

Representation Form for Croydon Local Plan Review

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|  www.croydon.gov.uk | Local Plan Publication Stage Representation Form | Ref: (For official use only) |
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Name of the Local Plan to which this representation relates:

**Croydon Local Plan
(Revised) December 2021**

Please return to [ldf@croydon.gov.uk] BY [5:00pm on 17/02/2022]

NB - LPA to include data protection / privacy notice, see para 4 of Explanatory Note

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal
Details*

2. Agent's Details (if
applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

| | | |
|------------------------------------|---|----------------------|
| Title | <input type="text" value="Mr"/> | <input type="text"/> |
| First Name | <input type="text" value="Derek"/> | <input type="text"/> |
| Last Name | <input type="text" value="Ritson"/> | <input type="text"/> |
| Job Title (where relevant) | <input type="text" value="Not Applicable"/> | <input type="text"/> |
| Organisation (where relevant) | <input type="text" value="Monks Orchard Residents' Association"/> | <input type="text"/> |
| Address Line 1 | <input type="text" value="[REDACTED]"/> | <input type="text"/> |
| Line 2 | <input type="text" value="Shirley"/> | <input type="text"/> |
| Line 3 | <input type="text" value="Croydon"/> | <input type="text"/> |
| Post Code | <input type="text" value="[REDACTED]"/> | <input type="text"/> |
| E-mail Address (where relevant) | <input type="text" value="planning@mo-ra.co"/> | <input type="text"/> |

Part B – Please use a separate sheet for each representation

Name or Organisation: **Monks Orchard Residents' Association (MORA)**

3. To which part of the Local Plan does this representation relate?

Paragraph Policy **DM10.1** Policies Map

4. Do you consider the Local Plan is :

| | | | | |
|--|-----|--------------------------|----|-------------------------------------|
| 4.(1) Legally compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4.(2) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| 4 (3) Complies with the Duty to co-operate | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy:

DM10.1 ~~Proposals~~ **Development** should be of high quality ~~and, whilst seeking to achieve a minimum height of 3 storeys, should respect~~ **reflecting and maintaining the local character of the area including any heritage assets having regard to:**

- The **area's** development pattern, layout, and siting;
- ~~The scale, height, massing, and density;~~ **line deleted**
- The **area's** appearance, existing materials and **roofscapes, scale, height, massing, and density of existing built form** ~~built and~~ natural features ~~of the surrounding area;~~ **the Place of Croydon in which it is located.** ~~and~~
- The heritage assets and natural features of the surrounding area and the Place of Croydon in which it is located.

Assessment:

The general objective of **Policy DM10.1** is to guide developers in the process of reflecting on and maintaining local character of the area, including any 'Heritage' assets, having regard to the requirements of a) to d) as listed above. Some objectives are clarified in Supplementary Planning Guidance but the reference(s) to the SPD guidance is NOT given.

Policy DM10.1 Does **NOT** define any parameter to meet the requirement or to require development meet the Guidance as listed in the **London Plan Policy D3** or the **National Model Design Code and Guidance** published by the Department for Levelling Up, Communities & Housing (January 2021 & June 2021), to assist in quantifying the appropriate **“Site Capacity”** at the local **“Setting”** for developments as required by **NPPF para 129**.

Policy DM10.1 a) Does **NOT** provide any guidance to ensure proposed developments meet the assessment of an area’s **“Setting”**.

Policy DM10.1 c) Does **NOT** provide any reference or guidance to the development’s available **“Site Capacity”** limitation of the **“Setting”**, the requirements of the **Local “Design Code”** or the requirement to deliver a proposal using the **London Plan Policy D3** guidance defining a **“Design-Led Approach”** as quoted in the **London Plan Policy D3**.

These are all **objectives** without any **definition**. There is no definition of the appropriate **Scale, Height, Density or Massing** and as such the **Policy** as stated is virtually **meaningless**.

The **National Model Design Code** provides a methodology of defining the appropriate **“Densities”** for **“Settings”** and **“Built Forms”** with guidance parameters for appropriate **“Floor Area Ratios,” “heights”** and **“scale”** plus many other attributes of local **“Design Codes”** which need to be considered for an application to be appropriate for a locality. **NPPF¹ para 129 States: “The National Model Design Code & Guidance² should be used if the Local Plan does not provide such guidance.”**

The last sentence of NPPF para 129 would allow the ‘National Design Guide’ and the ‘National Model Design Code’ procedures and analysis to be used to guide decisions on applications in the absence of locally produced design guides or Design Codes.

The London Plan Policy on Design would support this process.

Policy D3 Optimising site capacity through the design-led approach

The design-led approach

A All development must make the best use of land by following a design-led approach that optimises the **capacity of sites**, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The **design-led approach** requires consideration of **design options** to determine the most appropriate form of development that responds to a site’s context and **capacity for growth**, and **existing and planned supporting infrastructure capacity** (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D.

1

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

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

Policy D4 Delivering Good Design

Design analysis and development certainty

A Masterplans and **design codes** should be used to help bring forward development and ensure it delivers high quality design and place-making based on the requirements set out in Part B of **Policy D3 Optimising site capacity through the design-led approach**.

B Where appropriate, visual, environmental and movement modelling / assessments should be undertaken to analyse potential design options for an area, site, or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.

NPPF para 129:

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.”

Compliance to NPPF:

16. Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development¹¹;
- b) be prepared positively, in a way that is aspirational but deliverable;

The **Policy DM10.(1)** Should define the criteria for each of the requirements or reference where the criteria for defining the requirements of the Policy can be found.

- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

The Policy is NOT clearly written as the Policies are NOT defined in the statement or referenced to where the Policies are defined.

NPPF Examining plans:

NPPF 35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the areas objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

The Policy is **NOT Positively prepared** as it does not include the definition or criteria of the Policies or reference to where the definition or criteria can be found.

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

The Policy is **NOT justified** as it does not include the definition or criteria of the Policies or reference to where the definition or criteria can be found.

- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;

The Policy is **Not effective** as it gives no clear criteria of definition of the requirement methodology to meet the objectives of the Policy, and

- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

The Policy is **Not consistent with National Policy** as it does not include requirements of the **London Plan** guidance at **Policy D Design** nor the **National Model Design Codes and Guidance** on defining **Design Codes** by determination of its **Setting** or **Site Capacities** or **Site Area Ratios** appropriate for proposed developments.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Recommendation:

The Policy should either define the specific limits, criteria or specification of the Policy or reference the appropriate Policies of the **London Plan D Design Policies D1 to D6 and H2** where the guidance for implementing the Policy can be found.

Alternatively, Reference or embody the **National Model Design Code & Guidance** as published by the **Department for Levelling Up, Housing and Communities (DLUHC)** (January 2021 & June 2021).

(Continue on a separate sheet /expand box if necessary)

