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Monks Orchard Residents' Association Planning

19th March 2023

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Reference: 23/00569/FUL
Application Received: Fri 10 Feb 2023
Application Validated: Fri 10 Feb 2023
Address: 116 Orchard Way Croydon CR0 7NN
Proposal: Change of use of the public house on ground floor to create 2 flats, with associated site alterations and integral cycle and waste storage
Status: Awaiting decision
Consultation Expiry: Thu 23 Mar 2023
Determination: Fri 07 Apr 2023
Case Officer: George Clarke

Dear Mr George Clarke – Case Officer,

Please accept this letter as a formal objection to **Application Ref: 23/00569/FUL** for Change of use of the public house on ground floor to create 2 flats, with associated site alterations and integral cycle and waste storage.

1 The Proposal's Parameters:

116 Orchard Way		App. Ref: 23/00569/FUL												
Units	2	Bed Spaces available (D&A Statement)	Residential Density		228.07	hr/ha	PTAL	2011		1a	0.66	Estimated Number of Adults	Estimated Number of Children	Play Space Required
Site Area	285		Residential Density		350.88	bs/ha		2031		1a	0.66			
Site Area	0.0285		Housing Density		70.18	Units/ha								
New	Floor	Bedrooms	Habitable Rooms	GIA Offered	GIA Required	Built-In Storage Offered	Built-In Storage Required	Private Open Space Offered (sq.m.)	Private Open Space Required (sq.m.)	Car Parking				
Flat 116A	Ground	3	4	103.69	86	3	2.5	9	8	1	2	3	30	
Flat 116B	Ground	2	4	2.5	65.88	1	3	7	7	0	2	2	20	
Totals		5	10	6.5	169.57	4	5.5	16	15	1	4	5	50	
Average hr/Unit	1.6	hr/ha	Car Spaces per occupant		0.10									
Average bs/Unit	2.5	bs/ha	Car Spaces per Adult		0.25									

2 Initial Comments and Observations

- 2.1 We only object when proposals do not comply with current adopted or emerging planning policies designed to minimise overdevelopment and retain the local character within acceptable constraints, or where policies are vaguely specified and subject to varying interpretations.
- 2.2 We have structured this objection on grounds of non-compliance to agreed adopted Planning Policies and guidance from:

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- The **NPPF** (June/July 2021)
- The Department for Levelling Up, Housing and Communities (LUHC) **National Model Design Codes and Guidance** Documents published (January 2021 & June 2021);
- The **London Plan** (March 2021)
- The **Croydon Local Plan** (2018)
- The Draft **Revised Croydon Local Plan** (November 2021 Not yet adopted)

2.3 Policy HC7 Protecting public houses.

2.3.1 A In Development Plan Documents, town centre strategies, and planning decisions, boroughs should:

- 1) protect public houses where they have a heritage, economic, social or cultural value to local communities, or where they contribute to wider policy objectives for town centres, night-time economy areas, Cultural Quarters and Creative Enterprise Zones
 - 2) support proposals for new public houses where they would stimulate town centres, Cultural Quarters, the night-time economy and mixed-use development, taking into account potential negative impacts.
- B** Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- C** Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted

2.3.2 The **Design and Access Statement** clearly indicates reasons why the viability of retaining the site as a **Public House** is suspect and have shown evidence to illustrate that the owners thoroughly tested the market prior to submitting this proposal. Therefore, conversion to living accommodation is a viable and recognised possible option for a new use of this site.

2.3.3 However, the Change of use and proposed accommodation standards must meet the National and local adopted Planning Policies for acceptable accommodation standards and be appropriate for the Area Type of the Locality within the current available supporting infrastructure.

2.4 Minimum Space Standards

2.4.1 The **London Plan Policy D6 – Housing Density & Standards** define the minimum Space Standards for new dwellings. The accommodation standards meet the requirements of Table 3.1 Internal Areas for living areas and bedrooms as measured roughly from scaling off the supplied floor plans.

2.4.4.1 The Application form indicates the Site Area to be 285sq.m. = 0.0285ha.

2.4.4.2 The **Application Form** does **NOT** list the proposed occupancy. It indicates the Number of Residential Units (2), Flat 116A to be 3 bedrooms and GIA of 103sq.m. and Flat 116B to be 2 Bedroom and GIA of 66sq.m.

- 2.4.4.3 There are differences between information provided in the Design & Access Statement and the Floor Plans provided.

Para 7.3 & 7.4 of the **Design & Access Statement** states:

7.3 *The London Plan 2021 sets out the minimum gross internal area (GIA) for new dwellings. This requires 3 bed, 5 person dwellings set on a single floor to be of 86m² with 2.5m² of built-in storage and 2 bed, 4-person unit on a single floor to be 61m² with 2m² of built in storage. The Technical Space Standards state that bedroom size in excess of 11.5sq.m. would be treated as a double bedroom.*

7.4 *The **proposed three-bedroom dwelling** which is a **6-person** unit would have 102.93m² GIA and the **2 bed unit** which is a **4-person** flat would have 68.72m² GIA, therefore, both flats would meet the required London Plan standards.*

- 2.4.4.4 This interpretation of the Policy is challenged as the understanding of para 7.4 of the Design and Access Statement is that the proposal is for 3 bed 6 person & 2 Bed 4 Person accommodation.

- 2.4.4.5 **London Plan Policy D6 – Private internal space** states:

Private Internal Space

- 1) *Dwellings must provide at least the gross internal floor area and built -in storage area set out in Table 3.1*
- 2) *A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional doubled (or twin) bedroom that is at least 3.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.*
- 3) *A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.*
- 4) *A two-bedspace double (or twin) bedroom must have a floor area of at least **11.5 sq.m.***

- 2.4.4.6 The interpretation of **Policy D6** for the proposal is as follows:

Flat /Bedroom	Beds	Area (sq.m.)	length min (m)	Width min (m)	Max Bedspaces Occupants
Flat 116A Bed 1	1 D or 2 S	18	2.90	4.60	2
Flat 116A Bed 2	1 Single	11	2.75	3.60	1
Flat 116A Bed 3	1 D or 2 S	13	3.10	2.60	2
Flat 116B Bed 1	1 Single	10	3.00	2.50	1
Flat 116B Bed 2	1 D or 2 S	12	3.00	3.00	2
Total	0	64	14.75	16.3	8

The bedroom Areas are stated on the floorplans, but dimensions were scaled at 110% magnification off the supplied drawings and are therefore approximate.

This analysis when compared with the Policy D6, limits the total bedspace capacity to **8 (NOT 10 as proposed)**.

Assuming the length is the depth at the (minimum) distance from the bedroom entrance door to the opposite wall and the width is the (minimum) distance side to side between opposite walls. **However, we assess the proposal on the basis of the proposed occupancy of 10 persons and not on the Policy D6 requirement of 8 Persons.**

3 Local Design Code Assessment

3.1 The **Application Form** indicates the **Site Area** is **285 sq.m. = 0.0285ha**

3.1.1 The proposed **Housing Density** is $\therefore 2/0.0285 = 70.18\text{u/ha}$ which results in an **Area Type** Setting of **“Urban”** as defined by the **National Model Design Code & Guidance**.

3.1.2 The proposed **Residential Density** is $\therefore 10/0.0285 = 350.88\text{bs/ha}$ which results in an **Area Type** Setting of **“Central”** = as defined by the **National Model Design Code & Guidance**.

3.2 London Plan Policy Chapter 3 - Design

3.2.1 **Para 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.*

3.2.2 **Para 3.4.9** ***Higher density residential developments**²⁸ should demonstrate their on-going sustainability in terms of servicing, maintenance and management. Specifically, details should be provided of day-to-day servicing and deliveries, longer-term maintenance implications and the long-term affordability of running costs and service charges (by different types of occupiers).*

3.2.3 **These Policies are significant for the assessment of this proposal.**

4 Area Type Settings and Design Codes

4.1 The London Plan Policies on Design require proposals meet **Site Capacity** and follow the guidance of **Local Design Codes** but give no guidance on how that should be implemented or any methodology to assess a locality **Area Type** Setting or its **Design Code** parameters.

4.2 Similarly, there is no guidance in either the current adopted **Croydon Local Plan** (2018) or the Revised draft **Croydon Local Plan** (2921/23).

4.3 However, in reference to **Area Type Settings** and **Design Codes**, the **NPPF (2021) Para 128 & 129** states that:

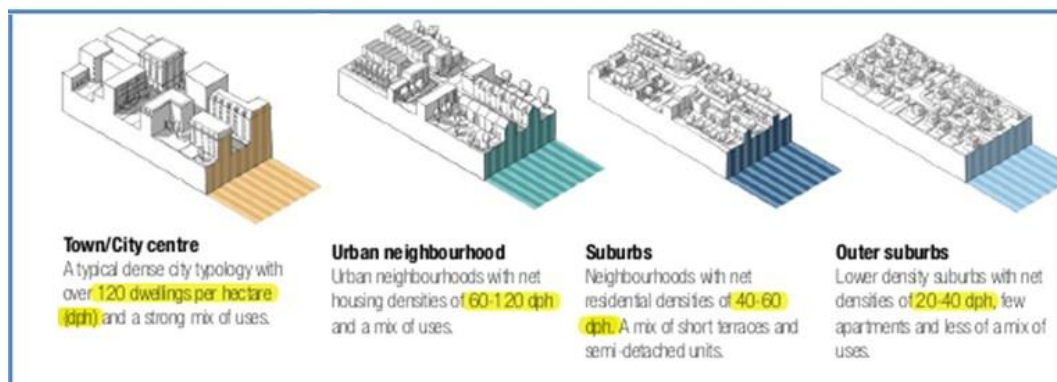
*“... all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the **National Design Guide and the National Model**”*

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Design Code. *These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes."*

4.4 National Area Type & Design Codes.

4.4.1 The National Model Design Code & Guidance (June 2021) Part 1, 2B Coding Plan Figure 10, page 14 provides Examples of Area Types and their appropriate Housing Densities.



Example Area Type Settings and appropriate Housing Density ranges as Guidance for local Design Code Assessments

4.4.2 We have been compiling Local Area Type Settings for recent Application proposals and the Shirley Wards and Post Codes with Shirley have all been either **<Outer Suburban** or **Outer Suburban Area Type** Settings as defined by the **National Model Design Code & Guidance**. This is a completely different assessment to the **Shirley 'Place' definition** of Shirley in the **Croydon Local Plan** which considers **Shirley** to be **Suburban/Urban**.

Location	Area (ha)	Population (Est. Ave)	Dwellings (Units) (Est. 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 (Est. Ave 3.10)
Shirley North	328.00	15,406	6,528	46.97	19.90	<Outer Suburban	<Outer Suburban	2.36
Shirley South	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	1.26	40	25	31.75	19.84	<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 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
Post Code CR0 7QR	0.41	17	12	41.46	29.27	Outer Suburban	Outer Suburban	1.42
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	143.10	5,715	2,419	39.15	17.50	<Outer Suburban	<Outer Suburban	2.31

4.4.3 This **National** guidance should therefore be used to assess local development proposals as required by the NPPF para 129 as there is no guidance in either the **London Plan** or the **Croydon Local Plans** to define local Design Codes or Area Type Settings and thus calculate appropriate

Site Capacities or Densities for **Sustainable developments** with adequate supporting infrastructure.

4.5 Local Area Type Assessment

4.5.1 The **Area Type** Setting is calculated based on data over a known Area with the number of dwellings and population Densities. The Local Area Assessment for this proposal at **116 Orchard Way** is assumed to be the Local **Post Code (CR0 7NN)** which includes dwellings from 106 Orchard Way to Chaseley Green Court ¹ (Last updated on 26 February 2023). The Occupancy of the Post Code is found from the Post Code details ² and the Area (4,100,33sq.m.) found by use of the polygon tool on Google Earth.

4.5.2 However, the analysis, **CR0 7NN** establishes that **Post Code CR0 7NN** is not 'contiguous' and therefore it is necessary to separately assess each dwelling's Site Area and calculate the sum of each individual site Area for the total for CR0 7NN.

Showing 1 - 20 of 117 results				
Last updated on 14 December 2022				
Address	Council Tax band	Local Authority	ha	sq.m.
106 ORCHARD WAY, Croydon, CR0 7NN	F	Croydon	0.1089	1088.57
116 ORCHARD WAY, Croydon, CR0 7NN	D	Croydon	0.0593	592.66
128B to 128M ORCHARD WAY, Croydon, CR0 7NN	C	Croydon	0.1388	1388.12
138 ORCHARD WAY, Croydon, CR0 7NN	E	Croydon	0.0138	138.05
164 ORCHARD WAY, Croydon, CR0 7NN	F	Croydon		
166 ORCHARD WAY, Croydon, CR0 7NN	E	Croydon	0.1724	1723.98
168 ORCHARD WAY, Croydon, CR0 7NN	E	Croydon		
176 ORCHARD WAY, Croydon, CR0 7NN	E	Croydon	0.1400	1400
178 ORCHARD WAY, Croydon, CR0 7NN	F	Croydon		
1 to 12 CHASELEY GREEN COURT 114, ORCHARD WAY, Croydon, CR0 7NN	D	Croydon	0.1175	1174.66
Total			0.7506	7506.04

Parameters of Post Code 'CR0 7NN' Design Code					
Area Design Code Parameter		Input Parameters			
(These parameters auto calc Design Code)				Constraints	
Post Code	CR0 7NN			Ward	Shirley North
Area of Post Code (ha)	0.7506	hectares		Flood Risks	Low Risk
Area of Post Code (Sq.m)	7506.04	sq.m.		Gas	Low Pressure
Number of Dwellings (Units) (*)	28	Units		Water	N/A
Number of Occupants (Persons)	54	Persons		Sewage	N/A
Occupancy	1.93	Person/dwelling		HASL (m)	Average 66m
Post Code Housing Density	37.30	Units/ha		Building Line Set-Back	Various
Post Code Residential Density	71.94	Bedspaces/ha		Set-back Guidance	Back Land
Area Type (National Model Design Code)	Outer Suburban	Setting		Refuse Pull Distance	46m
(*) Last updated on 22 February 2023					
Design Code Parameters		Min	Max	Measure	
Area Type Setting (NMDC)	Outer Suburban	20	40	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)	26.67	62.93	Limits 'Gentle' Intensification	
Moderate Intensification	(Limits in U/ha & bedspaces/ha)	33.33	78.66	Limits 'Moderate' Intensification	
Focussed Intensification	(Limits in U/ha & bedspaces/ha)	40.00	94.40	Limits 'Focussed' Intensification	

Post Code CR0 7NN Design Code parameters to define the local Area Type

4.5.3 The reason this list is shortened from the 177 quoted in the **Valuation Office Agency (VOA)** Post Code list is a result of removal of all deleted entries and the grouping of the **128 Orchard way Flats A to M** and **Flats 1 to 12 Chaseley Green Court** resultant on the demolition of **114 Orchard Way** and the **12 Flatted redevelopments of Chaseley Green Court**. These are separate from **116**

¹ <https://www.gov.uk/government/organisations/valuation-office-agency>

² <https://www.postcodearea.co.uk/>

Orchard Way but are in the same Post Code CR0 7NN. The TfL WebCAT puts 116 Orchard Way at PTAL 1a numerically ≈ 0.66 .

- 4.5.4 This assessment puts the Post Code CR0 7NN Area Type Setting at “**Outer Suburban**” for both Housing Density (Units/ha) and Residential Density (persons/ha) which is comparable with other assessments for Shirley North Ward based on the National Model Design Code & Guidance.

4.5.5 Proposal Design Code Assessment

Application Design Code Details			
Application Ref:	23/00569/FUL		
Address:	116 Orchard Way		
PostCode:	CR0 7NN		
LPA Consultation Close			
Application Parameters			
Site Area (ha)	0.0285	ha	
Site Area (sq.m.)	285.00	sq.m.	
Units (Dwellings)	2.00	Units	
Bedrooms	5.00	Bedrooms	
Bedspaces	10.00	Persons	
Housing Density	70.18	Units/ha	
Residential Density	350.88	bs/ha	
Occupancy	5.00	bs/unit	
Gross Internal Area (GIA) offered	169.57	sq.m.	
Floor Area Ratio	0.59	#	
		Min	Max
Area Type Setting (Units/ha)	Urban	120.00	120.00
Area Type Setting (Bedspaces/ha)	Central	283.20	<283.2
		U/ha	bs/ha
PTAL (Current)	0.66	31.00	73.16
PTAL (Forecast)	0.66	31.00	73.16
PTAL Required	7.72		350.88

Analysis of proposal Design Code Parameters.

- 4.5.6 Comparison of Local Post Code Design Codes with the Design Codes of the proposal.

Difference Between Post Code (CR0 7NN) Design Code & Application Proposal			
Post Code Housing Density (Units/ha)	37.30	Area Type Setting	Outer Suburban
Application Housing Density (Units/ha)	70.18	Area Type Setting	Urban
Difference	32.88	#	
Percentage Difference (%)	61.18	%	
Percentage Increase (%)	88.15	%	
Post Code Residential Density (bs/ha)	71.94	Area Type Setting	Outer Suburban
Application Residential Density (bs/ha)	350.88	Area Type Setting	Central
Difference	278.94	#	
Percentage Difference (%)	131.94	%	
Percentage Increase (%)	387.74	%	
PTAL Currently Available	0.66	Outer Suburban	
PTAL Required	7.72	Central	

Comparison of Proposal with the Local Post Code Area Design Code Parameters

- 4.8 The assessment above clearly shows that the proposal exceeds the Area Type Setting Housing Density of **Outer Suburban** Area Type Setting for the Post Code CR0 7NN of the locality from 37.30Units/ha to 70.18Units/ha, an increase of 88.15% through a **Suburban** Area Type to an **Urban** Area Type Setting.

- 4.8.1 The increase in occupancy as measured in **Residential Density** terms of bedspaces per hectare increases from **71.94persons/ha** to **350.88persons/ha**, which is a **387.74%** increase, which would be more appropriate for a **Central** Area Type Setting, bridging **Suburban** and **Urban Area Types**.
- 4.8.2 It should be noted this increase would require an improvement in supporting infrastructure, which according to the infrastructure delivery plan would not be forthcoming over the life of the revised local plan. The supporting **PTAL** would need to increase from **1a \equiv 0.66** to an equivalent **PTAL** of **7.72** to support the new **Residential Occupancy**.

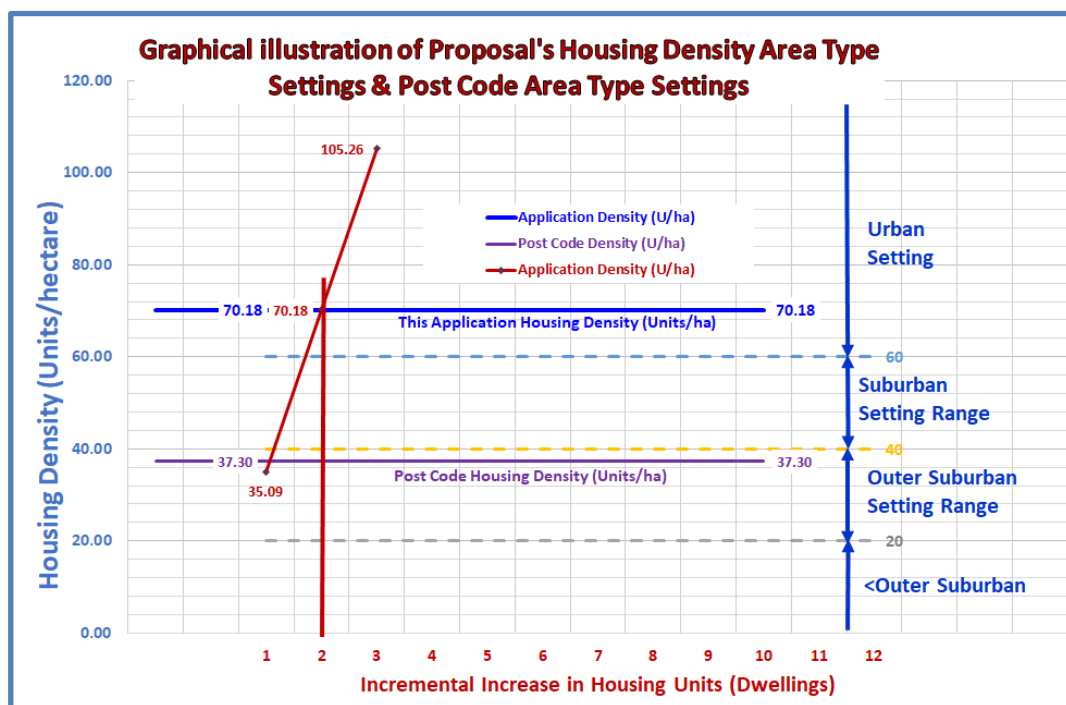


Illustration of Housing Density (bs/ha) for 2 Units in relation to Area Type.

5 Residential Density and Public Transport Accessibility

- 5.1 As the **National Model Design Code & Guidance** is based on **National Guidance** it is reasonable to convert the **National Area Type Setting** from **Housing Density** (Units/ha) to **National Residential Density** (Persons/ha) and this can be accomplished using a **National** average for **Unit Occupancy** as defined by the NOS or Statista³ The **National unit Occupancy** in the UK is **2.36 per Dwelling (2021)**.
- 5.2 Based on the forgoing assumptions the **Residential Density** of the proposal is **350.66bedspaces/ha**, which places the **Area Type** required at a **“Central” Setting** when the actual **Area Type** Setting as defined by the Local **Post Code** (CR0 7NN) is **Outer Suburban** in accordance with the **National Model Design Code & Guidance**.

³ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

5.3 In the absence of the **TfL Density Matrix**, the level of acceptable **PTAL** should logically incrementally increase with the increase in **Residential Density** from **PTAL Zero** through to **PTAL 6+**. It is therefore a valid assumption that the range of **PTAL** be from **“Outer Suburban”** at **Zero PTAL**, with a linear incremental increase to **PTAL 6** at the maximum of an **“Urban”** Area Type, with **“Central”** all at **PTAL 6+**. This is our interpretation as there is now no defined Policy for **PTAL** acceptability.

5.4 Assuming the **PTAL** incrementally increases linearly over the ranges **Zero** to **6** and **Outer Suburban (min)** to **Urban (max)** i.e., from $20 \times 2.36 = 47.2 \text{ bs/ha}$ to $120 \times 2.36 = 283.2 \text{ bs/ha}$ then the increase in **PTAL** would follow the function:

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

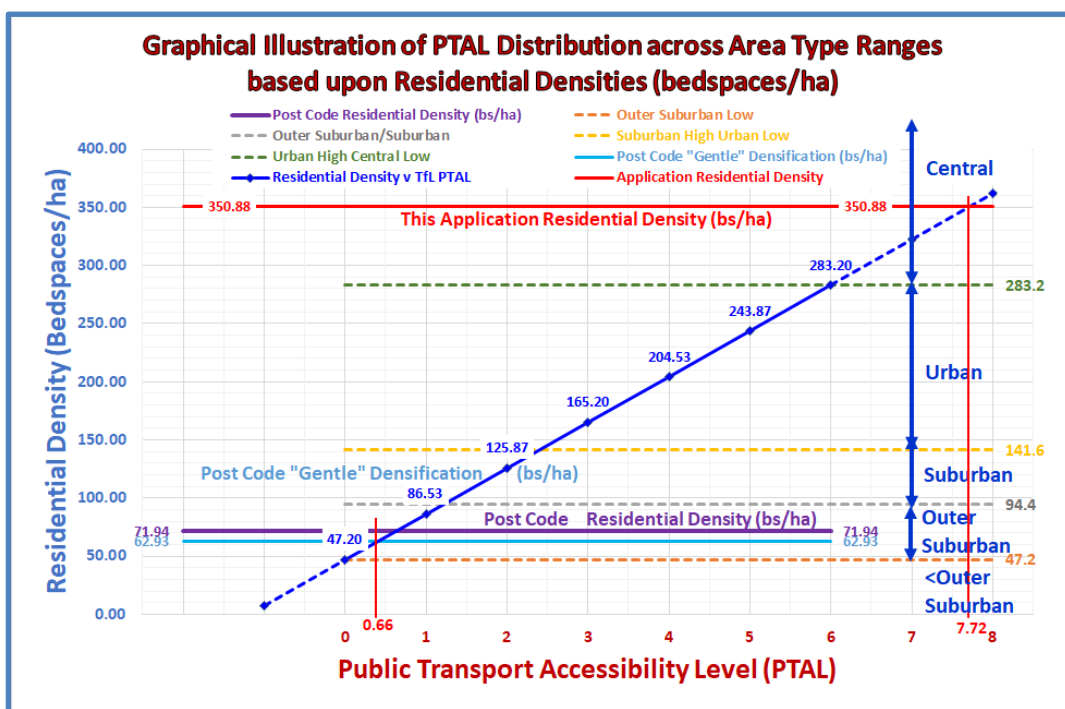
At the **Post Code** level of **PTAL 0.66** the **Residential Density** should be roughly:

$$y = \left(\frac{120 \times 2.36 - 20 \times 2.36}{6} \right) \times 0.66 + (20 \times 2.36) = 39.33 \times 0.66 + 47.2 = 73.1578$$

\therefore the nominal **Residential Density** at **PTAL 1a** = $y = 73.16 \text{ bedspace/ha}$.

At the Application **Residential Density** of **360.66bs/ha**

$$350.88 = 39.33 \times x + 47.2 \quad \therefore x = \frac{350.88 - 47.2}{39.33} = 7.72113 = \text{PTAL} \approx 7.72$$



Graphical Illustration of Residential Density (bs/ha) v Public Transport Accessibility Level (PTAL)

5.5 It is clear from this analysis that the **Public Transport Accessibility Level (PTAL)** available at **116 Orchard Way** would **NOT** be adequate to support the **Residential Density** and number of occupants resultant on this proposed development as the **Residential Density** at

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350.88bedspaces/ha is more appropriate to a **“Central”** Area Type Setting as defined by the National Model Design Code & Guidance would require a supporting PTAL of **7.72**.

- 5.6 It is understood that redevelopments at this location could accept **“Gentle”** **Densification** as otherwise the redevelopment is just replacement.

6 Growth, Densification & Intensification.

6.1 Croydon Local Plan (2018) ‘Growth’ Policies

- 6.1.1 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 **‘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.*

- 6.1.2 The Revised **Croydon Plan (2021)** 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.

- 6.2 The Revised **Croydon Local Plan** at Policy **SP1.0C** states:

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.

- a) 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.
- b) **Moderate Intensification** – are areas where density will be increased, whilst respecting existing character, in locations where access to local transport and services is good.
- c) Evolution and **gentle densification** will be supported across all other residential areas.

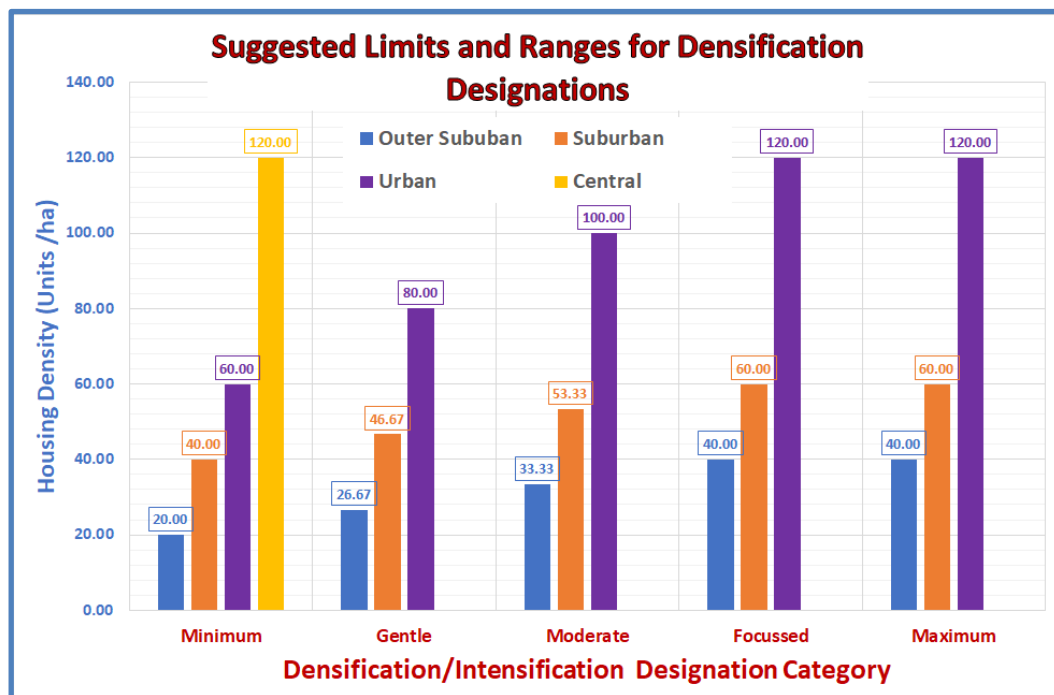
- 6.2.1 **116 Orchard Way** is not designated as an appropriate area for **“Focussed”** or **“Moderate”** densification on the **Policies MAP**. It is therefore appropriate for evolution by **“Gentle” densification as stated at SP1.0C para c)**. However, the Revised **Croydon Local Plan** fails to *define* exactly what is meant by **“Gentle” densification**.

- 6.2.2 The policy **SP1.0C** does not quantify exactly what **“Gentle” densification** actually means. Therefore, the ambiguous subjective term **“Gentle Intensification”** is literally meaningless in terms of Policy assessment or definition and is NOT quantified or qualified elsewhere in the Revised **Local Plan (i.e., DM10.11a - d)**.

6.3 Assessment for Evolution & Regeneration

6.3.1 As the **National Model Design Code Area Types** rely 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 densification** should **remain within** the **Setting or Area Type "Ranges"**, in order for adequate **"sustainable" supporting infrastructure**.

6.3.2 We have shown in the **Graphical Illustration** below, an **incremental increase in Design Code Density** of $\frac{1}{3}$ (33%) **"Gentle"** & $\frac{2}{3}$ (66%) **"Moderate"** between Settings for **"Outer Suburban"**, **"Suburban"** and **"Urban"** for **"Gentle"**, **"Moderate"** and (100%) for **"Focussed"** Intensification to the maximum of the setting as an example. This is our interpretation of the **Local Plan Policy** as determined by logical assessment and analysis, to ensure **sustainability** of the developments as there is no **'meaningful' guidance** in the **Croydon Revised Local Plan** or the **London Plan**.

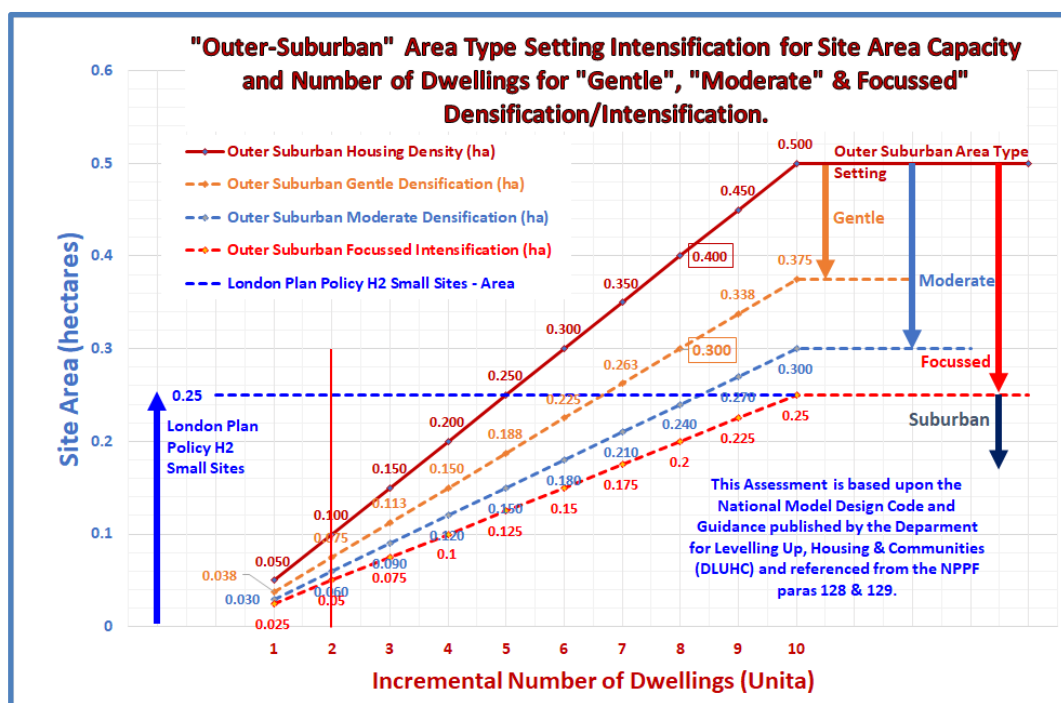


Suggested ranges for Gentle Moderate and Focussed intensification to remain within infrastructure limitations of the Setting and Area Type

6.3.3 There is no **"Gentle"**, **"Moderate"**, **"Focussed"** or **"Maximum"** Densification or Intensification for a **"Central"** Area Type Setting as the only 'determinant' factor 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**.

6.3.4 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**.

- 6.3.5 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.
- 6.3.6 It is presumed that the **Area Type**, as defined by the **National Model Design Code & Guidance**, at the **low value of the Density Range** would be of **Lower PTAL** and the **Higher of the Density Range**, at the **Higher PTAL**. Assuming this to be the objective, the distribution over the **lower** and **higher Ranges** should incrementally increase approximately **linearly** from **PTAL Zero** through to a **PTAL of 6** as defined by **TfL**.
- 6.3.7 Using the same principles for **Outer Suburban Area Type Settings** as other Area Type Settings, the “**Gentle**” **Densification** for **116 Orchard Way**, with a **PTAL of 1a = 0.66** and a “**Site Capacity**” limitation of **0.095ha**, should **NOT** exceed a **Post Code Housing Density** for an **Area Type Outer Suburban** of **>≈26.67Units/ha Gentle Densification** i.e., $20 + (40-20)/3$, but it actually reaches $2/0.0285 = 70.175u/ha$, which is within a “**Suburban Area**” **Type Setting**.



The assessment of Croydon Plan densification/Intensification Policies for Outer Suburban Area Type Setting

- 6.3.8 These increases **above** the “**Gentle**” **densification** suggested at **26.67U/ha** are to keep within the **Area Type** boundary range and **infrastructure capacity** of the “**Outer Suburban**” **Area Type Settings** and **PTAL** at **Level 1a = 0.66** currently available and therefore the increases above that are **inappropriate** for the locality.
- 6.3.9 The level of increased **densification** from **37.30u/ha** to **70.18u/ha** is an **88.15% increase**. However, there is no planned increase in **infrastructure** provision for the **Shirley North Ward** over the **life of the Plan**, therefore this proposal is **inappropriate** and should be **Refused**.

- 6.3.10 If the Case Offer is minded to approve the application, we respectfully request that a full and detailed **Justification** be provided setting out why the **National Model Design Code & Guidance** does **NOT** apply to **Croydon LPA** and why the densification is allowed to result in a change of **Area Type** from **Outer Suburban** to **Urban** contrary to the **London Plan Policy D3 – Optimising Site Capacity through the Design-Led Approach**.

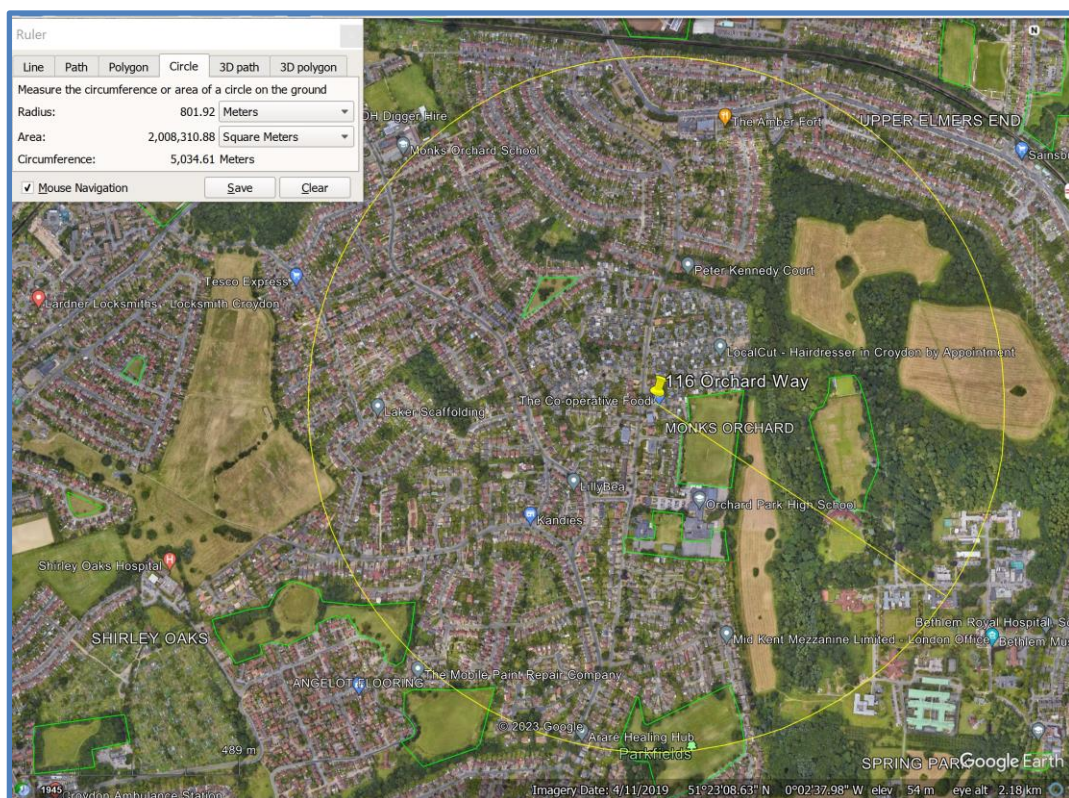
7 London Plan Policy H2 – Small Sites

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

- 7.1.1 *“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**.”*

7.2 The London Plan Policy at para 4.2.4 states:

- 7.2.1 *“**4.2.4 Incremental intensification** of existing residential areas within **PTALs 3-6** or within **800m** distance of a **station**⁴ or **town centre**⁵ boundary ...”*



Google Earth image for 116 Orchard Way showing no Tram/Train Station or District Centre within an 800m radius.

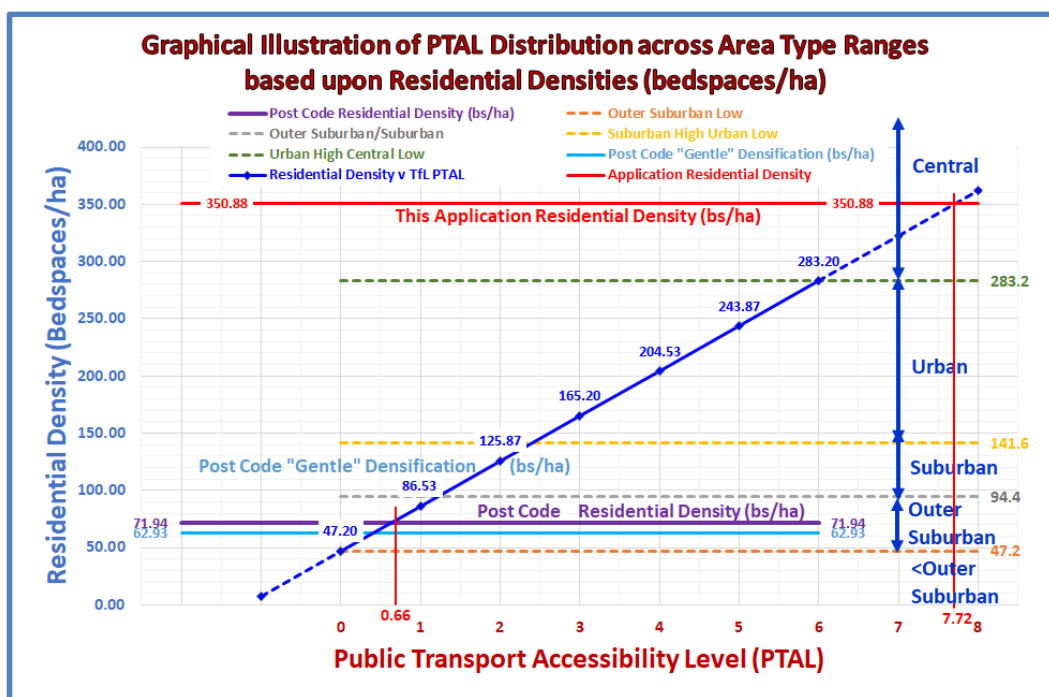
⁴ Tube, rail, DLR or tram station.

⁵ District, major, metropolitan and international town centres.

- 7.2.2 **116 Orchard Way** has a serving **PTAL of 1a ($\equiv 0.66$)** and is greater than **800m** from any **Tram/Train Station** or **District Centre**. The Shirley Shopping Parade is a **Local Centre** NOT a **District Centre**. Therefore, the proposed development is **inappropriate for Incremental Intensification** as defined by the **London Plan Policy H2 – para 4.2.4**.

8 Residential Density and Public Transport Accessibility

- 8.1 The proposal has in total 10 bed spaces on a Site Area 0.0285ha which equate to a **Residential Density** of $10/0.0285 = 350.877 \approx \mathbf{350.88bs/ha}$.
- 8.2 Habitable Rooms is an inappropriate measure for Residential Density as a habitable Room by definition does not require any services, but it is people that require services and Public Transport Accessibility etc. Therefore, the number of Habitable Rooms as a defining measure of Residential requirement seems an illogical parameter for determination of acceptability.
- 8.3 The omission of the TfL Density Matrix from the London Plan Policies leaves a void in the assessment of the appropriate Residential Density Relationship to Public Transport Accessibility. It is therefore appropriate to re-define a relationship between Residential Density and PTAL availability. As Public Transport Accessibility Level is required to service the public over the **Area Type Ranges** from **Outer Suburban** to the **Central**, we have assumed a similar linear incremental increase over the range **Outer Suburban** (min) at **Zero PTAL** to **Urban** (max) - **Central** (min) at **PTAL 6**.



Residential Density in bedspaces/ha v Public Transport Accessibility Level for Post Code Area Type & Proposal.

8.4 The TfL WebCAT returns **PTAL at 1a** for **116 Orchard Way** and forecast at 1a up to 2031. Assuming 1a and 1b are on a linear extrapolation from the stated range of Zero to 6. Then $PTAL_{1a} = 2/3 = 0.66$ & $PTAL_{1b} = 2 \times 2/3 = 1.33$, thus, assuming PTAL at **116 Orchard Way** to be **1a \approx 0.66**

8.5 We therefore urge the **Case Office** to **Refuse** this Application proposal on grounds of overdevelopment and **non-compliance** to **London Plan Policies D2, D3, D4 and D6** and the Guidance provided in the DLUHC **National Model Design Code & Guidance** referenced from para 129 of the NPPF.

9 Parking

9.1 The Croydon Plan Residential Parking for **PTAL 1a** at Table 10.1 states:

1 space per Unit for 1 & 2-Bedroom Dwellings and

1.5 spaces per Unit for 3 or more Bedroom dwellings

For this proposal, the parking provision should \therefore be **2.5 parking spaces**.

9.2 The London Plan Residential Parking for **Outer London PTA 1a** at Table 10.3 states:

1.5 spaces per Unit for 1- & 2-Bedroom Dwellings and

1.5 spaces per Unit for 3 or more Bedroom dwellings

For this proposal, the parking provision should \therefore be **3 parking spaces** when only 1 is provided.

10 Sustainability and Housing Need

10.1 **NPPF Para 7 States:**

10.1.1 *"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**"⁶*

10.1.2 For **Sustainability**, developments require adequate **supporting infrastructure** but there is **NO planned improvement** in the provision or delivery of new improvements to the existing Infrastructure⁷ for **Shirley** over the life of the Plan.

10.2 **Housing Need**

10.2.1 The allocation of housing "**need**" assessed for the "**Shirley Place**" [770ha] over the period **2019 to 2039** is **278**.⁸ This equates to **\approx 14 dwellings per year over 20 yrs**. We raised a Freedom of Information (FOI) request **Ref: 4250621** on **31st January 2022** on the "**Outturn**" of Developments since **2018** for the **Shirley "Place"** plus the **Area, Housing and Occupancy** of the **Shirley Place**.

⁶ Resolution 42/187 of the United Nations General Assembly

⁷ <https://www.croydon.gov.uk/sites/default/files/2022-01/infrastructure-delivery-plan-2021.pdf>

⁸ <https://www.croydon.gov.uk/sites/default/files/2022-01/croydon-local-plan-2018-revised-2021-part-1-start-to-section-11.pdf>

- 10.2.2 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”** is the sum of 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.’)
- 10.2.3 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.**
- 10.2.4 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”.*
- 10.2.5 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**.
- 10.2.6 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”**.
- 10.2.7 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).
- 10.2.8 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.*

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

Freedom of Information (FOI) request Ref: 4250621 31st Jan 2022.

- 10.2.9 This current rate (if retained) would exceed the Target over **20 yrs.** (of **278**) at **1257.5** by: **Percentage of Increase** of $|128 - 1257.5|/128 = 1129.5/128 = 8.8242 = \mathbf{882.42\%}$. or a **Percentage Difference** of 128 and 1257.5 = $|128 - 1257.5|/(128 + 1257.5)/2 = 1129.5/692.75 = 1.63 = \mathbf{163\%}$.
- 10.2.10 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**).

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

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

- 10.2.11 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.

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} #1	55	102	69	17	243	1257.5	25.5
Target (278 over 20 yrs) #2	13.9	13.9	13.9	9.27	55.6	278	13.9
% increase [(#1-#2)/#2] %	295.68%	633.81%	396.40%	83.45%	352.34%	352.34%	83.45%
Note 1 : The FOI indicates the Shirley Place to be 770ha whereas Shirley North plus Shirley South Wards total 715.2ha							

Completions Analysis

- 10.2.12 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.**

- 10.2.13 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** as Shirley has no prospect of infrastructure improvement over the life of the Plan. The **Sustainability of Developments** is a **legal requirement**⁹ of development approvals.
- 10.2.14 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.”**

11 Summary

- 11.1 The proposal would result in the loss of a Public House in a residential environment where there a few local amenities. However, the applicant has made appropriate efforts to retain the Pub, but it has shown it to be unviable in the current economic climate. It is therefore presumed that a change of use could resolve the viability and create accommodation to help meet housing need.
- 11.2 Nevertheless, any conversion to residential use requires the proposed changes meet all necessary National and Local Planning Policies for acceptable accommodation for future residents which we have shown to be unacceptable.
- 11.3 The **Local Area Type**, from the parameters of the Post Code CR0 7NN is clearly **Outer Suburban** as defined by the **National Model Design Code & Guidance**.
- 11.4 The number of bedspaces does not meet the requirements of the London Plan **Policy D6 Housing quality and standards** as shown in our submission. The accommodation as indicated can only provide bedspaces for **8 persons** and not the **10 persons** as detailed in the **Design & Access Statement** para 7.4. Therefore, unless the accommodation is revised to meet the guidance of **Policy D6**, this proposal should be refused.
- 11.5 The local Area Type is “**Outer Suburban**” requires **Design Code Housing** and **Residential Densities** to be within the specified **Area Type** ranges as defined in the **National Model Design Code & Guidance** as there is inadequate guidance in the current adopted **London Plan Policy ‘Design’**, or the Croydon current adopted or revised **local Plans**.

⁹ <https://www.legislation.gov.uk/ukpga/2004/5/section/39>

- 11.6 The level of supporting infrastructure would not support the proposed increases in **Density** as shown in our submission which for illustration would require a **PTAL** to be at a level of **7.72** from the available PTAL of **1a = 0.66**.
- 11.7 We recommend that this proposal is refused and that the applicant revises the application to be more appropriate for the local **Area Type** Setting of **Outer Suburban** within the limits of local **“Gentle”** densification.
- 11.8 There is inadequate off-street parking provision.
- 11.9 The proposal could possibly accommodate **5** children for which there is inadequate Play Space.

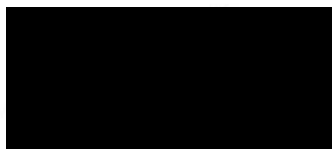
12 The Planning Process

- 12.1 The forgoing submission is compiled on the grounds of **National and Local Planning Policies** and all comments have been based upon rational observations and evaluation. Therefore, we respectfully request that all our foregoing analysis and evidence is a sound assessment and therefore extremely relevant to the final determination.
- 12.2 If the **Case Officer disagrees** with any of the above assessments or analysis in any respect or additionally for the assessment of **“Gentle” Densification**, we respectfully request that the **Case Officer’s Report** to officers or Committee Members, provides an explanation of the **professional appraisal** of the **Area Type Setting, Site Capacity Assessment**, and the professional definition of **“Gentle Densification”** with fully justifiable supporting evidence to qualify why the **Croydon LPA** should have **different Policies** to those espoused by the **National Model Design Code & Guidance** as referenced from the **NPPF paras 128 & 129**.
- 12.3 The December 2022 consultation on reforms to the NPPF, includes further clarification on how housing targets are derived, delivered, and monitored. It seeks to give greater flexibility to responding to local circumstances and the promotion of character over density. This is highlighted in the recent PAS Report.
- 12.4 Local Residents have **“lost confidence in the Planning Process”** resultant on recent local **over-developments** and the lack of any additional supporting **infrastructure**, which, in the majority of cases, disregarded Planning Policies. Once that confidence is **lost**, it is extremely difficult to regain it.
- 12.5 **Local Planning Authority Service Transformation:**
- 12.5.1 *“Over recent years there has been clear feedback from residents and customers that Croydon’s planning service needs to be transformed to become more responsive to resident’s and applicant’s concerns. Executive Mayor Perry made a clear manifesto pledge in the 2022 pre-election period to revoke the Croydon suburban design guide supplementary planning document (SPD2).”*

- 12.5.2 *The Executive Mayor's pledge, which has subsequently led to the revocation of SPD2 reflects a commitment to ensure that new development respects character, is led by design over density and improves the quality of future development. It is proposed that the Planning Transformation Programme will include a work stream on resident engagement and customer service as part of developing a more responsive and engaged planning service."*
- 12.6 Confidence and support of local residents is necessary to ensure the general requirement of housing '**need**' is supported and 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**.
- 12.7 We urge the **LPA to refuse this application** and request the applicant to submit a revised proposal meeting the defined **National Model Design Code and Guidance** as published by the **Department for Levelling Up, Housing & Communities** (January & June 2021) **Build form Policies** for an **"Outer Suburban" Area Type Setting**, supported by the **Regional** (London) and **Local** (Croydon) adopted and emerging **Local Plans**.
- 12.8 Please Register this representation as **Monks Orchard Residents' Association (Objects)** on the Public Access Register.

Kind regards

Derek



Derek C. Ritson I. Eng. M.I.E.T.
MORA – Planning
Email: planning@mo-ra.co

Cc:

Cllr. Sue Bennett

Cllr. Richard Chatterjee

Cllr. Mark Johnson

Shirley North Ward

Shirley North Ward

Shirley North Ward

Bcc:

MORA Executive Committee, Local affected Residents & Interested Parties