Outer Suburban** i.e., **≤ to the range of 20 to 40 Units/ha**.

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

Location	Area (ha)	Population	Dwellings (Units)	Residential Density (bs/ha)	Housing Density (Units/ha)	"Setting" for Design Code Density	Dwellings 2.36p/u (Statista 2021) ¹	Revised Housing Density	"Setting" for Design Code Density
Shirley North Ward	327.90	15666	6555	47.78	19.99	<Outer Suburban	6638	20.24	Outer Suburban
Shirley South Ward	387.30	14147	5919	36.53	15.28	<Outer Suburban	5994	15.48	<Outer Suburban
All Shirley	715.20	29814	12474	41.69	17.44	<Outer Suburban	12633	17.66	<Outer Suburban
MORA Area	178.26	9283	3884	52.07	21.79	Outer Suburban	3933	22.07	Outer Suburban
Post Code CR0 8S(*)	16.95	627	237	36.99	13.98	<Outer Suburban	237	13.98	<Outer Suburban
Post Code CR0 8T(*)	11.82	644	246	54.48	20.81	Outer Suburban	246	20.81	Outer Suburban
Post Code CR0 7PL	1.73	47	19	27.17	10.98	<Outer Suburban	19	10.98	<Outer Suburban
Post Code CR0 7QD	1.51	68	28	45.03	18.54	<Outer Suburban	28	18.54	<Outer Suburban
Post Code CR0 8UB	1.70	71	30	41.89	17.70	<Outer Suburban	30	17.70	<Outer Suburban
Shirley "Place" ¹ (approx)	770.00	?	?	?	?	?			
Average	205.08	8787	3670	42.72	17.35	<Outer Suburban	3723	18.15	<Outer Suburban
All Shirley	715.20	29814	12474	41.69	17.44	<Outer Suburban	12633	17.66	<Outer Suburban
Shirley Place (Estimates)	770.00	33414	13981	43.39	18.16	<Outer Suburban	14158	18.39	<Outer Suburban

Note 1: FOI request (Ref: 4250621) on 31st January 2022
 Note 2: <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

Assessment of the local Area Type "Setting" Design Code based upon an evaluation criterion of the National Model Design Code & Guidance.

2.5.4 The available **Site Area of 0.121ha** has a capacity range of: $y = mx + c$

Where: $y = \text{Site Area (ha)}$; $m = \frac{\delta y}{\delta x}$; $x = \text{Number of Dwellings}$ & $c = y$ when $x = 0$

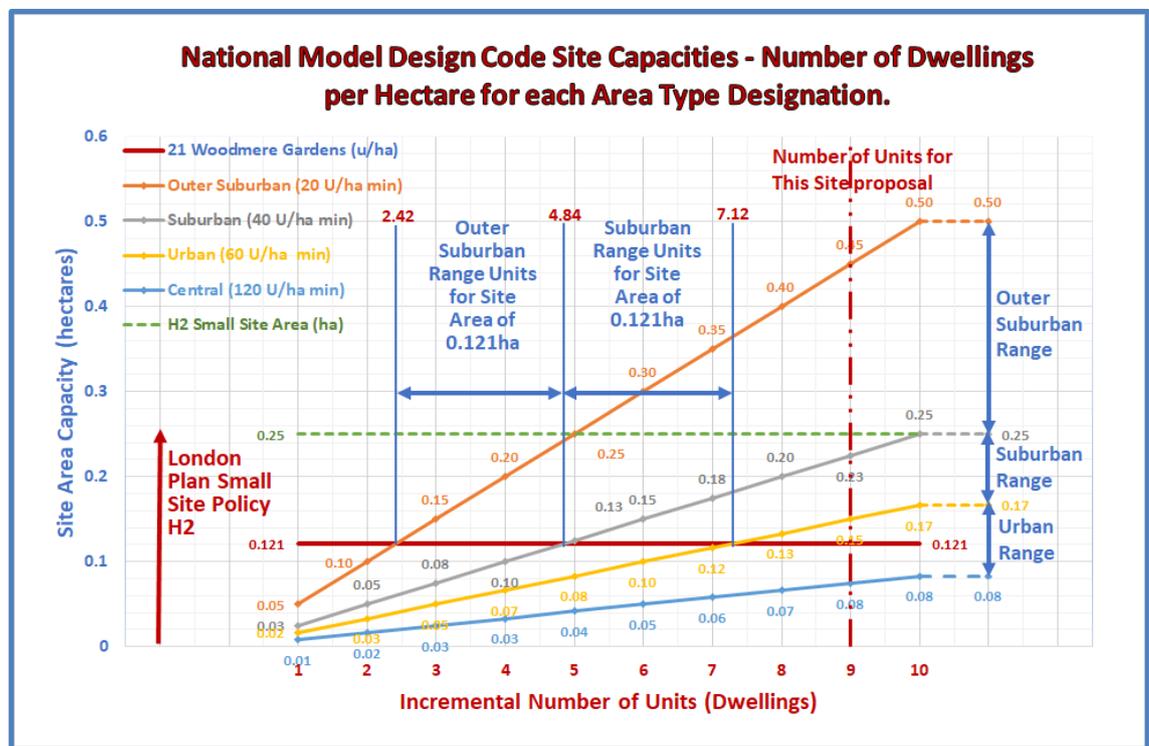
Therefore, the site capacity for **Outer-Suburban Design Code**: (as $c = 0$)

$\therefore x_{(\min)} = 0.121/0.05 = 2.42 \approx 2 \text{ Units}$ & $x_{(\max)} = 0.121/0.025 = 4.84 \approx 5 \text{ Units}$

And the site capacity For a **Suburban Design Code**:

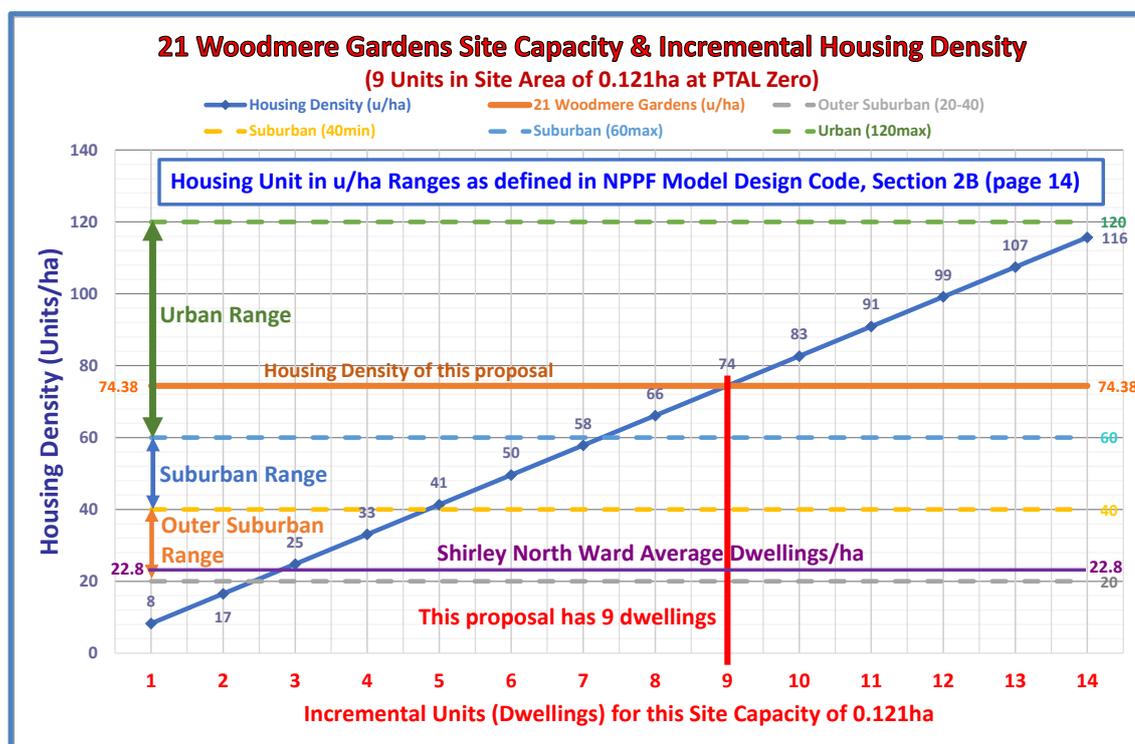
$\therefore x_{(\min)} = 0.121/0.025 = 4.84 \approx 5 \text{ Units}$ & $x_{(\max)} = 0.121/0.017 = 7.12 \approx 7 \text{ Units}$.

However, the proposal is for 9 units, and therefore inappropriate.



Graphical Illustration of Site Capacity at 21 Woodmere Gardens for a Site Area of 0.121ha

- 2.5.5 The above evidence, based upon the **National Model Design Code Guidance 'Build Form'** for Area Types, is conclusive proof that the proposal's **massing** significantly exceeds the **"Site Capacity"** (0.121ha) thus **supporting the LPAs Reasons 1 & 2 for Refusal** of the proposal.
- 2.5.6 The foregoing **Policy Assessment** based on the **National Model Design Code and Guidance**, clearly establishes the **Area Type** and Setting to be **"Outer-Suburban"**. The proposal with a **Site Area** of **0.121hectares** at **Design Code Density** for **"Outer-Suburban"** **Area Type Setting** should be between **20 and 40 U/ha** but the proposal is for $9/0.121 = 74.38\text{Units/hectare}$ which is more appropriate for an **"Urban"** Area (**60 to 120U/ha**) **Type or Setting**. The locality is inappropriate for **Intensification** be it **'Incremental', 'Moderate' or 'Focussed' intensification**, as it has **Zero PTAL** and is greater than **800metres** from a **Train/Tram Station** or **District Centre**. Shirley is **NOT "Urban"** by any assessment or evaluation.
- 2.5.7 The following graphical analysis for the proposal at **21 Woodmere Gardens** illustrates that the **Site Capacity** of **0.121ha** in an **Outer-Suburban Area Type Setting** cannot support **9 dwellings** and that the proposal would be more appropriate in an **Urban Area Type Setting**. The appropriate max number of Units for **Outer Suburban** and **site Area of 0.121ha** is **≈5 Units** (and that would only be acceptable with exceedingly good infrastructure support).
- 2.5.8 Design Code Housing Density for **21 Woodmere Gardens at 0.121ha & Zero PTAL**.



21 Woodmere Gardens Site Capacity for Site Area of 0.121ha at PTAL Zero

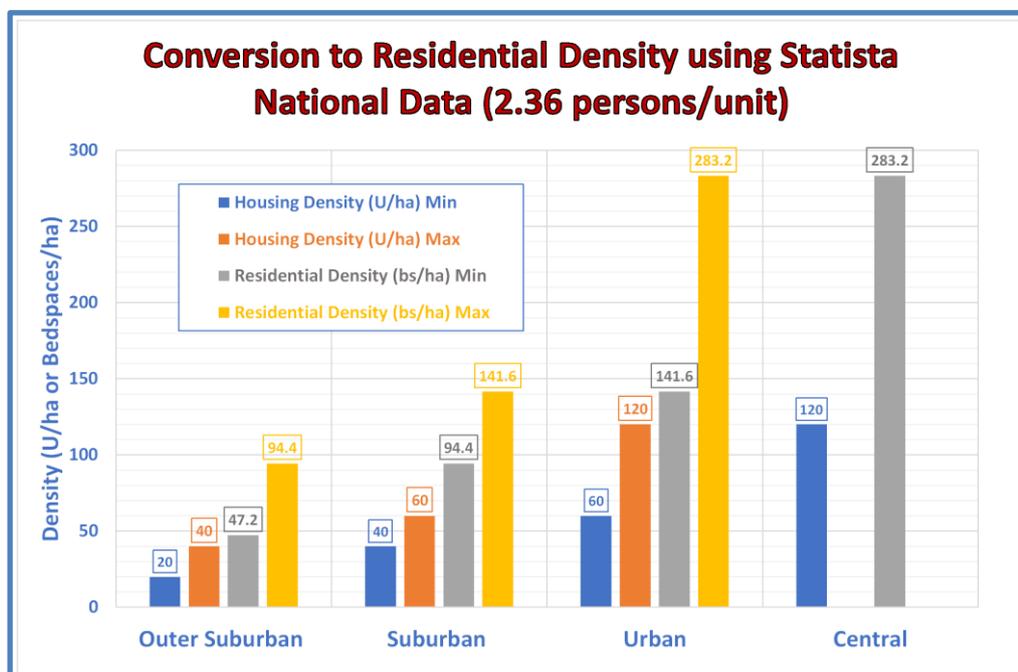
2.6 Residential Density and Public Transport Accessibility

2.6.1 It is people who require supporting infrastructure, **NOT** *Dwellings, units, or habitable rooms*, so we need to establish equivalent **Residential Density** (persons/ha) ranges for the **Area Type 'Settings'**. This can be achieved using the **Office of National Statistics (ONS)** data or **Statista™** data ^{Ref:2}. In 2021, the average number of persons per household in the United Kingdom was **2.36** compared with 2.37 in the previous year.

2.6.2 As the **DLUHC National Model Design Code & Guidance** are **National** recommendations, we can use the **National Statista factor** to convert the **National equivalent Units/ha** to **Bedspaces/ha** as shown in the following Table and Graphically illustrated below. This is the only known **National factor** for conversion from **Housing Units/ha** to **Bedspaces/hectare** unless the *Inspectorate Case Officer* has other procedures to assess equivalent local **Residential Densities**.

	Outer Suburban	Suburban	Urban	Central
Minimum Housing Density (Units/ha)	20	40	60	120
Maximum Housing Density (Units/ha)	40	60	120	
Minimum Residential Density (bs/ha)	47.2	94.4	141.6	283.2
Maximum Residential Density (bs/ha)	94.4	141.6	283.2	

Table showing Conversion from Housing Density (Units/ha) to Residential Density (bs/ha) using the National Average occupancy (2.36 bs/unit in 2021)



Graphical Illustration of equivalent Densities for Area Setting Types based upon ONS and Statista™ National Dwelling Occupancy factor.

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

2.6.3 The London Plan “**Density Matrix**” has been omitted from the **London Plan (March 2021 revision)**, but **TfL Connectivity Assessment Guide Ref:3** is still used to provide the **Local Public Transport Accessibility Level (PTAL)**.

2.6.4 The **TfL Residential Densities** for a “**Suburban**” Setting from **PTAL Zero** through to **PTAL 6** are shown as **150hr/ha to 350hr/ha**. If it is assumed that this incremental increase is ‘**linear**’ across the full **Suburban range**, the distribution would follow a straight-line function as shown in the following graphical illustration. $y = mx + c$

where: $y = \text{Density}$; and $m = \frac{\delta y}{\delta x}$; $x = \text{PTAL}$ & $c = y \text{ when } x = 0$

2.6.5 The **Housing Density** for the proposed development at **21 Woodmere Gardens** is **9** units on a site area of **0.121ha = 74.38 units/ha**. The number of habitable rooms would be **31** and the number of occupants would be **29**. This gives the **Residential Densities** of $31/0.121 = 256.20 \text{ hr/ha}$ and $29/0.121 = 239.67 \text{ bedspaces/ha}$.

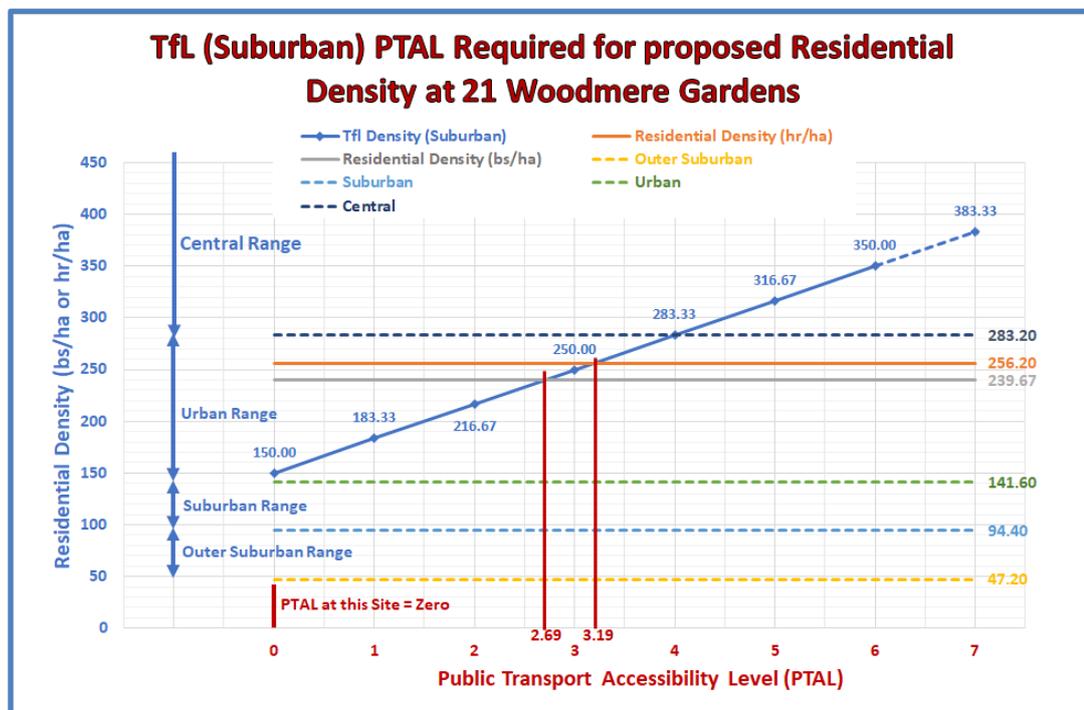
2.6.6 Using the above relationship for a **Residential Density** of **256.20 hr/ha** and **239.67 bedspaces/ha** shows the **required PTAL** can be calculated from the relationship: $y = mx + c$

$$\therefore \text{Density} = y = \left(\frac{350-150}{6}\right)x + 150 ; \text{ where } x = \text{PTAL}$$

$$\therefore 256.20 \text{ hr/ha} = 33.33x + 150 ; \therefore x = \frac{256.2 - 150}{33.33} = 3.186 = \text{required PTAL}$$

$$\therefore 239.67 \text{ bs/ha} = 33.33x + 150 ; \therefore x = \frac{239.67 - 150}{33.33} = 2.69 = \text{required PTAL}$$

When the available PTAL is Zero (0)



PTAL Required for proposed Residential Density at 21 Woodmere Gardens

Ref:3 <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>

2.6.7 This again is further evidence that the **Residential Density** exceeds the available supporting **Public Transport Accessibility (PTAL)** whether assessed on the basis of **Habitable Rooms** per hectare or **Bedspaces** per hectare and therefore supports the **LPAs** refusal on grounds of inappropriate **Scale and Massing for the Area Type and Setting**. This indicates the supporting infrastructure for the proposed development is **insufficient** and there is **no prospect of any improvement over the life of the plan**.

2.7 Densification

2.7.1 Croydon Local Plan (2018) 'Growth' Policies

2.7.1.1 The **Croydon Local Plan (2018) 'Growth'** Policies, as defined in **Table 6.4**, 'purports' to describe "**Growth**" by either "**Redevelopment**" or "**Evolution**" by "**Regeneration**", but gives no definition of the acceptable magnitude of this '**growth**' in terms of '**Site Capacity**', '**Local and future infrastructure**' or '**Public Transport Accessibility**', 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.

2.7.1.2 The current **Croydon Plan** and **Revised Croydon Plan (2018)** 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.

2.7.1.3 However, it is understood that the **emerging Revised Croydon Local Plan (2021)**^{Ref:4} 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., still No defining meaningful parameters*). **Paragraph 6.62B to 6.62E** has been modified to include "**Moderate Intensification**" designation and **6.62F to 6.62J** to include "**Focussed Intensification**" designation. The limitation distances for **Public Transport Accessibility PTAL** and distances from **Tram/Train Stations** or **District Centres** are provided, but again, *there is no definition for what is meant by "**Moderate**" or "**Gentle**" in terms of local "**Density**" or development proposal "**Site Capacity**."* These are abstract objectives, **NOT policies** and **NOT sufficiently adequately defined to be enforceable!**

2.7.1.4 The revised Croydon Local Plan at **Para 6.56A** states:

6.56A The character and growth policies respond to the **London Plan** which says that **gentle densification** should be actively encouraged by boroughs in **low** and **mid-density locations** to achieve a change in **densities** in the most appropriate way. This should have regard to the target set for development on small sites by **Policy H2** of the London Plan. To achieve the housing needs for

^{Ref:4} <https://www.croydon.gov.uk/sites/default/files/2022-01/croydon-local-plan-2018-revised-2021-part-1-start-to-section-11.pdf>

the borough, areas where sustainable development can be focused for **growth** according to a series of **sustainable indicators** and **characteristics of an area have been identified**.

2.7.1.5 We have the following response to both the **Revised Croydon Plan** and the Appellant's Appeal Statements:

- a) There is no guidance on what **"Appropriate Way"** a density can be "changed".
- b) The location of the proposed development at **21 Woodmere Gardens** is **"Outer Suburban"** from any assessment as defined in the **National Model Design Code & Guidance "Built Form"**
- c) The Location is **NOT** within an area designated **"Focussed" or "Moderate Intensification;"**
- d) The Policy appropriate for this location should therefore be **"Gentle" Densification;**
- e) The locality has **Zero PTAL;**
- f) The Policy does **NOT** define any parameters for **"Gentle" densification guidance** or an appropriate magnitude of **'densification.'**
- g) The only 'sensible' and meaningful requirement for defining **"Growth"** limitations is to define the **"Site Capacity"** in terms of dwellings per hectare acceptable for the **Area Type and/or Setting**, thus respecting local character. This is the fundamental reasoning addressed by the **London Plan Design-Led Approach at Policy D3** and endorsed by the **National Model Design Code & Guidance** Referenced from **NPPF paras 128 & 129**.
- h) The adopted or revised **Croydon Local Plan** does **NOT** provide any Policy definitions to **manage "Growth"**.

2.8 Densification within the limits of supporting Infrastructure

2.8.1 As the **National Model Design Code** Area Types currently relies on the **available supporting infrastructure**, unless there are programs of improved infrastructure over the life of the plan, any intensification within an **Area Type or Setting** relies on that **existing Supporting infrastructure** and therefore the **Design Code Density** should remain **within** the range of the **Setting** or **Area Type "Boundaries"** as defined (**"Outer Suburban", "Suburban", "Urban" or "Central"**).

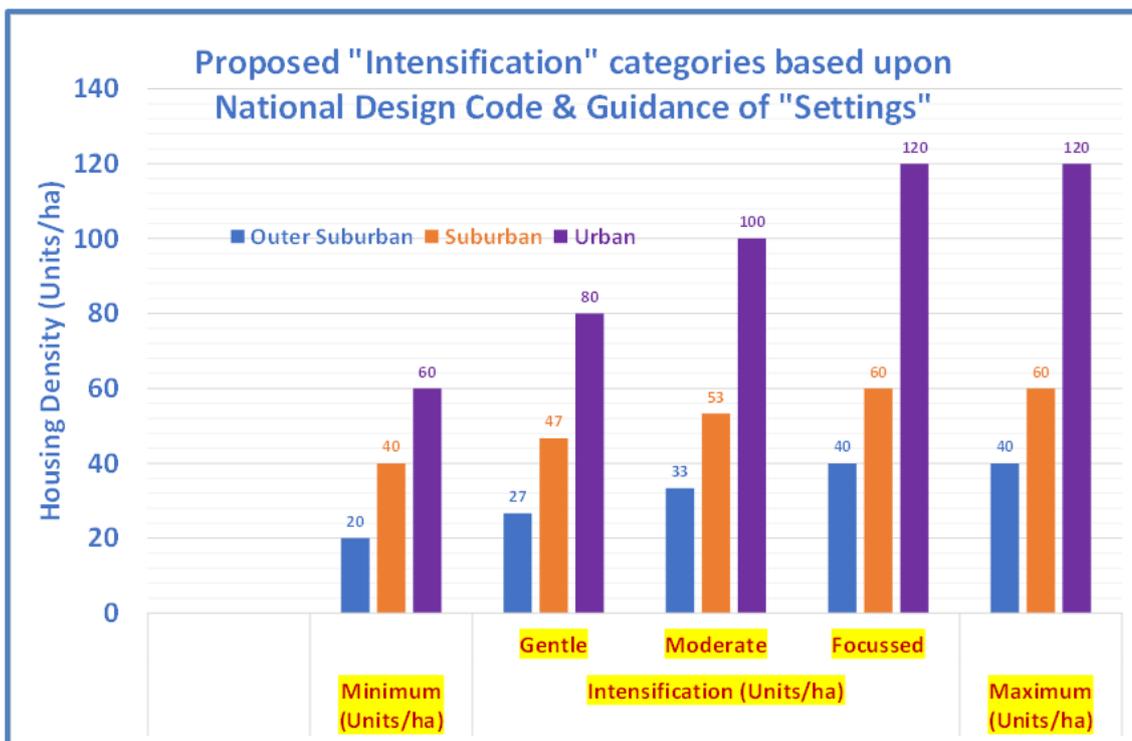
2.8.2 There is **no likelihood of infrastructure improvement** in the **Shirley North or Shirley South Wards** over the life of the Plan. ^{Ref:5}

2.8.3 It is suggested that **poor infrastructure** would require the **Design Code Density** to **tend toward** the **lower density value**, and a **higher infrastructure** provision **tend toward** the **higher density value** of the **Setting Range**. Similarly, the **Intensification** or **Densification** should follow the same **fundamental principles** as follows:

2.8.4 Incremental **"Intensification" Ranges**

Ref:5 <https://www.croydon.gov.uk/sites/default/files/2022-01/infrastructure-delivery-plan-2021.pdf>

2.8.4.1 We have shown an **incremental** increase in **Design Code Density** of $\frac{1}{3}$ & $\frac{2}{3}$ between Settings for “**Outer Suburban**”, “**Suburban**” and “**Urban**” for “**Gentle**”, “**Moderate**” and “**Focussed**” Intensification or *densification* as an *example*. There is **NO** equivalent for “**Central**” Area Type setting, as there is no defined maximum. The Maximum **Density** at “**Central**” Area Types or Settings is defined by the proposal’s requirement to meet the *Minimum Internal Space Standards* and *Private Amenity Space Standards* as defined in the London Plan Table 3.1.

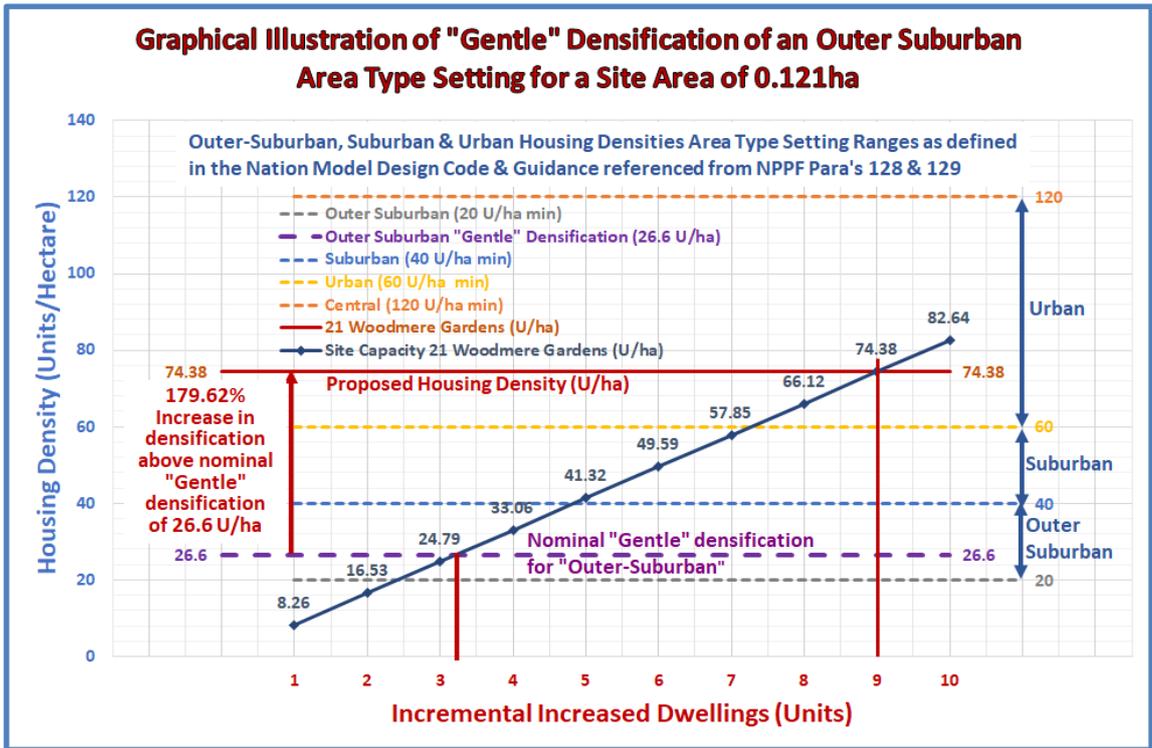


Suggested ranges for Gentle Moderate and Focussed intensification to remain within infrastructure limitations of the Setting and Area Type

2.8.4.2 This is our interpretation of the **Local Plan Policy** in the absence of a defined **Policy** as there is no ‘*meaningful*’ *guidance* in the **Croydon Revised Local Plan** or the **London Plan**.

2.8.5 Thus for **21 Woodmere Gardens**, with a **Site Capacity** limitation of **0.121ha** the “**Gentle**” *Densification* should **NOT** exceed a **Housing Density** ≈ 26.6 Units/ha (i.e., $(20 + (40 - 20) / 3) = 26.6$ U/ha ≈ 27 u/ha) but it actually reaches **74.38/ha** which is $(74.38 - 26.6) / 26.6 \approx 179.62\%$ increase above the “**Gentle**” *densification* appropriate for the locality. This level of densification is **NOT** supported by the **local infrastructure** and there is no planned increase in infrastructure provision for the **Shirley North Ward** over the life of the plan ^{Ref:6}. **This is an extremely important analysis of this proposed development.**

Ref:6 <https://www.croydon.gov.uk/sites/default/files/2022-01/infrastructure-delivery-plan-2021.pdf>

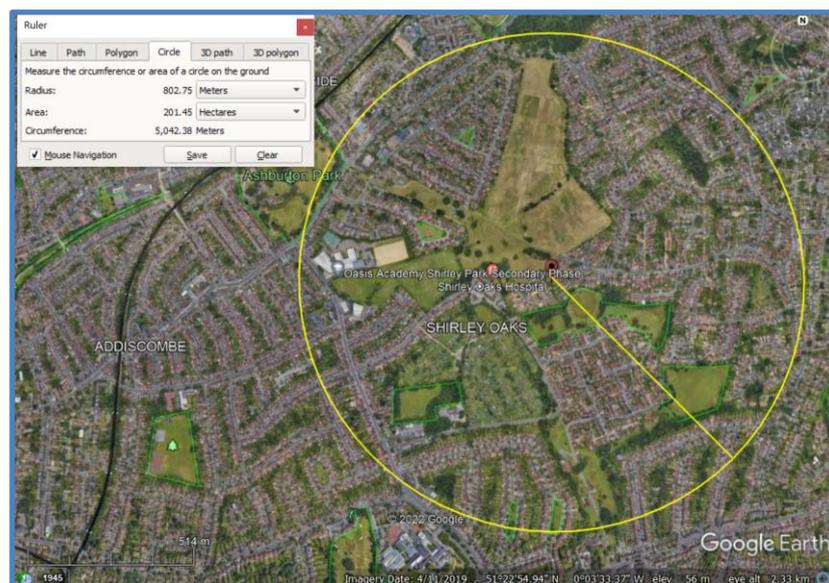


Graphical Illustration of nominal "Gentle" densification for an Outer Suburban Area Type Setting of Site Capacity Area of 0.121ha.



Graphical Illustration of proposal's Site Area Capacity for 9 Units with "Gentle" Densification.

- 2.8.6 The Site Capacity of **0.121ha** limits the **Area Type** Setting of “**Outer-Suburban**” to **≈3 Units** including an allowance for “**Gentle**” **Densification** as illustrated, but the proposal is for **9 dwellings** which would require a **Site Area of 0.45 hectares** for an “**Outer Suburban**” Area Type Setting or **0.33 hectares** for “**Gentle**” **Densification**.
- 2.8.7 This is **undeniable conclusive** evidence of **excessive overdevelopment** of the locality for the proposed development at **21 Woodmere Gardens** and is further evidence in support of the **LPA’s Reason 1 & 2 for a refusal**.
- 2.8.8 There is **NO “definition”** of any assessment limiting criteria parameters for “**Incremental Intensification**” in the Adopted **London Plan** or the adopted **Croydon Local Plan**. There is **NO “definition”** of any assessment limiting criteria parameters for “**Moderate Intensification**” in the adopted **London Plan** or the adopted **Croydon Local Plan** or the revised draft **Local Plan**.
- 2.8.9 There is **NO “definition”** of any assessment limiting criteria 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**’ as, in fact, there is **NO meaningful management of “Growth” Policy**, a fundamental requirement of the job description for the LPA Development Management Department! In the absence of any guidance, we refer back to **NPPF para 129** and **Local Design Code** assessment.
- 2.8.10 The Google Earth image (below) illustrates the site for this proposed development at **21 Woodmere Gardens** which, together with **Public Transport Accessibility Level (PTAL) of Zero**, is over **800m** radius from any **Train Station** or **Tram Stop** and is greater than **800m** (Line of Sight) from the **Shirley ‘Local’ Centre** (i.e., which is **not a ‘District’ Centre**) and therefore the locality is **NOT** appropriate for “**Incremental Intensification**” as defined by the **London Plan (2021) Para 4.2.4**.



Google Earth Image showing Location of 21 Woodmere Gardens exceeding 800m from any Tram/Train Station and exceeding 800m from the nearest District Centre

2.8.11 **London Plan (2021) Policy H2 – Small Sites; Para 4.2.4:**

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

2.8.12 There are additional infrastructure constraints indicated, including **Flood Risk at 30yr and 100yr for Surface Water and Gas Pipes Low Pressure.**

3 Sustainability and Housing Need

3.1 **NPPF Para 7 States:**

3.1.1 *“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** Ref:7 ... “*

3.1.2 For **Sustainability**, developments require adequate **supporting infrastructure** but there is **NO planned improvement** in the provision or delivery of new or improvements to the existing Infrastructure Ref:8 for **Shirley** over the life of the Plan.

3.2 **Housing Need**

3.2.1 Similarly, the allocation of housing **“need”** assessed for the **“Shirley Place” [770ha]** (equivalent to greater than Shirley North [327.9ha] and South Wards [387.3ha]) over the period **2019 to 2039** is **278** (See Croydon Revised Local Plan Ref:9 2021 **Table 3.1**). This equates to **≈14 dwellings per year.**

3.2.2 In relation to meeting housing **“need”** we raised a Freedom of Information (FOI) request (Ref: 4250621) on **31st January 2022**. The FOI Requested data on the **Outturn** of Developments since **2018** for the **Shirley “Place”** plus the **“Place” Area, Housing and Occupancy** of the **Shirley “Place”** for which the response was as follows:

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

⁷ Resolution 42/187 of the United Nations General Assembly

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

⁹ <https://www.croydon.gov.uk/sites/default/files/2022-01/croydon-local-plan-2018-revised-2021-part-1-start-to-section-11.pdf>

- 3.2.3 The FOI response indicated, the **Shirley "Place"** as defined in the Local Plan has an area of approximately **≈770ha** 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 **Shirley Ward**". **This is 'NOT True' as described later.**
- 3.2.4 Analysis of this limited information (FOI response) supports our assumption that completions are recorded but **NOT** against the **"Places"** of Croydon and **no action** is taken by the LPA as a result of those completions. In addition, the **"Shirley Place" Area does NOT equate to the sum of the Shirley North & South Ward Areas.**
- 3.2.5 The FOI Response indicates:
- 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"**
- 3.2.6 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 Ward + Shirley South Ward = 55 + 102 + 69 = 226 ≈ 75 per yr.** (However, this is **NOT The Shirley "Place"** at **≈770ha** but the net increase for the **Shirley North [327.90ha] + Shirley South Wards [387.30ha] total of 715.20ha**) a difference of **54.8ha.**

TARGET OUTTURNS (Estimates)							
Locality	Area (ha)	Dwellings	Population	Percentage of ALL Shirley	Units over 20 yrs (Estimate)	Per Year (Target Outturn)	Actual (Outturn/yr)
Shirley North Ward	327.90	6555	15666	45.85%	127	6	67
Shirley South Ward	387.30	5919	14147	54.15%	151	8	8
All Shirley	715.20	12474	29814	100.00%	258	13	75
Shirley "Place" (Approximately)	770.00	?	?	107.66%	278	14	?
MORA AREA	178.26	3884	9283	24.92%	69	3	36

Completions (Not including approvals not yet started - see FOI Ref: 4250621 on 31st January 2022)	2018	2019	2020	2021 (Aug)	Total	20 Yrs (Projected)	Estimated completed 2021
Shirley North Ward	45	87	69	12	213	1095	18
Shirley South Ward	10	15	0	5	30	162.5	7.5
Shirley Place (Estimate ^{Note 1})	55	102	69	17	243	1257.5	25.5
Target (278 over 20 yrs)	13.9	13.9	13.9	13.9	55.6	278	13.9
% over Target	74.73%	86.37%	79.86%	18.24%	77.12%	77.89%	45.49%

Note 1 : The FOI indicates the Shirley Place to be 770ha whereas Shirley North plus Shirley South Wards total 715.2ha

Estimated Target Outturns for Shirley and the MORA Area of 178ha (24.92%) portion of All Shirley Ward Wards of 715.20ha

- 3.2.7 The **MORA Area of 178.20ha** (which we monitor) is only **24.92%** of **All Shirley (715.2ha)**, but at a rate of **36dpa** over the **20yr** period **≈720 dwellings**, would exceed the **Target for the Shirley "Place" of 278** by **442 Dwellings** for the Whole of the Shirley "Place" (≈770ha FOI response).
- 3.2.8 This is $(720-278)/278 = 158.99\%$ Increase for the **Shirley "Place"** when the **MORA Area** is only $(770-178.2)/178.2 = 23.15\%$ of the area of the **estimated Shirley 'Place'**

and $(178.26-715.2/715.2) = 24.92\%$ of all Shirley. **This is definitely NOT respecting the character of the locality when the locality of this proposal is “Inappropriate for Incremental Intensification” with a PTAL of Zero and there is no probability for increase in supporting infrastructure.**

- 3.2.9 The Build rate delivery of dwellings for all Shirley is averaging at $55 + 102 + 69 = 226 \approx 75.33$ dwellings per year, so over 20 years the Net Increase will be ≈ 1507 dwellings. (Exceeding the 278 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.
- 3.2.10 This would exceed the Target over 20 yrs. (of 278) by: $(1507 - 278)/278 = 442.1\%$. 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 ≈ 54.8 ha 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 of 20 added to the Targets of the relevant adjacent Wards).
- 3.2.11 This excessive unmanaged number of developments in an area with no prospect of improved infrastructure does NOT meet NPPF sustainability requirements. The main function of the LPA Development Management is to manage future developments which is their fundamental job description yet they are abstaining from their obligations and responsibilities.
- 3.2.12 We are confident that this analysis completely refutes any suggestion that “Housing Need” is a reason for approval in this locality as the assessed **‘Housing Need’ for this area has already been satisfied.**
- 3.2.13 All Development proposals should be judged on compliance to adopted Planning Policies and NOT on the basis of meeting Targets to support a Housing “need” especially so if that “need” has already been met.

4 Reasons for Refusal 4

4.1 Refusal Reason 4.

4.1.1 *“The proposed development would result in insufficient level of parking spaces, the creation of more than one crossover on a single site, unacceptable position of parking bays along Woodmere Avenue, insufficient sightline details, inappropriate cycle storage facilities by reason of design and position to one of the houses, insufficient footpath width to enable suitable collection of waste to the proposed houses, inclusion of electrical vehicle charging points ... “*

4.2 Residential Parking

4.2.1 The Croydon Local Pan (Revised December 2021) Residential Parking Policy at Table 10.1 states:

For PTAL 0, 1a & 1b for All Homes in an Area with no controlled Parking Zones for 1 & 2-bedroom Units allocation is 1 space per Unit and 1.5 Spaces for 3 or more Bedroom Units.

4.2.2 Therefore, the proposal would require **10.5** (= Integer **11 Parking Bays**) to support the development.

4.2.3 The **London Plan (March 2021)** Residential Parking for Outer London Boroughs at Table 10.3 states:

For Outer London at PTAL 0 to 1 For 1 – 2 Bedrooms allocated Up to 1.5 space per Unit and Similar for 3 and greater bedrooms up to 1.5 spaces per unit.

4.2.4 Therefore, the proposal would require **13.5** (= Integer **14 Parking Bays**) to support the development.

New Dwellings	Car Parking Space	Bedrooms	Bed-Spaces available (Persons)	Parking Croydon Local Plan Table 10.1 (PTAL 0)	Parking London Plan Table 10.3 (PTAL 0)
Apartment Unit 1 (M4(3))	1	2	3	1	1.5
Apartment Unit 2 (M4(2))	1	2	3	1	1.5
Apartment Unit 3 (M4(2))	1	2	3	1	1.5
Apartment Unit 4 (M4(2))	1	3	4	1.5	1.5
Apartment Unit 5 (M4(2))	1	1	2	1	1.5
Apartment Unit 6 (M4(2))	1	2	3	1	1.5
Terraced Unit 7	1	3	4	1.5	1.5
Terraced Unit 8	1	2	3	1	1.5
Terraced Unit 9	0	3	4	1.5	1.5
Totals	8	20	29	10.5	13.5

London & Croydon Plan Residential Parking at PTAL Zero

4.2.5 However, the proposal offered just **8 parking bays** which is a deficiency of **23.8%** for the **Croydon Plan** and a deficiency of **40.74%** for the **London Plan** Parking allocation. In addition, it is understood only one bay (#1) has **EVC** point provision.

4.3 The evidence therefore **supports** the **LPA's Reason 4** for refusal on grounds of **inadequate off-street Parking Provision** at this **Low PTAL Zero**, Outer Suburban locality for the proposed development massing, scale, and number of proposed occupants.

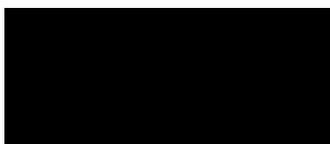
5 Summary and Conclusions

5.1 Local Residents have lost confidence in the Planning Process with the significant local redevelopments which, in the majority of cases, disregard Planning Policies, and once that confidence is lost, it is extremely difficult to regain it. Confidence and support of local residents is necessary to ensure the general requirement of housing need is satisfied with the provision of appropriate sustainable developments. This can only be achieved by ensuring developments comply with the agreed National and local planning policies and guidance.

5.2 The Growth Policies as specified in the Revised Croydon Local Plan are fundamentally flawed as they do NOT define the magnitude of "Growth" in their definitions. There is NO actual mechanistic difference between the different categories of '**Intensification**' or '**densification**'.

- 5.3 In addition, we have conclusively shown that the proposed development at **PTAL Zero** and greater than **800m** from any **Train** or **Tram Station** or **District Centre** is inappropriate for **incremental intensification**.
- 5.4 We have also shown that the proposed development is a significant overdevelopment for the available **Site Area** of **0.121ha** at **PTAL Zero** in this **“Outer Suburban” Area Type Setting** as defined by the **National Model Design Code Guidance** and the proposed development would be more appropriate in an **Urban** Setting. This analysis therefore supports the **LPA’s Reasons 1 & 2** for refusal on grounds of **scale** and **massing**.
- If the Inspector does NOT agree with the **National Model Design Code Guidance** as listed above, we would respectfully request the Inspector provides an alternative assessment with detailed methodology justification.
- 5.5 The proposed development would require improved **Public Transport Accessibility** to a Level between **PTAL 3 to 4** to meet the **TfL connectivity** appropriate for the **Residential Density** of the proposal. There are other additional infrastructure constraints indicated, including **Flood Risk at 30yr and 100yr** for **Surface Water** and **Gas Pipes Low Pressures**.
- 5.6 The proposal fails to meet the **Planning Policies** on Scale and Massing for the locality as defined by the **National Model Design Code Guidance** and fails to provide **acceptable accommodation** for future occupants. The proposal also fails to provide acceptable parking provision for the probable number of occupants.
- 5.7 We therefore urge the Inspector to Dismiss this appeal such that the Appellant can reapply with a more appropriate and compliant proposal. *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.*

Kind Regards



Derek C. Ritson I. Eng. M.I.E.T.
Monks Orchard Residents' Association
Executive Committee – Planning
Email: planning@mo-ra.co



Sony Nair
Chairman MORA
Monks Orchard Residents' Association.
Email: chairman@mo-ra.co