

Representation Form for the Croydon Local Plan Review 2019:

		Personal Details
1.	Representation Number:	MORA #028
2.	Title	Mr
	First Name	Derek
	Last Name	Ritson
	Profession	Retired – Former Communications Engineer I. Eng. M.I.E.T.
3.	Representative	Planning Adviser Executive Committee Member
4.	Organisation	Monks Orchard Residents' Association
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Name or organisation: **Monks Orchard Residents' Association**

7. To which part of the Croydon Local Plan Review does this representation relate?

Croydon Local Plan Review: **CLP review – General Local Plan Policies & Draft London Plan Inspector's Report**

Policy Option Figure/Table

8. Do you think that the proposed policy or part of the plan meets the objectively assessed development and infrastructure requirements for Croydon (and the unmet needs of neighbouring authorities) as defined in **NPPF (2019) para 16**?

Yes No

9. If No
Which sub paragraph of para 16 does the policy **NOT meet NPPF Patra 16**.

Par a)	<input checked="" type="checkbox"/>	Par b)	<input checked="" type="checkbox"/>
Par c)	<input checked="" type="checkbox"/>	Par d)	<input checked="" type="checkbox"/>
Par e)	<input checked="" type="checkbox"/>	Par f)	<input checked="" type="checkbox"/>

NPPF Plan Making

16. Plans should:

- a) be prepared with the objective of contributing to the achievement of **sustainable development**¹⁰;
- b) be prepared **positively**, in a way that is aspirational but **deliverable**;
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, **infrastructure** providers and operators and statutory consultees;
- d) **contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals**;
- e) be accessible through the use of **digital tools to assist public involvement and policy presentation**; and
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

It is understood that the Local Plan Review Consultation period has been extended to 20th January 2020.

Resultant on this extension, we have taken the opportunity to provide an additional representation which relates to the implementation of the Policy Review and the status of Planning Policies and the relationship with the Draft New London Plan.

The “Development Management” strategy of Policy implementation has been assessed as a result of a significant number of recent decisions which have been the subject of formal Complaints by Monks Orchard Residents’ Association, as there is **NO** opportunity to appeal against an “**approval**” decision and MORA does not have adequate funding to challenge a decision by Judicial Review.

These Complaints have been processed in accordance with the Council’s Complaints procedures at Stage 1, Stage 2 and escalation to the Local Government Ombudsman and can be viewed at : <http://www.mo-ra.co/planning/planning-complaints/>

The responses from “Development Management” can be summarised by the paragraph below:

“As previously advised, when determining planning applications, it is important that the decision-taker considers the development plan as a whole, recognising that some policy considerations might not totally align with other issues and approaches. It is for this reason why some decisions are taken in the balance, with greater weight being given to certain consideration over others. In most cases we feel that the need to deliver more housing, should reasonably counter density, car parking or amenity effects (unless serious harm is caused by the scale of development for whatever reason). Of the schemes determined in Shirley, we are satisfied that we have struck the appropriate balance and are content with the scale and effects of the flatted schemes granted to date. I appreciate that this might run counter to your own position (and those of Shirley residents) but I stand by our recommendations to grant planning permission and the eventual decision (invariably taken by the Council’s Planning Committee).”

*Pete Smith – Head of Development Management
Response to Stage 1 Complaint and similarly for others.
(LBC Ref 19/01352/FUL) (CAS-123091-Y3J7R2)
56 Woodmere Avenue*

See:

http://www.mo-ra.co/wp-content/uploads/2019/12/CAS123091_56_Woodmere_Avenue_Stage_1_Response.pdf

Our interpretation of this statement is that *“the decision-taker considers the development plan as a whole”* but that the actual Planning Policies carry less weight than the requirement for more housing irrespective of whether the proposal is appropriate housing for:

- a) The future occupants in terms of accommodation standards;
- b) Whether the accommodation has adequate storage space for normal living clutter;
- c) Whether a proposal has the appropriate amenity requirements;
- d) Whether a proposal has the necessary supporting infrastructure for the new occupants of the proposal;
- e) Whether a proposal has significant disadvantage to adjacent residential accommodation amenity; (overbearing, invasion of privacy);
- f) Whether a proposal is in accordance with the character of its destined locality;

- g) In fact, whether the proposal is appropriate for the locality!
- h) Surely, this is the basic responsibility of “Development Management”!
- i) Has it NOT occurred to Development Management that they have an option to Refuse a planning application that is non-compliant to planning policies such that an applicant can re-assess their proposal and re-apply with a modified proposals that meets the planning policies and thus provide the much needed homes but are more appropriate for the locality and meet all planning policies!

All these policies are seemingly of less “weight” than the need for more homes!

In summary why have any policies if they are all outweighed by the need for more homes, and why are the Local Planning Authority– *at great expense* – Reviewing those policies and possibly creating new additional policies when they are all deemed of insufficient weight to be considered and are thus NOT implemented?

- What is the definition of “*Serious Harm*”?
- How do you assess this “*Serious Harm*”?
- What is the definition of “*the appropriate balance*”?
- How are you assessing this “*appropriate balance*”?
- What is the definition of “Policy alignment”?
- These terms are NOT defined in the Policies but are used extensively to circumvent the policies!
- Since the adoption of CLP2 in 2018, how many in-fill or redevelopment planning proposals have been refused for failing to meet planning policies and what is the percentage of refusals against applications for in-fill or redevelopment applications?
- How many proposals have been refused such that an applicant can review the proposal to meet planning policies and subsequently re-apply for planning permission?
- How does this figure compare to refusals prior to the adoption of CLP2 in 2018?
- If delivering more homes without due consideration of available or planned Infrastructure – the development may be unsustainable? (See Draft London Plan Policy D1A Paras C & D.).
- What are the sustainable parameters to define an inappropriate development?

The draft London Plan

The information on the Mayor of London website attempts to provide guidance on how much weight the draft London Plan should have in any current planning decisions.

https://www.london.gov.uk/sites/default/files/inspectors_report_and_recommendations_2019_final.pdf

states:

The current 2016 Plan ([The London Plan consolidated with alterations since 2011](#)) is still the adopted Development Plan, but the Draft London Plan is a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the process to adoption.

The draft London Plan underwent its external examination in Public (EiP) during the first half of 2019. The Inspector's Report published formal comments on the **Draft London Plan on Oct 8th 2019**.

It is clear from the Inspector's comments that whilst there are faults with the **Windfall housing targets** the plan will be approved. The **Windfall housing targets** will need to be **reduced by 60%** on average as the **expectations for Windfall developments in the outer London boroughs are far too high!**

The Mayor of London wrote to the Secretary of State on **Dec 9th 2019** confirming that the **London Plan will adopt the Government's substantially lower housing targets** for **Croydon** and **other London boroughs**.

So why is Croydon LPA retaining such a high Windfall housing target when the London Plan is recommending a substantially lower target is more realistic?

Given that the draft London Plan has completed external examination, the Examiner's comments are available, and the Mayor of London has stated acceptance of the revised housing targets, it is clear that the draft London Plan now has a **high weight in any current planning decisions for all London boroughs**.

Whilst the Examiners made comments that were applicable for all London boroughs, it is appropriate to relate these comments that are most pertinent to the planning policies of **Croydon Council** that impact on the **Shirley Wards**.

This report concludes that the draft new London Plan published for public consultation in December 2017 provides an appropriate basis for the strategic planning of Greater London provided that it is amended to reflect the Mayor's minor suggested changes (August 2018), the Mayor's further suggested changes (July 2019), and our recommendations set out in this report.

The recommendations, which are set out in full throughout the report and listed in its attached Appendix, can be summarised as follows:

- Include all minor and further suggested changes unless otherwise recommended in the report.
- **Reduce** the ten-year small site housing targets for boroughs to give a total of 119,250 dwellings (rather than 245,730) and as a consequence reduce the overall housing targets for boroughs to give a total of 522,850 dwellings (rather than 649,350).
- Add to **reasoned justification** to policy H2 to clarify that **borough small site targets** can be taken to amount to a **reliable source of windfall sites**.

Excerpts from the Inspectors report:

Relationship with local plans³⁹ and neighbourhood plans:

48. Local plans in London are required to be in **general conformity with the London Plan⁴⁰**. Neighbourhood plans are required to be in general conformity with strategic policies contained in the development plan for the area; this includes strategic policies in the London Plan (as well as any strategic policies in local plans). The Mayor's representatives confirmed during the examination that they consider all policies in the London Plan to be strategic, and as the Plan is required to deal only with matters of strategic importance to London this is a reasonable interpretation.

49. The Plan therefore needs to be clear about **what it expects local plans and neighbourhood plans to contain**, both in terms of general coverage and content but also **specific policies and proposals**, so that the bodies preparing those plans are clear about **how to achieve general conformity**. Furthermore, the relative roles of the Plan, local plans and neighbourhood plans need to be clear to avoid unnecessary duplication of, or contradiction between, policies in different parts of the development plan. The three-tier system needs to be kept as simple as possible to avoid creating unnecessary burdens for those preparing development proposals and to ensure expedient, consistent decision making.

Development management

53. London boroughs are responsible for determining most planning applications, but **must refer to the Mayor** those that are of potential **strategic importance to Greater London**⁴¹. As part of the statutory development plan, **the Plan must be taken into account in the determination of planning applications in London**. Whilst national policy indicates that **local plan policies should provide a clear indication of how a decision maker should react to a development proposal**⁴², this particular requirement does not strictly apply to spatial development strategies. That said, to be effective, **the Plan's policies must be clear about how, if at all, they are intended to be applied in the development management process.**

Policy DF1: Delivery of the plan and planning obligations

87. **Policy DF1, and the reasoned justification, need to be modified to properly reflect this and ensure that it is consistent with national policy and effective.** Specifically, the requirements relating to **site-specific viability assessments in parts A and B should be modified to make it clear that they only apply if relevant policies in the local plan are up to date.** The reasoned justification needs to be modified to make it clear that the Plan has been subject to a **viability assessment that is proportionate to a spatial development strategy;** to clarify that **more detailed assessments will need to be undertaken to inform local plans;** and to explain that the requirements in **policy DF1 relating to site specific assessments** apply where relevant policies in local development plan documents are up to date [PR54]. Part C does not need to be modified as it is **appropriate for boroughs to determine the weight to be given to site-specific viability assessments in all circumstances.**

89. Part A of policy DF1 requires development proposals **to provide the infrastructure and meet other relevant policy requirements necessary to ensure that they are sustainable.** For the purposes of both local plan preparation and development proposals that cannot viably meet all requirements, **part D prioritises affordable housing and public transport improvements, then health and education provision, affordable workspace, and culture and leisure facilities.** This provides an appropriate strategic frame work that is consistent with the Plan's overall aims within the context of a **plan-led system** that also involves **weighing up all material considerations when determining planning applications.**

161. Nevertheless, in addition to the **arbitrary growth assumption** our second major misgiving about the approach to small sites and small housing development relates to the large scale of change envisaged. **The consequence of this is to question whether the targets are realistically achievable.** The short answer is that **they would not be** and **hence they are not justified.** To put this in context the targets in Table 4.2 amount to an increase in small site delivery of over **250% in outer London boroughs.** At its most extreme the target for Bexley is almost 700% higher. Furthermore, in Sutton, for example, 79% of the overall target is attributed to small sites. Across London as a whole, historic completions from this source between 2003 and 2017 have averaged 15,300 per annum compared to the new target of 24,500. **The targets therefore require a massive 'uplift' in delivery especially in outer London which is highly unlikely to occur based on the available evidence.**

167. There are various **cumulative impacts that need to be considered in relation to small sites.** These include the consequences for the **special character of an area** including green cover and tree canopies, for health and social infrastructure **and for transport.** However, by identifying the quantum of development and by focussing it on accessible areas there is no reason why infrastructure cannot be planned for. **Small sites may not produce many affordable housing units but given that housing numbers generally will increase and the other mechanisms available this is not a reason to not support them.** There is insufficient evidence to indicate that the policy would impact excessively on those living in rented accommodation. The policy may nonetheless lead to a reduction in family housing due to conversions and the delivery of **small units that may not respond to the required mix of sizes.**

168. The presumption in favour of small housing development in policy H2A is intended to give the policy some potency. However, as a device it is cumbersome and requires qualification in part C of policy H2A as well as exceptions in parts D and E such that its impact is diluted and the task for the decision-maker overly complicated. **Furthermore, there is insufficient evidence to treat all forms of residential development across all of London within PTALs 3-6 or within 800m of a station or town centre boundary as acceptable in principle.** In particular, whilst paragraph 53 of the NPPF does not preclude development on residential gardens there is **no evidence that a blanket presumption in favour of infill development within the curtilage of a house is justified even if limited in area.**

178. In summary, **the presumption in favour of small housing developments of between 1 and 25 homes and the targets in Table 4.2 are neither justified nor deliverable.** However, these deficiencies would be rectified by our recommendations so that the approach to small sites would be effective. Overall the recommended 10-year housing target of 52,285 per annum would be higher than the existing London Plan and above the 45,505 units completed in 2016/201783. **It is therefore right to say that boroughs should use all the tools at their disposal to ensure homes are actually built.** But we consider that as recommended, and with the support of the Mayor, it should be deliverable and that both the overall target and **those for the individual boroughs and corporations are justified.**

261. Meeting the housing needs in this Plan will require some high-density development. Ensuring homes are of **good quality and fit for purpose** is a strategically important issue. Policies D4 and D5 work together to ensure that the significant increase in housing needed will **not compromise the quality of homes across tenures and that they will meet the needs of all,** including the elderly and those with disabilities. Given the increased focus on small sites, and the support for higher densities in appropriate locations in both outer and inner London, consistency in **the application of the standards across London is justified.**

Design led approach

274. Further suggested changes have amalgamated policies D1, D2 and D6. Four policies now replace the previous three policies.

275. This suite of policies **provides a sequence of considerations to assist in the delivery of well-designed development, at an appropriate density,** that responds to local character, form and **infrastructure capacity.** They are aimed to put **design at the core of plan making and decision taking.** In short, they require **boroughs to determine a local plan's spatial strategy to meet its growth requirements based on a thorough understanding of the character of the plan area.** Identified infrastructure deficiencies should be addressed and optimised site capacities established for all site allocations and other development proposals, through the exploration of design options.

276. **Requiring boroughs' plans to determine the capacity of allocated sites would provide an opportunity for community involvement.** It would also provide more certainty to developers by providing **clear parameters for future schemes.** Ensuring a Plan's overall **spatial strategy and individual site capacities are based on adequate supporting infrastructure** will assist in the delivery of sustainable development. It would also assist in the identification of locations that may be suitable for tall buildings through the Plan making process.

277. **Concern was expressed that the requirement for an area assessment would be a lengthy process, thereby unreasonably delaying local plan production and development management decisions.** However, **requiring boroughs to address these issues at the start of the plan making process** will mean that **at the development management stage there will be a solid evidence base in place on which to make decisions.** This in turn should assist in quality and speed of decision-making. As over half of boroughs have already produced a **characterisation study** for their areas, we are not convinced that these requirements would impede the delivery of development

278. The use of characterisation studies to inform borough's policy formulation, however, is more limited. **The Plan's approach would require greater use of that valuable information source to inform policy.** It is appreciated that this would require the allocation of resources within boroughs. Coverage of this type of borough level study to date indicates that many boroughs have made resources available. **However, in recognition of this widespread concern and to assist in effectiveness, the Mayor has put in place support and funding to assist boroughs.**

279. Although the policies are long, complex, detailed and repetitious in places, as a suite they are navigable and thorough. The further suggested changes clearly demonstrate the link between the production of plan area assessments and their use in policy formulation, which provides welcome clarity.

280. One of the main features of this suite of policies is that in seeking to optimise capacity it **dispenses with the "Density Matrix"**, used to guide site density. That was first devised in the late 1990s and has been included, in different guises, in previous Plans since 2004. This is a source of regret to many and there is particular concern that its loss will lead to less certainty as well as over-bidding for land. However, it would fundamentally conflict with the design led approach now advocated, which bases density on local context, infrastructure capacity and connectivity. This approach sees density as an output and not as an input that should determine the form and type of new development. Dispensing with the "Density Matrix" is therefore logical and justified as part of the overall design led approach.

281. Further factors support dispensing with the "Density Matrix". The evidence is that about half of developments permitted since 2004 have been outside the matrix ranges, thereby casting doubt over its effectiveness. First hand evidence was also given that it has little bearing on the price paid for sites. Indeed, market forces and national policy constraints across London have had a greater effect on land supply. Enforcing a strict upper limit on density runs the risk of stymying otherwise acceptable development which would run contrary to the strategy of Good Growth. This supports the approach adopted, which would set density on the basis of local context.

282. Policies that enshrine the design-led approach set out a strategic direction although **much of the burden for implementation will fall on the individual boroughs.** Nevertheless, they provide a legitimate and justified approach with the potential to provide greater certainty. **We deal with the details of individual policies, as necessary, below.**

Character and capacity for growth

283. **Policy D1part A** sets a requirement for boroughs to undertake **area assessments to define the characteristics, qualities and value of different places within the plan area. D1 part A** includes a **list of considerations on which such studies should be based**. This includes demographic make-up and socio-economic data, which ensures that studies go beyond the physical environment considerations. Further suggested changes include views and landmarks, which given their role in defining the character of an area is justified. Overall, the matters set out are a **justified set of urban design considerations**.

284. **D1 part B** requires boroughs to **prepare local plans to meet their growth requirements**, including their overall housing targets, using the plan area assessments to identify **suitable locations for growth and its potential scale, whether limited, moderate or extensive**. This should take account of **existing and planned infrastructure capacity** with a requirement to plan to address deficiencies. It also requires, the consideration of design options for strategic sites to set development parameters, which will determine the capacity of allocated sites. These considerations are necessary **to ensure that the ambitious growth agenda in this Plan is realised**.

Infrastructure requirements

285. Subsequent policies relate to the **site-specific context**. **Policy D1A** seeks to ensure that **density of development proposals respond to future infrastructure capacity** and that it should be **proportionate to a site's accessibility and connectivity**. Policy D1A part D introduces further suggested changes that set out **explicitly that infrastructure capacity ultimately will limit the scale of development** where it cannot be enhanced to mitigate the impact of development. This will ensure that the **density of a development cannot exceed a sustainable level**, even if it is acceptable in design terms. It will also help to ensure that **development accords with Good Growth**.

Optimising site capacity

286. **Policy D1B** seeks to **optimise site capacity** through following the design led approach in development proposals including site allocations. **It sets out the design outcomes that well-designed places should seek to deliver**. The list of outcomes covers the key urban design considerations under headings of **form and layout**, experience and quality and character. Further suggested changes include the need to take account of circular economy principles which is a key theme in the Plan. **Optimising site capacity does not mean maximising capacity**, and this is made clear in the supporting text **as is the fact that some uses inevitably require lower densities**. Rather, optimising in this context means ensuring that the **development takes the most appropriate form for the site** and that it is **consistent with relevant planning objectives and policies**. This clarification, provided through further suggested changes, **is necessary to ensure that the policy is readily understood and effective**.

287. The detailed expectations for measurements of density to be provided have no place in the policy and further suggested changes rightly remove these from policy to the supporting text. Further suggested changes also delete the requirement to submit a management plan for residential development above certain thresholds, which is necessary as the requirements are unduly onerous given that costed plans are unlikely to be known up front. Indeed, the research project on which this provision is founded acknowledged the difficulty of writing policies in this respect and advised that it should be done in **supplementary planning guidance**. However, the policy should not prescribe that applications that unjustifiably fail to optimise capacity should be refused as that can be assessed on an individual basis. As such, this should be deleted [PR19].

Delivering good design

288. Policy D2 focusses on the process of ensuring that **good design is delivered and retained**. In setting out clear expectations of the design and application process, including its **scrutiny through design review**, it provides clarity to both developer and boroughs. The policy considerations are **integral to achieving and maintaining good design** and have a legitimate place in this Plan. Given the variation in borough design review practices at present, this policy, **based on good practice principles**¹²⁰, will help **develop consistency and achieve policy aims**. Whilst it is prescriptive it provides adequate flexibility for local definition.

289. Measures for retaining design quality through to completion are set out in **policy D2 part E**. As these in the main relate to **good practice principles**, they are justified as a measure to **ensure design quality**. Reference to securing the ongoing involvement of the original design team to monitor the design quality, would be a legitimate way to assist in the delivery of design quality, being established practice for some boroughs. The detailed wording of D2 part F4 and the supporting text would allow local flexibility. However, the use of an architect retention clause would be overly onerous and this should be deleted from the supporting text [PR21].

Conclusion

290. Subject to the recommendations set out above, the **design led approach promoted in the Plan, through policies D1, D1A, D1B and D2 provides a framework that would enable the most appropriate form of development, that responds to the site's context and capacity for growth, existing and future supporting infrastructure capacity**. It would be effective in assisting the delivery of **high-quality places** and optimising the capacity of sites, in accordance with the principles of **Good Growth**.

APPENDIX A

Extract Table 4.1 Revised 10-year targets for net housing completions (2019/20 - 2028/29)

Planning Authority	10-year Housing Target		Annualised Average
Croydon ^[1]	20,790	29,490	2,949
All London Total	522,850	649,350	64,935

[1] Includes Windfall Sites

APPENDIX B

Table 4.2 10-year targets (2019/20 -2028/29) for net housing completions on small sites (below 0.25 hectares in size)

Planning Authority	10-year Housing Target		Annualised Average
Croydon	6,410	15,110	1,511
As percentage of total Completions	30.83% (unlikely)		
All London Total	119,250	245,730	24,573

Resultant on the adoption of the new London Plan – the Croydon Local Plan and Supplementary Planning Guidance SPD2 Chapter 2 Suburban Residential Developments will need to reflect the new Policies as defined.

Will Croydon LPA Spatial Planning therefore revisit SPD2 Chapter 2 Suburban Residential Developments to reflect the guidance in the New London Plan?

The **ONLY** reason that we can assume Croydon is NOT planning to reduce targets accordingly, is to obtain **more Council Tax receipts** by allowing more developments than is necessary to meet the reduced London Plan recommended targets.

If this is in fact the case, the council is sacrificing Planning Policy for increased Revenue.

This is NOT a policy to respect local character or within the term of reference scope of Development Management as defined by the NPPF, or The London Plan!

By demolition of **one dwelling** at Band E (for example) and replacing it with **9 Band D properties**, will provide an approximate **additional Council Tax Revenue of £10,090.34 per Site**.

	Per year Receipts per dwelling	per site
Band E Rate (One Dwelling per site)	£1,585.63	£1,585.63
Band D Rate (9 Dwellings per site)	£1,297.33	£11,675.97
Difference	£288.30	£10,090.34
Nett Housing Completions [1] Includes Windfall Sites		
Original Target (10 year Target)	29,490	Dwellings
Band D Rate (per yr after 10 yrs)	£38,258,261.70	Receipts
Revised Target (10 years Target)	20,790	Dwellings
Band D Rate (per yr after 10 yrs)	£26,971,490.70	Receipts
Difference	£11,286,771.00	Receipts
Nett Windfall Sites Completions		
Demolition one Dwelling @ band E	£1,585.63	Receipts
Replacement 9 dwellings @ Band D	£11,675.97	Receipts
Benefit per site	£10,090.34	Receipts
Original Target (10 year Target)	15,110	Dwellings
Band D Rate (per yr after 10 yrs)	£19,602,656.30	Receipts
Revised Target (10 years Target)	6,410	Dwellings
Band D Rate (per yr after 10 yrs)	£8,315,885.30	Receipts
Difference (Band D rate)	£11,286,771.00	Receipts
Loss/yr Annualised over 10 years	£2,257,354.20	per year

By **NOT** revising the **Targets**, the Council will benefit by approximately **£11,286,771.00** per year (after 10 years – Based upon 2019 Council Tax Bands and (not including inflation and dependent on the Council Tax Bands of the new dwellings).

Could this be the reason why Croydon Council are unwilling to revise their targets as advised by the London Plan Examination in Public Inspector, as future Council Tax Revenues carries more weight than meeting adopted Planning Policies?