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**27<sup>th</sup> November 2023**

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TOWN AND COUNTRY PLANNING ACT 1990

Appeal (W) under Section 78

Location: 67 Orchard Avenue, CR0 7NE

LPA Application Ref: 22/03552/FUL

Appeal Ref: APP/L5240/W/23/3326869

Representation Close: 11 December 2023

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Dear Harrison Dun - Case Officer

Please accept this representation from the **Monks Orchard Residents' Association (MORA)** providing analysis and assessment for this **Dismissal of this Appeal** on the grounds as stated in the following submission. The Appeal is against the **LPA's refusal** on **31<sup>st</sup> January 2023** of **Ref: 22/03552/FUL** for Demolition of the existing dwelling and erection of a two-storey building with accommodation in the roof space containing **6 flats** with associated access, parking, landscaping, cycle and refuse storage facilities.

**The proposal:**



**Street View of Proposal at 67 Orchard Avenue**

We have structured this representation on the **Appellant's grounds of the Appeal** and **LPA's Report for a Refusal**. We have responded with reference to whether the proposal complies to the 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). Further detailed analysis to support the analysis and assessment are fully explained in the responses to Issues 1 to 5. **The objective of the New Policies is to ensure that New Developments are of "The Right Type in the Right Place"**.

The Appellant's comments are in **"Orange Text"**.

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

## 1 LPA Reason(s) for Refusal:

- 1.1 The proposed development and its refuse store would be detrimental to the character of the area by reason of the size, massing, siting and design and would thereby conflict with the DM10, DM13 and SP4.1 of the Croydon Local Plan (2018) and D3 and D4 of the London Plan (2021).
- 1.2 The proposed development, by way of its excessive scale and close proximity to nearby properties and their gardens, would cause harm to neighbouring living conditions through the creation of a sense of enclosure and overbearing mass. The development therefore conflicts with Policy D3 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).
- 1.3 The development due to the absence of a Flood Risk Assessment and the incorporation of sustainable urban drainage systems in the design has failed to adequately safeguard this or surrounding sites from surface water flooding. The development conflicts with policy DM25 of the Croydon Local Plan (2018) and policy S113 of the London Plan (2021).
- 1.4 The loss of soft landscaping and excessive proposed hardstanding would be harmful to the amenity of the streetscene and local character; and to biodiversity which fail to comply with Policies G7 of the London Plan 2021 and Policies DM10.8, SP7, DM27 and DM28 of the Croydon Local Plan 2018.
- 1.5 In the absence of a legal agreement, to secure measures to mitigate the impacts of the development as a consequence of demands created by the proposed development, the proposal would fail to mitigate harmful impacts and would be unacceptable in planning terms. The proposal therefore conflicts with T6 of the London Plan (2021) and Croydon Local Plan 2018 policies SP6, DM29 and DM30.

## 2 Clarification of Proposal's Site Area

- 2.1 We have considered the likelihood of the proposal's **Site Area** to be 'exactly' **700sq.m.** as indicated on the **Application Form** as such an accurate dimension is unlikely. Therefore, to assess whether that figure was appropriate, we investigated using **Google Earth** Polygon function which indicated that the **Site Area** was approximately **607.77sq.m.** This is a significant margin of error and suggests a **≈15.18% overestimate** of the probable **Site Area** by the **Applicant**, which has an influential effect on the assessment of **Housing** and **Residential Densities** and thus the appropriate assessment of **Area Type** in deciding the appropriateness of the proposal within the locality of the application.
- 2.2 We are not aware how the Applicant arrived at the **Site Area** of **700sq.m.**; whether the dimensions were provided by surveyors or by an estimate by the developer or even whether it was an **intentional overestimate** to give the impression of greater flexibility to **Site Capacity**. We have illustrated this difference and the effects on the **Area Type Housing** and **Residential Densities** for analysis of this proposal in the following submission and as further detailed in answer to the **Appellant's** raised Issues.



### 3 Appellant's Statement - Matters of Common Ground

3.1 We have briefly addressed the "Matters of Common Ground" but have provided greater depth of analysis and assessment at the Appellant's Raised Issues.

- **Para 3.** From a review of the Decision Notice (DN) and Officer's Delegated Report (ODR) the following have been identified as matters of common ground between the Council and Appellant: **paras a) to cc).**

#### 3.2 MORA Response to Appellant's Grounds **Para 3 a.**

- **Para 3 a).** The proposed development complies with the National Planning Policy Framework (2021) (the 'Framework').

3.2.1 The proposed development **does NOT Comply** or consider the **National Planning Policy Framework (NPPF) 2021 Para 128 and/or 129** which requires the **Area Type Assessment** based upon **Design Codes**.

3.2.2 As this proposal, **LPA Ref: 22/03552/FUL** was validated on **Wed 24<sup>th</sup> August 2022**, this was in adequate time for the proposal to be prepared and respect the **NPPF (2021) Policies** and **guidance** subsequent to publication including the requirements as set out in the **NPPF at para's 128 & 129**, in reference to **Design Codes** and the **National Model Design Code & Guidance (2021)**.

3.2.3 As there is no definitive **Local Design Code** assessment guidance in either the **Croydon Local Plan (2018)** or The Adopted **London Plan (2021)**, the **"National Model Design Code & Guidance"** published by the **Department for Levelling Up, Communities & Housing (DLUCH)** in **2021** should be used to **"guide"** proposals and thus **determinations**. The **London Plan Chapter 3 – Design** does introduce the concept of a **Design-Led Approach** but gives no guidance on how to implement this concept at the time of this application validation.

#### 3.3 MORA Response to Appellant's Grounds **para 3 sub para b.**

- **Para 3 b).** The area in which the site is located is characterised by a mixture of dwelling types and sizes.

3.3.1 Our Assessment of appropriate **Design Code** assessment for this proposal is fully detailed at **Section 4** which provides a detailed analysis and assessment of the **Area Types** which provides credible support for the **LPA's Reason for Refusal 1** and additional Reasons for **Dismissal of this Appeal**.

3.3.2 In summary the **National Model Design Code & Guidance** defines **Area Type Design Codes** by delineating ranges of Housing Density:

- Area Type **Outer Suburban** in the range **20 to 40 Units/ha**.
- Area Type **Suburban** in the range **40 to 60 Units/ha**
- Area Type **Urban** in the range **60 to 120 Units/ha**
- Area Type **Central/Town** equal and above **≥120 Units/ha**



- 3.3.3 This assessment places the local **Post Code (CR0 7NE)** of **11 Units** in an area of **0.83hectares** at **13.31Units/ha** which is an **Area Type <Outer Suburban** (*i.e., less than*).
- 3.3.4 For the **Application proposal** at **85.71Units/ha** if the **Site Area** is **700sq.m.(0.07ha)** which is an **Urban Area Type** or **98.68Units/ha** if the **Site Area** is **607.77sq.m. (0.0608ha)** [*as measured by Google Earth*] then it is within an **Urban Area Type**, and therefore **inappropriate** in an **<Outer Suburban Area Type** locality.
- 3.3.5 The assessment indicates the proposal would be an increase in **intensification or densification** by **543.95%** in the case of a **700sq.m. Site Area** or **641.40%** in the case of the **Googles Earth Site Area** of **607.77sq.m.** when the location is **inappropriate** for **Intensification or densification** by the **Growth Policies** of the **Croydon Local Plan (2018)** and the **London Plan (2021)**. (See para 3.6).
- 3.4 **MORA Response to the Appellant's para 3 sub para c) d) & e).**
- **Para 3 c).** There are no constraints affecting the site as identified by the **Croydon Local Plan Proposals Map**.
  - **Para 3 d).** The site has a **PTAL** rating of **1A**.
  - **Para 3 e).** The existing use of the site is residential (**C3**) and as such the principle of redeveloping the site for residential purposes is acceptable in land use terms.
- 3.4.1 Other than correcting the Applicant's **PTAL** rating at **3 d) with regard to the location**, the Address of **67 Orchard Avenue** is actually **PTAL 1b** but the **Post Code CR0 7NE** is **PTAL 1a** as the site is on the borders of **PTAL 1a & 1b**. This needs to be considered when assessing the **Residential Densities** of the **Post Code** and proposal and the appropriate **Public Transport Accessibility** for the proposal.
- 3.4.2 We have no further comment on **sub para 3 c. d. & e. which would contribute to the assessment of this proposal**.
- 3.5 **MORA Response to the Appellant's Para 3 sub para f.**
- **Para 3 f).** Policy SP2.1 of the **Croydon Local Plan (2018) (CLP)** applies a presumption in favour of development of new homes and Policy SP2.2 states that the Council will seek to deliver 32,890 homes between 2016 and 2036, with 10,060 of said homes being delivered across the borough on windfall sites.
- 3.5.1 The **London Plan Policy H1 Increasing housing supply** sets **Targets** for **Local Boroughs** and **Policy H2 Small Sites** expect a contribution of these targets to be met by small site development or redevelopments. In order to meet these **Targets**, **Croydon LPA** has allocated the contribution for the **London Borough of Croydon** to be distributed across the **Borough** amongst the **16 'Places'** of Croydon. The allocation for the **Shirley 'Place'** is **278** new dwellings by **2039**.



- 3.5.2 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” which embraces both Shirley North and Shirley South Wards.** (These figures cannot be disputed as they are based on a FOI Request response).
- 3.5.3 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**. (this information cannot be disputed as it was provided resultant on a FOI request to **London Borough of Croydon FOI Reference 4250621** dated 31st Jan 2022).
- 3.5.4 Therefore, we have **conclusively** shown that the **Housing Need Targets** set for the contribution by the **Shirley North Ward** has **already been met** and significantly exceeded.
- 3.6 MORA Response to Appellant’s Grounds Para 3 g & h).**
- **Para 3 g).** London Plan (LP) Policy D3 encourages incremental densification to achieve a change in densities in the most appropriate way.
  - **Para 3 h).** Based on LP Policy D3 and CLP Policies SP2.1, SP2.2 the principle of intensifying the residential use of the existing site is acceptable.
- 3.6.1 The **London Plan Policy D3** refers out to **H2 para 2.4.2** for definition of **“Incremental Intensification”** which states:
- **“Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station<sup>47</sup> or town centre boundary<sup>48</sup> is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2.**
- 3.6.2 The location of the proposal has currently a **PTAL of 1b** which is clearly significantly **<3** and is **>800metres** from either a **Tram or Train Station or District Centre** and therefore is by definition **‘inappropriate’** for **Incremental Intensification** or **densification**.
- 3.6.3 The **Croydon Plan Designated Areas for Intensification/Densification** are defined in the **Policies Map**, but the proposed development location is not included as a designated area and therefore inappropriate for any specific level of **Intensification/densification**.
- 3.6.4 The **Croydon Plan Growth policy** is set out in **Table 6.4** which give objectives for the various categories of evolution vis:
- a) “Evolution without significant change of an Area’s Character;
  - b) “Guided Intensification associated with enhancement of area’s local character;

- c) Focussed Intensification associated with change of area's local character;
- d) Redevelopment.

3.6.5 All of these definitions are **subjective objectives** without any guidance to the level or percentage increase in **intensification or densification**; so, they are therefore meaningless and unenforceable. The assessment by these objectives are therefore a personal interpretation and subject to a preferential interpretation.

3.6.6 The only definitive growth management definitions are promulgated in the **National Model Design Code & Guidance** published by the **Department for Levelling Up, Communities and Housing (DLUCH)** in January & June 2021 and referenced in the **National Planning Policy Framework (NPPF)** paras 128 & 129.

3.6.7 The **National Model Design Code & Guidance** defines the **Design Code** parameters of **Area Types** to assist the assessment of proposals to respect the characteristics of an Area for development or redevelopment.

3.6.8 We have shown that the level of **Intensification/densification** of this proposal is **inappropriate** for this **Area Type** at the proposed redevelopment location.

### 3.7 **MORA Response to Appellant's Grounds Para 3 i).**

- **Para 3 i).** CLP Policies SP2.7 and DM1.1 set a strategic target for 30% of all new homes over the plan period to have 3 or more bedrooms and DM1.2 seeks to avoid a net loss of 3-bed family-sized homes in order to ensure that the borough's need for family sized units is met and that a choice of homes is available in the borough. The proposed scheme proposes 2 x 3-bedroom units out of the total 6 units which meets this target and is therefore compliant with CLP Policies SP2.7, DM1.1 and DM1.2.

3.7.1 **30% of 6 Units = 1.8 rounded to an integer = 2** to which this proposal meets **3-Bed Family Sized Homes**.

3.7.2 We do not have any further comments to contribute to the appellant's statement **Para 3 i).**

### 3.8 **MORA Response to Appellant's Grounds Para 3 j).**

- **Para 3 j).** The proposed scheme on the site for 6 units would not trigger affordable housing contributions in line with policy SP2 or London Plan policy H4 or H5.

3.8.1 We do not have any further comments to contribute to the appellant's statement **Para 3 j).**

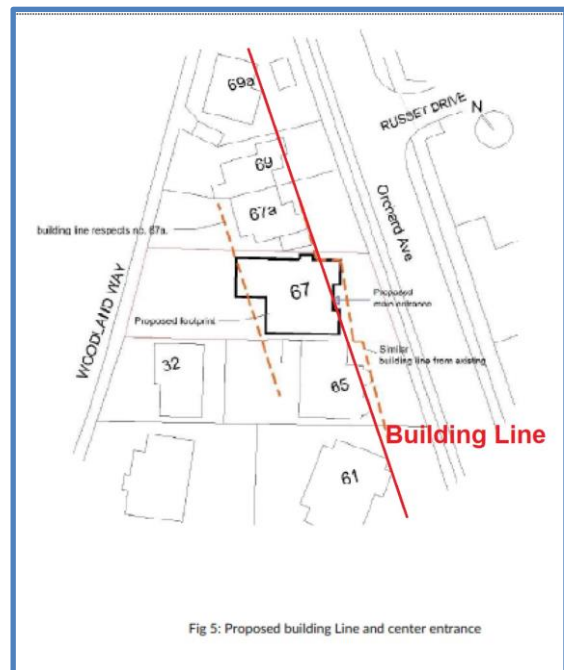
### 3.9 **MORA Response to Appellant's Grounds Para 3 k) & l).**

- **Para 3 k).** From the front, the height and width would be in keeping with neighbouring properties and it is clear how the gable roofs relate to the surrounding streetscene.

- **Para 3 l).** To the north of the site is 67a Orchard Avenue. Due to the orientation of Number 67a, the proposal would not impinge upon outlook or cause significant harm to light from the front or rear windows. In addition, no windows would face directly onto the neighbour protecting privacy.

3.9.1 We **disagree** that the proposal, when viewed from the **Street** is **“in keeping with neighbouring properties”** as the building is much **taller** than the adjacent property to the south at **65 Orchard Avenue (9m** as against **7.9m** i.e., **1.1m** or **13.92%** taller); and **13.75m** wider by comparison to the **8.5m** width of the same adjacent dwelling which is an **61.765% increase in width** compared to the adjacent dwelling giving an overall impression of **excessive bulk and massing, inappropriate for the locality.**

3.9.2 In addition, the proposal does **NOT** follow the existing front **Building Line** as inferred in the Appellant’s **Character Appraisal Document Para 3.1 Fig 5.** Which shows ‘kinks’ in the building line along **Orchard Avenue** that alludes to acceptability when the proposal actually breaches the **overall existing building line.**



3.9.3 This illustration shows the Appellant’s avoidance of meeting the existing established **building line** by introducing ‘kinks’ to hide the obvious protrusions over the established **Building Line** along **Orchard Avenue.**

3.9.4 **The National Model Design Guide Part 2 Guidance at B.2.ii Building Design Para 108 & 109 states:**

- **Para 108** *“Attractive Streets and other public places are generally defined by the **frontage of the buildings** around their edges.”*
- **Para 109** *“A **Building Line** represents the alignment of the **Front Face** of the Buildings **in relation to the street** and other public space. The nature of the line and its position in relation to the street **contribute to the character and identity of a place.** ... A consistent approach to **Building Line** in an **Area Type or Street Type** help to give it **coherent identity.**”*

3.9.5 The proposal does **NOT** follow the established **Building Line** and thus does not ‘respect’ the **existing Street Scene.**

**3.10 MORA Response to Appellant’s Grounds Para 3 m), & n).**

- **Para 3 m).** To the south of the site is **65 Orchard Avenue.** The development would have a stepped layout, which would retain outlook from

the rear rooms of Number 65. Also, as the site is north of Number 65, no overshadowing or loss of light would occur.

- **Para 3 n).** 32 Woodland Way is a bungalow constructed in the rear portion of the garden of 65 Orchard Way (*Avenue*). It has no first-floor windows and the rear garden is only 3.6 metres in depth. Considering the relatively limited outlook from the rear windows of this bungalow, the proposal would not result in a significant increase in harm. The separation distance would be 10.8 metres which is close, however the windows would not directly face each other and there is an established relationship between the existing property and bungalow. There is a recessed balcony in the roof level which would allow unscreened viewing towards Number 32, however as it is much higher than the garden and rear windows views would be oblique. Overall, the proposal would not cause significant harm to the amenities of this neighbour.

3.10.1 The separation distance from windows of **32 Woodland Way** would be **10.8metres** *which is close*. The recommendation is that facing windows should be **18m to 21m** apart. However, as these windows are not perpendicularly opposite, the separation could be slightly less, but **10.8 metres** is considered too close.

### 3.11 **MORA Response to Appellant's Grounds Para 3 o).**

- **Para 3 o).** There is adequate distance to the properties on the other side of Orchard Avenue and on the other side of Woodland Way to cause no significant harm to their amenities.

3.11.1 We have no further comments to contribute to the appellant's statement **Para 3 o).**

### 3.12 **MORA Response to Appellant's Grounds Para 3 p).**

- **Para 3 p).** **London Plan Policy D6** states that housing developments should be of a high quality and provide adequately sized rooms with comfortable and functional layouts. It sets out minimum Gross Internal Area (GIA) standards for new residential developments. All proposed units comply with the minimum space standards and internal layouts provide hallways and adequate storage space.

3.12.1 **The London Plan Policy D6** specifically states at para 3.6.2:

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

3.12.2 The more recent (Draft February 2022 revised June 2023) **London Plan Guidance – Housing Design Standards LPG**<sup>1</sup> provides at **Table A1.1 The Minimum and Best Practice internal space standards for new dwellings**<sup>^</sup> (<sup>^</sup> *New dwelling in this context includes new-build, conversions & change of use.*)

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<sup>1</sup> <https://www.london.gov.uk/sites/default/files/2023-06/Housing%20design%20standards%20LPG.pdf>





3.12.3 The Table illustrates the proposal's parameters compliance with **Policy D6 Housing quality and standards, requirements and Best Practice** guidance.

Unit	Bedrooms (b)	Persons (p)	GIA (Offered)	GIA (Required)	GIA (Best Practice)	In-built Storage (Offered)	In-built Storage (Required)	Built-In Storage (Best Practice)	Amenity Space (Offered)	Amenity Space (Required)
Flat 1	3	4	88	74	84	2.6	2.5	3.5	53	7
Flat 2	1	2	55	50	55	1.7	1.5	2	63	5
Flat 3	3	4	77	74	84	1.8	2.5	3.5	9.5	7
Flat 4	2	3	61	61	67	1.2	2	2.5	6	6
Flat 5	2	3	66	61	67	1.8	2	2.5	6.5	6
Flat 6	1	2	51	50	55	0.8	1.5	2	6.5	5
<b>Totals</b>	<b>12</b>	<b>18</b>	<b>398</b>	<b>370</b>	<b>412</b>	<b>9.9</b>	<b>12</b>	<b>16</b>	<b>144.5</b>	<b>36</b>

3.12.4 It can be seen that the proposal is not **over generous** with the allocation of **Internal Space Provision** for **Gross Internal Areas (GIA)** and does **NOT** meet the **Built-In Storage** requirements for **Flats 3, 4, 5 & 6**. **None** of the **Flats** meet the **Best Practice Guidance** for **In-Built Storage** and only **Flats 1 & 2** meet **Best Practice Guidance** for **GIA**. Thus, the proposal does not meet the spirit of **Policy D6 - Housing quality and standards** and is further reason to **Dismiss** this **Appeal**.

### 3.13 MORA Response to **Appellant's Grounds Para 3 q).**

- **Para 3 q).** Each unit would be dual aspect, which will improve cross ventilation, providing greater flexibility in the use of rooms whilst also being better equipped for future adaptability. This would also provide sufficient daylight to enter the units whilst also providing a good level of outlook for the future occupiers of the development.

3.13.1 The Applicant did **NOT** include a **Daylight and/or Sunlight** analysis or assessment as a separate assessment or within the **Design and Access Statement**. The assumption that it is acceptable is only **subjective** without any **Building Research Establishment (BRE)** recommendation assessment or analysis.

### 3.14 MORA Response to **Appellant's Grounds Para 3 r).**

- **Para 3 r)** **DM10.4** of the Croydon Local Plan requires all proposals to provide a minimum amount of private amenity space of **5m<sup>2</sup> per 1-2-person unit** and an extra **1m<sup>2</sup> per** extra occupant thereafter. Each unit would be provided with private amenity area that meets the standards.

3.14.1 **All Flats** equal or exceed this requirement.

### 3.15 MORA Response to **Appellant's Grounds Para 3 s).**

- **Para 3 s).** In terms of accessibility, one of the units would meet M4(3) standard and the rest would meet M4(2) standards. This is in accordance with **Policy D7 of the London Plan**.

3.15.1 The position of the **Disabled Bay** is not arranged to be near the no step entrance to **Ground floor Flats**. Presumably **Flat 1** is the designated **M4(3) compliant Unit**.



### 3.16 MORA Response to **Appellant's Grounds Para 3 t).**

- **Para 3 t).** Policy D12 of the London Plan requires the highest standards of fire safety to be achieved and a fire safety strategy should demonstrate how the policy is met. A Fire Statement has been submitted which provides this information.

3.16.1 The **Fire Statement** does **NOT** indicate that the proposal's distance from the nearest visible notification of a **Fire Hydrant** is within the prescribed limit of **90m**. As the proposal is for a number of **Flats**, there should be **vehicle access** for a **Pump Appliance** to within **45m** of **all points within each dwelling**.

### 3.17 MORA Response to **Appellant's Grounds Para 3 u).**

- **Para 3 u).** There is an oak tree at the front of the site on the boundary. The proposal would not bring the building line any closer to the tree than the existing house which is 10 metres away. Tree Protection during construction could be dealt with by condition to avoid any harm to the tree.

3.17.1 We do not have any further comments to contribute to the appellant's statement **Para 3 u).**

### 3.18 MORA Response to **Appellant's Grounds Para 3 v), w) & x).**

- **Para 3 v).** Six spaces for the six flats would be provided. This is below the maximum provision of 1.5 set out in T6.1 of the London Plan; but is considered to be sufficient considering the PTAL.
- **Para 3 w).** A blue badge space would be provided, in compliance with T6.1 H(5) of the London Plan.
- **Para 3 x).** A requirement for 20% active Electric Vehicle Charging Points (EVCPs) and 80% passive EVCPs could be conditioned.

3.18.1 The **London Plan Policy Table 10.3 Residential Parking** for **outer London Boroughs** at **PTAL 0 to 1** states "**up to 1.5 Spaces per dwelling<sup>^</sup>**". Therefore, the provision for the proposal would be **9 parking bays** when the proposal is for **6 flats** and offers only **6 Spaces**, one of which is a **Disabled Parking Bay**. (<sup>^</sup> *Boroughs should consider standards that allow for higher levels of provision where there is clear evidence that this would support additional **family housing***).

3.18.2 This is a **difference** of **40%** or a **33.33% deficiency** when the proposal includes **four family homes**, **two** of which are **3-Bed Family Homes**, at a **very low PTAL location**.

3.18.3 As the **Site location** is **PTAL 1b**, with no prospect of improvement<sup>2</sup> prior to **2031**, and the proposed accommodation would support **4 families** with children and no provision for **visitors**, the provision of only **6 parking bays** is considered **inadequate**.

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<sup>2</sup> <https://www.croydon.gov.uk/sites/default/files/2023-08/Infrastructure-Delivery-Plan-2022.pdf>



- 3.18.4 The **Blue Badge Parking Bay** is not the nearest as possible to the no step entrance to the **Units**.
- 3.18.5 It is understood that two parking Bays @ **Bays 4&5** offers an **Electric Vehicle Charging Point** (EVCPs) which is compliant to the 20% (of the **9** required of the **London Plan Policy T6.1**).
- 3.18.6 The appellant has not provided **swept path diagrams** to prove acceptable parking manoeuvrability for ingress and egress with all other bays occupied.
- 3.18.7 Local **on-street overspill** parking is **inappropriate** in **Orchard Avenue** due to its **limited width for overtaking** and that it is a **link road between the A232 and A222** which carries a **high traffic** volume and also is used as a **Bus Route**. **Therefore, the limited inadequate parking offered contributes to a valid reason to Dismiss this Appeal.**

### 3.19 **MORA Response to Appellant's Grounds Para 3 y to cc)).**

- **Para 3 y).** Vehicle and pedestrian sight lines can be achieved. A separate pedestrian access is proposed which would also ensure safe movement in and around the site.
  - **Para 3 z).** A cycle store would be provided with 11 spaces including one space for a wider/adapted bike. A Sheffield stand would also be provided for visitor/short stay parking at the front of the site.
  - **Para 3 aa).** A Construction Logistics Plan can be secured by condition.
  - **Para 3 bb).** The site is within flood zone 1 and not at risk of surface water flooding.
  - **Para 3 cc).** In accordance with Local Plan Policy SP6, a condition can be attached requiring the proposed development to both achieve the national technical standard for energy efficiency in new homes (2015) which requires a minimum of 19% CO2 reduction beyond the Building Regulations Part L (2013), and meet a minimum water efficiency standard of 110 litres/person/day as set out in Building Regulations Part G.
- 3.19.1 We do not have any further comments to contribute to the appellant's statement **Para 3 y to cc).**

## 4 **The Appellant's 'Matters at Issue.'**

- 4.1 Para 4. Based on the DN the matters at issue can be summarised as:
- c. **Issue 1:** The size, massing, siting, and design of the proposed development (including the refuse store) would be detrimental to the character of the area and conflict with Policies DM10, DM13 and SP4.1 of the Croydon Local Plan (2018) and D3 and D4 of the London Plan (2021).
  - d. **Issue 2:** The excessive scale and close proximity to nearby properties and their gardens, would cause harm to neighbouring living conditions through the creation of

a sense of enclosure and overbearing mass and conflict with Policy D3 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).

- e. **Issue 3:** A failure to adequately safeguard the site or surrounding sites from surface water flooding which conflicts with policy DM25 of the Croydon Local Plan (2018) and policy S113 of the London Plan (2021).
- f. **Issue 4:** Loss of soft landscaping and excessive proposed hardstanding would be harmful to the amenity of the streetscene and local character; and to biodiversity contrary to Policies G7 of the London Plan 2021 and Policies DM10.8, SP7, DM27 and DM28 of the Croydon Local Plan 2018.
- g. **Issue 5:** The proposal would fail to mitigate harmful impacts and would be unacceptable in planning terms and conflicts with Policy T6 of the London Plan (2021) and Croydon Local Plan 2018 policies SP6, DM29 and DM30.

4.2 **Para 5.** These issues are considered in detail in the following section entitled 'Grounds of Appeal'.

## 5 The Appellant's 'Matters at Issue.'

### 5.1 Appellant's Grounds of Appeal - Issue 1

- **Issue 1:** The size, massing, siting and design of the proposed development (including the refuse store) would be detrimental to the character of the area and conflict with **Policies DM10, DM13 and SP4.1** of the **Croydon Local Plan (2018)** and **D3 and D4** of the **London Plan (2021)**.

### 5.2 MORA' Response to Appellant's - Issues 1

5.2.1 **The Appellant's Issue 1 is documented at Paragraphs 6 to 35 and relate to:**

- **Croydon Plan (2018) DM10, DM13 and SP4.1** of the **Croydon Local Plan (2018) Policies** and **London Plan (2021) Policies D3 and D4;**
- **Site Capacity in relation to hardstanding and Amenity space;**
- **Scale & Massing in comparison with local character & Street scene from Orchard Avenue and Woodland Way;**
- **Mansard Roof Form inappropriate;**
- **Assessment by Architects' comments :**
  - a) The design character facing **Orchard Avenue** has been adhered to with traditional mock Tudor style adopted.
  - b) The rear proposed roof dormers follow a different character to the front reflecting the variation evident in **Woodland Way** and have been designed according to the examples in Woodland Way.
  - c) Dormer windows started with a traditional design approach with a 'box' style adopted which was then softened with side hips.



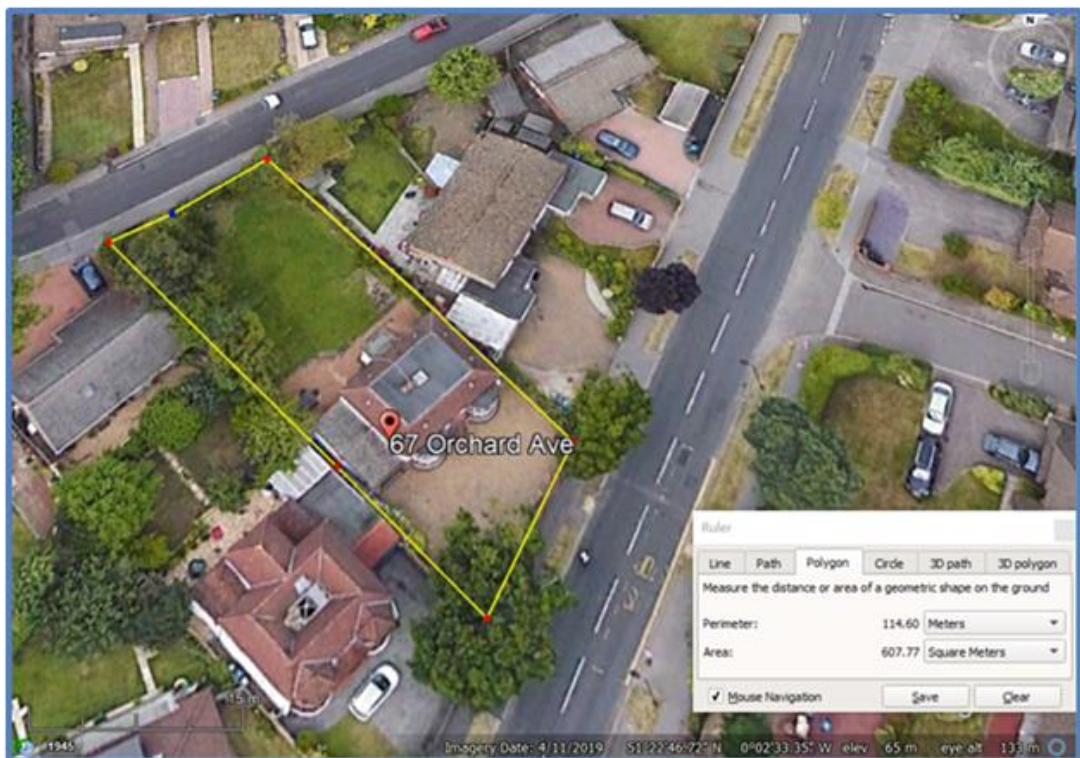
## 5.2.2 The MORA response to the Appellant's List for "Issue 1" Reasons.

5.2.2.1 The **Issue 1** category reasons listed from **para 6 to 35** can all be combined and summarised as relating to the respect for **Local Character** and the implementation of the **National and Local Policies** with regard to **Area Type** assessment policies which were all available prior to the submission and validation of the proposal to the **LPA**.

5.2.2.2 The following assessment is in response to "**Issue 1 category**" Appeal assessment.

### 5.2.3 MORA Comment - Site Area Clarification

5.2.3.1 Before assessing the appropriateness of **Size, Massing, Siting** and **Design** of the proposal, we need to clarify the **Site Area Design Code**. As the **Application Form** indicates the **Site Area** to be 'exactly' **700sq.m.** and this was considered unlikely, we therefore used **Google Earth Polygon** feature to investigate its validity which indicated that the **Site Area ≈607.77sq.m.** i.e., a lot less than that suggested by the **Applicant**. This is important as it affects the assessment of **Housing and Residential Densities**.



### Google Earth measurement of 67 Orchard Avenue Site Area at 607.77 sq.m.

5.2.3.2 This suggests a **≈15.18% overestimate** of the probable **Site Area**, which was either a **misjudgement** or an **intentional overestimate** by the Applicant to give an illusion of greater **Site Capacity**.

5.2.3.3 This difference has a significant effect on the assessment of **Housing** and **Residential Density** and also the appropriate **Area Type** assessment in deciding the appropriateness of the proposal in the proposed locality.



## 5.2.4 Applicable Policies

5.2.4.1 At the time of submission and validation of this proposal during **August 2022**, the **Croydon Local Plan (2018)** was **4-years** out-of-date and approaching the **5-year** recommended revision (**NPPF para 33**). The **London Plan (2021) Chapter 3** had omitted the **Density Matrix** and therefore there was no recommended relationship between **Area Type Settings, Housing Density, Residential Density** and/or **PTAL**. However, the **London Plan (2021)** introduced a new concept of a '**Design-Led Approach**' proposed in **Policy D3** and **D4**.

5.2.4.2 The **LPG** guidance for implementing these **Policies D3** and **D4** were yet to be developed (in the form of **LPG's**). These were published as **Draft in February 2022** for comment, and therefore the applicant should have been aware of the content and the emerging Policies. The **National Model Design Code & Guidance** was published by the **DLUCH** in January & June 2021 which was in adequate time to influence the **Applicant's Design proposals**.

5.2.4.3 The new concept was a result of guidance from Government's publication of the **National Model Design Code & Guidance**<sup>3</sup> published in January and June 2021 by the **Department for Levelling Up, Communities & Housing (DLUCH)**. The revised **NPPF (2021)** at paras 128 & 129 required **Design Codes** to be used to **Guide Developments** from that date of publication in **2021**. This was policy at least one year prior to this proposal being submitted, thus, the applicant had adequate time to consider this new **Planning Policy & Guidance**.

- **NPPF Para 128** *"To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. ..."*
- **NPPF Para 129** *"Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. **These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.**"*

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<sup>3</sup> <https://www.gov.uk/government/publications/national-model-design-code>

5.2.4.4 The **National Model Design Code & Guidance Part 1 Coding Process at 2.B Coding Plan** provides examples of **Area Types** by delineating ranges of **Housing Density**:

- Area Type **Outer Suburban** in the range **20 to 40 Units/ha.**
- Area Type **Suburban** in the range **40 to 60 Units/ha.**
- Area Type **Urban** in the range **60 to 120 Units/ha.**
- Area Type **Central/Town** equal and above **≥120 Units/ha.**

## 5.2.5 Local Design Codes

5.2.5.1 The **Local Design Code** needs to be assessed on a representational **Area** of the locality of sufficient dimensions to represent the **local Character** in order to ascertain the appropriateness of a proposal for the locality. The most logical **Design Code 'Area'** to facilitate this assessment is the **Local Post Code** of the locality of a proposal which has **recorded data for analysis and assessment.**

5.2.5.2 The **Local Post Code** for **67 Orchard Avenue** is **CR0 7NE** which embraces **45 to 69 Orchard Avenue<sup>4</sup>** and contains **11 Units** within an area of **≈0.83hectarea** as determined by **Google Earth Polygon tool.** The **Post Code Area** of **0.83ha** and **11 dwellings** equates to a **Housing Density** of **13.25Units/ha** which is assessed as an **<Outer Suburban Area Type Design Code** for the **Post Code (CR0 7NE)** location.



**Google Earth Image of Post Code Area**

<sup>4</sup> <https://www.gov.uk/government/organisations/valuation-office-agency>



5.2.5.3

It is understood that the **Post Code** has **26 occupants<sup>5</sup>** which translates to a **Residential Density of 31.33persons/ha**. With average **Occupancy of 2.36** (*which coincidentally = the National Average<sup>6</sup>*), this would also be an **<Outer Suburban Area Type**. The Proposal at a **Housing Density of 85.71Units/ha** if the **Site Area** is **0.07ha (700sq.m.)** is therefore an **Urban Area Type** or **98.68Units/ha** if the **Site Area** is **0.0608ha (607.77sq.m.)** [*as measured by Google Earth*] which is also an **Urban Area Type**, although slightly higher **Density**.

Parameters of Post Code 'CR0 7NE' Design Code					
Area Design Code Parameter	Input Parameters			Constrains	
<i>(These parameters auto calc Design Code)</i>					
Post Code	CR0 7NE			Ward	Shirley North
Area of Post Code (ha)	0.83	hectares		Flood Risks	100yr Surface
Area of Post Code (Sq.m)	8262.82	sq.m.		Gas	Low Pressure
Number of Dwellings (Units) VOA (*)	11	Units		Water	N/A
Number of Occupants (Persons) (*)	26	Persons		Sewage	N/A
Occupancy	2.36	Person/dwelling		HASL (m)	Average 65m
Post Code Housing Density	13.25	Units/ha		Building Line Set-Back	=8m
Post Code Residential Density	31.33	Bedspaces/ha			
Area Type (National Model Design Code)	<Outer Suburban	Setting			
(*) 45-69 updated on 5th November 2023					
Design Code Parameters			Min	Max	Measure
Area Type Setting (NMDC) (Units/ha)	<Outer Suburban		0	20	Units/ha Range
Equivalent Residential Density <sup>1</sup> (Persons/ha)	<Outer Suburban		0.00	47.20	Persons/ha Range
<sup>1</sup> Based upon National Occupancy Rates 2.36 p/unit					
	<Outer Suburban		<Outer Suburban		
		U/ha		bs/ha	
PTAL (now 1a)	0.66		31.00	73.16	Limits for PTAL
PTAL (forecast 2031) (1a)	0.66		31.00	73.16	Limits for PTAL
PTAL required for Post Code Area (CR0 7PP)	-0.40			31.33	

**Interactive Spreadsheet calculates the Post Code Area Type.**

Application Details			
(Showing both Application Form and Google Earth measured Site Area)			
Application Ref:	22/03552/FUL		
Address:	67 Orchard Avenue		
PostCode:	CR0 7NE		
Application Parameters			
	Application Form	Google Earth Revised Area	
Site Area (ha)	0.0700	0.0608	ha
Site Area (sq.m.)	700.00	607.77	sq.m.
Units (Dwellings)	6	6	Units
Bedrooms	12	12	Bedrooms
Bedspaces	18	18	Persons
Housing Density	85.71	98.68	Units/ha
Residential Density	257.14	296.05	bs/ha
Occupancy	3.00	3.00	bs/unit
Gross Internal Area (GIA) offered	398.00	398.00	sq.m.
Floor Area Ratio	0.57	0.65	#
Gross External Area (Footprint)	195.50	195.50	sq.m.
Plot Area Ratio	0.28	0.32	#
Area Type Setting (Units/ha)	Urban	Urban	
Area Type Setting (Bedspaces/ha)	Urban	Central	
GEA			
	PTAL	U/ha	bs/ha
PTAL (Current) (1b)	1.33	31.00	73.16
PTAL (Forecast) (1b)	1.33	31.00	73.16
PTAL Required for proposal	5.34		257.14
PTAL for Revised Area	6.33		296.05

**Interactive Spreadsheet calculating the Application Design Code (Application Form & Google Earth Measured).**

<sup>5</sup> <https://www.postcodearea.co.uk/postaltowns/croydon/cr07ne/>





5.2.5.4 The **Residential Density** is based on the **National Average Occupancy**<sup>6</sup> of **2.36persons/dwelling** which at **257.14bedspaces/ha** would translate to an **'Urban' Area Type** and at the **Goole Earth** measured **Area Site** would be **296.05bedspaces/ha** which places the proposal in a **'Central' Area Type**, which indicates the **significance** of a **'correct assessment of Site Area'** for a determination.

<b>Difference Between Post Code (CR0 7NE)</b> (Application Form Area & Google Earth Measured Area)			
	<b>Application Form</b>	<b>Google Earth Revised Area</b>	
Post Code Housing Density (Units/ha)	13.25	13.25	Units/ha
Application Housing Density (Units/ha)	85.71	98.68	Units/ha
Difference	72.46	85.43	
Percentage Difference (%)	146.44%	152.65%	%
Percentage Increase (%)	546.87%	644.75%	%
Post Code Residential Density (bs/ha)	31.33	31.33	bs/ha
Application Residential Density (bs/ha)	257.14	296.05	bs/ha
Difference	225.81	264.72	
Percentage Difference (%)	156.56%	161.72%	%
Percentage Increase (%)	720.75%	844.94%	%
PTAL Post Code available (1a)	0.66	0.66	
PTAL 67 Orchard Avenue now 1b)	1.33	1.33	
PTAL Required (for poroposal Residential Density)	5.34	6.33	

**Interactive Spreadsheet calculating the difference between proposal Design Code and Post Code (CR0 7NE) Design Code**

5.2.5.5 The assessment of the proposal's suitability for the locality is analysed by assessing and comparing the **Area Type Design Code** of the **proposal** with those of the **Local Area Type Design Code** of the **Post Code**. **As these are ratios of the same units, this is a valid comparison.**

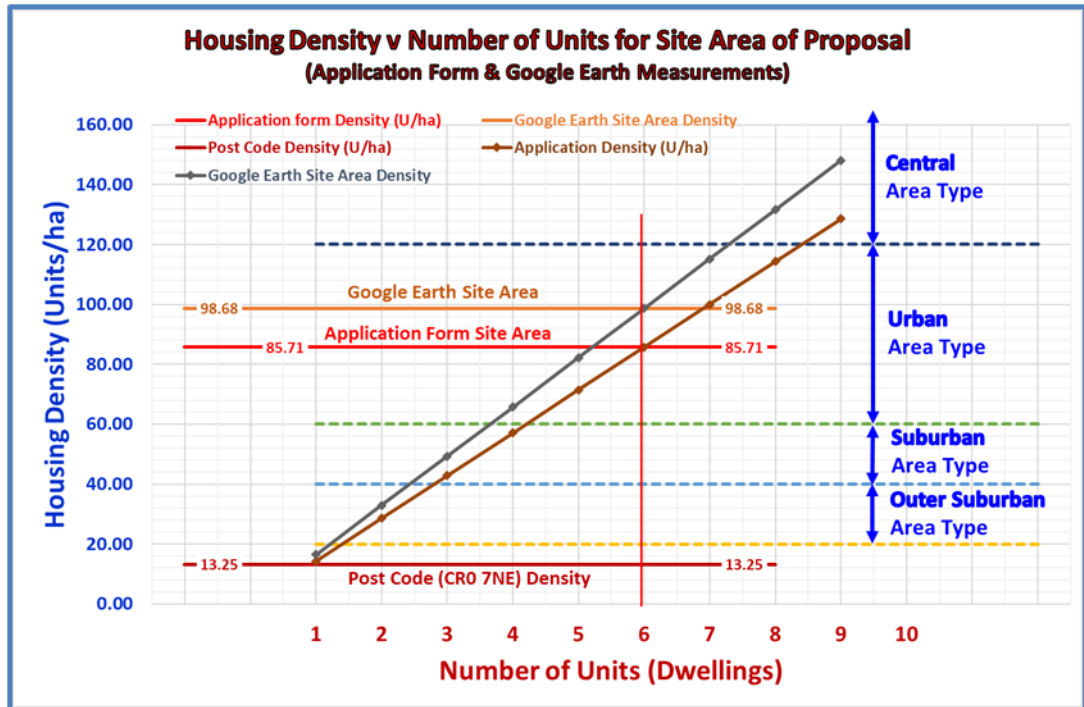
5.2.5.6 **This assessment** places the **Post Code CR0 7NE** of **11 Units** in an area of **0.83hectarea** at **13.25Units/ha** which is an **Area Type <Outer Suburban** (less than), and the **Proposal** to be **85.71Units/ha** if the **Site Area** is **700sq.m.(0.07ha)** which is an **Urban Area Type** or **98.68Units/ha** if the **Site Area** is **607.77sq.m. (0.0608ha)** [*as measured by Google Earth*] which is also an **Urban Area Type**, and therefore **inappropriate** in an **<Outer Suburban Area Type** locality.

5.2.5.7 The detailed assessment indicates the proposal would be an increase in **intensification or densification** of **546.8795%** in the case of a **700sq.m. Site Area** or a **644.75%** in the case of the **Googles Earth Site Area** of **607.77sq.m.** when the location is **inappropriate** for **Intensification or densification** by the **Growth Policies** of the **Croydon Local Plan (2018)** and the **London Plan (2021)**. (See Later Assessment on Growth Policies).

<sup>6</sup> <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>



5.2.5.8 Therefore, the Post Code Area Type is <Outer Suburban Area Type and the proposal would be an Urban Area Type as defined by the National Model Design Code. As these are 'ratios' of the same units, they can be directly compared. This means the Area Type would bridge the Outer Suburban and Suburban Area Types to mid-way of an Urban Area Type.



**Graphical Illustration of Housing Density indicating difference between Post Code Area Type and proposal Area Type.**

5.2.5.9 This is further justifiable evidence of over development for the locality, that is supporting the LPA Reason 1 for refusal based on Size, Massing, Siting and Design of the proposal. The local Area Design Code is assessed to be defined by the parameters of the Post Code (CR0 7NE) to be <Outer Suburban.

5.2.5.10 These increases in Housing and Residential Density are NOT supported by any proposed improvement in supporting Infrastructure, and thus the proposal is unsustainable – London Plan Policy D2 Infrastructure requirements for sustainable densities.

## 5.2.6 Increase in Residential Density and Required PTAL

5.2.6.1 The requirement for people to have access to Public Transport is obviously related to the Residential Density of the Area, as it is people who use Public Transport (Not Habitable Rooms as used by TfL in their Density Matrix).

5.2.6.2 The National Model Design Code & Guidance defines Area Types by relationship to the Housing Density but does not give any figure as guidance. As the Housing Density is a National figure, we can convert Housing Density to Residential Density of an Area Type using the National statistic for Housing Occupancy.

5.2.6.3 The **NOS or Statista**<sup>7</sup> provides the latest statistics for **National Occupancy of Dwellings** in the **UK** as **2.36 persons per Dwelling (Unit)** and therefore we can convert directly from **Housing Density** to **Residential Density** by the factor of **2.36**.

<b>Area Type</b>	<b>Housing Density</b>		<b>Residential Density</b>
<b>Outer Suburban:</b>	20u/ha to 40u/ha	=	47.2p/ha to 94.4p/ha
<b>Suburban:</b>	40u/ha to 60u/h	=	94.4p/ha to 141.6p/ha
<b>Urban:</b>	60u/ha to 120u/ha	=	141.6p/ha to 283.2p/ha
<b>Central:</b>	≥120u/ha	=	≥283.2p/ha

5.2.6.4 The most sensible parameter requiring access to **Public Transport** for a proposal are the number of **bedspaces or persons per hectare**.

5.2.6.5 Assuming the distribution and incremental increase in **Residential Density** would require a corresponding incremental increase in accessibility to **Public Transport**, without a **TfL** quantifiable relationship, we can assume a **linear incremental increase** over the defined ranges of **Area Types** and **PTAL** availability. Therefore, the **linear incremental increase** would follow the function:

$$Density = y = mx + c ;$$

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

5.2.6.6 This analysis provides a methodology to assess the existing and required **PTALs** for the **Post Code** (CR0 7NE) and the proposal based upon **Site Areas** required:

$$Residential\ Density = y = 257.14 = \left( \frac{283.2 - 47.2}{6} \right) * x + 47.2$$

$$\therefore x = PTAL = \frac{257.14 - 47.2}{39.33} = 5.34 = PTAL$$

$$Residential\ Density = y = 296.05 = \left( \frac{283.2 - 47.2}{6} \right) * x + 47.2$$

$$\therefore x = PTAL = \frac{296.05 - 47.2}{39.33} = 6.33 = PTAL$$

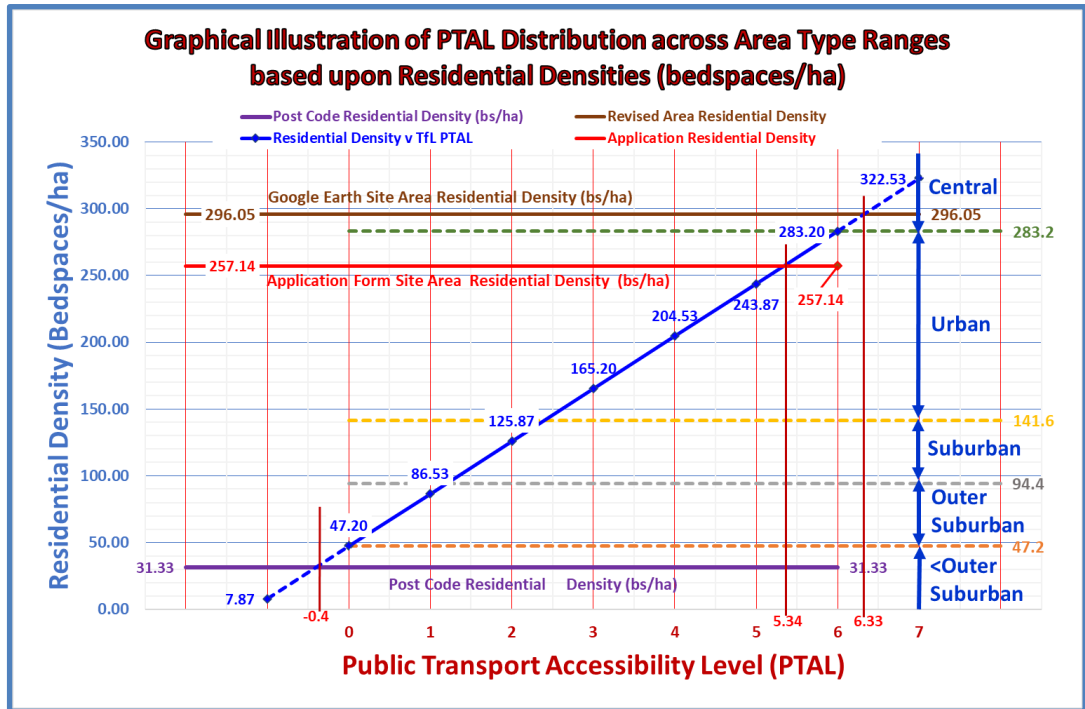
$$Residential\ Density = y = 31.33 = \left( \frac{283.2 - 47.2}{6} \right) * x + 47.2$$

$$\therefore x = PTAL = \frac{31.33 - 47.2}{39.33} = -0.40 = PTAL$$

5.2.6.7 The existing **Post Code Design Code Residential Density** of **31.33bs/ha** requires a **PTAL of -0.4** when the available **PTAL** for the locality is **PTAL 1a** i.e., numerically **+0.66**. However, the **PTAL** for **67 Orchard Avenue** is actually **1b** which is numerically **+1.33**.

5.2.6.8 Nevertheless, the existing **PTAL** for **CR0 7NE** is quite adequate for the **Post Code** level of **Residential Density** as at **31.33bs/ha** it only requires a **PTAL of -0.4**. However, the proposal would require **PTALs of 5.34 or 6.33** (dependent on the **Site Area**) which indicates a **significant required increase of 301.50% or 375.94%** in **PTAL** when **TfL** forecast to 2031 is no increase whatsoever.

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



**Graphical Illustration of PTAL across Area Type Ranges for the proposal compared to the Local Post Code Design Code Residential Density**

5.2.6.9 However, the proposed application with the **Site Area** as quoted on the **Application Form** of **700sq.m.** or **0.07ha** with a **Residential Density** of **257.14bs/ha** at the top end of an **Urban Area Type**, would require a **PTAL** of **5.34**. Or with the Google Earth measured **Site Area** of **607.77sq.m.** or **0.0608ha** with a **Residential Density** of **296.05bs/ha** in a **Central Area Type** would require a **PTAL** of **6.33**.

5.2.6.10 This, in response to the **Appellant’s Issues 1 & 2** is further justifiable evidence of over development for the locality, based upon published Policies supporting the **LPA Reason 1** for refusal on **Size, Massing, Siting and Design** of the proposal, proving that the existing **infrastructure** could not adequately cope with the proposal and therefore the proposal is **unsustainable** and fails to meet the **London Plan Policy D2 - Infrastructure requirements for sustainable densities**. This analysis and assessment provides clear evidence to **dismiss this Appeal**.

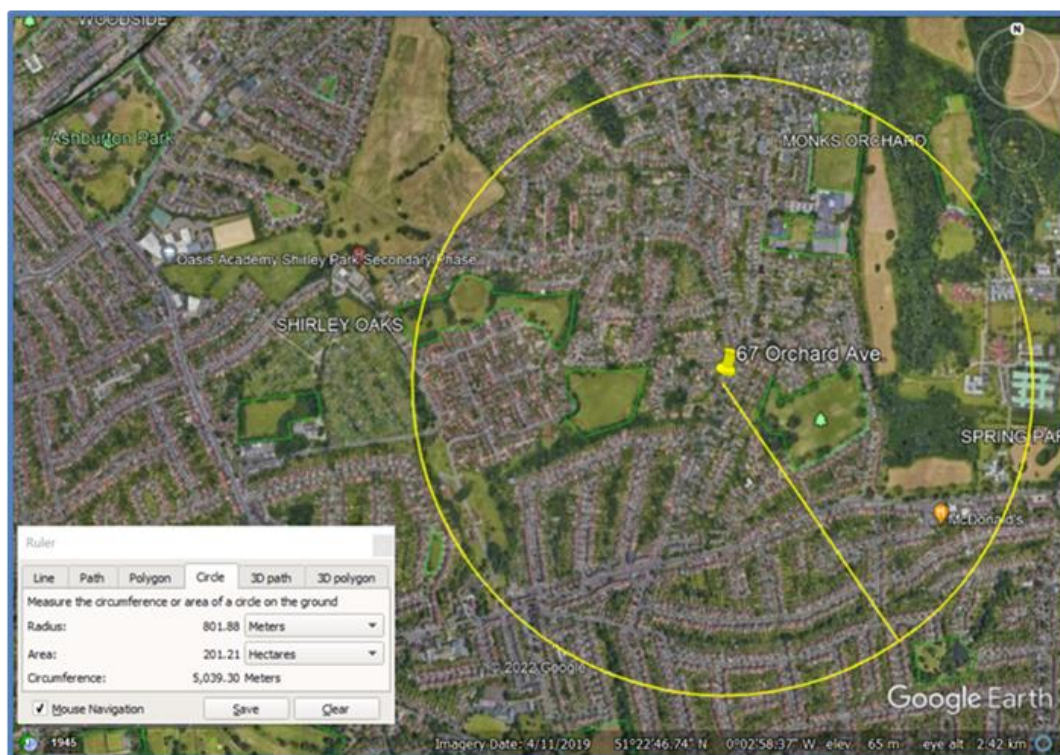
**5.2.7 Capacity for Growth**

5.2.7.1 The **Site Location Post Code CR0 7NE** is not designated as an area suitable for “**Focussed**” or “**Moderate**” **Intensification** on the **Croydon Plan Policies Map** and therefore is **NOT** in an **Area** designated for specific **Intensification** or **densification**. Thus, the only reasonable assessment for increased density is “**regeneration and evolution**” which should respect the local **Character** of the **Area**.



5.2.7.2 The **London Plan** Policy for “**Incremental Intensification**” is published in **Policy H2** para 4.2.4 which states that:

- **Para 2.4.2** “*Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station<sup>47</sup> or town centre boundary<sup>48</sup> is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2.*” (Table 4.2 is the allocation for the London Boroughs for the Small Sites Targets).



**Google Image showing 800m radius from 67 Orchard Avenue does NOT include a Tram/Train Station or a District Centre.**

5.2.7.3 Therefore, CR0 7NE is **NOT** within **800m** of a **Train/Tram Stop** or a **District Centre** and has **PTAL of 1a** which is significantly **<PTAL 3** and is therefore **inappropriate** for **Incremental Intensification** as specified in the **London Plan**.

5.2.7.4 Therefore, the only guidance on appropriate “**Growth**” is the **Croydon Plan**:

- **Evolution without significant change of area's character**
- **Para 6.58** There are existing residential areas which have the capacity to accommodate growth without significant impact on their character. In these locations new residential units can be created through the following interventions:
- **Regeneration** – The replacement of the existing buildings (including the replacement of detached or semi-detached houses with flats) with a development that increases the **density and massing**, within the **broad parameters of the existing local character** reflected in the form of **buildings and street scene in particular**.



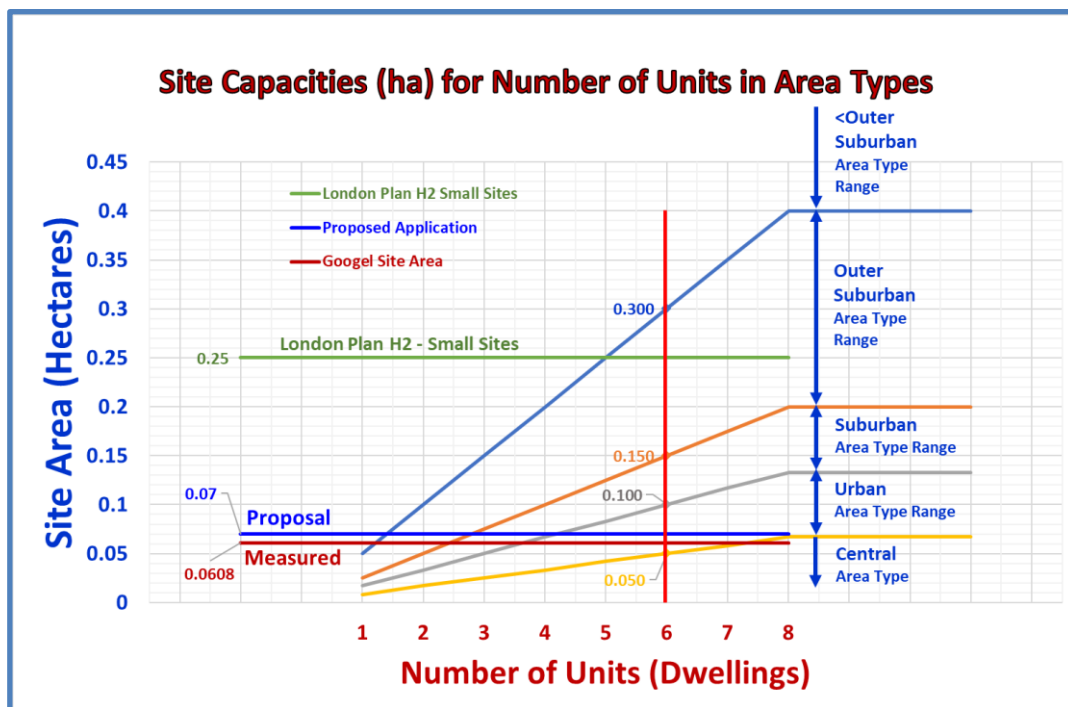
5.2.7.5 In order to meet the objective as **Stated in Croydon Plan Policy 6.58** the proposal **should be** within the **limits of the existing Local Character** as defined by the **Area Type** assessment of the **National Model Design Code & Guidance**. i.e., the proposal should remain within the parameters of the **Area Type <Outer Suburban Area Type** of the **Post Code CR0 7NE**. **To breach an Area Type without commensurate Infrastructure improvements would leave the proposal 'Unsustainable' (London Plan Policy D2 Infrastructure requirements for sustainable densities).**

5.2.7.6 We have shown that the proposal would be equivalent to an **Urban Area Type** for both **Site Areas of 700 sq.m. = 0.07ha** or the measured **Site Area of 607.77sq.m. = 0.0608ha** and therefore would **NOT** respect the Area Type of the Post Code (CR0 7NE) Locality. Therefore, this Appeal should be **Dismissed**.

## 5.2.8 London Plan Policy D3 Optimising Site Capacity

### 5.2.8.1 Site Capacity Assessment #1

5.2.8.1.1 The locality is defined by the Post Code (CR0 7NE) which as previously established has a Housing Density of **13.25Units/ha** and is an **<Outer Suburban Area Type**. The minimum **Site Area** for 6 Units and to remain within this Area Type **<Outer Suburban** is therefore **≥0.3ha**.



**Graphical illustration of Site Area required for Number of Dwellings in the Area Type setting ranges.**

5.2.8.1.2 However, the available site area is **0.07ha** (application form) or **0.0608ha** (google earth measured). Therefore, for 6 units the site is **deficient** by **0.23ha** or **0.2392ha** i.e., either a **76.66%** or a **79.73%** **deficiency**.

- 5.2.8.1.3 **These are significant deficiencies in Site Capacity** and the proposal therefore fails to meet the **Policy of London Plan D3 – Optimising site capacity through the design-led approach.**
- 5.2.8.1.4 **This assessment is a clear indication that the Site Area in both cases cannot accommodate 6 dwellings and remain in an <Outer Suburban Area Type setting and meet the current Policies for Area Type, which in turn fails the London Plan Policy D2 Infrastructure requirements for sustainable densities.**
- 5.2.8.2 Site Capacity Assessment #2**
- 5.2.8.2.1 The **Site Capacity** Assessment can also be analysed by a summation of all required areas to meet planning policies as provided in the **Optimising Site Capacity – A Design -Led Approach LPG** which includes an **Indicative Site Capacity Toolkit.**
- 5.2.8.2.2 The **Toolkit** is mainly designed for major projects which could be mixed tenures and mixed dwelling types which is inappropriate for **Small Site** developments. However, the **LPG** does suggest that:
- *Alternatively, assessments can be made by drawing to scale the types on a site plan and adding up floor areas to arrive at the gross external area (GEA) to be entered on the calculator. Regardless of which tool a designer uses to assess a site's capacity, boroughs and applicants must base their modelling of a site's capacity on the draft design parameters set.*
- 5.2.8.2.3 We have created an '**interactive spreadsheet**' which has all necessary area requirements to meet the **Policies**, including an appropriate assessment of Green Area commensurate with the local surrounding **Area Type.**
- 5.2.8.2.4 We have **two** results as we have questioned the actual available **Site Area** (See earlier assessment). However, using the interactive spreadsheet, it can be seen in both cases that the **site capacity** is deficient by **69.85sq.m.** or **70.68sq.m.** depending on the Actual **Site Area** for the locality as defined by the **Post Code Area Type** of **<Outer Suburban.** For a Site Area of **203.5sq.m.** or **196.87sq.m.** the **Area Type** would need to be **Suburban**, which bridges the **Outer Suburban Area Type** (which is confirmation by an alternative method of our earlier assessments).
- 5.2.8.2.5 This interactive spreadsheet provides a summation of all relevant areas required to be accommodated within the **Site boundary** perimeters for both the **Site Area** proffered by the Applicant and the Site Area as Calculated by means of Google Earth polygon facility.
- 5.2.8.2.6 We have made significant efforts to ensure our analysis is compliant to policies.
- 5.2.8.2.7 In each Case the **Site Capacity** at **<Outer Suburban, Outer Suburban** and **Suburban** is shown to be negative and therefore inappropriate for the **Area Type.**

5.2.8.2.8 The **Site Area** only becomes able to accommodate all the required components if it were in an **Urban Area Type** setting or higher which is corroborating our earlier assessments and an endorsement of our analysis and assessment of this proposal.

5.2.8.2.9 **The Interactive spreadsheet is illustrated below:**

**Indicative London Plan Policy D3 - Optimising Site Capacity & H2 - Small Site Capacity Calculator:**  
**Input Parameters:**

Site Area	Site Area (hectares)	Site Area (sq.m.)	Proposal GEA (Footprint) (Scaled-off Plans) (sq.m.)	Play Space per Child (sq.m.)	Car Parking Standard (per space) (sq.m.)	Parallel Parking (per space) (sq.m.)	Car Park Standard with EVC (Per Space) (sq.m.)	Car Parking (Disabled Bays) (Per Space) (sq.m.)	Cycle Rack Storage (two bikes) (sq.m.)	Landfill Refuse Dry Recycling (1280L) (per Bin) (sq.m.)	Landfill Refuse Dry Recycling (360L) (per Bin) (sq.m.)	Refuse Eurobin (360L) Storage (per Bin) (sq.m.)	Refuse Eurobin (240L) Storage (per Bin) (sq.m.)	Refuse Eurobin (180L) Storage (per Bin) (sq.m.)	Refuse Eurobin (140L) Storage (per Bin) (sq.m.)
App Form	0.0700	700.00	195.50	10	12.5	12	14	18	1.71	1.235	0.528	0.528	0.429	0.351	0.259
Google	0.0608	607.77	195.50	10	12.5	12	14	18	1.71	1.235	0.528	0.528	0.429	0.351	0.259

Site Area	Site Area (sq.m.)	Footprint or GEA (includes GIA & Built-in Storage)	Number of Dwellings	Bedrooms (b)	Bedspaces (bs)	GIA Required (Best Practice) (sq.m.)	In-built Storage (Best Practice) (sq.m.)	Private Amenity Space (Required) (sq.m.)	Probable Adults	Probable Children	Play Space Required (sq.m.)	Refuse Bin Storage (Note 2)	Cycle Storage (sq.m.)	Car Parking (London Plan) (sq.m.)
App Form	0.0700	195.50	6	12	18	412	16	36	12	6	60	5.15	15.39	88.00
Google	0.0608	195.50	6	12	18	412	16	6	2	6	60	5.15	15.39	88.00

Proposal	GIA Required (Best Practice) (sq.m.)	Footprint or GEA (includes GIA & Built-in Storage)	Play Space (included in Garden Area)	Private Amenity Space (Required) (sq.m.)	Communal Amenity Space (Required) CLP Revised Policy DM 1A.1	Parking Spaces (sq.m.)	Cycling, Storage (sq.m.)	Refuse Bin Storage (Note 2)	Required Area (sq.m.) (including GEA)	Available Site Area (sq.m.)	Plot Area Ratio = GEA/Site Area	Floor Area Ratio (GIA/Site Area) Best Practice
App Form	412.00	195.50	60	36	51	88.00	15.39	1.72	447.61	700.00	195.50	412.00
Google	412.00	195.50	60	36	51	88.00	15.39	1.72	447.61	607.77	195.50	412.00

Assessment (Application Form Site Area)	Floor Area Ratio = (GIA/Site Area)	Plot Area Ratio = (GEA/Site Area)	Percentage of Site for Garden Area (Area Type)	Site Area available (sq.m.)	Garden Area (sq.m.) (Note 1)	Required Area (sq.m.) (including GEA)	± Site Capacity (sq.m.)	% Site Capacity (100% is nominal)	UGF
<Outer Suburban	0.25	0.875	87.5%	700.00	612.50	447.61	-360.11	151.44%	0.54
Outer Suburban	0.375	0.75	75.0%	700.00	525.00	447.61	-272.61	138.94%	0.47
Suburban	0.5	0.5	50.0%	700.00	350.00	447.61	-97.61	113.94%	0.32
Urban	1	0.25	25.0%	700.00	175.00	447.61	77.39	88.94%	0.16
Central	2	0	12.5%	700.00	87.50	447.61	164.89	76.44%	0.09

**Note 1:** Private Amenity Space and Play Space required is included in the overall requirement but deducted from the Garden Area (UGF) (if the Area Type has no Garden Area, this Private Amenity and Play Space should be included in the total GEA or the GIA of the individual Units).

**Note 2:** Refuse Bins capacities based upon Croydon Refuse Guidance Capacities required for the Type(s) of Dwellings with equivalent Dimensions for the minimum capacity of the total unit(s) required.  
UGF = Urban Greening Factor.

Assessment (Google measured Site Area)	Floor Area Ratio = (GIA/Site Area)	Plot Area Ratio = (GEA/Site Area)	Percentage of Site for Garden Area (Area Type)	Site Area available (sq.m.)	Garden Area (sq.m.) (Note 1)	Required Area (sq.m.) (including GEA)	± Site Capacity (sq.m.)	% Site Capacity (100% is nominal)	UGF
<Outer Suburban	0.25	0.875	87.5%	607.77	531.80	447.61	-371.64	161.15%	0.63
Outer Suburban	0.375	0.75	75.0%	607.77	455.83	447.61	-295.67	148.65%	0.53
Suburban	0.5	0.5	50.0%	607.77	303.89	447.61	-143.73	123.65%	0.48
Urban	1	0.25	25.0%	607.77	151.94	447.61	8.22	98.65%	0.19
Central	2	0	12.5%	607.77	75.97	447.61	84.19	86.15%	0.20

**Note 1:** Private Amenity Space and Play Space required is included in the overall requirement but deducted from the Garden Area (UGF) (if the Area Type has no Garden Area, this Private Amenity and Play Space should be included in the total GEA or the GIA of the individual Units).

**Note 2:** Refuse Bins capacities based upon Croydon Refuse Guidance Capacities required for the Type(s) of Dwellings with equivalent Dimensions for the minimum capacity of the total unit(s) required.  
UGF = Urban Greening Factor.

## Interactive Spreadsheet to calculate Site Capacities for Area Type

### 5.2.9 Summary Issues 1

5.2.9.1 The analysis and assessment as described in 5.2.1 to 5.2.8 above of this submission clearly addresses all the individual **Appellant's Grounds of Appeal Issue 1 from Paras 6 through to 35** relating to **excessive size, massing, siting and design**.

5.2.9.2 The Policy requirements raised have been analysis and assessment based upon **National, London Plan and Croydon Local Plan Policy and guidance**. The analysis and assessments are fully representational of policy rather than any subjective interpretation and therefore clearly cannot be disputed.

5.2.9.3 The Local Roof Forms locally are all either 'hipped' or 'Gabled' and there are no 'Mansard' Design Roof Forms locally. Therefore, the proposal does not reflect the local Roof Forms.





5.2.9.4 It should be recognised that Planning Policies have evolved and therefore the proposal should be assessed on the Policies active at the time of proposal preparation and validation. Any precedents set by earlier policies need to be considered whether such precedents are now valid or whether the more recent policies negate their reasoning to be considered.

### 5.3 Appellant's Grounds of Appeal - Issue 2

- **Issue 2:** The excessive scale and close proximity to nearby properties and their gardens, would cause harm to neighbouring living conditions through the creation of a sense of enclosure and overbearing mass and conflict with Policy D3 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).

5.3.1 The Appellant's Paragraphs 36 through to 46 relate to :

- **Excessive scale and close proximity to nearby properties (see Issue 1)**
- **Croydon Plan (2018) DM10, DM13 and SP4.1 of the Croydon Local Plan (2018) Policies and London Plan (2021) Policies D3 and D4; enclosure and overbearing mass and conflict with Policy D3 of the London Plan (2021) and Policy DM10 of the Croydon Local Plan (2018).**
- **Building Lines and Impact on No. 65 due to the size and scale of proposal**
- **Overlooking, loss of daylight or sunlight from the proposed development to the rear garden of the neighbouring property at No 65. They accept that the proposed development will achieve acceptable levels of daylight and sunlight.**

### 5.3.2 MORA Response to Appellant's - Issues 2

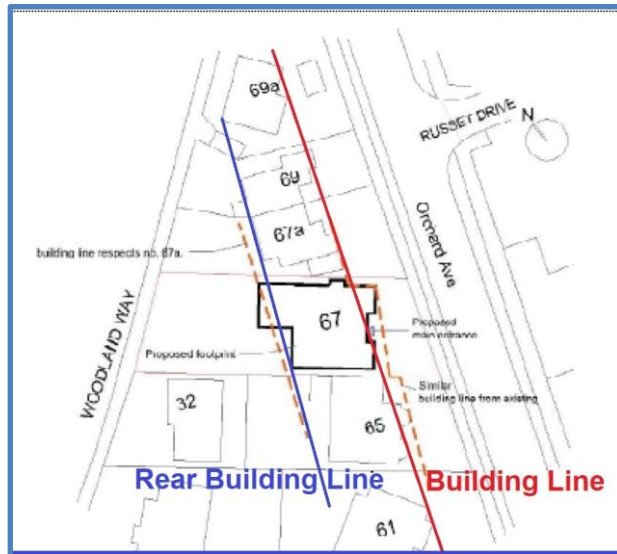
#### 5.3.2.1 Overbearing Mass (See Issue 1)

5.3.2.2 The Policies for Excessive scale and Massing have been addressed in **Para 5 2** above in response to **Issue 1**.

5.3.2.3 **The Croydon Plan (2018) DM10, DM13 and SP4.1 and London Plan (2021) Policies D3 and D4;** have also been conclusively addressed above in response to **Issue 1**.

5.3.2.4 The proposal does **NOT** follow the existing established front Building Line of **Orchard Avenue**. The **Building Line 'Set-Back'** of the proposal at the Northern corner facing **Orchard Avenue** is **4.9m** whereas the **average** building line **'Set-Back'** of all dwellings along this part of **Orchard Avenue** has a **Building Line Set-Back of 6.5m** from the back of the footpath, which illustrates that the proposal is **1.6m** forward of the existing established **building line**.

5.3.2.5 The Proposal also does not follow the existing **rear Building Line**. The angular street views of the **Flank Walls** deliver a bulky impression and emphasises the **scale and massing, inappropriate** for the locality and the **Area Type setting**.



**Illustration of inappropriate Building Lines**

5.3.2.6 The view of the Flank Walls from Orchard Avenue and Woodland Way.



**Illustration of excessively Bulky inappropriate Northern Flank Wall**



**View from Woodland Way of excessively Bulky inappropriate proposal**



5.3.2.7 As **67a Orchard Avenue** is North of **67 Orchard Avenue** it would suffer a much-reduced level of **'Sunlight'** throughout the year as it would be in the **shadow** of the proposed development at **67 Orchard Avenue** to the South.

5.3.2.8 The Applicant did **NOT** include a **Daylight and/or Sunlight** analysis or assessment as a separate assessment or within the **Design and Access Statement**. The assumption that it is acceptable is only subjective without any **Building Research Establishment (BRE)** recommendation assessment or analysis.

#### 5.4 **Appellant's Grounds of Appeal - Issue 3**

- **Issue3: A failure to adequately safeguard the site or surrounding sites from surface water flooding which conflicts with policy DM25 of the Croydon Local Plan (2018) and policy S113 of the London Plan (2021).**

5.4.1 **The Appellant's Paragraphs 47 through to 58 relate to:**

- **Flood Risk**
- **Suds Systems**

#### 5.4.2 **MORA's Response to Appellant's - Issues 3**

5.4.2.1 **The Post Code CR0 7NE and the Application Address are considered 'Low Risk' of Surface Water Flooding.<sup>8</sup>**

5.4.2.2 As the average HASL is **65m** with the surrounding areas to the **North**, falling in level there is an unlikely any immediate change to this assessment.

#### 5.5 **Appellant's Grounds of Appeal - Issue 4**

- **Issue 4: Loss of soft landscaping and excessive proposed hardstanding would be harmful to the amenity of the streetscene and local character; and to biodiversity contrary to Policies G7 of the London Plan 2021 and Policies DM10.8, SP7, DM27 and DM28 of the Croydon Local Plan 2018.**

5.5.1 **The Appellant's Paragraphs 59 through to 72 relate to :**

- **Soft landscaping and excessive proposed hardstanding would be harmful to the amenity;**
- **"London Plan Policy G7 and Croydon Local Plan policy DM10.8 and DM28 seek to retain existing trees and vegetation;**
- **Net loss in biodiversity which is contrary to G7 of the London Plan;**
- **LP Policy G7 requires that development proposals should ensure that wherever possible existing trees of value are retained;**

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<sup>8</sup> <https://check-long-term-flood-risk.service.gov.uk/map?eastings=536309&northings=166326&map=SurfaceWater>



## 5.5.2 MORA's Response to Appellant's - Issues 4

### 5.5.2.1 Communal Open Space and Play Space for Children.

5.5.2.1.1 There are **6 Flats** which should comply with the **Revised Croydon Local Plan (2021)** guidance for **Communal Open Space**.

- **DM1A.1 All proposals for new residential development will need to provide private amenity space that:**
  - a. Is of high-quality design, and enhances and respects the local character
  - b. Provides a minimum amount of private amenity space of **5m<sup>2</sup>** per 1–2-person unit and an extra **1m<sup>2</sup> per extra occupant** thereafter; and it must achieve a minimum depth and width of **1.5m**.
  - c. Provides functional space with a minimum width and depth of balconies should be **1.5m**
  - d. All developments need to provide a minimum of **10m<sup>2</sup> per child** of new play **space**, calculated using GLA's population yield calculator
  - e. **All new developments with 5 or more residential units** should provide a minimum of **50 square metres of communal space** with a **further 1 square metres per additional unit thereafter**.

5.5.2.1.2 **Croydon Plan (Revised 2021) Policy DM1A.1 e)** requires at least **50 +1 sq.m.** of **Communal Open Space** for development with **5 or more Residential Units** for occupants who have no private garden i.e., **Flats 3 to 6**. The requirement is **50sq.m. plus 1sq.m.** per each additional Unit which totals **51sq.m. for 6 Units**. This is a deficiency of the proposal and cannot be accommodated within the available **Site Area**, whether **700sq.m. or 608sq.m.**

5.5.2.1.3 There are probably at least **4 Children** amongst the occupants of **Flats 3 to 6** who should have at least the **London Plan and Croydon Plan** requirement of **10sq.m.** each of **Outdoor Play Space**. Therefore, the proposal is deficient of the **40sq.m. Play Space** for the children of **Flats 3 to 6**.

5.5.2.1.4 These deficiencies in available **Site Area Capacity** are further contributions to reasons for **Dismissal of This Appeal**.

5.5.2.1.5 **London Plan Policy G7** requires development proposals should ensure that, wherever possible, existing trees of value are retained.<sup>9</sup> If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.

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<sup>9</sup> Forestry Commission/Natural England (2018): Ancient woodland and veteran trees; protecting them from development, <https://www.gov.uk/guidance/planning-applications-affecting-trees-and-woodland>

- 5.5.2.1.6 It is believed that premature site clearance has removed a number of existing trees in the rear garden of 67 Orchard Avenue on the southern rear garden edge.
- 5.5.2.1.7 This has been admitted by the applicant, with reason that the specimens removed were diseased. However, there is no proof that the removed trees were in fact diseased.
- 5.5.2.1.8 This can be illustrated by comparing the **Google Image** (for Site Area) taken on **4/11/2019** and the view in the Appellant's "**Statement of Case**".
- 5.5.2.1.9 The **Residential Urban Green Factor** (UGF) defined by the **London Plan** is recommended at **UGF of 0.4**. The **Urban Greening Factor** for a proposed development is calculated by:
- $$\frac{(\text{Factor A} \times \text{Area}) + (\text{Factor B} \times \text{Area}) + (\text{Factor C} \times \text{Area}) \text{ etc.}}{\text{Total Site Area}}$$
- 5.5.2.1.10 The individual surface types **UGF** are given in the **London Plan Table 8.2 - Urban Greening Factors**. Using these **Table 8.2 factors**, as guidance and multiplied by the various **Site Requirements** as defined in the **Site Capacity #2** interactive Spreadsheet and divided by the overall **Site Areas** as indicated on the **Application Form** and the **Google Earth** measured **Site Area**, we have provided the **Urban Greening Factor** results for this proposal:
- 5.5.2.1.11 This Table shows the theoretical **UGF** for the proposal and NOT the actual **UGF**. This assessment assumes the **Garden Area** as proportion of **Site Area** meets the **target** size for the **Area Type** and **NOT** the actual provision.

Area Type	Site Area (Application)	UGF	Site Area (Google Earth)	UGF
<Outer Suburban	700.00	0.54	607.77	0.63
Outer Suburban	700.00	0.47	607.77	0.53
Suburban	700.00	0.32	607.77	0.48
Urban	700.00	0.16	607.77	0.19
Central	700.00	0.09	607.77	0.20

- 5.5.2.1.12 The actual provision of **Garden Area** is **inadequate** for the **Area Type** and also inadequate for **Communal Open Space** or **Play Space for Children** for future occupants of **Flats 3 to 6**. The available remaining **site area** is to be **fully paved**.

## 5.6 Appellant's Grounds of Appeal - Issue 5

- **Issue 5:** The proposal would fail to mitigate harmful impacts and would be unacceptable in planning terms and conflicts with Policy T6 of the London Plan (2021) and Croydon Local Plan 2018 policies SP6, DM29 and DM30.



5.6.1 **The Appellant's Paragraphs 73 through to 84 relate to :**

- Required "A Section 106 agreement to secure £1,500/unit towards improvements to sustainable transport including but not limited to on street, car clubs with EVCP's as well as EVCP's in general as per Policy SP8.12 of the Croydon Local Plan (2018), will be required upon the approval of any planning application".
- Electric vehicle charging infrastructure throughout the borough.
- Car parking standards, including for disabled persons and that 20% of the spaces should have active charging facilities;
- LP Policy G7 requires that development proposals should ensure that wherever possible existing trees of value are retained;
- 'Environment and Climate Change' and contains seven subsections. None of these sub-sections refer to sustainable transport or require contributions to sustainable transport. In the consideration of this issue there is no conflict with this policy, and it may be an error on the Council's part to refer to it.

5.6.2 **MORA's Response to Appellant's – Issues 5**

5.6.2.1 **The London Plan Policy T6.1 Residential Parking at Table 10.3 indicates Outer London Boroughs' locations PTALs 0 to 1 should have a maximum of 1.5 Spaces per Unit, with 20% provision of EVC charging Point Access = 1.8 ≈ 2 Therefore, for this proposal, the maximum provision equates 9 spaces with at least 10% ≈1 Disabled Bay.**

5.6.2.2 **The proposal would provide 6 Parking Bays with EVC provision for Bays #4&5 and one Disabled Parking Bay at Bay #2.**

5.6.2.3 **This is an under provision of 3 Bays i.e., 66% and no provision for visitors.**

5.6.2.4 **Local on-street overspill parking is inappropriate in Orchard Avenue due to its limited width for overtaking and it is a link road between the A232 and A222 which carries a high traffic volume and also is used as a Bus Route.**

5.6.2.5 **Therefore, the limited inadequate parking offered for Area Type <Outer London Suburban and PTAL 1b contributes to a valid reason to Dismiss this Appeal.**

5.6.2.6 **The issues in relation to London Plan G7 Trees and woodlands has been addressed in Para 5.6 above.**

5.6.2.7 **We have no further comment on issues related to Climate change as these are well-known and subject to subjective assessment.**

## 6 Summary and Conclusions

### 6.1 Summarising.

6.1.1 The proposal would **significantly increase** the **densification** above that of the locality as defined by the local **Post Code CR0 7NE** considered appropriate for **Incremental densification** for **evolutionary growth** as the location has **PTAL 1b  $\equiv$  1.33** and is **>800m** from any **Train/Tram Station** or **District Centre** as specified in the **London Plan para 4.2.4**. In our view, the location is therefore inappropriate for any **incremental increase in intensification**.

6.1.2 We have shown analytical assessment supporting each **LPA reason for Refusal** of the proposed development and in each case provided supporting evidence based on **published Policies** at the time of the proposal validation by the **LPA** which clearly supports a **Dismissal of this Appeal**.

6.1.3 In addition, we have provided analysis and assessment of adequate evidence for **Additional Reasons** for **Dismissal of this Appeal**, including requirements for **Sustainability, Growth** and **Housing Need** which **have already been met in this Ward**.

6.1.4 Our comments on this **Appeal** are all supported by the **National** or **Local Planning Policies** which have defined measurable methodology and assessment. Therefore, our analysis is **definitive**.

6.1.5 We have questioned the available **Site Area** for this proposal as from the evidence shown, the stated **Site Area** is likely to be **significantly less** than quoted. This could be an **unintentional mistake** or an **intentional deception by the Applicant (Appellant)** to give an impression of greater **Site Capacity** than is practically available.

6.1.6 We are convinced that we have **fundamentally demolished** all the **Appeal reasons by the Appellant** by analysis and assessment of the proposal's compliance to current **National** and **Local Planning Policies** applicable at the **Applicant's time of submission to the LPA**.

6.1.7 If the Inspector does NOT agree with the **National Model Design Code Guidance** as listed above, we would respectfully request the Inspector provides an alternative assessment with detailed methodology justification.

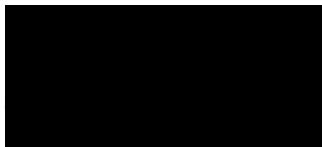
### 6.2 Conclusions

6.2.1 We have shown that for all the appellant's "**Grounds of Appeal**" we have provided a **quantifiable response**, supported by published Policies and which demolishes the appellant's vague and subjective statements. We therefore urge the Inspector to **Dismiss** this appeal such that the Appellant can reapply with a more appropriate and compliant proposal. This proposal is **"The wrong Type in the Wrong Place"**.

- 6.2.2 If this Appeal is allowed, the published Policies are of no consequence and the expense and effort in their production and publication is a complete waste of time and effort and a sheer waste of public finances.
- 6.2.3 Local Residents have lost confidence in the Planning Process with the significant number of local redevelopments which, in the majority of cases, disregard Planning Policies. A Local Plan which is now over 5 years out-of-date is unlikely to be revised and adopted before end of 2025 – early 2026.
- 6.2.4 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 of the **“Right Type in the Right Place”**. This can only be achieved by ensuring developments comply with the agreed **National and local planning policies and guidance and are within the Target provisions as set. This proposal fails to meet those fundamental requirements and should therefore be “Dismissed”**.
- 6.2.5 *If this proposal is allowed, it would be absurd to believe that the Planning Policies have any meaningful weight and local residents would be quite correct in their current complete loss of confidence in the Planning Process.*

**Kind Regards**

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