

 www.croydon.gov.uk	Croydon Local Plan Review 2024 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) May - June 2024 June - July 2024 1st July-12th August 2024
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Part A

1. Personal Details*		2. Agent's Details (if applicable)	
Title	I. Eng. M I E T.		
First Name	Derek		
Last Name	Ritson		
Job Title	Not Applicable		
(where relevant)			
Organisation	Monks Orchard Residents' Association		
(where relevant)			
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Part B – Please use a separate sheet for each representation

Representation #11

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

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

Section	Design and Character
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Policy	DM10	Paragraph	DM10.7 a)-f)	Table	-
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4. Do you consider the Local Plan meets NPPF para 35:

Please tick as appropriate	Yes	No
a) Positively Prepared		✓
b) Justified		✓
c) Effective		✓
d) Consistent with National Planning Policy		✓

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 DM10.7

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) In exceptional circumstances where site constraints make it impossible to provide private outdoor space for all dwellings, indoor private amenity space may help to meet policy requirements. The area provided should be equivalent to the private outdoor amenity space requirement and this area added to the minimum Gross Internal Area.
- (d) Provide adequate daylight and sunlight for future occupants;
- (e) Use high quality, durable and sustainable materials that respond to the local character of an area;
- (f) When working with existing buildings, retrofitting will be encouraged to retain original architectural features where possible;
- (g) Incorporate the principles of designing out crime or equivalent crime prevention standards;
- (h) Makes adequate provision for access, servicing, communal storage, circulation, turning space and parking taking account of the impact on the character of the area;
- (i) 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; and
- (j) Explore opportunities to retrofit energy efficiency infrastructure and renewables into existing stock.

DM10.7 The Design and Character Policy DM10.7 is too vague to be implemented.

- (a) Make an efficient use of land whilst respecting the character of the surrounding area by reinforcing and promoting local distinctiveness;

In order to make the most efficient use of land, the methodology of respecting local character needs to be defined.

The most efficient use of Land would need to reflect the Area Type parameter boundaries for:

- **Plot Area Ratio (PAR) = (footprint ÷ site area) and**
- **Floor Area Ratio (FAR) =(GIA ÷ Site Area)**
for the Area Type (i.e., is different for the local Area Type setting) to ensure the proposal meets this Policy requirement. (Ref: National Model Design Code & Guidance (2021)).¹

The Site Capacity should allow all the facilities required of the development proposal to be accommodated within the Site Boundary

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

but within the limits of an **Area Type Setting** for that locality (Ref: **London Plan Policy D3 - Optimising site capacity through the designed approach**).

There is no reference to respecting existing **Building Line** (front or rear).

The **Site Capacity** should also allow the proposal to meet the **Urban Greening Factor (UGF) - London Plan Policy G5 Urban greening (Factor)**

- 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;

The **Croydon Local Plan Policy** does not indicate how a proposal design should avoid unacceptable harm to the amenity of existing neighbours and future occupants.

The appropriate guidance is that the **45° Degree Rule** from the nearest ground floor habitable room of a neighbour striking a **45° Degree line** both **vertically** and **horizontally** should not intersect the proposed development.

- c) In exceptional circumstances where site constraints make it impossible to provide private outdoor space for all dwellings, indoor private amenity space may help to meet policy requirements. The area provided should be equivalent to the private outdoor amenity space requirement and this area added to the minimum Gross Internal Area.

The **Outdoor space** appropriate for a proposal rather than a fixed allocation for the number of occupants, should also be related to the local '**Area Type**' of the proposed development to reflect the local character of the proposal.

A more sensible parameter would be the **Plot Area Ratio** (footprint/site area) appropriate for the **Area Type** setting as an appropriate **Design Code**.

- d) Provide adequate daylight and sunlight for future occupants;

There is no reference to any acceptable sunlight/daylight requirements either to **National Planning Policy Guidelines** or **British Research Establishment (BRE) Daylight Sunlight Studies | BRE 209 / BS 17037 Compliant Recommendations**.

- e) Use high quality, durable and sustainable materials that respond to the local character of an area;

No comment

- f) When working with existing buildings, retrofitting will be encouraged to retain original architectural features where possible;

No comment

- g) Incorporate the principles of designing out crime or equivalent crime prevention standards;

The Policy does not indicate how this should be determined and to what guidance limits or tolerances are required for compliance.

Suitable Guidance can be found within the **National Model Design Code & Guidance Part 2²** : P1 – Streets, P2 – Social Interaction, P3 - Security & Public Spaces P.3.i – Security by design and P.3.ii – Counter Terrorism.

- h) Makes adequate provision for access, servicing, communal storage, circulation, turning space and parking taking account of the impact on the character of the area;

What is adequate? The Site Capacity (Site Area) limits the available provision for access, servicing, communal storage and turning space. The amount of provision is dependent on the quantity of parameters to support a proposal. The relationships between these parameters should be defined to reflect the Area Type of the proposal.

- i) 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;

No Comment

and

- j) Explore opportunities to retrofit energy efficiency infrastructure and renewables into existing stock.

No Comment

Examining plans: NPPF Para 35

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the areas objectively assessed needs¹⁹; 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;

We do not believe the Policies quoted and referenced above have been adequately defined to ensure basis of compliance and therefore the Policies are NOT Positively prepared.

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

We do NOT believe the Policies as written are Justified as alternative requirements are either available or could be referenced.

- 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;

We do NOT believe the Policies are Effective as it would not be possible to define whether a proposal is actually compliant or non-compliant to the Policies as written.

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

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 Policies as written do NOT comply with National Policies or Guidance.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

No Comment

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.