

Darren Cryer - Case Officer
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**Monks Orchard Residents'
Association
Planning**

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18th April 2023

TOWN AND COUNTRY PLANNING ACT 1990
Appeal (W) under Section 78
Location: 44 Orchard Avenue CR0 7NA
LPA Application Ref: 22/02015/FUL
Appeal Ref: APP/L5240/W/22/3309454
Written Representation Close: 1st May 2023

Dear Darren Cryer - Case Officer

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

Proposed Development.



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We have concentrated our submission on known adopted policies from local to National Level none of which can be disputed or discounted. Our representation is therefore 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 refusal** and the 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).

Contested Applicant's Site Area and "Site Capacity":

The Appellant's original Planning **Application Form** indicates a **Site Area of 0.1hectares** which we thought probably unlikely to be exactly 1000sq.m. As a result of our suspicion, we used Google earth to assess whether this was a likely true **Site Area**. The Google Earth assessment gave a site area of **≈833.07sq.m.**(See below). The applicant has therefore **overstated** the **Site Area** which has implications on **all related Site Capacity** assessments. We have used the Google measured Site Area as basis of the following analysis rather than the applicant's stated **site Area**. This was established subsequent to our original objection to the **LPA**. The Applicant's Statement on the Application form is an unprofessional estimate.



Google Earth Image of 44 Orchard Avenue Site Area shows it to be 833.07sq.m. = 0.0833hectares & NOT 0.1ha as stated on the Application Form

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Parameter	Applicant Site Area	Measured Site Area	Difference	% Difference
Site Area (hectares)	0.1	0.0833	-0.0167	-16.70%
Area Type Setting (U/ha)	Urban	Urban		
Area Type Setting (bs/ha)	Urban	Urban		
Housing Density (Units/ha)	70.00	84.03	14.03	20.04%
Residential Density (bs/ha)	210.00	252.10	42.10	20.05%
Residential Density (hr/ha)	180.00	216.09	36.09	20.05%
Floor Area Ratio	0.47	0.56	0.09	19.15%
PTAL To Support Residential Density	4.14	5.21	1.07	25.85%

Tabular illustration of the differences in parameter resultant on the incorrect assessment of Site Area & Site Capacity.

These differences are not rough tolerances but significant errors and will be quoted throughout this written representation to illustrate the **Site Capacity implications** and the effects on the proposal in respect of the local **Area Type Setting**. The overstatement of **Site Area** is a devious method of reducing the **Site Capacity** limits of overdevelopment as it would relax the limits imposed by the Policies.

Appellant's Grounds of Appeal – Section 1.4

- The principle of creating new residential dwellings on a previously developed site in a predominately residential location within the urban area is supported by national and local policy;
- The proposed scheme will provide much needed new housing for the local community within a mix of dwelling sizes that represent an efficient, effective use of the site;
- The appeal scheme proposes a high-quality contemporary design solution that has been informed by the site's constraints and consultation with the Council. It will respond in a positive manner to the visual character and appearance of the streetscene and the general pattern of development within the local area;
- The considered layout and massing of the scheme, together with the careful orientation of windows/balconies ensures there will be no unacceptable adverse impact upon the amenity of occupiers of any neighbouring properties;
- The proposed accommodation is fully acceptable and of a high standard. Each new apartment will exceed target internal space standards and generous amenity space (both private and communal) will be provided for all occupiers;
- The appeal submission is supported by a comprehensive range of specialist consultant reports including a Design & Access Statement, Surface Water Drainage Strategy, Transport Statement, Landscaping Scheme and Arboricultural Report. The submissions conclude that the proposed scheme is acceptable in regard to key relevant planning, design, arboriculture, and highways issues.
- Overall, the scheme adopts the principles of sustainable development in relation to social, economic and environmental factors. This is because it recycles urban land and delivers a mix of residential dwellings which are accessible by a choice of travel modes including foot, cycle and public transport. The proposals thereby accord with the emphasis of national policy (set out within the NPPF), which confirms a presumption in favour of sustainable development; and

- In light of the above, the appeal scheme complies with all relevant planning policies of the NPPF, London Plan and adopted Local Plan (most notably SP2, SP4, DM1, 10, 13, 17, 23, 25, 27, 28, 29 and 30) and should be considered acceptable.

Our Response to these Grounds of Appeal is set out in the following submission.

1 Appellant's Grounds of Appeal – Conclusions

1.1 It is understood each application is assessed individually on its merits and not judged on other approved developments as Policies evolve with the passage of time. Precedents cannot negate policy otherwise Policies become ineffectual.

1.1.1 **8.1** *“It is concluded that the proposal is in accordance with the NPPF, the London Plan and the Council's adopted Development Plan. It therefore constitutes appropriate development and should be supported for the following reasons:”*

1.1.2 The proposal fails to meet the Policies referenced from the NPPF (July 2021) with respect to **Section 2 – Achieving Sustainable Development** and **NPPF para 129** which references the **National Model Design Code & Guidance to determine appropriateness of development within an Area Type**. The evidence is set out below in the following submission.

1.2

- *“The principle of creating new residential dwellings on a previously developed site in a predominately residential location within the **urban** area is supported by national and local policy;”*

1.2.1 This is only true if the proposal complies with **“ALL” National, Regional and Local Planning Policies** and our submission will conclusively prove that the proposal does not meet or respect those **Policies** referenced or their objectives. The proposal's destined **Area Type** is NOT **“Urban”**. The evidence is set out below in the following submission.

1.3

- *“The proposed scheme will provide much needed new housing for the local community within a mix of dwelling sizes that represent an efficient, effective use of the site;”*

1.3.1 This is dependent upon the local **“Housing Need”**, However, the Targets and housing need in the **Shirley North Ward** have already been **met** and **exceeded** by a significant amount suggesting **this reason for approval is now invalidated**. The evidence is set out below in this submission.

1.4

- *“The appeal scheme proposes a high-quality contemporary design solution that has been informed by the site's constraints and consultation with the Council. It will respond in a positive manner to the visual character and appearance of the street scene and the general pattern of development within the local area;”*
- *“The considered layout and massing of the scheme, together with the careful orientation of windows/balconies ensures there will be no unacceptable adverse impact upon the amenity of occupiers of any neighbouring properties;”*



- 1.4.1 We show conclusively in the following submission that the proposal is clearly an over development for the **Area Type Setting** as defined by the **National Model Design Code** and will adversely impact and be **congruent** to the existing **Street scene**. The proposal would not integrate or respect the local character or local **Housing** or **Residential Densities**.
- 1.5 *• “The proposed accommodation is fully acceptable and of a high standard. Each new apartment will exceed target internal space standards and generous amenity space (both private and communal) will be provided for all occupiers;”*
- 1.5.1 The proposal does meet some of the **Internal Spaces Standards** but not all as can be seen in our summary table, However, the **London Plan stresses** that the **Space Standards**, including **Built In Storage** requirements are a **“Minimum”** and should be **exceeded wherever possible**. The **LPG Housing Design Standards recommends a 5% increase on the Table 3.1 Minimum Space Standards**. Therefore, **NONE** should be less than (<) the **minimum standard**. Thus, Flat 2 fails to meet these requirements, and Flats 1,3,5 & 7 only meet the exact ‘minimum’ standard.
- 1.6 *• “The appeal submission is supported by a comprehensive range of specialist consultant reports including a Design & Access Statement, Surface Water Drainage Strategy, Transport Statement, Landscaping Scheme and Arboricultural Report. The submissions conclude that the proposed scheme is acceptable in regard to key relevant planning, design, arboriculture, and highways issues.”*
- 1.6.1 General Support by “Specialist Consultants” does not mean all Policies are met. The proposal might meet all specific policies as they may be objectives of particular consultants’ areas of expertise or responsibility, but the key fundamental requirements of the proposal viz: the **National Model Design Code & Guidance** is not met, and the corrected **Site Area Capacity is significantly exceeded**, thus the consultants either **ignored these requirements or decided to disregard these requirements**. This illustrates a lax or biased professional standard of the “Specialist Consultants” assessment and reporting.
- 1.7 *• “Overall, the scheme adopts the principles of sustainable development in relation to social, economic and environmental factors. This is because it recycles urban land and delivers a mix of residential dwellings which are accessible by a choice of travel modes including foot, cycle and public transport. The proposals thereby accord with the emphasis of national policy (set out within the NPPF), which presumption in favour of sustainable development; and;”*
- 1.7.1 This statement is fundamentally flawed as sustainability requires infrastructure to support the proposal and it is recognised that there is no possible improvement in infrastructure in **Shirley North Ward** over the life of the **Local Plan**. The existing infrastructure only supports the current **“Area Type”**, and the proposal’s **Local Area Type** is **<Outer Suburban** whereas the proposal would require an **“Urban” Area Type** with infrastructure support appropriate for an **Urban Area**



Type setting. Thus, we conclusively show in our following submission that the proposal would exceed the current available supporting infrastructure.

1.8 • “In light of the above, the appeal scheme complies with all relevant Planning Policies of the NPPF, London Plan and adopted Local Plan (most notably SP2, SP4, DM1, 10, 13, 17, 23, 25, 27, 28, 29 and 30) and should be acceptable.”

1.8.1 In the light of the above responses and the following detailed analysis and assessment of the proposal against the NPPF, the **National Model Design Code and Guidance**, The **London Plan** Policies, The **Croydon Local Plan (2018)** and **revised Local Plan (2021)**, it is quite clear that the **Appellant’s** assessment is incorrect. The proposal clearly **fails** to meet the **NPPF**, **The National Model Design Code & Guidance**, **The London Plan Policies D2, D3, & D6** and therefore we strongly recommend that this Appeal is **dismissed**.

2 Croydon LPA Reasons 1 and 2 for refusal:

2.1 **Reason 1:** *“The proposed development, specifically the rear element, by reason of the scale, bulk, depth, and form, as well as the poor elevational composition, would result in a 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 it would result in an incongruous form of development. This is contrary to Policy D4 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).”*

2.2 **Reason 2:** *“The proposal by reason of its scale, bulk, and massing, would result in the potential loss of light for No. 46 Orchard Avenue, and an overbearing impact on No. 6 Potters Close which would be contrary to Policies D3 and D6 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).”*

2.3 These two Reasons for “**Refusal**” are based on the fundamental parameters associated with **Scale, Bulk, Depth, Form** and **Character** of the **locality** as compared to the parameters of the **proposal** and can all be defined when analysed on the assessment of the **Local Design Codes** of the **locality** and the proposal’s **Site Area** and **Site Capacity**.

2.3.1 The requirement to assess and evaluate the appropriate **Scale, Bulk (Mass), Depth and Form** are all parameters which should be established by assessment of the local **Design Code**, the **Site Capacity** of proposal and the **local character**. This is a requirement to meet **Policy D3** of the **London Plan**.

3 London Plan Policy D3 - Optimising Capacities through the Design-Led Approach

3.1 The Design-Led Approach

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), ... set out in Part D.

B Higher density developments should generally be promoted in locations that are **well connected to jobs, services, infrastructure**, and amenities by **public transport**, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. ...

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

3.2 Local Character & Design Codes

3.2.1 The **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**. Excluding recent developments, this part of **Orchard Avenue** was mainly characterised by single dwellinghouses, prior to the redevelopment of **Flats at 40 Orchard Avenue**. The appearances are varied in period and architecture and are a mix of mainly detached and semi-detached Houses.

3.2.2 However, their shared features including their 1-2 storey height, some with roof extensions, hipped pitched roofs, and traditional domestic pattern of development and appearance contribute to a pleasant, modest, residential street scene. Orchard Avenue is a linked Road between the **A232** and **A222** which takes a high level of through traffic and is therefore inappropriate for on-street parking.

3.2.3 Post Code Assessment.



CRO 7NA Post Code approximate Area at 1.6439hectares



- 3.2.3.1 The most appropriate **Area** to ascertain the **Local Character** and **Local Design Code** details is to assess the **Post Code Area (CR0 7NA)** and assess this 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**.
- 3.2.3.2 In order to evaluate the local **Design Code** a range of parameters need to be assessed. The **Post Code** approximate **Area** is defined from **Google Earth** and **Post Code population** from searches on the internet.¹ The number of dwellings are obtained from the **Valuation Office Agency**² (Last updated on 29 March 2023).
- 3.2.3.3 The **Post Code Area CR0 7NA** has a current **population** of **36** housed in **18 Dwellings** from **38 to 72 Orchard Avenue** including **Holbrooke Court (40 Orchard Ave.)** to **6 Russet Drive** dwellings, in an approximate Area of **≈1.6439hectare** (Google Earth) which equates to a **Housing Density** of **≈10.95Units/ha** and a **Residential Density** of **≈21.90 persons/ha**, which places the **Post Code** in '**less than (<)**' an '**Outer Suburban**' **Area Type Design Code Setting** i.e., (**<Outer Suburban**) as defined by the **National Model Design Code & Guidance (NMDC)**.

National Model Design Code Parameters of Post Code				
Area Design Code Parameter	Input Parameters		Constrains	
(These parameters auto calculated Design Code)				
Post Code	CR0 7NA		Ward	Shirley North
Area of Post Code (ha)	1.6439	hectares	Flood Risks	100 yr Flood Risk
Area of Post Code (Sq.m)	16438.7	sq.m.	Gas Pressure	Low Pressure
Number of Dwellings (Units)	18	Units	Water Pressure	N/A
Number of Occupants (Persons)	36	Persons	HASL (m)	67m
Post Code Housing Density	10.95	Units/ha	Building Line Set-Back	16m
Post Code Average Occupancy	2.00	Persons/Unit		
Post Code Residential Density	21.90	Bedspaces/ha		
Post Code Area Type	<Outer Suburban	Area Type Setting		
National Model Design Code Parameters		Min	Max	Measure
Area Type (Outer Suburban, Suburban or Urban)	<Outer Suburban	0	20	Units/ha Range
Equivalent Residential Density (Persons/ha)	<Outer Suburban	0	47.2	Persons/ha Range
(Base on Statista National Average in 2021 = 2.36)				
"Growth"		U/ha	bs/ha	
Gentle Intensification (33%)	(U/ha & bs/ha)	6.67	15.74	Limits Intensification
Moderate Intensification (66%)	(U/ha & bs/ha)	13.33	31.46	Limits Intensification (Innapropriate)
Focussed Intensification (100%)	(U/ha & bs/ha)	20.00	47.20	Limits Intensification (Innapropriate)
PTAL (now)	2.00	53.33	125.87	Limits for PTAL
PTAL (forecast 2031)	2.00	53.33	125.87	Limits for PTAL

NMDC Parameters of local Post Code (CR0 7NA) to assess the Local Design Codes

- 3.2.3.4 The above Table lists the local **Post Code CR0 7NA** details as a basis for assessing the **Area Type Design Codes** for suitability of the proposal for the locality. These parameters are required to assess the **Local Area Type Setting** with those of the proposed Application.
- 3.2.3.5 In order to assess the locality to ensure a valid assessment, we have evaluated the various Area Type assessments of recent applications and compiled the following Table. The various areas, and **Design Code Area Type Settings** for our locality of

¹ <https://www.postcodearea.co.uk/>

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



each assessment as defined by the **NMDC** has demonstrated that **Shirley** is either **< or = to an "Outer Suburban"** (Outer (London) Suburban) Setting as defined by the **National Model Design Code & Guidance**.

3.2.3.6 **The National Model Design Code and Guidance identifies an Area Type 'Outer Suburban' which does NOT seem to be recognised by the Local Planning Authority. We would appreciate clarification if the LPA does not recognise the Area Types as defined by the National Guidance, what are the LPA's equivalents and why should Croydon be any different from the National Guidance?**

Location	Area (ha)	Population (Est. 2011)	Dwellings (Units)	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. 2011)
Shirley North Ward	327.90	15470	6555	47.18	19.99	<Outer Suburban	<Outer Suburban	2.36
Shirley South Ward	387.30	13969	5919	36.07	15.28	<Outer Suburban	<Outer Suburban	2.36
All Shirley	715.20	29439	12474	41.16	17.44	<Outer Suburban	<Outer Suburban	2.36
MORA Area	178.26	9166	3884	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
Shirley Oaks Village ^{Note 2}	19.12	1286	545	67.26	28.50	Outer Suburban	Outer Suburban	2.36
Shirley "Place" ^{Note 1} (Estimate)	770.00	32995	13981	42.85	18.16	<Outer Suburban	<Outer Suburban	2.36
Average	152.37	6497.81	2750.44	39.84	17.12	<Outer Suburban	<Outer Suburban	2.32

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 assessed Design Code Area Type Settings for various local area group localities which all return <Outer Suburban or Outer Suburban Area Type Settings

4 Assessment of Proposal

4.1 Parameters of proposed development

rd Avenue		22/02015/FUL										PTAL 2011		PTAL 2021		PTAL 2031	
CR0 7NA		Dwellings (U)	18	Residential Density (hr/ha)	216.07	hr/ha	216.07	Floor Area Ratio	0.5590								
Site Area	833.07 sq.m.	Area (ha)	1.6439	Residential Density (bs/ha)	252.08	bs/ha	252.08	Plot Area Ratio	N/A								
Site Area	0.083307 ha	Density (U/ha)	10.95	Housing Density (U/ha)	84.03	Units/ha	84.03										
Type	Bedrooms	Bedspaces	Habitable Rooms	GIA Offered	GIA Required	Built-In Storage Offered	Built-In Storage Required	Amenity Space Offered	Amenity Space Required	Probable Adults	Probable Children	Play Space	Communal Open Space	Car Parking			
M4(2)	1	2	2	50.2	50.0	1.5	1.5	20.0	5	2	0	0.00	84	4			
M4(2)	3	4	4	77.3	74.0	2.0	2.5	20.0	7	2	2	20.00					
M4(3)	1	2	2	55.8	50.0	1.5	1.5	74.0	5	2	0	0.00					
M4(2)	1	2	2	52.5	50.0	1.7	1.5	6.1	5	2	0	0.00					
Studio	1	2	2	39.9	39.0	1.5	1.5	5.0	5	2	0	0.00					
M4(2)	2	4	3	76.2	70.0	2.5	2.0	7.0	7	2	2	20.00					
M4(2)	3	5	3	113.8	86.0	2.5	2.5	10.2	8	2	3	30.00					
	12	21	18	465.7	419.0	13.2	13.0	142.3	42.00	14	7	70	84	4			

The proposed Application development proposals based upon the measured Site Area of 0.833ha.

4.1.1 The analysis of the main parameters of the **application** based on the Google Earth measured **Site Area (0.0833ha)** (Not the Application Form Site Area of **0.1ha**) to determine required **Area Type Setting** and **Site Capacities** clearly shows that the application is more suitable for an **'Urban' Area Type Setting** than the locality it is

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intended for as defined by the **Post Code CR0 7NA** of an **<Outer Suburban Area Type**. It should be recognised that the locality as defined by the **Post Code Design Code (CR0 7NA)** has existing infrastructure to support **Area Type** at **<Outer Suburban Densities**, but not to support developments appropriate for an **Urban Area Type Setting**.

4.1.2 **Application Details**

Application Design Code Parameters					
Application Details			Calculated Assessments:		
Appeal Application Ref:	22/02015/FUL		Housing Density	84.03	Units/ha
Address:	44 Orchard Avenue		Residential Density	252.10	bs/ha
Appeal Reference:	APP/L5240/W/22/3309454		Residential Density	216.09	hr/ha
Post Code:	CR0 7NA		Floor Area Ratio	0.56	#
Appeal Consultation Close date:	1st May 2023		Plot Area Ratio	#VALUE!	#
Input Parameters			National Model Design Code:		
Site Area (sq.m.)	833.07	sq.m.	Area Type Setting (Units/ha)	Urban	60.00 120.00
Site Area (ha)	0.0833	hectares	Area Type Setting (Bedspaces/ha)	Urban	141.60 283.20
Units (Dwellings)	7	Flats			
Bedrooms	12	br	Public Transport Accessibility:		U/ha bs/ha
Bedspaces	21	bs	PTAL (Current)	2.00	80.00 188.80
Habitable Rooms	18	hr	PTAL (Forecast)	2.00	80.00 188.80
Number of Floors	3	#	PTAL To Support Residential Density	5.21	
Gross Internal Area (GIA) Offered	465.70	sq.m.			
Gross Internal Area (GIA) Required	419.00	sq.m.	Intensification:	Urban	
Building Line Set-Back	15.00	metres	Gentle Intensification	33%	80.00 188.80
Footprint Area	N/A	sq.m.	Moderate Intensification	66%	100.00 236.00
			Focussed Intensification	100%	120.00 283.20

Application Parameters based upon measured Site Area for App. Ref: 22/02015/FUL 44 Orchard Avenue CR0 7NA (Plot Area Ratio #Value! as footprint unknown)

4.1.3 The table above uses the application data to assess the **Application Design Code** parameters and determine the **Area Type Setting** required to meet and support those parameters.

4.2 **Assessment comparison of Application & Post Code parameters**

4.2.1 The table below indicates the differences and the *'significant excessive'* increases in **Housing** and **Residential Densities** between the predominant locality **Post Code** Setting and the proposed application at **44 Orchard Avenue based on the measured Site Area capacity of 0.0833ha.**

Difference between Post Code & Proposed Application (Design Codes)					
Post Code Housing Density	10.95	U/ha	Area Type Setting	<Outer Suburban	
Application Housing Density	84.03	U/ha	Area Type Setting	Urban	
Percentage (Increase)	667.40%				
Post Code Residential Density	21.90	bs/ha	Area Type Setting	<Outer Suburban	
Application Residential Density	252.10	bs/ha	Area Type Setting	Urban	
Percentage (Increase)	1051.14%				
PTAL at Post Code	2.00		PTAL at Post Code	2.00	
Post Code Required PTAL	-0.64		PTAL required by proposal	5.21	
Percentage Increase	-132.00%		Percentage Increase	161.00%	

Comparison between Post Code Design Code & Application Design Code Parameters - Application Site Area at 0.0833ha.

4.2.2 As a comparison, using the same analysis but based on the Appellants Application form Site area of **0.1ha**, the comparable figures are given below.



Parameter	Applicant Site Area	Measured Site Area	Difference	% Difference
Site Area (hectares)	0.1	0.0833	-0.0167	-16.70%
Area Type Setting (U/ha)	Urban	Urban		
Area Type Setting (bs/ha)	Urban	Urban		
Housing Density (Units/ha)	70.00	84.03	14.03	20.04%
Residential Density (bs/ha)	210.00	252.10	42.10	20.05%
Residential Density (hr/ha)	180.00	216.09	36.09	20.05%
Floor Area Ratio	0.47	0.56	0.09	19.15%
PTAL To Support Residential Density	4.14	5.21	1.07	25.85%

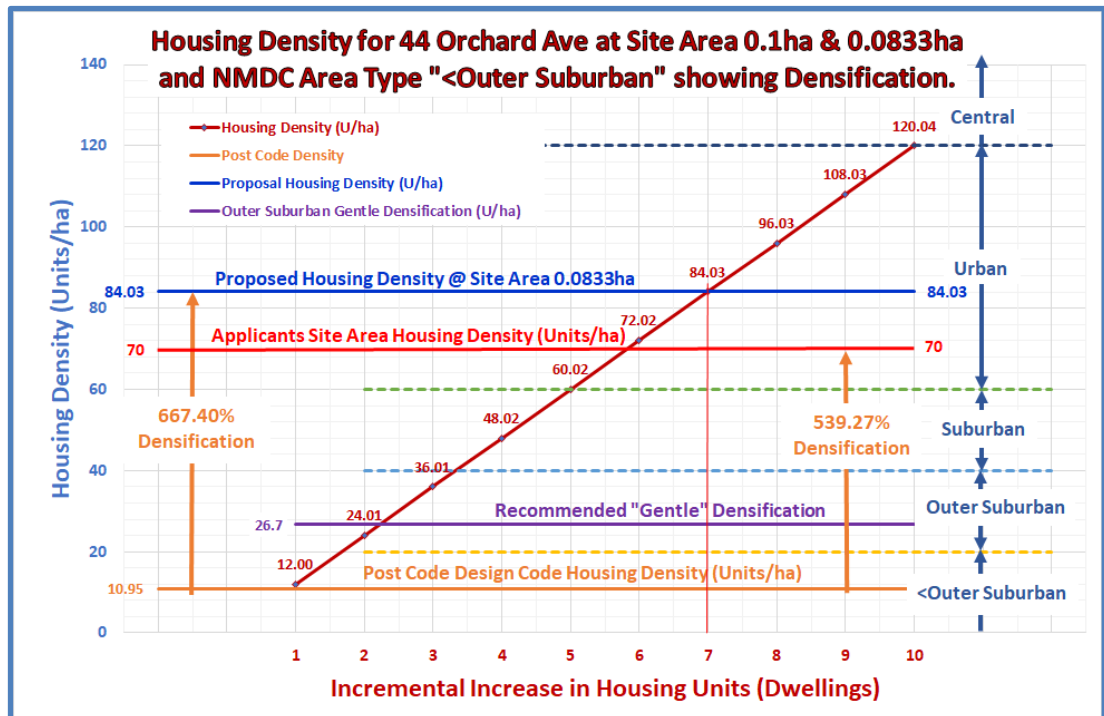
Difference in Site Area as listed on the Application Form and measured on Google Earth

Difference between Post Code & Proposed Application (Design Codes)					
Post Code Housing Density	10.95	U/ha	Area Type Setting	<Outer Suburban	
Application Housing Density	70.00	U/ha	Area Type Setting	Urban	
Percentage (Increase)	539.27%				
Post Code Residential Density	21.90	bs/ha	Area Type Setting	<Outer Suburban	
Application Residential Density	210.00	bs/ha	Area Type Setting	Urban	
Percentage (Increase)	858.90%				
PTAL at Post Code	2.00		PTAL at Post Code	2.00	
Post Code Required PTAL	-0.64		PTAL required by Proposal	4.14	
Increase/Decrease Percentage	-132.00%		Percentage Increase	107%	

Comparison for the Appellant's Application Form Site Area of 0.1ha.

4.2.3

Housing Density for 44 Orchard Ave., <Outer Suburban Area Type.



Comparison of Housing Density based on Site Area on Application Form and Google Earth Measured Area.



4.2.4 These increases require the **Area Type Setting** of the locality of (*Less Than*) **<Outer Suburban** as assessed of the **Post Code Design Code Area Type** compared to an **'Urban' Area Type Setting** required for this application.

4.2.5 Such a significant increase from **<Outer Suburban**, through **Outer Suburban, Suburban** into the mid-range of an **Urban Area Type**, would require significant improvements in **supporting infrastructure to meet London Plan Policy D2 – Infrastructure Requirements for Sustainable Densities**. However, there is no prospect of improvement of infrastructure in the Shirley North Ward over the life of the Plan to support this proposed development. The existing infrastructure only supports an **<outer Suburban Area type Setting** but the proposed development requires infrastructure to support an **"Urban" Area Type Setting**.

4.2.6 These increases put Refusal **Reasons 1 & 2** into sharp focus, providing decisive, conclusive evidence **supporting the LPA Decision of a refusal**.

4.3 Residential Density for 44 Orchard Ave., <Outer Suburban Area Type

4.3.1 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)**. The **'National' Occupancy for 2021 is 2.36 persons per dwelling at Statista.**³

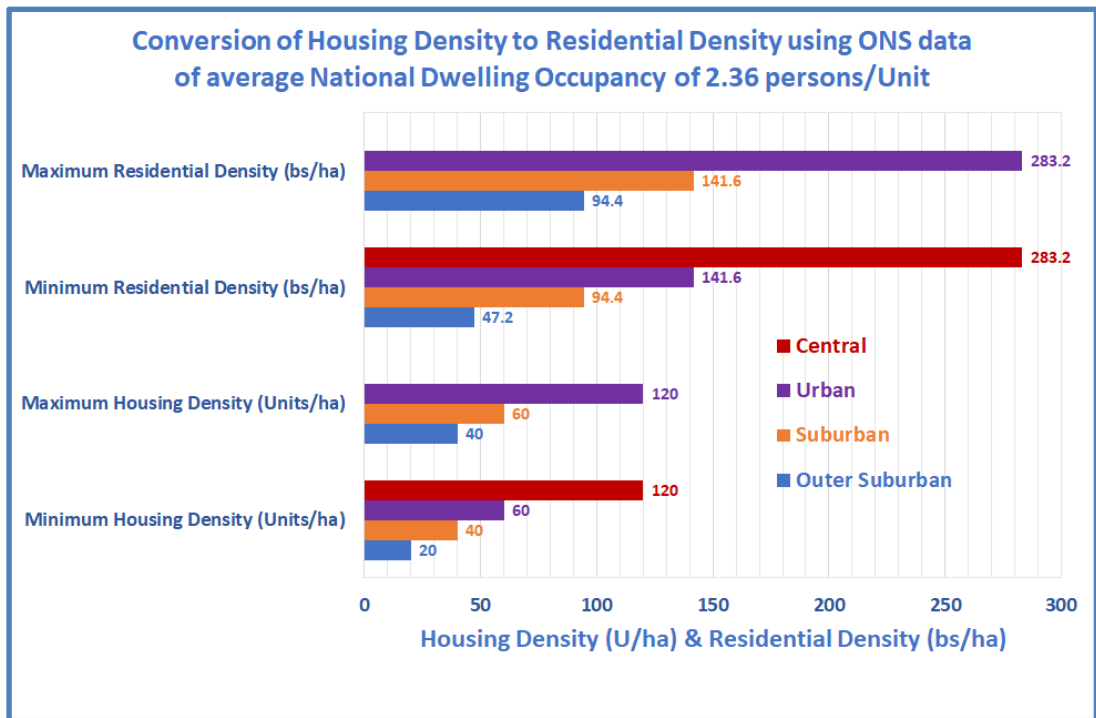


Illustration of Conversion from National Housing Density to National Residential Density using the Statista 2021 figure for National Unit Occupancy of 2.36.

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



4.3.2 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**.

4.4 “Growth” and Incremental Intensification or Densification

4.4.1 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.

- 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.

4.4.2 The failure of the **Croydon LPA Local Plan** to 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**. Planning Officers have historically made subjective prejudicial assessments without any substantive supporting analysis.

4.5 Assessment for “Growth” - evolution & regeneration

4.5.1 The **National Model Design Code (NMDC) Area Types** currently assumes 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** should clearly **remain within** the **Setting** or **Area Type “Ranges”** as defined, in order for adequate “**sustainable**” **supporting infrastructure** for the **proposed sustainability of developments** for the life of the Plan.

4.5.2 We have shown in the **Graphical Illustration below**, 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 or **densification** as an example **between, and over the range of the Settings**, for “**Outer Suburban**”, “**Suburban**” and “**Urban**” for “**Gentle**”, “**Moderate**” **densification**. This assessment would be appropriate if there were no possibility of improved or planned increase in infrastructure provision over the Life of the Plan. This is in accordance with the London Plan Policy D2 Infrastructure requirements for sustainable densities.



4.5.3 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".

4.5.4 **Growth within the constraints of the Area Type Settings.**

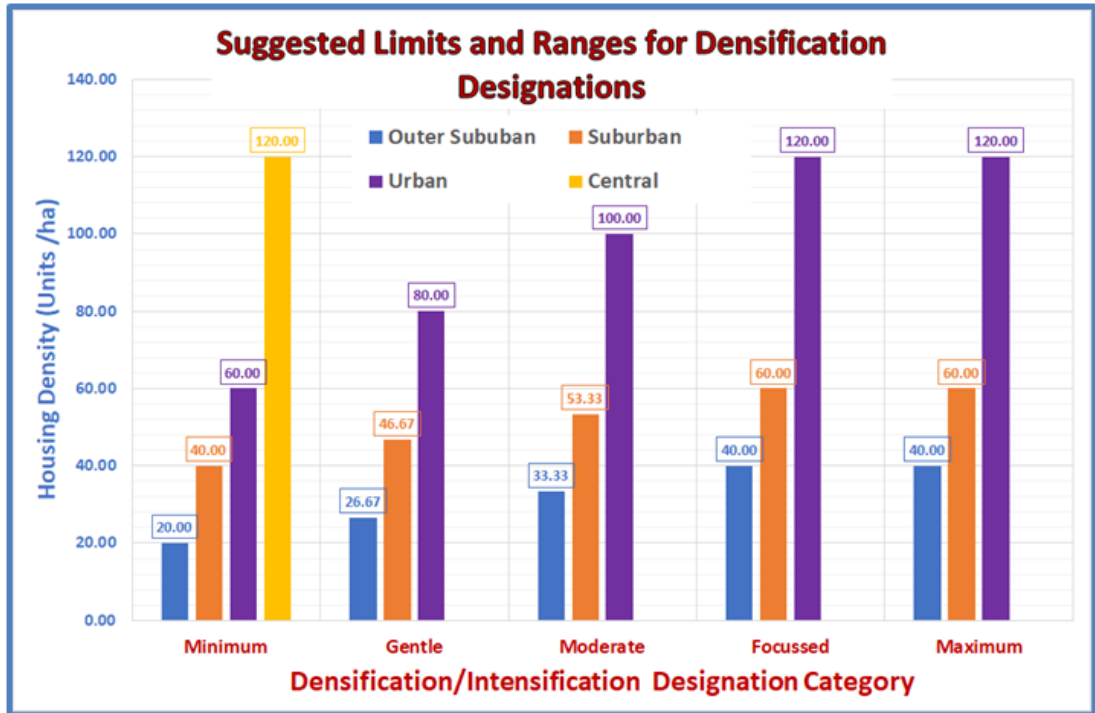


Illustration of Gentle Intensification, Moderate & Focussed Intensification Density Ranges

4.5.5 There is no "Gentle", "Moderate", "Focussed" or "Maximum" Intensification 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**.

4.5.6 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**.⁴ 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.

4.5.7 **However**, the proposal location is not within any growth designation as shown on the **Policies Map** and therefore only evolutionary "Gentle" densification would be appropriate for this Site.

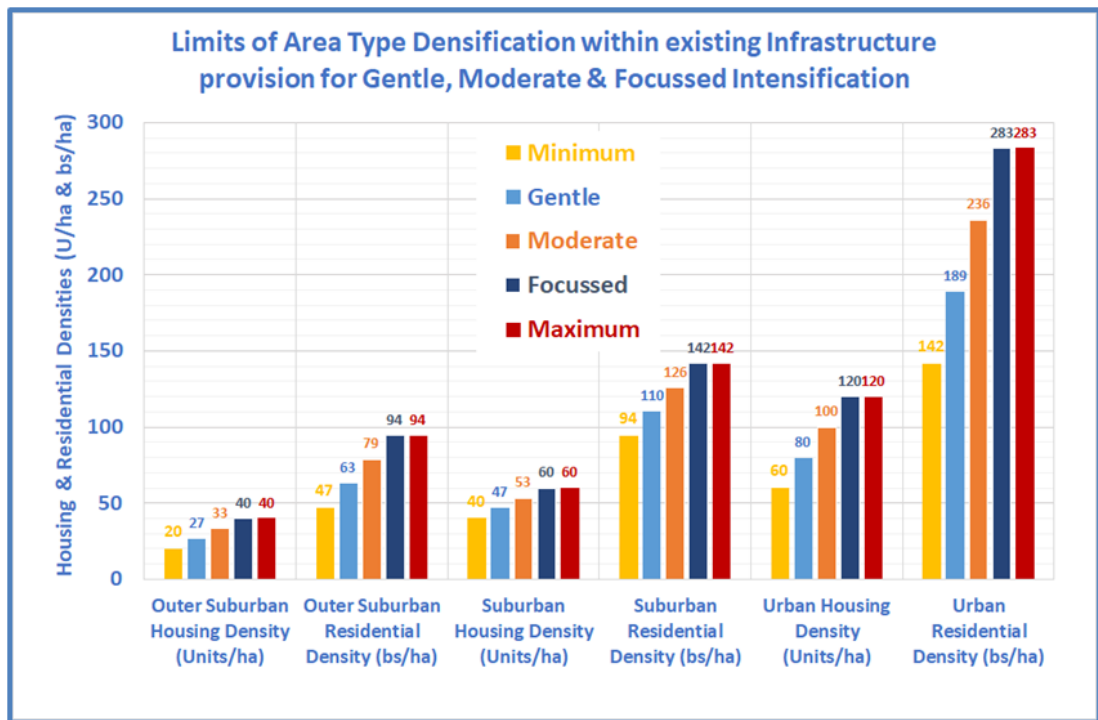
⁴ <https://www.croydon.gov.uk/sites/default/files/2022-01/infrastructure-delivery-plan-2021.pdf>



4.5.8 It is presumed 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 is the objective, the distribution over the **Ranges** should incrementally increase approximately **linearly** from **PTAL Zero** through to a **PTAL of 6** as defined by **TfL**.

4.5.9 This statistical analysis of Density is based upon the **National Model Design Code (NMDC) & Guidance** as published by the **Department for Levelling Up, Communities & Housing (DLUCH)** and therefore it is a rational assessment to convert **Housing Density** to **Residential Density** using the latest **National Assessment of Unit Occupancy** as defined by Statista.⁵

4.6 **Area Types and densification / Intensification - Residential Densities**



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

4.6.1 **Low Residential Density localities** would normally have **low PTAL**, and **Higher Residential Density** have higher **PTAL** Irrespective of **Area Types** as the requirement is for **accessibility to support the localities' Residents**. Thus, **PTAL** should incrementally increase proportionately with the increase in **Residential Density** (population) as shown in the following graphical illustration.

4.6.2 **PTAL Zero** is assumed at the low range of **“Outer Suburban”** as the **TfL Accessibility Level** assumes **PTAL 0** to be an appropriate value at Low densities (i.e., **PTAL not Zero** at zero densities). The **TfL Public Transport Accessibility** does

⁵ <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>



not align with the **Area Type Settings** as defined by the **National Model Design Code & Guidance**.

4.6.3 The TfL range for **Suburban** extends from **150hr/ha at Zero PTA** to **350hr/ha at 6 PTAL**. However, TfL has no recognition of '**Outer Suburban**'.

4.6.4 Therefore, the **PTAL** over the range **0 to 6** should be proportionate to the increase in **Density** over the ranges from Low "**Outer Suburban**" to the higher densities of the "**Urban**" range, assuming "**Central**" Areas would of necessity have the highest possible access to public transport.

4.6.5 Similarly, the **Residential Density** in persons/ha for the **Post Code Design Code** value for **36 occupants** in an Area of **1.6439ha** equates to Post Code **Residential Density** of **21.90persons/ha**, compared to the proposed **Residential Density** based on the **Site Area** of **0.0833ha** for **21bedspaces** is **252.10bs/ha**.

4.6.6 Whether **the Site Area is actually either 0.1ha or 0.0833ha**, both increases are significantly greater than any interpretation of "**Gentle**" **Densification**, in fact the increase is such to increase the **Area Type Setting** from **<Outer Suburban (Post Code CR0 7NA)** through **Outer Suburban & Suburban Area Type Settings** and into the **mid-range** of an '**Urban**' **Area Type Setting**. This is conclusive **factual** evidence, based on the **National Model Design Code & Guidance** that the **proposal is a significant over development** for the **Locality**.

4.6.7 The increase percentage **above** the "**Gentle**" **densification** for an **<Outer Suburban Area Type** (or for an **Outer Suburban Area Type Settings** suggested at **26.67U/ha**) to keep within the available **infrastructure capacity for Sustainable Development** and within a **PTAL** at **Level 2** currently available is conclusive evidence that the increase in **Density** is **inappropriate** for the locality.

4.6.8 This level of increased **densification above that appropriate for "Gentle" densification places the proposal in an "Urban" Area Type Setting** rather than the available **<Outer Suburban Area Type Setting** and is **NOT** supported by the **local infrastructure** 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 therefore be Dismissed**.

4.7 **London Plan Policy D2 - Infrastructure requirements for sustainable densities**

4.7.1 A The density of development proposals should:

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

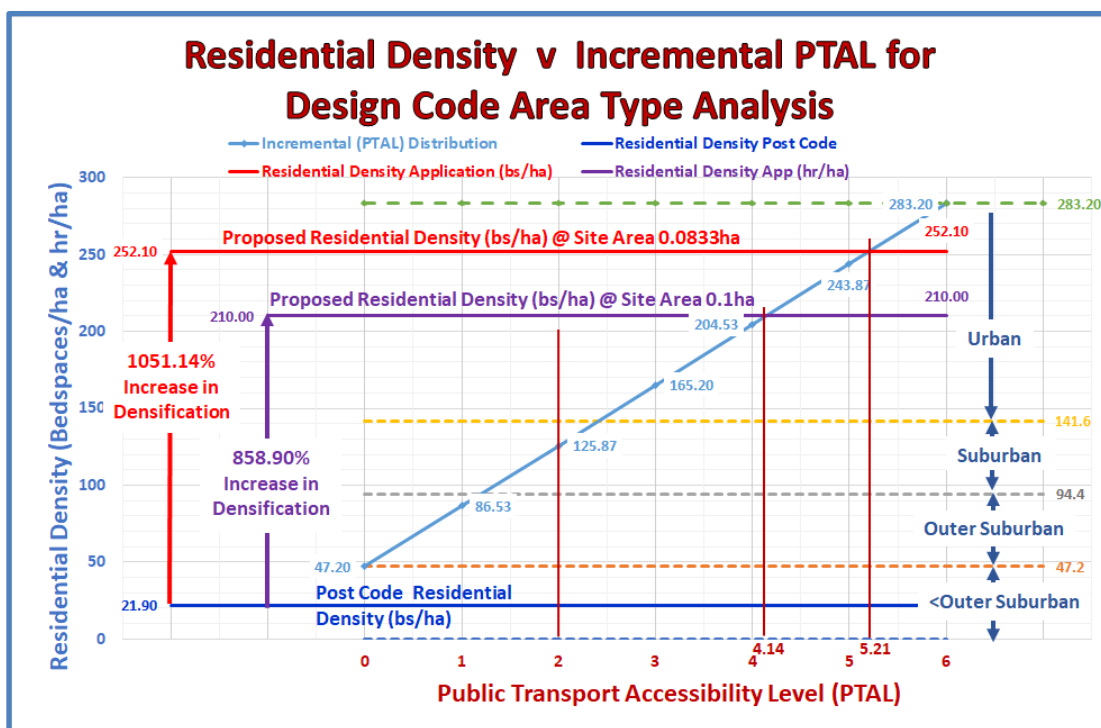
4.7.2 B Where there is currently insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to **ensure that sufficient capacity will exist** at the

appropriate time. This may mean that if the development is contingent on the provision of new infrastructure, including public transport services, it will be appropriate that the development is phased accordingly.

4.8 Residential Density and Public Transport Accessibility

4.8.1 The TfL Public Transport Accessibility does not align with the Area Type Settings as defined by the National Model Design Code & Guidance. The TfL range for Suburban extends from 150hr/ha at Zero PTAL to 350hr/ha at 6 PTAL.

4.8.2 The unit for Residential Density as defined by TfL is habitable Rooms/hectare which seems very strange and incongruous, as “Habitable Rooms” do not require infrastructure or other supporting requirements such as Public Transport⁶ Accessibility as it is people who require Public Transport Accessibility.



Graphical illustration of Residential Density v Incremental increase in Public Transport Accessibility for Area Type Settings.

4.8.3 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” and Town/City Centre Area Type designations, TfL has Suburban, Urban and Central designations.

⁶ <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>

4.8.4 It is assumed that the **National Model Design Code (NMDC)** lower Area Types **Density Range** would normally have **low PTAL (Zero)** at **Low Density** and **High Density** at high **PTAL (PTAL 6)**.

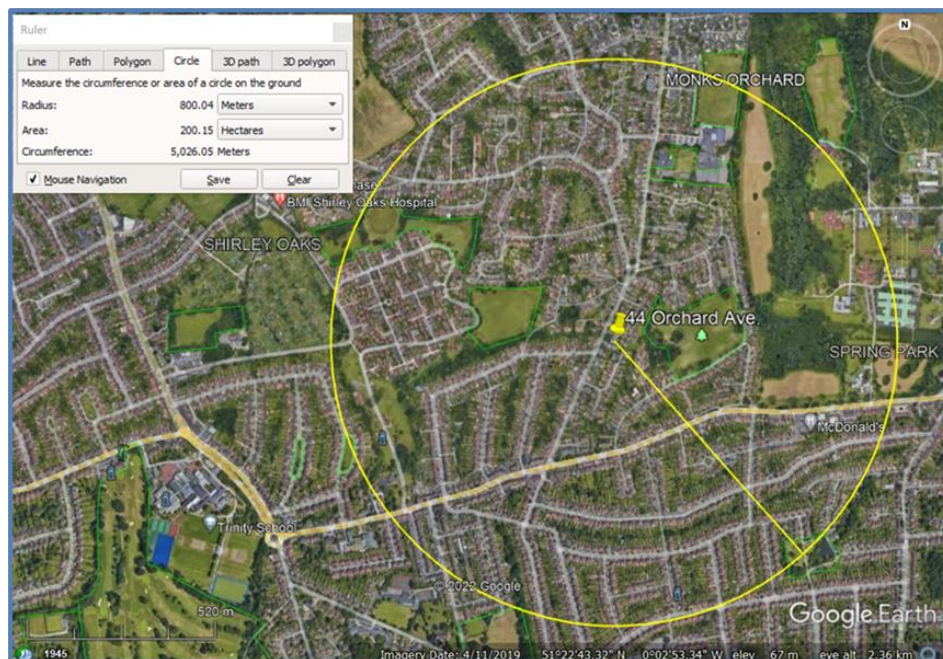
4.8.5 The graphical illustration (above) of this analysis provides clear evidence that the Application has totally inadequate **Public Transport Accessibility (PTAL)** at **PTAL 2** as the **Densities** are way beyond the **PTAL range appropriate** and require an **Urban Area Type Setting** location as defined by the **National Model Design Code & Guidance**. The illustration shows that **PTAL 2** would support a **Suburban** Area Type setting.

4.9 London Plan Policies for Incremental Intensification.

4.9.1 London Plan para 4.2.4 states:

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

4.9.2 **44 Orchard Avenue** has a **PTAL 2** forecast to remain at **2** (i.e., <3) until at least **2031**. Therefore, as the location is greater than **800m from a Tram/ Train Station or District Centre**, the site is **‘inappropriate’** for **“incremental”** intensification.



Google Image of 800m radius from 44 Orchard Avenue showing that it is over 800m from Tram/Train Station and District Centre

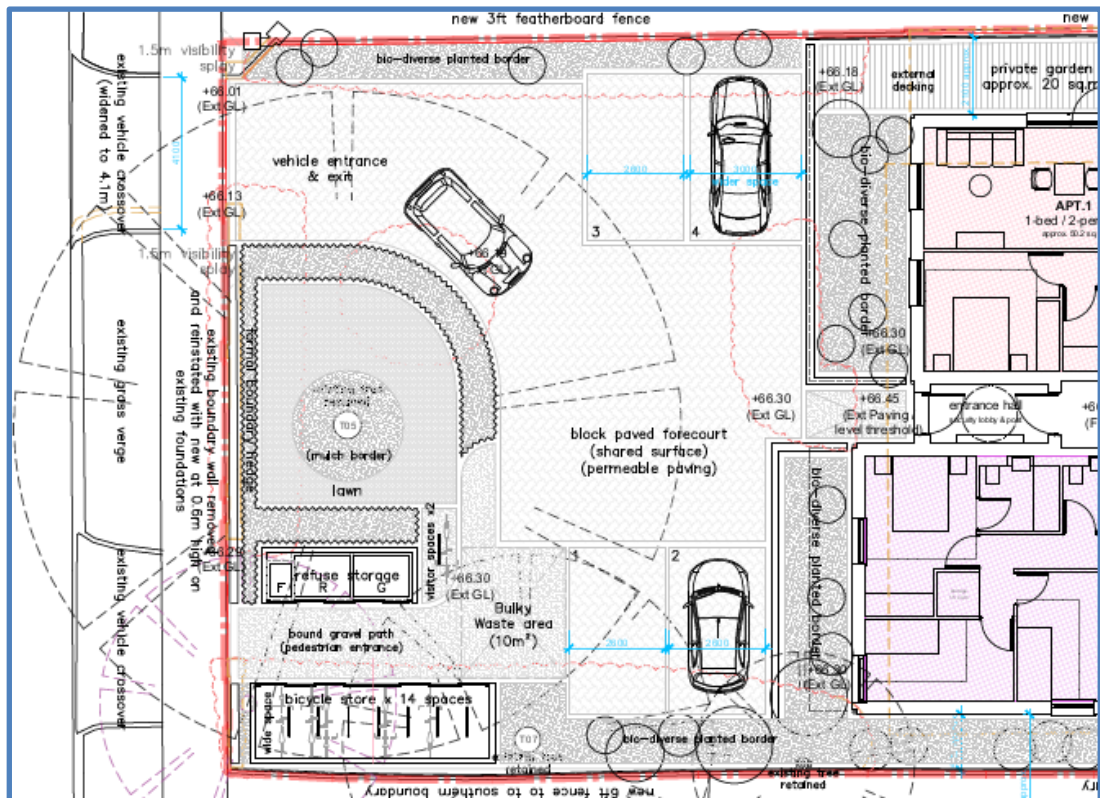
4.9.3 Therefore, the location of **44 Orchard Avenue** is clearly **inappropriate** for **incremental intensification** as defined by the **London Plan Policy**. This is further evidential support of **inappropriate densification**.



5 Refusal Reason 3:

5.1 **Reason 3:** *“The proposal does not provide sufficient details on the modified access, in terms of vehicular visibility splays, and the cumulative impact of crossovers on Orchard Avenue. There is a deficiency of car parking and no provision of a Blue Badge car parking space. The car parking and cycle parking do not meet standards. There is a lack of safe pedestrian access through the site. This would be contrary to Policies T4, T5, and T6 of the London Plan (2021) and policies DM29 and DM30 of the Croydon Local Plan (2018).”*

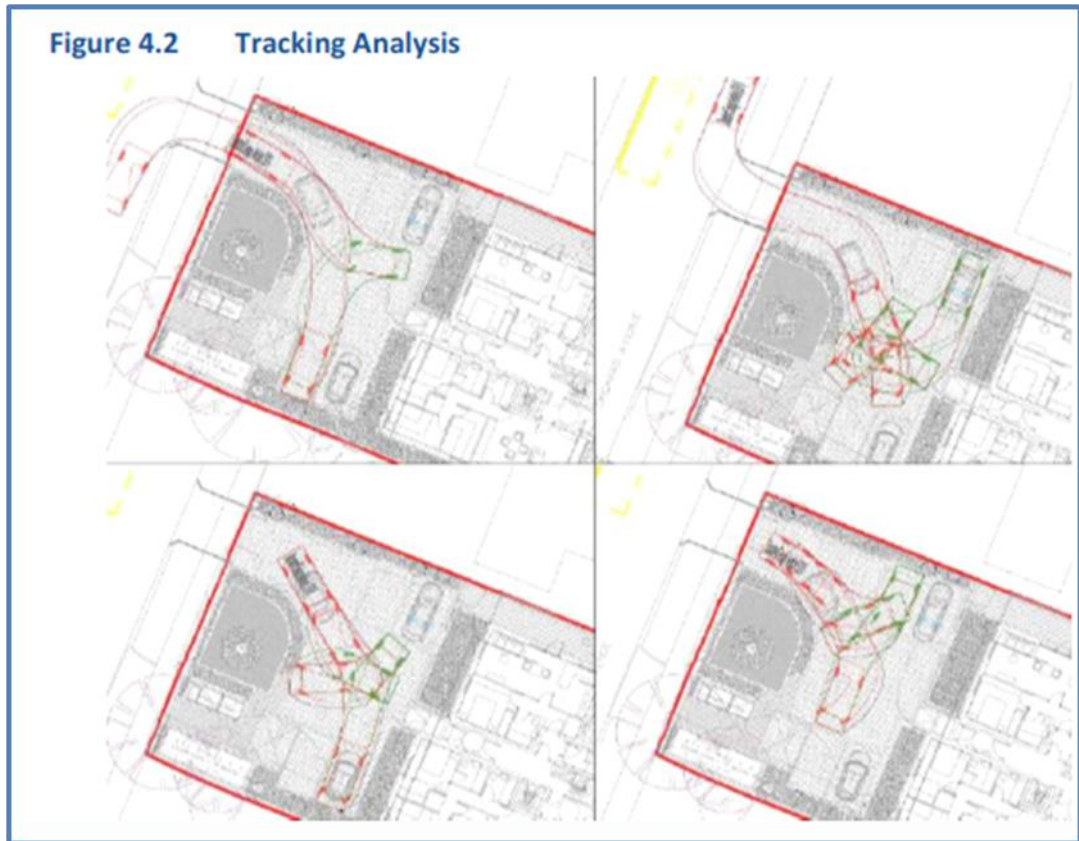
5.2 Forecourt and Parking



Extract from Ground Floor Site Layout showing Parking arrangements.

5.2.1 The Transport Statement indicates **Swept Paths** are provided in **Drawing 7040** but there is **no such Drawing available on the Public Access Register**.

5.2.2 The Figure 4.2 is purported to be an extract but is of a very poor-quality reproduction and the full assessment of swept paths movements cannot be analysed or assessed due to the blurred quality of the reproduction. The manoeuvres to enter and exit Bays 3 & 4 seem to be extremely complicated for normal parking and therefore are considered an inappropriate indicator of the parking provision or arrangement for parking for the life of the development. This evidence substantially supports the LPAs Reason 3 for refusal (See below).



Tracking Analysis Figure 4.2 of the Transport Statement shows the required swept paths for ingress and egress for parking vehicles.

- 5.2.3 The **Croydon Local Plan** for **PTAL 2** in areas with No Controlled Parking requires 0.5 spaces for 1 to 2 Bedroom Units and 1 to 2 Spaces for =>3 Bedroom Units giving a total requirement of **5.75 to 7.75 (≅ 6 to 8) Parking Spaces**.
- 5.2.4 The **London Plan** for **Outer London PTAL 2 Area Types** requires 0.75 spaces for 1 to 2 Bedroom Units and 1 space for =>3 Bedroom Units giving a total requirement of **5.75 (≅ 6 Parking Spaces)**.
- 5.2.5 These allocations are reproduced in the Table (right) which illustrates that the provision of just **4 Parking Bays** for the **7 Units** is totally inadequate under all policies stated and this is exacerbated by the fact that **Orchard Avenue** is a through route between the **A222** and the **A232** which carries significant level of traffic.

Dwelling	Occupancy	Croydon Plan	Revised Croydon Plan	London Plan (2021)
Flat 1	1b2p	1	0.75	0.75
Flat 2	3b4p	1	2	1
Flat 3	1b2p	1	0.75	0.75
Flat 4	1b2p	1	0.75	0.75
Flat 5	1b2p	1	0.75	0.75
Flat 6	2b4p	1	0.75	0.75
Flat 7	3b5p	1	2	1
Totals		7	7.75	5.75

- 5.2.6 This is further support for the **LPA Reason 3** for a refusal and is ample evidence for a **Dismissal** of this Appeal.



- 5.2.7 The Dropped kerb is **4.1m wide** but the entrance width to site is not actually stated on the Ground Floor Site Plan and does not exactly align with the Dropped Kerb proposal (*Brown dotted line on the Ground Floor Site Plan (Drawing 092-100)*).
- 5.2.8 It is not clear whether the 3m weather board boundary fence drops down to 0.6m for visibility splays and there are no sight lines shown for the 1.5m visibility splays indicated on the Plan in faint lettering and thus the reasons for refusal 3 are unchallengeable.
- 5.2.9 Car Park Bay 4 is not wide enough to meet a disabled bay requirement of 3.6m x 4.8m. (The Site Plan shows it to be only 3m wide).
- 5.2.10 Requirement is 10% of Parking to be Disabled Bays therefore, in both cases the requirement is $>0.5 \therefore 1$ disabled space is required.

6 Refusal Reason 4:

Reason 4: *“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).”*

- 6.1 We have no further comments relating to Reason 4.

7 Refusal Reason 5:

Reason 5: *“The proposed refuse and recycling stores, due to the external location and not integrated into the landscaping, would create visual clutter on the street scene. Additionally, the location for the bulky waste is inappropriate. The proposal is therefore contrary to policy DM13 of the Croydon Local Plan (2018).”*

- 7.1 Croydon Plan **Policy DM13: Refuse and recycling**

- 7.1.1 **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.

- 7.1.2 The proposal clearly does NOT meet **Policy DM13.1** as the Refuse & Recycling storage is in **front of the building line** set-back and is not integrated within the building envelope and is therefore visually intrusive and compromise the shared frontage amenity space and Public Realm.



7.1.3 **DM30.4** Ensure that there is not a significant detrimental impact on the movement of pedestrians, cycles, public transport, and emergency services due to the provision of car parking;

7.1.4 The proposed positioning of **Cycle Storage** is in direct line of pedestrian access to the development and would present complications when cyclists are storing or accessing their cycles in the path of pedestrian access. This fails to meet the **Policy CM30.4**

7.2 Waste Management Plan?

7.2.1 **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.

7.2.2 We have been unable to find any references to a Waste Management Plan for this proposal.

8 Sustainability and Housing Need

8.1 NPPF Para 7 States:

8.1.1 *"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**⁷... "*

8.1.2 For **Sustainability**, developments require adequate **supporting infrastructure** but there is **NO planned improvement** in the provision or delivery of new or improvements to the existing Infrastructure⁸ for **Shirley** over the life of the Plan.

8.2 Housing Need

8.2.1 Similarly, the allocation of housing "**need**" assessed for the "**Shirley Place**" [770ha] (equivalent to greater than Shirley North [327.9ha] and South Wards [387.3ha]) over the period **2019 to 2039** is **278** (See Croydon Revised Local Plan⁹ 2021 **Table 3.1**). This equates to **≈14 dwellings per year**.

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

8.2.3 The FOI response indicated, the **Shirley "Place"** as defined in the Local Plan has an area of **approximately ≈770ha** and comprises **Shirley North** and **Shirley South Wards** and therefore the FOI response 'suggests' completions for **Shirley "Place"** can be calculated by **adding** the completion figures together for each **Shirley Ward**".

⁷ Resolution 42/187 of the United Nations General Assembly

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

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

This is 'NOT True' as described later.

8.2.4 Analysis of this limited information (**FOI response**) supports our assumption that completions are recorded but **NOT** against the **"Places"** of Croydon and **no action** is taken by the **LPA** as a result of those completions. In addition, the **"Shirley Place" Area does NOT equate** to the sum of the **Shirley North & South Ward Areas**.

8.2.5 The **FOI Response** indicates:

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

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

Response to FOI Request (Ref: 4250621)

8.2.6 Analysis of the recorded data shows over the 'three' full years 2018 to end of 2020, the **Net Increase** in Dwellings for **Shirley = Shirley North Ward + Shirley South Ward = 55 + 102 + 69 = 226 ≈ 75 per yr.** (However, this is **NOT The Shirley "Place"** at **≈770ha** but the net increase for the **Shirley North [327.90ha] + Shirley South Wards [387.30ha] total of 715.20ha** a difference of **54.8ha**.

8.2.7 The **MORA Area of 178.20ha** (which we monitor) is only **24.92%** of **All Shirley (715.2ha)**, but at a rate of **36dpa** over the **20yr** period **≈720 dwellings**, would exceed the **Target for the Shirley "Place" of 278** by **442 Dwellings** **for the Whole of the Shirley "Place"** (≈770ha FOI response).

8.2.8 This is $(720-278)/278 = 158.99\%$ Increase for the **Shirley "Place"** when the **MORA Area** is only $(770-178.2)/178.2 = 23.15\%$ of the area of the estimated **Shirley 'Place'** and $(178.26-715.2)/715.2 = 24.92\%$ of all **Shirley**. **This is definitely NOT respecting the character of the locality when the locality of this proposal is "Inappropriate for Incremental Intensification" with a PTAL of 2 and there is no probability for increase in supporting infrastructure.**

8.2.9 The Build rate delivery of dwellings for **all Shirley** is averaging at **55 + 102 + 69 = 226 ≈ 75.33 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 **Table 3.1** of the Revised **Croydon Local Plan** indicates a **Target of 278 dwellings over the period 2019 to 2039**.



- 8.2.10 This would exceed the Target over **20 yrs.** (of **278**) by: $(1507 - 278)/278 = 442.1\%$. From the **FOI Request**, the Area of the **Shirley "Place"** is $\approx 770\text{ha}$. The total Area of **Shirley North & South Wards** is **715.2ha** (GLA figures) therefore, there is $\approx 54.8\text{ha}$ excess of land in other adjacent Wards which numerically means the **Target for Shirley Wards** of **278** should be reduced by $7.12\% = 258$ (and the difference of **20** added to the **Targets** of the relevant **adjacent Wards**).
- 8.2.11 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.**
- 8.2.12 **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.**

9 Summary and Conclusions

- 9.1 Local Residents have lost confidence in the Planning Process with the significant number 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 comply with the agreed **National and local planning policies and guidance.**
- 9.2 Our comments on this Appeal are all supported by the **National or Local Planning Policies** which have defined measurable methodology and 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.**
- 9.3 The **Growth Policies** as specified in the Revised **Croydon Local Plan** are fundamentally flawed as they do **NOT** define the magnitude of **"Growth"** in their definitions. There is **NO** actual mechanistic difference between the different categories of **'Intensification'** or **'densification'**.
- 9.4 In addition, we have conclusively shown that the proposed development at **PTAL 2** and greater than **800m** from any **Train or Tram Station or District Centre** is **inappropriate for incremental intensification.**
- 9.5 We have also shown that the proposed development is a significant overdevelopment for the available **Site Area** of **0.833ha** (and that the Applicant's quoted Site Area is an incorrect assessment).
- 9.6 This proposed Development in an **"<Outer Suburban" Area Type Setting (CR0 7NA)** as defined by the **National Model Design Code Guidance** would be more appropriate in an **"Urban" Area Type Setting.** This analysis therefore supports the **LPA's Reasons 1 & 2** for refusal on grounds of **Scale, Massing and Bulk.**



- 9.7 The proposal would require a Public Transport Accessibility Level (PTAL) of **PTAL 5.21** when the local **PTAL is 2** to support the increase in Residential Density. This analysis therefore supports the **LPA's Reasons 1 & 2** for refusal on grounds of **Scale, Massing and Bulk**.
- 9.8 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.
- 9.9 We have shown that for all the appellant's "**Grounds of Appeal**" we have provided a quantifiable response which demolishes the appellant's vague and subjective statements.
- 9.10 We therefore urge the Inspector to **Dismiss** this appeal such that the Appellant can reapply with a more appropriate and compliant proposal.
- 9.11 ***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

Derek



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