

Representation Form for Croydon Local Plan Review

 www.croydon.gov.uk	<h3 style="margin: 0;">Local Plan</h3> <h4 style="margin: 0;">Publication Stage Representation Form</h4>	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	Mr	
First Name	Derek	
Last Name	Ritson	
Job Title (where relevant)	Not Applicable	
Organisation (where relevant)	Monks Orchard Residents' Association	
Address Line 1	████████████████████ ██████████	
Line 2	Shirley	
Line 3	Croydon	
Post Code	██████████	
E-mail Address (where relevant)	planning@mo-ra.co	

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 **a) To h)** Policy **DM10.?** 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.

This could be part of DM10.1 or new DM10.2 or new DM10.7?

It is not clear from the Revised Document.

DM10.?

Development will be required to:

- (a) Make an efficient use of land whilst respecting the character of the surrounding area by reinforcing and promoting local distinctiveness;
- (b) Ensure that it is designed to avoid unacceptable harm to the amenity of existing neighbours and future occupants, including by way of overlooking and loss of privacy, overbearance, obtrusiveness and overshadowing;
- (c) Provide adequate amenity including daylight and sunlight for future occupants;
- (d) Use high quality, durable and sustainable materials that respond to the local character of an area;
- (e) Retain existing architectural features where possible, when working with existing buildings;
- (f) Create a safe environment by maximising opportunities for natural surveillance and reducing the risk of crime;
- (g) Makes adequate provision for access, servicing, communal storage, circulation, turning space and parking taking account of the impact on the character of the

area; and

- (h) Where appropriate, proposals should restore historic street furniture and provide additional street furniture, trees and public art to enhance the public realm and sense of place.

Assessment:

The **Policy DM10** general objective 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 **DM10.? a) to h)** as listed above. Some objectives are clarified in **Supplementary Planning Guidance** but the reference(s) to the **SPD guidance** is NOT given.

- (a) The Policies to define the methodology for "**Making efficient use of Land**" are not specified, either by reference to the Policies which define the criteria to make efficient use of land or to define the criteria within the **Policy DM10.(?) (a)**.

The criteria for making the most efficient use of Land are dependent on the Local "**Setting**" (*Outer Suburban, Suburban, Urban or Central*) and the available "**Site Capacity**" and "**Housing Density**" at that "**Setting**" including the appropriate "**Parking Space(s)**" requirements, the required "**Amenity Space**" (plus any children's' **Play Space** requirements). It should also meet the recommended Site "**Floor Area Ratios**" (GIA/Site Area) appropriate for the "**Setting**."

- (b) The Policies to ensure the development proposal design avoids unacceptable harm to the amenity of existing neighbours are defined in SPD2 and therefore reference to this document should be included either in this paragraph or as a footnote reference.
- (c) The Policies to ensure the design includes adequate amenity including daylight and sunlight for future occupants are also defined in SPD2 and therefore reference to this document should be included either in this paragraph or as a footnote reference.
- (d) The Policies to ensure adequate provision for access, servicing, communal storage, circulation, turning space and parking and the impact on the local character should all be considered when defining the most efficient use of land as at (a) above.
- (g) Any Parking Vehicle turning space needs to be illustrated by swept path diagrams using proprietary software with capability of various sized family car wheelbases and illustrated for all bays assuming when all other bays are occupied. Ingress and egress should be with minimal number of manoeuvres for driving ease, with sufficient separation to avoid collisions with other parked vehicles, the building perimeter, or any storage facilities.

This information needs to be included in **Policy DM10** or referenced to other documents containing the information within this Policy statement at **DM10** or by footnote references.

- (e) – (h) Equally not adequately specified or defined.

None of the Policies **a) to h)** require developments to be assessed based on the local "**Setting**" as the "**Site Capacity**" varies with the local "**Setting**."

For acceptability, any policies to be implemented requires those policies to be defined with parameters specified for a logical assessment of a Development's suitability for the available 'Site Capacity' in relation to the local 'Setting.'

The Process of assessment by the local "Design Code" analysis is not mentioned or considered in this Policy requirement, description or assessment and analysis.

The London Plan Policy on Design, Policies D1 to D4 and H2 and The National Model Design Code and Guidance provide more specific Policy definitions and procedures to define Design and Character and appropriate developments "Site Capacity" in relation to the local "Setting" than is afforded by DM10.1 which, if not detailed in DM10.1 should be referenced within the Local Plan as these National Policies are extremely relevant.

Development will be required to:

a) to h)

All the above-mentioned requirements **a) to h)** are all **subjective** objectives which are inadequately defined to be assessed as acceptable or otherwise. None are capable of withstanding challenge if a Planning Officer is mindful of the proposal's inconclusive acceptability.

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:

NPPF 16. Plans should:

a) be prepared positively, in a way that is aspirational but deliverable;

The Policy DM10.1 at Development will be required to: a) to h) are NOT specifically defined and are therefore NOT deliverable.

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

The Policy DM10.1 at Development will be required to: a) to h) are NOT clearly specified to define how a decision maker should react to development proposals or for an Applicant to be confident of meeting the requirements.

NPPF Examining plans

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 area’s 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 Policies **DM10.1 at Development will be required to: a) to h)** are NOT clearly specified to define how a decision maker should react to development proposals or for an **Applicant** to be confident of meeting the requirements and is therefore NOT **positively prepared**.

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

The Policies **DM10.1 at Development will be required to: a) to h)** are NOT Justified as there are alternative National Policy definitions available.

- 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 Policies **DM10.1 at Development will be required to: a) to h)** are NOT effective as they are subjective objectives and have various interpretations which are not sufficiently specific to withstand a challenge and thus are unenforceable.

- 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 Policies **DM10.1 at Development will be required to: a) to h)** do not reference or relate to the NPPF para 129 or the National Model Design Codes or Guidance and are therefore NOT consistent with National Policy.

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

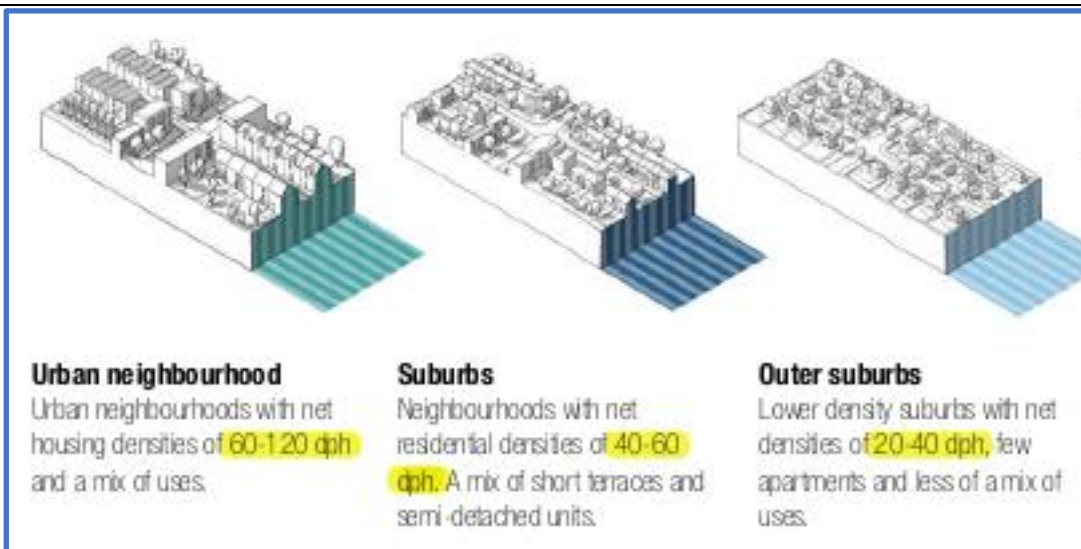
6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). 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:

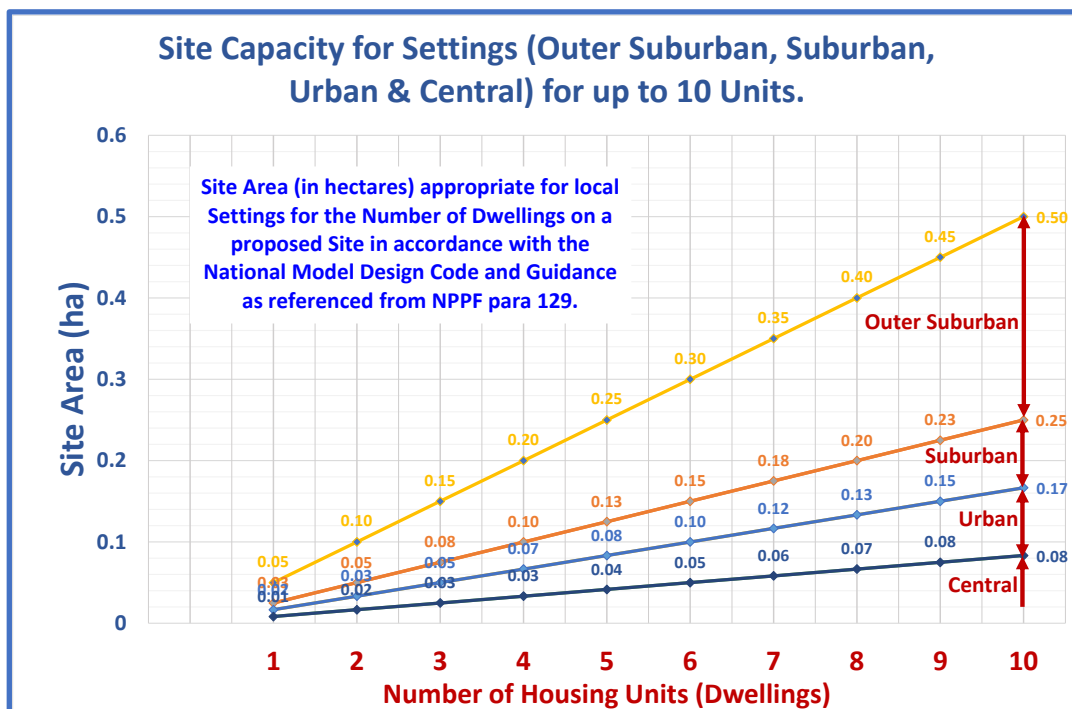
The Policy should either define the criteria or specification of the Policy or reference the appropriate Policies of the **London Plan D Design Policies D1 to D6 and H2-Small Sites**, where the guidance for implementing the Policy can be found.

Additionally, Reference to, or embody the **National Model Design Code & Guidance¹** as published by the **Department for Levelling Up, Housing and Communities** (January 2021 & June 2021).

¹ <https://www.gov.uk/government/publications/national-model-design-code>



The National Model Design Code Part 1, 2.B Coding Plan, Figure 10 page 13 lists appropriate Housing Densities for each of the “Settings” Outer Suburban, Suburban and Urban.



The National Models Design Code Incremental Site Capacities for number of Dwellings 1 to 10 for local “Settings”

The graphical illustration above identifies the “Site Areas” required for the appropriate number of dwellings 1 to 10 (addition dwellings would follow an extension of the graph accordingly). This plus the limitation of Floor Area Ratios (GIA/Site Area) for the “Setting” would define the “Site Capacity” for a proposal.

This, along with other Design Code parameters would provide the appropriate parameters for Policy DM10.1.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.