

Sara Burke - Case Officer
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**Monks Orchard Residents' Association
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28th March 2023

TOWN AND COUNTRY PLANNING ACT 1990

Appeal (W) under Section 78

Location: 77 Woodmere Avenue, Croydon CR0 7PX

LPA Application Ref: 22/00726/FUL

Appeal Ref: APP/L5240/W/22/3307153

Written Representation Close: 3rd April 2023

Dear Sara Burke - 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 stated in the following submission.

We fully support the Local Planning Authority (LPA) Case Officer's Report and provide the following analysis to support the Delegate Committee agreed report. 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.

We have concentrated our submission on known adopted or emerging policies from local to National Level none of which can be disputed or discounted. The reasons supporting our written representation therefore are of authoritative significance rather than any subjective interpretation or vague statements by the Appellant.

We have structured this representation on the grounds of the **LPA's Reasons for Refusals and the Appellant's responses as listed in the Appellant's "Statement of Case"**.

Our comments relate to compliance to adopted or emerging Planning Policies as published in the **NPPF** (July 2021), the **National Model Design Codes and Guidance** (Jan & June 2021) by the **Department of Levelling Up, Housing & Communities (DLUHC)**, the **London Plan** (March 2021), the **Croydon Local Plan** (2018) and the **Revised Local Plan** (Dec 2021). Where appropriate we have referenced **Planning Guidance documents**.

1 LPA Refusal Reason 1.

- 1.1 **Reason 1:** The quality of accommodation, by virtue of the shortfall of amenity space for **Flat 3**, would result in a sub-standard residential unit, which is contrary to Policy **D6 of the London Plan** (2021) and **Policy DM10 of the Croydon Local Plan** (2018).



1.2 **Appellant's Response:**

1.2.1 **Reason for Refusal 1:** "In respect of **Reason for Refusal 1**, they are incorrect, the private amenity space provided for **Flat 3** can meet their requirements without reducing the size of the flat to below the **LP D6 residential space standard for a 3B/4P flat.**"

1.3 **MORA Response to Appellant's Reason 1.**

1.3.1 The offered **GIA** for **Flat 3** is **75sq.m.** and **built-In Storage** offered of **2.0sq.m.** with **6.2sq.m.** Private Amenity Space; (NOT **6.5sq.m.** as stated in the Appellant's "**Statement of Case**" for both original and amended drawings). This totals **83.2 sq.m.**

1.3.2 The **London Plan Table 3.1** requires minimal **Internal Space Standards** for a **3 bed 4 person** dwelling on a single floor to be: **GIA 74sq.m.** and **Built-In Storage** of **2.5sq.m** and **Private Amenity Space** of **7sq.m.** which (**74 + 2.5 + 7**) totals **84.0 sq.m.** **Thus, the proposal is assessed as deficient by 84 – 83.2 = 0.8sq.m.** Therefore, the LPA Refusal based upon **Policy D6** is correct and undisputable.

1.3.3 In addition, the **London Plan Policy D6 Housing quality and standards** emphasises at **Para 3.6.2:**

1.3.3.1 "3.6.2 The space standards are "**minimums**" which applicants are **encouraged to exceed**. The standards apply to all new self-contained dwellings of any tenure, and consideration should be given to the elements that enable a home to become a comfortable place of retreat. ..."

1.3.3.2 As the proposal is **below the requirement** by **0.8sq.m.** it clearly does **not meet the combined** objective of a '**minimum**' space standard requirement, as the definition of "**minimum**" is '**the smallest that is possible or allowed**'; nor does it meet the implied requirement to '**exceed**' the **minimum** standard.

1.3.4 Therefore, the LPA Reason for **Refusal 1** is endorsed as a fair and sound reason for refusal as the internal space provision is **inadequate** for the future occupants **for the life of the development.**

2 **LPA Refusal Reason 2.**

2.1 **Reason 2:** The proposed development, by reason of **scale, width, roofline** and **form**, poor **elevational** composition, 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. Additionally, the proposal would not respect the **established rear building line** and there is a lack of landscaping to compensate for the dominance of the hard standing to the front of the property. This is contrary to **Policy D4** of the **London Plan (2021)** and **Policy DM10** of the **Croydon Local Plan (2018)**.



2.2 Appellant's Response:

2.2.1 *Reason for Refusal 2 has been reviewed and in particular the Council's contention that in terms of design there is conflict with **Policy D4** of the **London Plan (2021)** and **Policy DM10** of the **Croydon Local Plan (2018)**. The requirements of these policies have been reviewed. No conflict has been found which would support this reason for refusal.*

2.3 The issues relating to scale, width, roofline, and form are covered under our response to **Reason 3** (below) relating to **scale, bulk, and massing**.

2.4 The remaining issue for **Reason 2** is the disputed **Rear Building Line**.



Ground Floor Plan showing relationship to rear building line of adjacent properties.

2.4.1 The above illustration clearly shows that the proposed development fails to follow the established **rear building line** as listed in the **LPA Reason 2 narrative**.

2.5 The following responds to “Scale, Width, Roofline and Form. These issues are also appropriate in response to Reason 3: “Scale, Bulk & Massing”.

2.5.1 **London Plan Policy D4 - Delivering Good Design**

2.5.2 **London Plan Policy D4 para 3.4.8 States:**

2.5.2.1 “3.4.8 *For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in Policy D6 Housing quality and standards. The higher the density of a development the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design, and ongoing management. This is important because these elements of the development come under more pressure as the density increases. The housing minimum space standards set out in Policy D6 Housing quality and standards help ensure that as densities increase, quality of internal residential units is maintained. ...*”



- 2.5.4 **London Plan Policy D4** para 3.4.11 States:
- 2.5.4.1 *“3.4.11 **Design codes** submitted with outline planning applications for large developments can be one such way to ensure that design quality is upheld throughout the planning process. Their main purpose is to describe the **key design principles of a development proposal** in a simple, concise, and mainly graphical format, and they should draw on the proposal’s layout, **massing and heights** to define the principal features that make up the overall **design integrity** of the scheme. ...”*
- 2.5.5 **Croydon Local Plan (2018) – Policy DM10 Design & Character.**
- 2.5.5.1 The relevant sections of DM10.1 are probably:
- DM10.1** Proposals should be of high quality and, whilst seeking to achieve a minimum height of 3 storeys, should respect:*
- a. The development pattern, layout, and siting;*
 - b. **The scale, height, massing, and density;***
 - c. The appearance, existing materials and built and natural features of the surrounding area; the Place of Croydon in which it is located.*
- 2.5.5.2 There are further Policies in **DM10**, but we will concentrate on the appropriateness of **Scale, Height, and Massing** within the local **Area Type** Setting.
- 2.5.5.3 The **Croydon Local Plan** has no actual *meaningful* policies on **“Scale”, “Height” and “Massing”**. However, the guidance provided in the **National Model Design Code and Guidance** as published in January 2021 and update in June 2021 by the **DLUHC** and referenced from **para 129** of the **NPPF** provides clarification and guidance on **Design Codes** if there is no guidance in the **Local Plans** on the appropriate **Scale and massing of developments** for a local **Area Type** Setting.
- 2.5.6 Therefore the **National Guidance** from **NPPF** para 129 supports the LPA **Refusal 2** on **Scale Height and Massing**, which supports a **Dismissal** of this Appeal (See below additional evidence for **Refusal Reason 3**).

3 LPA Refusal Reason 3.

- 3.1 **Refusal Reason 3:** The proposal by reason of its **scale, bulk, massing**, and window placement, would result in the loss of light, the loss of privacy, and overbearing impact on **Nos. 75 and 79 Woodmere Avenue**, which would be contrary to **Policies D3 and D6** of the **London Plan (2021)** and **Policy DM10** of the **Croydon Local Plan (2018)**.
- 3.2 **Appellant’s Response:**
- 3.2.1 ***Reason for Refusal 3** identifies an unacceptable impact on the residential amenity of the two neighbouring properties at Nos 75 and 79. The Council’s*



concerns have been reviewed and the potential for conflict with the policies that they refer to it is concluded that there is **no conflict** with the policies that the Council reference in Reason for Refusal 3.

3.3 Scale, Bulk & Massing

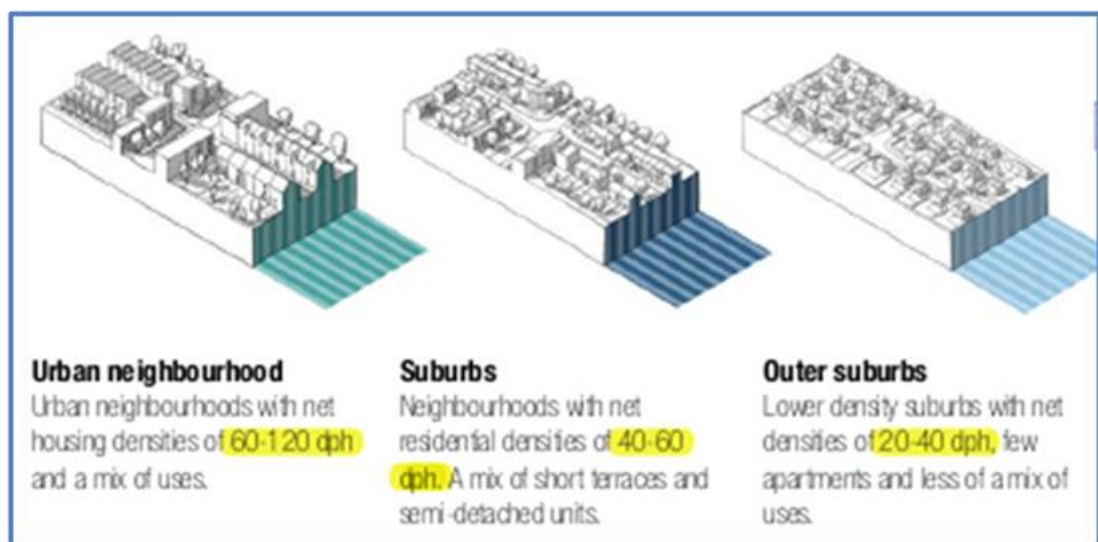
3.3.1 Local Design Code Assessment

3.3.1.1 The NPPF para 129 states:

3.3.1.2 “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.**”

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

3.3.2.1 The **Area Type** ‘Settings’, ‘**Outer Suburban**’, ‘**Suburban**’, ‘**Urban**’ and ‘**Central**’ are defined in the **National Model Design Code** Part 1 The Coding Process, Section 2B Coding Plan, Figure 10 Page 14. Para 16 states: This document should be used as a basis for the production of design codes and guides by local planning authorities. It contains information that should be readily available to the local authority and is intended to be applied flexibly according to local circumstances as not all characteristics and design parameters may be relevant.



National Model Design Code Area Type Settings Parameters

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



- 3.3.2.1.1 If the **Inspectorate** does not agree with these definitions, full justification for alternatives and reasons for Croydon being **non-compliant** to **National Policy guidance** should be provided in the **assessment Report**.
- 3.3.2.1.2 The most appropriate analysis for **Area Design Code assessment** to define **Local Area Type Settings** for **77 Woodmere Avenue** is the local **Post Code** of the **Area** of the proposed development. The **Post Code** for this proposal is **CR0 7PX**.
- 3.3.2.2 **National Model Design Code Area Type Settings**
- 3.3.2.2.1 The details for the **Post Code addresses** are found from the **Valuation Office Agency**² and was last updated on **VOA** website on 26 February 2023. The **number of occupants**³ are found from the postcodeare.co.uk website and the Area by use of the **Google Earth Polygon** tool which allows measurement of the assessed summation of the **Post Code** property boundaries from **63 to 81 Woodmere Avenue**.



Google Image for Post Code CR0 7PX showing 10,02069 sq.m. ≈ 1.002ha.

- 3.3.2.2.2 To ascertain the **Local Character** and **Local Design Code** it is necessary to compare the **Post Code Area (CR0 7PX) Design Code** and assess these with the equivalent parameters of the proposal for suitability and acceptability within the Policies for **renewal** and **growth** appropriate and acceptable for the **Area Type Setting** in terms of **Scale, Bulk, Depth, Form and Character**.

² <https://www.gov.uk/government/organisations/valuation-office-agency>

³ <https://www.postcodearea.co.uk/>

3.3.2.2.3 Assessment of Post Code Design Code Parameters

Parameters of Post Code 'CR0 7PX' Design Code				
Area Design Code Parameter		Input Parameters		Constrains
(These parameters auto calc Design Code)				
Post Code	CR0 7PX			Ward Shirley North
Area of Post Code (ha)	1.0020	hectares		Flood Risks 30yr Surface
Area of Post Code (Sq.m)	10020	sq.m.		Gas Low Pressure
Number of Dwellings (Units) (*)	11	Units		Water N/A
Number of Occupants (Persons)	21	Persons		Sewage N/A
Occupancy	1.91	Person/dwelling		HASL (m) Average 42m
Post Code Housing Density	10.98	Units/ha		Building Line Set-Back Various
Post Code Residential Density	20.96	Bedspaces/ha		Set-back Guidance 3 to 6m rec.
Area Type (National Model Design Code)	<Outer Suburban	Setting		
(*) Last updated on 26 February 2023				
Design Code Parameters		Min	Max	Measure
Area Type Setting (NMDC)	<Outer Suburban	0	20	Units/ha Range
Equivalent ¹ Residential Density (Persons/ha)	<Outer Suburban	0.00	47.20	Persons/ha Range
¹ Based on National Occupancy (2021) persons/Unit)				
	<Outer Suburban	<Outer Suburban		
	U/ha	bs/ha		
PTAL (now)	0.66	31.00	73.16	Limits for PTAL
PTAL (forecast 2031)	0.66	31.00	73.16	Limits for PTAL
Gentle Intensification (Limits in U/ha & bedspaces/ha)		6.67	15.73	Limits 'Gentle' Intensification
Moderate Intensification (Limits in U/ha & bedspaces/ha)		13.33	31.46	Limits 'Moderate' Intensification
Focussed Intensification (Limits in U/ha & bedspaces/ha)		20.00	47.20	Limits 'Focussed' Intensification

Interactional spreadsheet assessment of Post Code (CR0 7PX) Data to define the Area Type Setting parameters.

- 3.3.2.2.4 The **London Plan Policy D3 - Design-Led Approach** requires the definition of the localities “**Design Codes**” as a fundamental initial requirement to assess the appropriate parameters to ascertain the **Area Type Setting** and **Site Capacity**. This part of **Woodmere Avenue** is mainly characterised by detached or semi-detached houses or bungalows.
- 3.3.2.2.5 The **Post Code Area CR0 7PX** from **63 to 81 Woodmere Avenue** embracing **77 Woodmere Ave.**, has a current **population** of **21 persons** Housed in **11 Dwellings** in an approximate Area of **≈1.002hectare** (Google Earth) which equates to a **Housing Density** of **≈10.98Units/ha** and a **Residential Density** of **≈20.96 person/ha**, which places the **Post Code** in an ‘**<Outer Suburban**’ **Housing Density** and ‘**<Outer Suburban**’ **Residential Density**, **Area Type Design Code Setting** as defined by the **National Model Design Code & Guidance**. (*Equivalent National Residential Density scale based on National Occupancy⁴ of 2.36 persons per Dwelling at 2021*)
- 3.3.2.2.6 In order to ensure a valid assessment we have evaluated the various local areas and **Design Code Type Settings** for our locality (below) and in each case, the **NMDC** assessment has demonstrated that **Shirley** is either **< or = to an “Outer Suburban”** Setting as defined by the **National Model Design Code & Guidance**. If the Inspector **disagrees** with these parameters, we respectfully request that the Inspectorate provide alternatives with comprehensive supporting justification evidence why **Shirley** should be any different to that recommended by the **National guidance**.

⁴ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>



Location	Area (ha)	Population (Stat Ave)	Dwellings (Units) (Stat Ave)	Residential Density (bs/ha)	Housing Density (Units/ha)	"Setting" for Design Code Residential Density (bs/ha)	"Setting" for Design Code Housing Density (U/ha)	Occupancy Ratio (Stat Ave 1.36)
Croydon	8,652.00	390,719	165,559	45.16	19.14	<Outer Suburban	<Outer Suburban	2.36
Shirley North Ward	328.00	15,406	6,528	46.97	19.90	<Outer Suburban	<Outer Suburban	2.36
Shirley South Ward	384.40	10,619	4,500	27.62	11.71	<Outer Suburban	<Outer Suburban	2.36
All Shirley	712.40	26,025	11,028	36.53	15.48	<Outer Suburban	<Outer Suburban	2.36
MORA Area	178.26	9,166	3,884	51.42	21.79	Outer Suburban	Outer Suburban	2.36
Post Code CR0 8S(*)	16.95	627	237	36.99	13.98	<Outer Suburban	<Outer Suburban	2.65
Post Code CR0 8T(*)	11.82	644	246	54.48	20.81	Outer Suburban	Outer Suburban	2.62
Post Code CR0 7PL	1.73	47	19	27.17	10.98	<Outer Suburban	<Outer Suburban	2.47
Post Code CR0 7QD	1.51	68	28	45.03	18.54	<Outer Suburban	<Outer Suburban	2.43
Post Code CR0 7PB	1.24	40	25	32.26	20.16	<Outer Suburban	Outer Suburban	1.60
Post Code CR0 8UB	1.70	71	30	41.89	17.70	<Outer Suburban	<Outer Suburban	2.37
Post Code CR0 7NA	1.97	36	18	18.27	9.14	<Outer Suburban	<Outer Suburban	2.00
Post Code CR0 7NE	0.83	26	11	31.33	13.25	<Outer Suburban	<Outer Suburban	2.36
Post Code CR0 7NN	0.75	54	28	71.94	37.30	Outer Suburban	Outer Suburban	1.93
Post Code CR0 7RL	1.40	60	24	42.72	17.09	<Outer Suburban	<Outer Suburban	2.50
Post Code CR0 7PX	0.96	21	11	21.81	11.43	<Outer Suburban	<Outer Suburban	1.91
Shirley Oaks Village ^{Note 2}	19.12	1,286	545	67.26	28.50	Outer Suburban	Outer Suburban	2.36
Shirley "Place" ^{Note 1} (Estimate)	770.00	32,995	13,981	42.85	18.16	<Outer Suburban	<Outer Suburban	2.36
Average (Not including Croydon)	143.12	5,717	2,420	40.97	18.00	<Outer Suburban	<Outer Suburban	2.29

Note 1: FOI request (Ref: 4250621) on 31st January 2022

Note 2: All the green areas in Shirley Oaks Village, except for the 1.4 Hectares off Poppy Lane were legally classified as Ancillary space for the houses in the section 52 agreement with the Council when the estate was built. This was because the houses were built with small gardens.

Table of Design Code Area Type Settings for various local areas.

3.3.3 Assessment of Proposal

3.3.3.1 To establish suitability of the proposal at the location proposed, it is necessary to compare the **Application Design Code** parameters with the **Design Code parameters** of the **Local Post Code (CR0 7PX)** and assess the acceptability or otherwise of the difference.

3.3.3.2 Design Code Assessment of the proposal.

Application Design Code Details			
Application Ref:	22/00726/FUL		
Address:	77 Woodmere Avenue		
PostCode:	CR0 7PX		
Appeal Ref:	APP/L5240/W/22/3307153		
Written Representation Close	3rd April 2023		
Application Parameters			
Site Area (ha)	0.1146	ha	
Site Area (sq.m.)	1146.00	sq.m.	
Units (Dwellings)	7.00	Units	
Bedrooms	15.00	Bedrooms	
Bedspaces	22.00	Persons	
Housing Density	61.08	Units/ha	
Residential Density	191.97	bs/ha	
Occupancy	3.14	bs/unit	
Gross Internal Area (GIA) offered	475.50	sq.m.	
Floor Area Ratio	0.41	#	
		Min	Max
Area Type Setting (Units/ha)	Urban	120.00	120.00
Area Type Setting (Bedspaces/ha)	Urban	141.60	283.20
		U/ha	bs/ha
PTAL (Current)	0.66	31.00	73.16
PTAL (Forecast)	0.66	31.00	73.16
PTAL Required	3.68		191.97

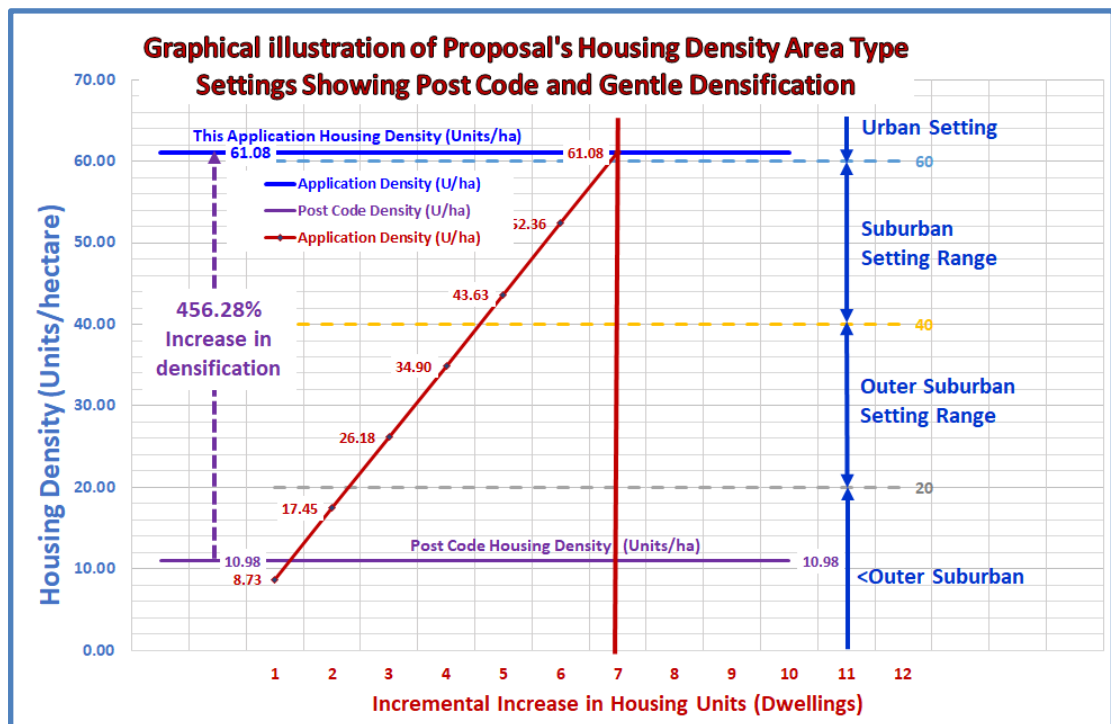
The above interactive spreadsheet tabulates the important differences between the proposal and the Post Code parameters.



- 3.3.3.3 The following interactive spreadsheet automatically calculates the differences between the **Application data** and the local **Post Code** data to determine how the application reflects the local character and parameters. This gives an illustration of comparison and differences between the local **Post Code** parameters and the **proposal** parameters, with percentage differences indicated.
- 3.3.3.4 The table indicates the '**significant excessive**' increases in **Housing** and **Residential Densities** between the locality as assessed by the **Design Code Densities** of the **Post Code CR0 7PX** and the proposed application at **456.28% increase** or **139.05% difference** in **Housing Density** and an **815.89% increase** or **160.63% difference** in **Residential Density** (highlighted). These are not small acceptable tolerances but significant unacceptable increases.

Difference Between Post Code (CR0 7PX) Design Code & Application Proposal				
Post Code Housing Density (Units/ha)	10.98	Area Type Setting	<Outer Suburban	
Application Housing Density (Units/ha)	61.08	Area Type Setting	Urban	
Difference	50.10	#		
Percentage Difference (%)	139.05	%		
Percentage Increase (%)	456.28	%		
Post Code Residential Density (bs/ha)	20.96	Area Type Setting	<Outer Suburban	
Application Residential Density (bs/ha)	191.97	Area Type Setting	Urban	
Difference	171.01	#		
Percentage Difference (%)	160.63	%		
Percentage Increase (%)	815.89	%		
PTAL Currently Available	0.66	<Outer Suburban		
PTAL Required	3.68	Urban		

Application Details for Comparison with Post Code CR0 7PX Area Type Setting parameters.



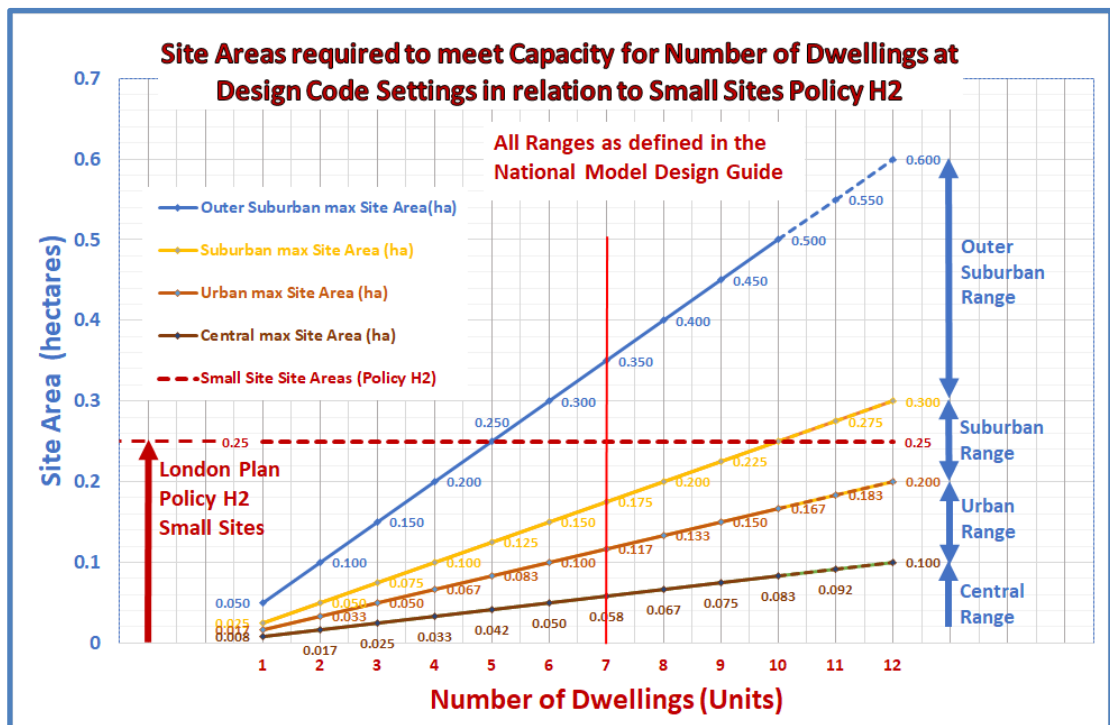
Graphical illustration of Increased Housing Density of Proposed Development from the current local Area Type Setting Post Code Housing Density



- 3.3.3.5 The graphical illustration above demonstrates the significant increase of **456.28%** in **Housing Density** above that of the local **Post Code** (CRO 7PX) **Design Code Density** at an **<Outer Suburban** Setting. This level of Increase from **<Outer Suburban**, through **Outer Suburban** and **Suburban** to an **Urban Area Type** Setting is **significantly greater** than any logical assessment of **"Gentle"** densification. (See "Growth" below).
- 3.3.3.6 The **Area Type Setting** of the **Post Code CR0 7PX** is within an **'<Outer Suburban'** **Area Type Housing Density** Range at **10.89U/ha** whereas the proposed Application **Housing Density** is at the **low** end of the **'Urban'** **Area Type** Setting Range at **61.08U/ha** which is a **456.28%** increase in **Housing Density** above the local **Area Design Code**, when the existing supporting infrastructure only supports **<Outer Suburban** **Densities**.
- 3.3.3.7 The above Graphical Illustration **conclusively** shows that the proposed development is an undisputable significant **'overdevelopment'** for the locality as assessed against the local **Post Code Area Type Setting** thus supporting the **LPA Report** of inappropriate **Mass Scale, Bulk, Depth, Form and Character** as defined by the **National Model Design Code & Guidance** and is **therefore substantial evidence to support the LPA refusal and additionally, substantial** reasons to recommend **dismissal of this Appeal**.
- 3.3.4 **Policy D3 Optimising site capacity through the design-led approach.**
- 3.3.4.1 **London Plan The design-led approach. (Site Capacity)**
- "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 - Quality and character."*
- "11) *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."*
- 3.3.4.2 The Graphical illustration below indicates that **77 Woodmere Avenue** in an **Area Type** Setting defined by the **Post Code CR0 7PX** within an **"<Outer Suburban"** **Area Type setting** for **7 Units** **should** have a **Site Area** of between **0.175ha** and **0.35ha**, when the actual available **Site Area** is only **0.1146ha**, which is deficient by a minimum of **0.0604ha** for an appropriate **Site Area** to accommodate the **7 Units**.



- 3.4.4.3 This is conclusive evidence that the proposal exceeds the 'Site Capacity' and is therefore non-compliant to London Plan Policy D3.



Graphical Illustration of Site Capacity ranges in hectares for number of dwellings at the various Area Type Settings

3.4.5 Evolution “Growth” & “Incremental Intensification” or Densification.

3.4.5.1 The Revised Croydon Local Plan has three designations for Growth.

- SP1.0C** There are residential areas where the characteristics and infrastructure provision have led to the identification of potential for sustainable housing growth and renewal.
- Areas of **Focused Intensification** are areas where a step change of character to higher density forms of development around transport nodes and existing services will take place.
 - Moderate Intensification** – are areas where density will be increased, whilst respecting existing character, in locations where access to local transport and services is good.
 - Evolution and Gentle Densification** will be supported across all other residential areas.

3.4.5.2 The failure of the **Croydon LPA Local Plan** to adequately define these ‘Growth’ **Policies** in terms of actual ‘*meaningful*’, quantifiable Densities means that the Policies are fundamentally flawed as they are unenforceable as written. The guidance to define the **Policies** is not provided or described elsewhere in the **Local Plan** (2018) or the **revised Local Plan** (2021) at Policy **DM10**.



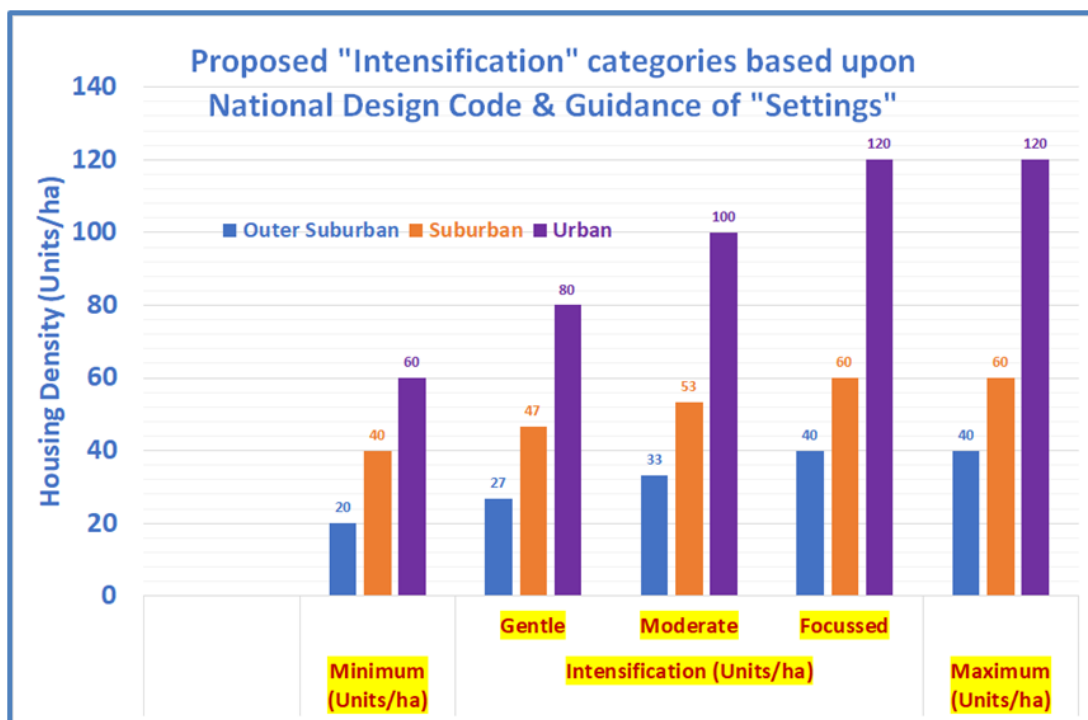
- 3.4.5.3 The removal of the **Density Matrix** from the **London Plan** has also removed any **Planning Policy guidance** for **Housing** or **Residential Densities** relating to **Area Types** and **PTAL**. LPA Planning Officers have historically made subjective prejudicial assessments without any substantive supporting analysis.
- 3.4.6 **Assessment for “Growth” - evolution & regeneration**
- 3.4.6.1 The **National Model Design Code (NMDC) Area Types** currently assume the **Area types** are ‘sustainable’ if supported by the **‘available’ infrastructure**. Therefore, unless there are programs of **‘improved infrastructure’** over the **life of the plan**, any **intensification** or **densification** within an **Area Type** or **Setting** relies on that **existing Supporting Infrastructure**. Thus, the **Design Code Density Densification or Intensification** should clearly **remain within** the **Setting** or **Area Type “Ranges”** as defined, in order to ensure developments are **sustainable** and have **supporting infrastructure** for the **life of the Plan**.
- 3.4.6.2 **London Plan Policy D2 - Infrastructure requirements for sustainable densities.**
- “C When a proposed development is acceptable in terms of use, **scale and massing**, given the surrounding built form, uses and character, but it **exceeds the capacity identified in a site allocation** or the site is not allocated, and the borough considers the **planned infrastructure capacity will be exceeded**, additional infrastructure proportionate to the development should be delivered through the development. This will be identified through an **infrastructure assessment during the planning application process, which will have regard to the local infrastructure delivery plan or programme**,⁵ and the CIL contribution that the development will make. Where additional required infrastructure cannot be delivered, **the scale of the development should be reconsidered to reflect the capacity of current or future planned supporting infrastructure.**”*
- 3.4.6.3 As previously mentioned, the London Borough of **Croydon Infrastructure Delivery Plan** (2021) shows no improvement in **Infrastructure provision** over the life of the plan.
- 3.4.6.4 We have shown in the following **Graphical Illustration**, an **incremental** increase in **Design Code Density** of **33%** for **“Gentle”** & **66%** for **“Moderate”** and for **(100%) “Focussed”** Intensification to the **maximum** of the setting as an example **between, and over the range of the Settings**, for **“Outer Suburban”**, **“Suburban”** and **“Urban”** for **“Gentle” & “Moderate” Densification or Intensification**.
- 3.4.6.5 This is our interpretation of the **Local Plan Policy** as determined by logical assessment and analysis, as there is no **‘meaningful’ guidance** in the **Croydon Revised Local Plan** or the **London Plan** to assess **“Growth”**. NPPF para 128 & 129 state that the NMDC&G should be used if there is no local methodology for determining local **Design Codes** defined in the Local Plans.

⁵

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



- 3.4.6.6 There is no **“Gentle”**, **“Moderate”**, **“Focussed”** or **“Maximum”** **Densification** or **Intensification** for a **“Central” Area Type** **Setting** as the only ‘determinant’ for **“Central”** is the requirement to meet the **Internal Space Standards** as defined at **London Plan Policy D6 - Housing Quality and Standards Table 3.1. Minimum Space Standards for New Dwellings**.
- 3.4.6.7 This is our interpretation of the **Local Plan Policy** as determined by logical assessment and analysis, as there is no **‘meaningful’ guidance** in the **Croydon Revised Local Plan** or the **London Plan** to assess **“Growth”**.



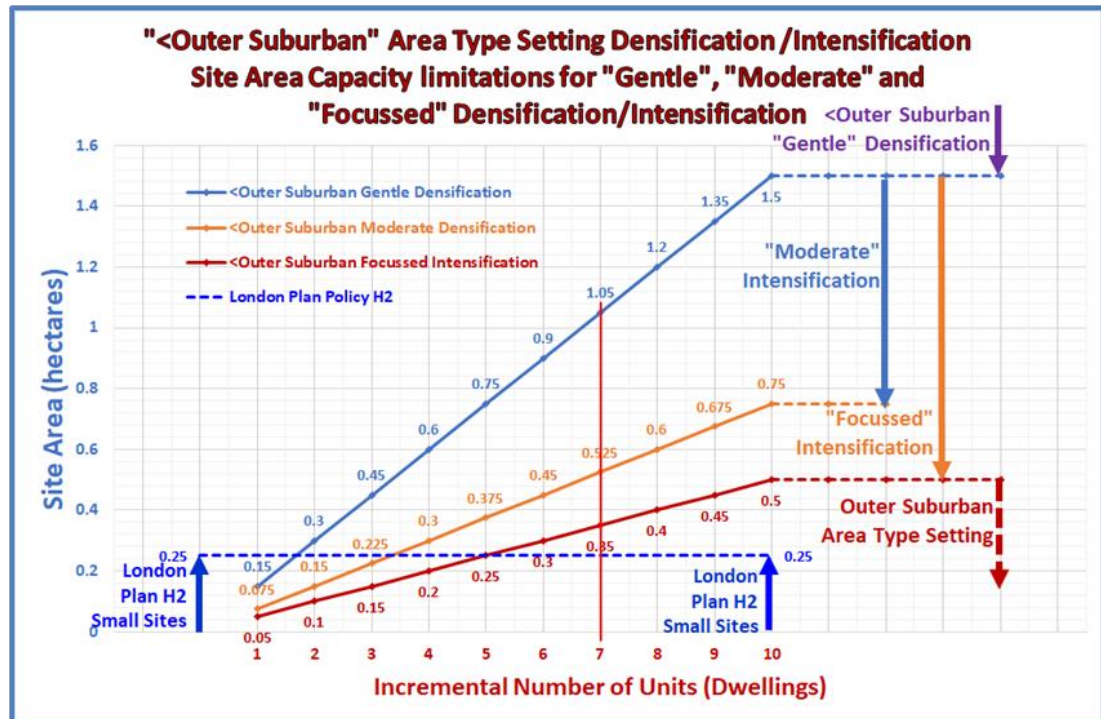
Suggested ranges for Gentle Moderate and Focussed intensification or Densification to remain within infrastructure limitations of the NMDC Setting and Area Type

- 3.4.6.8 It should be clearly recognised that **Shirley** has **NO** prospect of **infrastructure or Public Transport improvement** over the life of the plan as stated in the **LB of Croydon Infrastructure Delivery Plan**.⁶ It is suggested that **poor infrastructure** would require the **Design Code Density** to **tend toward** the **lower value of density**, and **higher infrastructure** provision **tend toward** the **higher value of density** of the **Setting Range**. Similarly, the **Intensification** or **densification** should follow the same fundamental Principles.
- 3.4.6.9 Thus for **77 Woodmere Avenue** in an **<Outer Suburban Area Type Setting** as defined by the **Post Code (CR0 7PX) Area**, for **7 Units** at **PTAL 1a \equiv 0.66** the **“Gentle” Densification** would require a **Site Area** of **1.05ha**. whereas the available

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



Site Area is 0.1146ha, a deficiency of 0.9354ha or a difference of 160.6388%. or decrease of 89.0857%. This is further evidence of over development of the 'Site Capacity.'



Graphical representation of Site Capacity for incremental number of Units for Density/Intensification The Post Code CR0 7PX at an <Outer Suburban Area Type Setting

3.4.6.10 This level of increased **densification** above that appropriate for the **Post Code Area Type Density** places the proposal in the **high end of an "Outer Suburban" Area Type Setting** rather than the available "**<Outer Suburban" Area Type Setting** and is **NOT** supported by the available **local infrastructure**, which is only appropriate for the **<Outer Suburban Area Type Setting** and as there is **no planned increase** in **infrastructure** provision for the **Shirley North Ward** over the life of the Plan, this proposal is therefore inappropriate, and the Appeal should be Dismissed.

3.4.7 London Plan Policy H2 – Small Sites

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

" 4.2.5 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.**"



3.4.7.2 The London Plan Policy 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 or town centre boundary ...”

3.4.7.3 The Google image below is proof that **77 Woodmere Avenue** at **PTAL 1a** and therefore **<3** is greater than **800m** from any **Tram or Train Station or District Centre** and is therefore **inappropriate** for **Incremental Intensification** as specified in the **London Plan Policy H2 para 4.2.4**. The **Shirley Shopping parade** along the **Wickham Road** is designated a **Local Centre** in the **Croydon Local Plan**, (i.e., **Not a District Centre**).



Google Earth Image showing ≈800m radius from 77 Woodmere Avenue does NOT include any Tram or Train Station or District Centre within the envelope.

3.4.8 Residential Density and Public Transport Accessibility

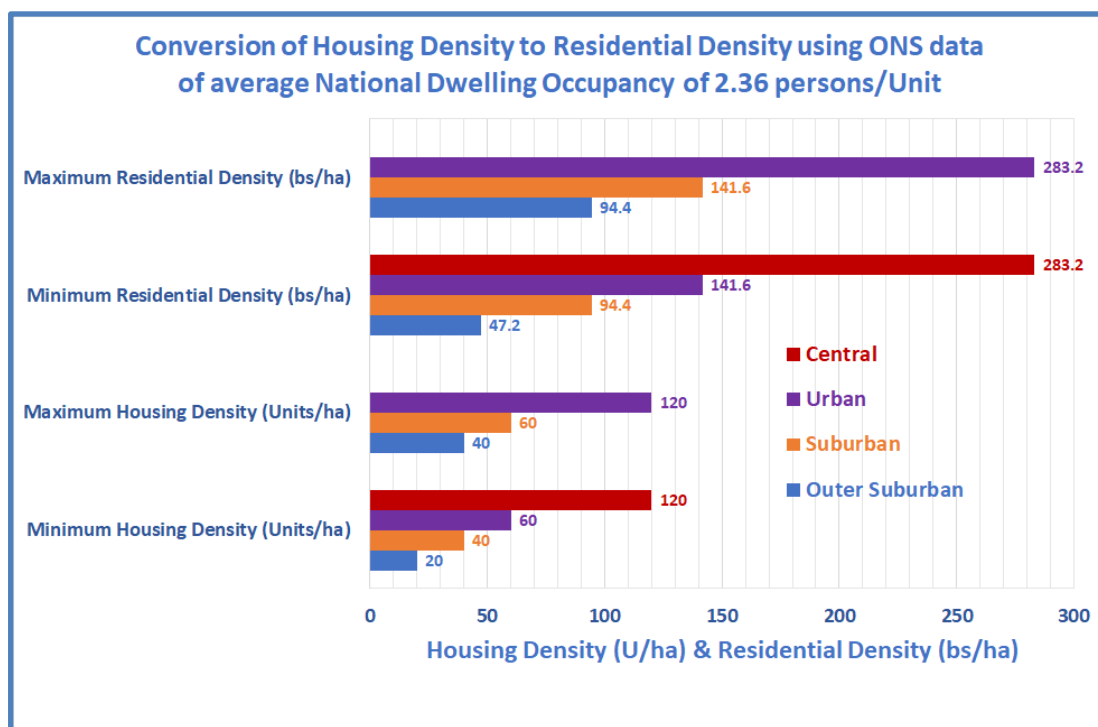
3.4.8.1 It is people that require **Public Transport Accessibility** therefore we need to convert the **National Housing Density** (U/ha) to a **National Residential Density** (bs/ha).

3.4.8.2 The **National Model Design Code (NMDC)** & Guidance as published by the **Department for Levelling Up, Communities & Housing (DLUCH)** is based on the National data and therefore it is a rational logical assessment to convert **Housing Density** to **Residential Density** using the latest **National Assessment of Unit Occupancy** as defined by the National Office for Statistics or Statista.⁷ The **National** average Occupancy of Dwellings as a statistic is available from the **on the Statista** website and is listed as **2.36 persons per dwellings** in 2021.

⁷ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>



- 3.4.8.3 Therefore, we can assume **Nationally**, the **Outer-Suburban Setting Housing Density** at 20 to 40 Units/ha would have 20 x 2.36 Persons/ha **≈47.2 persons/ha** to 40 x 2.36 persons/ha **≈94.4persons/ha**. Similarly, for **Suburban Settings** with Housing Density of 40 Units/ha would have **≈94.4persons/ha** to 60 x 2.36 persons/ha **≈141.6persons/ha** and **Urban Settings**, 60 to 120 units/ha would have **141.6persons/ha** to **283.2persons/ha**.



Conversion of National Housing Density for Intensification/Densification to equivalent Residential Densities using the ONS or Statista National Occupancy Data (2021)

- 3.4.8.4 It is understood that the **TfL Density Matrix** which provided some guidance on appropriate **Densities** for various **Area Types** and supporting **PTAL** has been omitted from the revised version of the **London Plan (2021)**. However, the **Residential Densities** were measured in **Habitable Rooms** per hectare which was not an appropriate parameter for **Residential Densities** – The number of habitable rooms for open plan accommodation is difficult to assess and **Habitable rooms** do not require **Public Transport Accessibility**. Perhaps this is one reason why the **Density Matrix** was generally disregarded by Officers and fell into disuse.
- 3.4.8.5 The most obvious parameter for **Residential Density** is people per hectare which from a development proposal perspective is the **occupancy** of the development in **bedspaces per hectare (bs/ha)**. Whereas the **National Model Design Code (NMDC)** Area Design Codes has “**Outer Suburban**,” “**Suburban**,” “**Urban**” & **Central** Area Type designations TfL has **Suburban**, **Urban** & **Central** designations in **hr/ha** .



- 3.4.8.9 For the **Proposal**, at **Residential Density** of **191.97bs/ha**, the required **PTAL** would be:

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

$$\text{for: } 191.97 = \left(\frac{283.2-47.2}{6} \right) * x + 47.2 \therefore x = \frac{144.77}{39.33} = 3.680 \approx \mathbf{3.68 = PTAL}$$

At **Post Code Residential Density** of **20.96bs/ha**:

$$\text{for: } 20.96 = \left(\frac{283.2-47.2}{6} \right) * x + 47.2 \therefore x = \frac{-26.24}{39.33} = -0.06671 \approx \mathbf{-0.07 = PTAL}$$

When 77 Woodmere Avenue has **PTAL** of **1a \equiv 0.66**.

$$\text{for PTAL} \equiv 0.66, \text{Density} \therefore \text{Density } y = 39.33 * 0.66 + 47.27 = \mathbf{73.16bs/ha}$$

The local PTAL of 1a \equiv 0.66 would therefore support the '**recommended**' density for this **Post Code** (CR0 7PX) Density but NOT that of the application proposal which would require a PTAL of **3.68**

3.5 Reasons 2 & 3 Refusal.

- 3.5.1 In summary for reasons for refusal 2 & 3 in relation to **Scale, Density, Bulk & Massing**, we have **conclusively demonstrated** that the proposal **significantly exceeds** the **Area Type Design Code** for this locality, for both **Housing** and **Residential Densities** and also **exceeds** the available **Site Capacity** as defined by the **National Model Design Code and Guidance** and the **London Plan**. It is appreciated that the **National Model Design Code & Guidance** and **London Plan Policies** are as stated – "**Guidance**" but the allowable and reasonable **tolerances** on that **guidance** cannot reasonably allow such vast differences as demonstrated in the above assessment of our submission for this proposed development. **Thus, logically, this appeal should be Dismissed.**

- 3.5.2 We therefore urge the **Planning Inspectorate** to **dismiss this Appeal** on the above detailed assessment of the local **Design Code** parameters appropriate for the **Local Area Type** as assessed of the Local **Post Code (CR0 7PX)** which returns an **Area Type "Outer Suburban"** Setting. Further reasoning is the limitation of the available **Site Capacity** and the available **supporting infrastructure** to ensure sustainability of the proposed development as there is no prospect of infrastructure improvement over the life of the **Local Plan**.

- 3.5.3 If the Inspector disagrees with the foregoing analysis, we respectfully request **justification** and why the **National Model Design Code and Guidance** as referenced from the **NPPF** **is inappropriate for Croydon**.



3.6 Further Issues for Refusal Reason 3

3.6.1 The proposal by reason of its scale, bulk, massing, and window placement, “would result in the loss of light, the loss of privacy, and overbearing impact on Nos. 75 and 79 Woodmere Avenue, which would be contrary to Policies D3 and D6 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).

3.6.2 Appellant Response:

3.6.2.1 *Reason for Refusal 3 identifies an unacceptable impact on the residential amenity of the two neighbouring properties at Nos 75 and 79. The Council's concerns have been reviewed and the potential for conflict with the policies that they refer to, it is concluded that there is **no conflict** with the policies that the Council reference in Reason for Refusal 3. .*

3.6.3 Additional MORA Response Reason 3.

3.6.3.1 Residential Amenity, Overlooking, Sunlight and Daylight.

3.6.3.2 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.”

3.6.3.3 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**

3.6.3.4 We have had assistance from the residents of **79 Woodmere Avenue** to provide the dimensions:

- 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**



Rear view of Nearest ‘French’ Window (right) of Patio Door at 79 Woodmere Ave

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



- 3.6.3.5 However, we have not been able to obtain similar measurements from the residents at **75 Woodmere Avenue** to assess the requirement of adjoining properties to show the relationship between them and the application site.
- 3.6.3.6 It should not be a responsibility of residents to supply these measurements when they are required to be provided by the Applicant as specified in the LPA validation checklist (2018).
- 3.6.3.7 The following illustration shows the elevation **fronting Woodmere Avenue with the projected position to rear Patio windows 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**.



Estimated non-compliance to the 45-Degree (Vertical) Rule of SPD2 at Paragraph 2.11c.

- 3.6.3.8 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.



Illustration of failure to meet SPD2 Para 2.11 b)



- 3.6.3.9 The proposed development also **fails SPD2 policy 2.11 b) horizontal 45-Degree Rule** from 79 Woodmere Avenue as estimated and illustrated below.
- 3.6.3.10 We understand that since the new administration elected in May 2022, the SPD2 Guidance has been revoked. However, the **London Plan Guidance Small Site Design Codes** (Feb 2022) at **“building line projection” provides equivalent requirements.**
- 3.6.3.11 **LPPG para 4.1.11:** *When setting design codes for buildings or extensions that extend beyond a rear building line, parameters should be set to ensure that there is no unreasonable impact on the amenity of neighbouring homes in relation to daylight, sunlight, and privacy.*
- 3.6.3.12 **LPPG para 4.1.12:** *A good rule of thumb is to follow the 45-degree rule illustrated below. This rule specifies that the height and depth of a new development or extension should not breach a 45-degree line drawn from the centre of the window of the lowest, and closest, habitable room on the neighbouring property.*

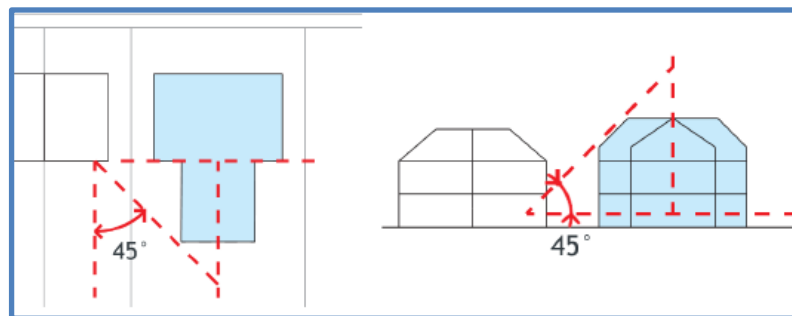


Figure 4.6 - Example code for rear building line projection of dwellings in a semi-detached character type (such as Metroland Estate)

- 3.6.3.13 **LPPG para 4.1.13:** *Design codes can also use rear projection lines to set parameters on the height of new developments or extensions. These can ensure that new development is not overly dominant and access to daylight and sunlight of the habitable rooms of neighbouring homes is maintained.*

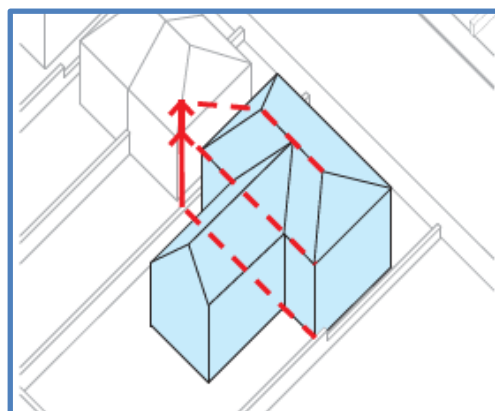


Figure 4.7 - Rear building line projection in a semi-detached character type (such as Metroland Estate)



3.6.3.14 This is clear evidence that the proposal *“would result in the loss of light, the loss of privacy, and overbearing impact on Nos. 75 and 79 Woodmere Avenue, which would be contrary to Policies D3 and D6 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).”*

4 LPA Refusal Reason 4.

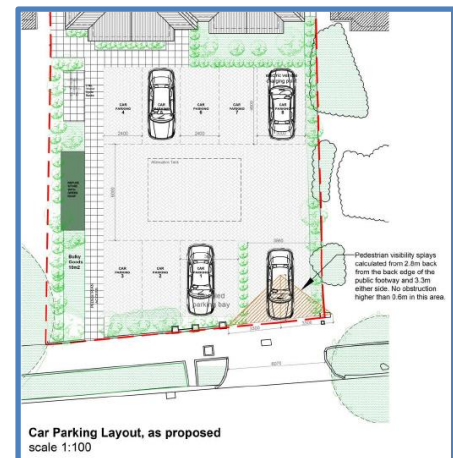
4.1 **Reason 4:** The proposal does not provide sufficient details on the modified access, in terms of details and dimension, visibility splays, and a swept path analysis. Additionally, there is a deficiency of information for the car parking, as swept path analysis has not been provided, and would therefore be contrary to Policies T4, T5, and T6 of the London Plan (2021) and policies DM29 and DM30 of the Croydon Local Plan (2018).

4.2 Appellant's Response:

4.2.1 **Reason for Refusal 4**, the information that the Council considered missing is clearly shown on the submitted drawings and the parking layout follows recommended best practice ensuring that cars can turn within the 6m clear zone to allow them to exit the site in a forward gear. Requiring a swept path analysis to demonstrate this is unnecessary when the dimensions are based on a tried and tested arrangement. The assessment of the relevance of the planning policies that the Council has cited confirms that whilst they may be relevant in general highway and transport terms, they are not pertinent to the Council's objections and there is no policy conflict.

4.2.2 MORA Response to Reason 4

4.2.2.1 The Vehicle parked in Bay 8 in a forward direction as shown, has very limited lateral steering ability in reverse for exiting as it is close to the perimeter boundary and border foliage. The exit manoeuvre would require parallel reversal toward the exit but NOT to the extent of crossing the boundary onto the footpath opening as it would be unsafe to do so. It would then be necessary to engage a forward gear for forward left toward the centre between bays 3 & 4. It would then require a reversal, negotiating a position with the rear toward the vacated Bay 8 and the front diagonally toward the exit. The final manoeuvre would then be to engage a forward gear to safely exit the site over the footpath. This should be illustrated by proper swept path diagrams to prove feasibility.





4.2.2.2 Similar issues apply to exiting from Bay 3 and to a lesser extent to Bay 4.

4.2.2.3 **Summary:** We are of the view that Swept Path illustrations should be provided to ensure the viability and safety of future parking movements for the safety of pedestrians and the safe manoeuvrability of vehicles for the Life of the Development. The rationale as set out in Refusal 4 is considered sound.

5 LPA Refusal Reason 5.

5.1 **Reason 5:** In the absence of a legal agreement, to secure sustainable transport contributions, as well as car club membership for each residential unit for a period of 3 years, the proposal would fail to mitigate harmful impacts and would be unacceptable in planning terms given the shortfall of on-site car parking. The proposal therefore conflicts with T6 of the London Plan (2021) and Policies SP6, DM29 and DM30 of the Croydon Local Plan (2018).

5.2 Appellant's Response:

5.2.1 *Reason for Refusal 5 has been addressed by the commitment to a Unilateral Undertaking which provides the planning contributions identified by the Council subject to them being able to demonstrate compliance with Regulation 122 of the CIL Regulations.*

5.2.2 MORA Response to Reason 5

5.2.3 We have no comment on Reason 5.

6 LPA Refusal Reason 6.

6.1 **Reason 6:** The proposed refuse and recycling stores, due to the location external and not integrated into the landscaping, would create visual clutter on the street scene. Additionally, the location of the bulky waste area is not appropriate. The proposal is therefore contrary to policy DM13 of the Croydon Local Plan (2018).

6.2 Appellant's Response:

6.2.1 *Reason for Refusal 6 the proposed bin store and bulky waste holding area are appropriately located, accessible and integral to the landscaping of the forecourt area and are in accord with relevant planning policies.*

6.2.2 MORA Response to Reason 6

6.2.2.1 Croydon Local Plan (2018) Policy DM13: refuse and recycling.

6.2.2.1.1 **DM13.1** *To ensure that the location and design of refuse and recycling facilities are treated as an integral element of the overall design, the Council will require developments to:*

- a. *Sensitively integrate refuse and recycling facilities within the building envelope, or, in conversions, where that is not possible, integrate within the landscape covered facilities that are located behind the building line where they*



will not be visually intrusive or compromise the provision of shared amenity space;

- b. Ensure facilities are **visually screened**;*
- c. Provide **adequate space** for the temporary storage of waste (including bulky waste) materials generated by the development; and*
- d. Provide **layouts that ensure facilities are safe**, conveniently located and easily accessible by occupants, operatives, and their vehicles.*

6.2.2.1.2 **DM13.2** *To ensure existing and future waste can be sustainably and efficiently managed the Council will require a waste management plan for major developments and for developments that are likely to generate large amounts of waste.*

6.2.2.2 The proposal's Refuse and recycling storage is positioned on the front forecourt between parking bays 3 & 4 and NOT behind the building line, and therefore is non-compliant to Policy **DM13.1**.

6.2.2.3 It is considered that there is insufficient refuse storage capacity for the 7 Units and 22 occupants and is therefore probably non-compliant the **Policy DM13.2**.

7 LPA Refusal Reason 7.

7.1 **Reason 7:** The proposal fails to provide information to address fire safety, which is contrary to policy D12 of the London Plan (2021).

7.2 Appellant's Response:

7.2.1 ***Reason for Refusal 7 which concerns fire safety has been addressed and the specific requirements of LP Policy D12A are complied with.***

7.2.2 MORA Response to Reason 7

7.2.2.1 There were, and there still are, no **Fire Safety Reports** or proposals offered with the application or as Currently listed on the Croydon LPA Public Access Register. Therefore, the Appeal can only assess the reasons for refusal pertaining to the proposal at the time of the decision. Any subsequent information is NOT related to this Appeal and should be provided with a subsequent Application.

7.2.2.2 The opportunity for provision of requirements to meet **London Plan Policy D12A** was when amended drawings and further information were provided on 24th May or 7th June 2022 prior to the determination. To provide statements within the **Grounds of Appeal** in response to a **Reason for Refusal** which were NOT included in the original **LPA Assessment** process is inappropriate.

7.2.2.3 Any requirements for compliance with London Plan D12A subsequent to the determination are not within the terms of the appeal as determined by the Refusal. In the event of the Inspector Allowing this Appeal, these requirements would need to be added to the process and it is NOT appreciated how that could legally be achieved other than by conditions of an allowance by the Inspector.



- 7.2.2.4 In the event of the Inspector allowing this Appeal, the costs awarded against the LPA should be reduced in this regard.

8 LPA Refusal Reason 8.

- 8.1 **Reason 8:** The proposal has failed to demonstrate that it would not have an unacceptable ecological impact on biodiversity of the area contrary to Policy G6 of the London Plan (2021) and Policy DM27 of The Croydon Local Plan (2018).

8.2 Appellant's Response:

- 8.2.1 *Reason for Refusal 8 which concerns biodiversity has been addressed in the submission of the PEA and a Bat Presence / Absence Surveys Report – reference BG21.331.1 dated 22/07/2022. The Appellant has indicated acceptance of a pre-commencement condition requiring details of a copy of the EPS License for Bats prior to works commencing.*

8.2.2 MORA Response to Reason 8

- 8.2.2.1 This is a similar situation to **Reason 7**. There were, and are still, no *biodiversity submission of the PEA and a Bat Presence / Absence Surveys Report – reference BG21.331.1 dated 22/07/2022 Reports* or proposals offered with the application or as Currently listed on the Croydon LPA Public Access Register. Therefore, the Appeal can only assess the reasons for refusal pertaining to the proposal at the time of the decision. Any subsequent information is NOT related to this Appeal and should be provided with a subsequent Application.
- 8.2.2.2 The opportunity for provision of requirements to meet ecological impact on biodiversity of the area, were when amended drawings and further information were provided on 24th May or 7th June 2022 prior to the determination. To provide statements within the **Grounds of Appeal** in response to a **Reason for Refusal** which were NOT included in the original **LPA** Assessment process is inappropriate.
- 8.2.2.3 Any requirement for compliance to ecological impact on biodiversity of the area subsequent to the determination are not within the terms of the appeal as determined by the Refusal. In the event of the Inspector Allowing this Appeal, these requirements would need to be added to the process and it is NOT appreciated how that could legally be achieved other than by conditions of an allowance by the Inspector.
- 8.2.2.4 In the event of the Inspector allowing this Appeal, the costs awarded against the LPA should be reduced in this regard.

9 Additional Contribution for the Inspectorate's Assessment

9.1 Sustainability and Housing Need

9.1.1 NPPF Para 7 States:

- 9.1.1.1 *"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.”

- 9.1.2 For **Sustainability**, developments require adequate **supporting infrastructure** but there is **NO planned improvement** in the provision or delivery of new improvements to the existing Infrastructure ⁹ for **Shirley** over the life of the Plan.

9.2 Housing Need

- 9.2.1 The allocation of housing “*need*,” assessed for the “**Shirley Place**” [770ha] over the period **2019 to 2039** is **278** (See Croydon Revised Local Plan ¹⁰ 2021 Table 3.1). This equates to **≈14 dwellings per year over 20 yrs**. 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 **Area, Housing** and **Occupancy** of the **Shirley Place** for which the response is as follows:

- 9.2.2 The FOI response indicated, the **Shirley “Place”** as defined in the Local Plan has an area of approximately ≈770 ha (i.e., *The LPA has no idea of the actual Areas of the “Places” of Croydon*) 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**”.

(The statement of equivalence of the Sum of the Wards equals the Area of the “Place” is ‘NOT True.’)

- 9.2.3 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**.

- 9.2.4 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.”*

- 9.2.5 Analysis of the recorded data shows that 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**.

⁹ <https://www.croydon.gov.uk/sites/default/files/2022-01/infrastructure-delivery-plan-2021.pdf>

¹⁰ <https://www.croydon.gov.uk/sites/default/files/2022-01/croydon-local-plan-2018-revised-2021-part-1-start-to-section-11.pdf>



9.2.6 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** i.e., for the 'Whole' of the Shirley "Place".

9.2.7 The **Build Rate Delivery** of dwellings over **3 years** for all **Shirley** is averaging at **55 + 102 + 69 = 226 Ave ≈ 75.33/yr. dwellings per year**, so over **20** years the **Net Increase** will be **≈1507 dwellings**. (Exceeding the **278 Target** by **≈1,229**). The Target for the Shirley "**Place**" at **Croydon Plan Table 3.1** of the Revised **Croydon Local Plan** indicates a Target of **278 dwellings over the period 2019 to 2039**. Over the Full Four Years the estimate outturn is **1257 dwellings** (see completions analysis table below).

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

Results of Freedom of Information (FOI) request Ref: 4250621.

9.2.8 This is $|278 - 1257.5|/278 = 979.5/278 = 3.5234 = 352.34\%$ Increase for the **Shirley "Place" estimate** 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 1a** and there is no probability for increase in supporting infrastructure.*

9.2.9 This current rate (if retained) would exceed the Target over **20 yrs.** (of **278**) at **1257.5** by: **Percentage of Increase** of $|128 - 1257.5|/128 = 1129.5/128 = 8.8242 = 882.42\%$. or a **Percentage Difference** of 128 and 1257.5 = $|128 - 1257.5|/((128 + 1257.5)/2) = 1129.5/692.75 = 1.63 = 163\%$.

9.2.10 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 **≈54.8ha excess of land** which is 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**).

9.2.11 This rate (if retained) would result in the number of developments **significantly exceeding** the available **supporting infrastructure** provision which has been acknowledged as unlikely to be improved over the life of the Plan.



- 9.2.12 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.**
- 9.2.13 It is therefore plainly obvious that the inability to contain or mitigate the **excessive outturns** above the stated **Targets** is a **significant failure** to meet the **legally required objectives of Sustainability** as defined in the **NPPF Chapter 2. Achieving sustainable development**¹¹ as Shirley has no prospect of infrastructure improvement over the life of the Plan. The **Sustainability of Developments** is a **legal requirement**¹² of development approvals.
- 9.2.14 We challenge the use of **“Place”** Target if those **Targets** for each **“Place”** are **NOT monitored** or if deviating from the requirement, there is no mitigating action to manage those Targets to meet **“Sustainable Developments”**. It is our understanding that **Managing Developments** is the prime responsibility and the Job Description of the LPA **“Development Management”**. **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, and there are NO infrastructure improvements to support the surpassing of that “Need.”**

10 Summary and Conclusions

- 10.1 Local Residents in **London Borough of Croydon Shirley North Ward** have lost confidence in the **Planning Process** with the significant number of local redevelopments which, in the majority of cases, disregard Planning Policies. 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 fully comply with the agreed **National and local planning policies and guidance.**
- 10.2 The **National Planning Policy Framework (NPPF)** is the highest in the **Planning Policy** hierarchy and the **National Model Design Code & Guidance** is referenced from the **NPPF** at **para 129** and is stated that ***“These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes”***. It would therefore be reasonable to assume that the **National Model Design Code & Guidance** is of a **higher status** than the **London Plan** or the **Croydon Local Plan** is therefore of **significance**, especially as the adopted **Croydon Local Plan (2018)** is now over **5 years since adoption** and due for revision.

¹¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

¹² <https://www.legislation.gov.uk/ukpga/2004/5/section/39>



- 10.3 Our comments on this **Appeal** are all supported by the **National** or **Local Planning Policies** which have defined measurable methodology for assessment. We do **NOT** quote any **subjective** or **vaguely** described objectives as they can be misconstrued to one's advantage or disadvantage but are not quantifiably conclusive. Therefore, our analysis is **definitive**.
- 10.4 The Growth Policies as specified in both the adopted and draft **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'**.
- 10.5 In addition, we have conclusively shown that the proposed development at **PTAL 1a** and greater than **800m** from any **Train** or **Tram Station** or **District Centre** is **"inappropriate"** for **Incremental Intensification** as defined in the **London Plan**.
- 10.6 We have also shown that the proposed development is a significant overdevelopment for the available **Site Area** of **0.1146ha** at **PTAL 1a=0.66** in this **"Outer Suburban"** **Area Type Setting (CR0 7PX)** as defined by the **National Model Design Code Guidance** that the proposed development would be more appropriate in an **"Urban"** **Area Type Setting for Housing** **than the actual <Outer Suburban Area Type Setting**. This analysis therefore supports the **LPAs Reasons 1 & 2** for refusal on grounds of **Scale, Massing and Bulk**.
- 10.7 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 and justification.
- 10.8 In cases where the Appellant has provided additional evidence subsequent to the determination as reasons for allowing the Appeal, the additional evidence should NOT be considered as the determination was assessed on the provided documentation and information with the original Application. Any additional information subsequent to the decision should not be considered appropriate for this Appeal and should for part of a subsequent application.
- 10.9 Although it is accepted that the Supplementary Planning Document SPD2 has been revoked, the policies quoted are supported by the London Plan Supplementary Guidance "Small Site Design Codes" as detailed in our submission above. We have shown that for all the appellants **"Grounds of Appeal"** we have provided a quantifiable response which demolishes the appellants vague and subjective statements.
- 10.10 We therefore urge the Inspector to **Dismiss** this appeal such that the Appellant can reapply with a more appropriate and compliant proposal.



- 10.11 *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

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