





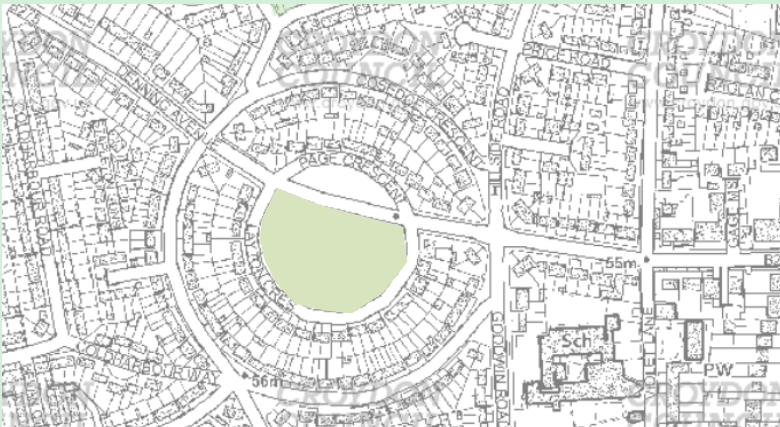






63	<p><b>Woodside Green</b></p> <p>93 Woodside Grn, London SE25 5HU</p>	<p>A 1.9 hectare site. The area has a history in farming and the green is surrounded by large mature Plane trees and a fence. The Green is home to a war memorial.</p> 	56,904
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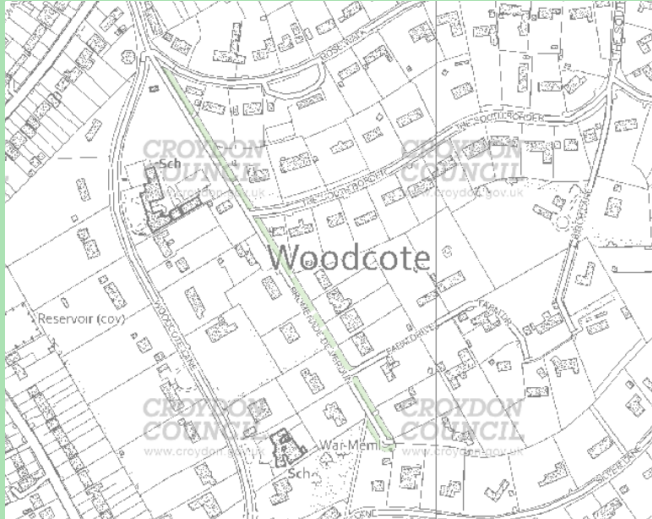

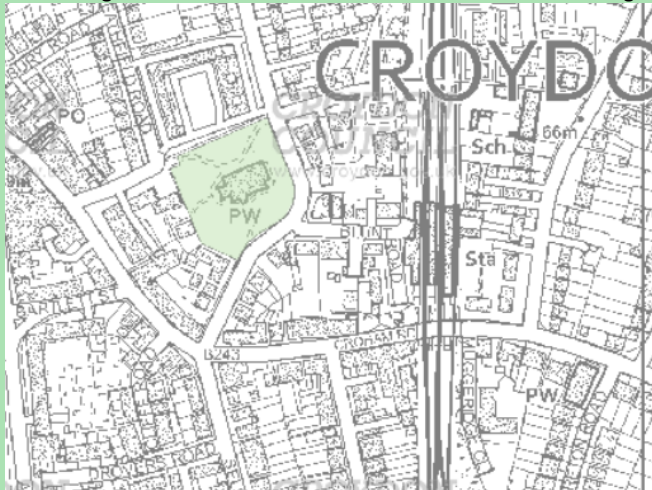
Sources: Croydon Council website / Google Maps / Wandlevaleypark.co.uk


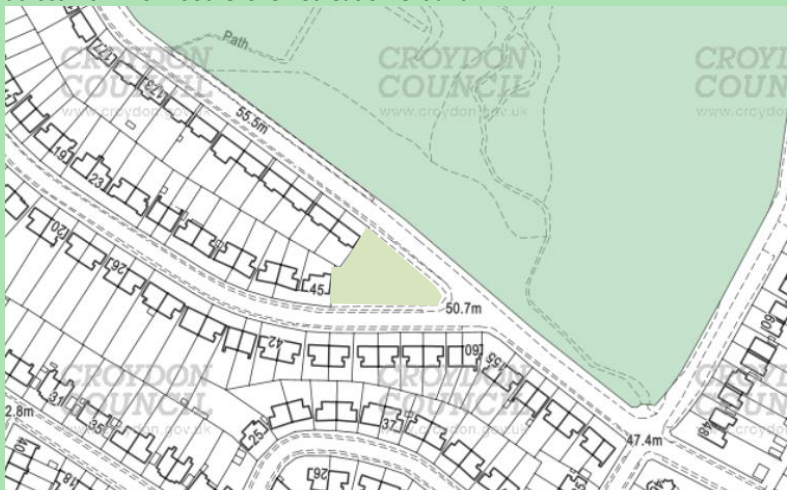

<b>N.b. No GPS data available for the following sites.</b>			
The below footfall data is based on a manual survey. Please refer to the raw data and methodology outlined at Page 32-33 of Appendix B.			
1	<p><b>Balancing Pond and Land to rear of Honeysuckle Gardens</b></p> <p>Primrose Lane, Croydon, CRO 8YS</p>	<p>A 3.9 hectare site comprising of an open grass area and trees towards its peripheries.</p> 	<p>Raw: 4</p> <p>Adjusted: 5,654</p>


<p><b>2</b></p>	<p><b>Coulsdon Coppice (Stonyfield Shaw)</b> Birchfield Close, Coulsdon, CR5 2SL</p>	<p>A 1.2 hectare woodland. The site comprises of oak with an understorey of hazel, holly and sloe. The Roman or edible snail, a scarce and declining species in Britain, is common here.</p>  <p>The map shows a residential area with a red outline highlighting the site. Labels include 'Depot', 'Stonyfield Shaw', 'Oasis Academy', 'Byron School', and 'Bleakfield Shaw'.</p>	<p>Raw: 16 Adjusted: 22,618</p>
<p><b>3</b></p>	<p><b>Former Godstone Road allotments</b> Land to the rear of Valley View Gardens, Kenley, CR8 5BR</p>	<p>A 1.8 hectare site. The site is positioned between a railway line and the rear of allotments.</p>  <p>The map shows a residential area with a green shaded site. Labels include 'Drain' and 'Recreation Ground'.</p>	<p>Raw: 7 Adjusted: 6,597</p>
<p><b>4</b></p>	<p><b>Glade Wood</b> Lorne Gardens, Croydon, CR0 7RY</p>	<p>A 1.2 hectare site. The site is a woodland bird sanctuary that is closed to the public.</p>  <p>The map shows a residential area with a green shaded site.</p>	<p>Raw: 0</p>


<p><b>5</b></p>	<p><b>Land rear of Hillars Heath Road</b> Hillars Heath Road, Coulston, CR5 2JQ</p>	<p>A 0.25 hectare site, which overlaps with the Coulston Quarry &amp; Wood.</p> 	<p>Raw: 11 Adjusted: 15,550</p>
<p><b>6</b></p>	<p><b>Layton Crescent</b> Layton Crescent, Croydon, CR0 4EA</p>	<p>A 1.3 hectare circular space separated in two by Denning Avenue. The area contains a building used for sheltered housing, as well as grass cover and some trees.</p> 	<p>Raw: 17 Adjusted: 16,021</p>
<p><b>7</b></p>	<p><b>Little Road Playground</b> Freemasons Road, Croydon, CR0 6PB</p>	<p>A 0.1 hectare site containing children's play equipment. It was purchased in three lots over five years then after the war was cleared and laid out as a children's playground.</p> 	<p>Raw: 22 Adjusted: 20,733</p>

<p><b>8</b></p>	<p><b>Norbury Hall</b>  <i>Craignish Avenue,          Norbury, SW16 4RW</i></p>	<p>A 3.24 hectare site. The park contains a historic Georgian Mansion, which is currently used as a residential home for the elderly and is not open to the public. One of the distinctive features of the garden is the large Cedar trees which surround the house and are typical planting of early nineteenth century villa gardens.</p> 	<p>Raw: 29          Adjusted:          40,994</p>
<p><b>9</b></p>	<p><b>Palace Green</b>  <i>Palace Green, Croydon,          CR0 9AG</i></p>	<p>A 0.4 hectare green area positioned within the division between the east and west sections of Palace Green.</p> 	<p>Raw: 0</p>
<p><b>10</b></p>	<p><b>Peabody Close Paying Field</b>  <i>Primrose Lane, Shirley,          CR0 8BN</i></p>	<p>A 2 hectare site. The area comprises of an open grass area suitable for informal recreational activities, and is surrounded by woodland.</p> 	<p>Raw: 2          Adjusted:          2,827</p>

<p><b>11</b></p>	<p><b>Promenade du Verdun</b>  <i>Promenade du Verdun,  Purley, CR8 3HR</i></p>	<p>A 0.4 hectare site. Promenade de Verdun is a road, with a wide grass verge planted with an avenue of trees and a tall at the south eastern end, and as such is quite different from all the other parks and open spaces in Croydon.</p> 	<p>Raw: 0</p>
<p><b>12</b></p>	<p><b>Queens Road Cemetery</b>  <i>Queens Road, Croydon,  CRO 2PR</i></p>	<p>A 10.2 hectare cemetery. It was Croydon's first cemetery. It has about 50,000 graves and approximately 97,000 burials have taken place since it opened. The graves are shaded by large trees and landscaped with shrubbery beds.</p> 	<p>Raw: 21  Adjusted:  29,686</p>
<p><b>13</b></p>	<p><b>St Peter's Churchyard</b>  <i>St Peters Road, South  Croydon, CRO 1EZ</i></p>	<p>A 0.5 hectare courtyard and burial site surrounding St Peter's Church. The Churchyard is a well-planted churchyard, now closed to burial. The churchyard has flint boundary walls and a good coverage of mature tree, its path layout little changed. The Church of St Peter is a Grade II Listed Building.</p> 	<p>Raw: 32  Adjusted:  46,649</p>

<p><b>14</b></p>	<p><b>The Green on Shrublands</b>          Shrublands Avenue,          Croydon, CR0 8JB</p>		<p>Raw: 2          Adjusted:          1,885</p>
<p><b>15</b></p>	<p><b>The Green, Covington Way/Crescent Way</b>          Covington Way, London,          SW16 3JS</p>	<p>A 0.1 hectare site containing grass cover and some trees. The site is positioned across from Norwood Grove Recreation Ground.</p> 	<p>Raw: 0</p>
<p><b>16</b></p>	<p><b>The Green on Broom Road</b>          Broom Road, Croydon,          CR0 8NG</p>	<p>A 0.2 hectare site. The site contains grass cover and a few trees. It adjoins Broom Road and is open to the street, with a pedestrian path adjoining the site's northern edge.</p> 	<p>Raw: 71          Adjusted:          66,910</p>

17	<p><b>The Green, Semley Road</b> Semley Road, Norbury, SW16 4PL</p>	<p>A 0.07 hectare site. The site is bordered by Semley Road (north), Hatch Road (south) and Bavant Road (west), and is opposite the Norbury Baptist Church</p> 	Raw: 0
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18	<p><b>Whitgift Pond</b> Upfield, Croydon, CR0 5TB</p>	<p>A 0.07 hectare area containing a pond. The pond adjoins a larger open grassland area. There is no public access to the pond, although it can be viewed from the road.</p> 	Raw: 0
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## Manual Footfall Survey – Raw Data

Site	Time & date of Survey	Raw Footfall Survey Count
Balancing Pond	12:42 pm (Monday 13 November)	4
Coulsdon Coppice	9:20 am (Friday 10 November)	16
Former Godstone Road Allotments	2:18 pm (Monday 13 November)	7
Glade Wood	3:45 pm (Friday 10 November)	0
Land rear of Hillars Heath Road	8:39 am (Friday 10 November)	11
Layton Crescent	2:15 pm (Friday 10 November)	17
Little Road Playground	2:55 pm (Friday 10 November)	22
Norbury Hall	10:15 am (Monday 13 November)	29
Palace Green	11:36 am (Friday 10 November)	0
Peabody Close Playing Field	12:05 pm (Monday 13 November)	2
Promenade de Verdun	10:00 am (Friday 10 November)	0
Queens Road Cemetery	11:12 am (Monday 13 November)	21
St Peter's Church	1:29 pm (Friday 10 November)	32
The Green Covington Way	8:45 am (Monday 13 November)	0
The Green on Broom Road	3:15 pm (Monday 13 November)	71
The Green on Shrublands	3:50 pm (Monday 13 November)	2
The Green, Semley Road	9:32 am (Monday 13 November)	0
Whitgift Pond	4:50 pm (Monday 13 November)	0



## Manual Footfall Survey – Methodology

Manual footfall surveys have been undertaken to gather data for 18 green spaces where GPS data was not available. The surveys were conducted over a two-day period on Friday 10 November and Monday 13 November 2023, and each green space was surveyed for 30 minutes. The time and date the surveys took place are stated in the Raw Data table above.

Of the 18 sites surveyed, 6 recorded a zero footfall count. The observed reasons for the negligible footfall are outlined below:

- **Glade Wood:** The site was gated and locked, and the site's vegetation was overgrown
- **Palace Green:** The site was surveyed during a time of heavy rain
- **Promenade de Verdun:** The site is located in a private residential estate, and was surveyed during a time of heavy rain
- **The Green Covington Way:** The site is a small parcel of land on the corner of the road. Pedestrians travelled around the green rather than through it
- **The Green, Semley Road:** The site was surveyed while it was raining, and can be likened to a large roundabout
- **Whitgift Pond:** The site is gated and closed to the public

In order to provide survey results that are measurable against the 84 sites which recorded GPS data, the raw data has been adjusted using a formula that scales-up the 30-minute survey periods to the equivalent of a full month, as well as taking into account trending busy and quiet periods. This is discussed in more detail below.

- The GPS data collected by Yellow Submarine gathered footfall between 4:00am – 11:00pm over a 1 month period. As such, the manual survey data has been multiplied by 1,178, which is the number of half hours in a month between the hours of 4:00am and 11:00pm.
- The Yellow Submarine data was analysed, and it was determined that there was a general trend towards a higher footfall in the afternoon and evening periods. Given this, manual footfall data collected during the morning period (8:30am – 2:00pm) has been increased by 20%, and manual footfall data collected during the afternoon period (2:00pm – 4:00pm) has been decreased by 20%.

A worked example of the methodology is provided below:

- Coulsdon Coppice (surveyed 9:20am):  $16 \text{ (people)} \times 1,178 \text{ (half hours in a month)} + 20\% = 22,618 \text{ (adjusted footfall)}$
- Layton Crescent (surveyed 2:15pm):  $17 \text{ (people)} \times 1,178 \text{ (half hours in a month)} - 20\% = 16,021 \text{ (adjusted footfall)}$

## Appendix C – Planning Inspector Report 2018

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# **Report to Croydon London Borough Council**

**by Paul Clark MA MRTPI MCI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 16 January 2018**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Croydon Local Plan Strategic Policies – Partial Review and the Croydon Local Plan Detailed Policies and Proposals**

The Plans were submitted for examination on 3 February 2017

The examination hearings were held between 16 and 31 May 2017

File Refs: PINS/L5240/429/8 and 9

## Abbreviations used in this report

AA	Appropriate Assessment
ACV	Asset of Community Value
AECOM	Architecture, Engineering, Consulting, Operations and Maintenance (AECOM is the name of an American multinational engineering firm)
BMI	BMI Healthcare is the name of an independent provider of private healthcare
BNP	Banque Nationale de Paris (BNP Paribas is the name of an international banking group)
DP&P	Detailed Policies and Proposals
DPD	Development Plan Document
GB	Green Belt
GPDO	General Permitted Development Order
GTANA	Gypsy and Traveller Accommodation and Needs Assessment
HMO	House in Multiple Occupation
LGS	Local Green Space
MM	Main Modification
MOL	Metropolitan Open Land
NHS	National Health Service
NEET	Young person Not in Education, Employment or Training
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPTS	Planning Policy for Traveller Sites
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SHMA	Strategic Housing Market Assessment
SLWP	South London Waste Plan
SNCI	Site of Nature Conservation Importance
SPPR	Strategic Policies Partial Review
TfL	Transport for London
TRICS	Trip Rate Information Computer System
UBS	Union Bank of Switzerland (UBS is the name of an international banking group)

## **Non-Technical Summary**

This report concludes that the Croydon Local Plan Strategic Policies – Partial Review and the Croydon Local Plan Detailed Policies and Proposals provide an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Croydon London Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To bring substantive material from supporting text into stated policy
- To rationalise various overlapping policies concerning character
- To apply tall buildings policy to central Croydon
- To make detailed adjustments to particular site proposals
- To clarify the relationship between borough-wide and place-specific policies
- To delete one area of focused intensification and review the boundaries of others
- To adjust the strategic target for dwelling mix to a realistic figure
- To remove development proposals from the Green Belt
- To reinstate a de-designated area of Metropolitan Open Land
- To delete Local Green Space designations pending a further review and
- To refine policies governing the provision of hot food take-aways and the loss of pubs

## Introduction

1. This report contains my assessment of the Croydon Local Plan Strategic Policies – Partial Review and the Croydon Local Plan Detailed Policies and Proposals in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the documents' preparation has complied with the duty to co-operate. It then considers whether the documents are sound and whether they are compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes it clear that, in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be sound documents. The Croydon Local Plan Strategic Policies – Partial Review and the Croydon Local Plan Detailed Policies and Proposals, submitted in February 2017 are the basis for my examination. They are the same documents as were published for consultation in September 2016. With them the Council also submitted Recommended Main Modifications to Proposed Submission Drafts December 2016 for both submitted documents, in response to representations made.

### *One Plan, One Report*

3. As the Inspector's report in 2013 on the examination of the Strategic Policies adopted then makes clear, the NPPF envisages a single Local Plan. The Strategic Policies were only ever regarded as part one of Croydon's Local Plan, of which the now submitted Detailed Policies and Proposals represent part two.
4. The Partial Review and the Detailed Policies and Proposals are submitted together and have been examined together. Although some issues are unique to one or other document, others are common to both. For convenience, they have all been examined together and I now report on them together, although two separate appendices of Main Modifications have been prepared, one for each document. I use the term Croydon Local Plan to refer to either or both documents submitted for examination.

## Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (**MMs**) necessary to rectify matters that make the documents unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendices.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs, carried out sustainability appraisal and subjected it to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications **MMS6**, **MMD17**, **MMD18**, **MMD21**, **MMD26**, **MMD28**, **MMD38**, **MMD86**, **MMD116**, **MMD119**, **MMD136** and **MMD139** and added consequential modifications

where these are necessary for consistency or clarity. Additional targeted consultation was carried out on amendments to modifications **MMD17** and **MMD21**. Except to revert in places to words used in the originally submitted documents, none of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## **Policies Map**

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Proposed Submission Policies Map, North and South Sheet and Inset Sheet as set out in documents reference LBC-00-113, 114 and 115.
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
9. These further changes to the policies map were published for consultation alongside the MMs on the council's website. In this report I identify amendments to modification **MMD86** in the interests of soundness that imply further changes to the policies map in the light of the consultation responses.
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Croydon Local Plan Strategic Policies – Partial Review and the Croydon Local Plan Detailed Policies and Proposals and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

## **Consultation**

11. A number of representations made to the submitted documents allege inadequate procedures in respect of consultation periods or arrangements, or the introduction or deletion of policies or sites in the final stages of preparing the submitted documents. These representations were pursued at the hearing sessions with reference to the Gunning Principles.
12. The Gunning Principles (also known as the Sedley Principles) are derived from case law. They are augmented by the Cabinet Office Consultation Principles originally published in 2012, revised in 2016. Reportedly, these suggested that consultation timeframes might typically vary between 2 and 12 weeks but the current version of the principles  
(<https://www.gov.uk/government/publications/consultation-principles->

guidance) does not in fact specify any time period for consultation, only for reporting the results of consultation.

13. In any event the procedures governing consultation on local plan preparation are prescribed by legislation and imposed by statute in the form of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 18 requires a local authority to invite representations on what a local plan ought to contain and to take them into account when preparing the plan. Regulation 19 requires notification of an opportunity to make representations on a proposed submission plan before it is submitted to the Secretary of State. Regulation 17 requires a "statement of the representations procedure" which means a statement specifying the date by which representations about the local plan must be received by the local planning authority, which must be not less than 6 weeks from the day on which the statement is published.
14. There is no requirement or provision for consultation on how the Council may have taken into account (e.g by the introduction or deletion of policies or sites) the representations received as a result of regulation 18 consultation as it prepares the document to be submitted in accordance with regulation 19, simply a requirement for the Council to provide an opportunity for representations to be made on the documents proposed to be submitted. Those representations are for me to consider as part of this examination. From the evidence before me, it is clear that the Council has complied with the time periods specified in the regulations.
15. The nature of the submitted documents is complex and wide-ranging. They are supported by a considerable quantity of evidence. It is understandable that the volume of material represents a daunting challenge for those who wished to participate in their preparation. Nevertheless, the volume of representations made, their coherence and the number of those who participated at the hearing sessions demonstrate that there was no actual deficiency in the effectiveness of the consultation processes undertaken.

## **Assessment of Duty to Co-operate**

16. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plans' preparation.
17. In London, cooperation between the London Boroughs on planning matters is largely achieved because of their shared requirement for general conformity with the London Plan. By letter dated 17 October 2016, the London Mayor has certified that the two Croydon documents are both in general conformity with the London Plan.
18. In addition, the Council's Statement of Duty to Cooperate and its appended documentation demonstrates that the Council has worked with a wide range of authorities, both within London and without in seeking to address issues concerning housing provision, gypsy and traveller site provision and flood risk. It examined issues related to employment and jobs, retailing and supporting



infrastructure and concluded that they gave rise to no cross-boundary issues, a verdict which is generally supported by the representations received from the many local authorities consulted in general terms during the preparation of the documents.

19. Furthermore, although not mentioned in the Council's Statement of its Duty to Cooperate, the Council's 2010 study of Burial Land Need and Provision (Document LBC-05-602) examined resources in adjoining boroughs and records attempts at joint provision with the London Borough of Sutton. Also not mentioned in the Council's statement is the fact that the Council is a joint participant in the South London Waste Plan adopted in March 2012.
20. I have considered whether two other issues should have merited attention under the Duty to Cooperate. One concerns cross-boundary views, the other concerns the application of proposed policy DM3 regarding care homes.
21. Although in an earlier response, the London Borough of Sutton advised that it considered it had reached agreement on strategic matters through on-going Duty to Cooperate arrangements, its response dated 16 December 2016, in addition to comments on gypsy and traveller site provision (already recognised as the subject of a duty to cooperate), pointed out that the care home market for self-funders is not arranged on local authority boundaries and so challenged the basis for Croydon's policy to limit the provision of care homes to residents within the London Borough of Croydon.
22. Although it is correct that the care home market is London-wide and that people can and do look outside their own local authority area when seeking nursing homes that suit their specific needs or are located near relatives, the proposed policy (DM3.1) does not prevent cross-border movement but is concerned with the justification for additional care homes over and above the disproportionate number which are presently located within Croydon. There is no evidence that residents of Sutton would be dependent on the future provision of additional care homes in Croydon and so, in my view, the challenge does not give rise to an issue of cooperation but is simply a question of justification, which I consider later.
23. Croydon's Assessment of Landmarks, Panoramas and Views, August 2016 (Document LBC-04-523) includes amongst the criteria for the identification of landmarks, views and panoramas the requirement that any view or panorama must be substantially of a part of the borough and so effectively excludes consideration of cross-boundary views. Nevertheless, it is clear that, through its consultations with adjoining boroughs, all neighbouring authorities had the opportunity to comment on this feature of the Council's proposed policies. No questions or issues were raised and so I conclude that the consultation was a proportionate way of ensuring that the Duty to Cooperate is satisfied.
24. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the documents and that the duty to co-operate has therefore been met.

## Assessment of Soundness

### Background

#### *Scope of reviewed Strategic Policies*

25. Croydon has a set of Strategic Policies adopted on 22 April 2013. These were found sound following an examination which took place between April and December 2012. They are the first part of the Croydon Local Plan. The second part has now been submitted for examination. That is the document entitled Croydon Local Plan Detailed Policies and Proposals.
26. Submitted with it is a document entitled Croydon Local Plan Strategic Policies – Partial Review. Because it is a partial review and not a complete replacement plan, it is necessary to be clear what it is that I have been asked to examine.
27. The Partial Review has not been submitted as a schedule of proposed changes to the adopted Strategic Policies. Rather, it has been submitted as a “tracked changes” version of the entire adopted Strategic Policies.
28. Its introductory pages advise that only the tracked changes are subject to consultation and that comments received on any other parts of the Croydon Local Plan: Strategic Policies will not be accepted as they remain adopted and unchanged. However, it is clear from the submitted evidence base that although the review has not covered all parts of the Strategic Policies it has covered more than just the tracked changes and has in places resulted in a conscious decision not to change the plan. So, any part of the “tracked changes” document could fall into one of three categories; (a) not reviewed, (b) reviewed but not changed and (c) reviewed and changed. As submitted, it was clear that parts falling into category (a) are not for examination and that parts falling into category (c) are for examination but the position was unclear regarding parts falling into category (b).
29. The Local Development Scheme says “The partial review includes updated evidence on employment policies, community facilities and a move from Local Areas of Special Character to Local Heritage Areas.” The submitted Sustainability Appraisal (paragraph 3.1.3) states that the primary focus of the review is on policy SP2 (Homes) but goes on to state that it “also provides an opportunity to update a small number of other policies to reflect new evidence and analysis of how Strategic Policies have operated since adoption in 2013. These policies areas include: local heritage area designations; archaeological priority zone designations; tier 2 employment location designations; community facility (in particular public houses) protection; and designation of an office retention zone for New Town within the Croydon Opportunity Area.” The use of the word “includes” means that the list is not exclusive.
30. Complicating matters are two other factors. Firstly, the Council proposes to “roll forward” the life of the whole plan (both reviewed and unreviewed parts) by five years and so I am being asked to consider whether the whole of the Strategic Policies would be sound for an additional five years. Secondly, one of the criteria for an examination of soundness is whether a plan has been

positively prepared; i.e is it meeting the requirements which it ought to meet. That necessarily entails a consideration of what has been left out, not just what has been included. I do this in my consideration of whether the documents have been positively prepared.

31. Taking all of the above points into consideration, my examination necessarily goes beyond the precise words of the "tracked changes" but I record that chapters 2 (Setting the Scene) and 7 (The Places of Croydon) and Appendices 1, 2, 3 and 4 of the Strategic Policies have not been reviewed in themselves but have only consequential changes proposed and that chapters 5 and 6 have only been partially reviewed. The Council's view is that all policies which are sensitive to the period of the plan have been reviewed and that any policies not included within the review are not sensitive to the plan period and can be engaged up to 2036. There is no representation or evidence to the contrary and so, having regard to the Local Development Scheme, the consultation materials and natural justice, I have no reason to disagree.
32. There is, of course, no question about the scope of the examination of the Detailed Policies and Proposals document. This is submitted for examination in its entirety.

### **Main Issues**

33. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified three main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and/or legal compliance rather than responding to every point raised by representors. I do not report on a large number of other matters where a simple response to a simple question was enough to convince me of the soundness of the point at issue.

### **Issue 1 – Whether the plans have been positively prepared**

34. The NPPF requires consistency with national policy. This includes requirements to identify the future needs of telecommunications operators, to identify parts of the Green Belt where beneficial use needs to be positively planned for and to identify heritage assets most at risk through neglect, decay or other threats. These do not appear in the submitted documents. The Council provides evidence which shows that these circumstances do not apply in Croydon, for example because much Green Belt land is already in public ownership, so the omissions are not evidence of unsoundness. The plan contains generic policies designed to deal with these circumstances, should they arise.
35. Nevertheless representations were made to the effect that there were genuine needs arising in Croydon which had been overlooked, relating to car parking policy, policy on Houses in Multiple Occupation, the need to provide for places of worship and for a University campus.

### *Car parking standards in District Centres*

36. Policy SP8.17 of the adopted Strategic Policies provides that The Croydon Local Plan: Detailed Policies and Proposals DPD will provide more detailed policies on parking for each of the borough's District and Local Centres. It also sets out criteria by which such detailed policies will be developed. The submitted partial review proposes to change "will provide" to "provides" and leaves the criteria unchanged.
37. However, the submitted Detailed Policies and Proposals do not, in fact, provide more detailed policies on parking for each of the borough's District and Local Centres. Instead, policy DM31 (d) would maintain existing numbers unchanged, unless demonstrably not needed and policy DM31 (e) provides a table (10.1) which limits additional parking provision, largely deferring to London Plan table 6.2 and which is to apply borough-wide. This is supplemented by supporting text which explains what policy the Council would actually apply in areas of higher and lower levels of public transport accessibility.
38. I return to consider the justification and effectiveness of these policies later in this report but it is clear that the omission of a change to policy SP8.17 has led to an inconsistency between the two parts of the Local Plan which requires a modification (**MM S34**) to resolve.

### *Houses in Multiple Occupation*

39. Evidence shows 299 registered Houses in Multiple Occupation in Croydon, a tiny percentage of the 149,700 dwellings recorded in the Council's SHMA 2015.<sup>1</sup> The evidence shows that one quarter of Croydon's wards had no registered HMOs and one-third of wards had only a handful. This data is confirmed by evidence produced following the hearing sessions (document LBC-PR-063) which confirms that over half of all licenced HMOs in Croydon are located within just five postcode sectors out of 33 with any present at all.
40. In the ten (out of twenty-four) wards which had the highest numbers of registered HMOs, they represent only between 0.24 and 0.64% of the total stock so, even though the number of HMOs in Croydon increased by 42% between 2001 and 2011, slightly faster than the national average, they still represent a very small proportion of the total housing market. The Council's SHMA notes, in paragraphs 10.69 and 10.87 the importance of good quality HMO accommodation for younger people (aged under 35) as potentially their only means of meeting their housing needs away from their parents. It recommends that a balanced approach to housing in terms of bedroom sizes and property types, together with high licensing standards for Houses in

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<sup>1</sup> A response dated 10 July 2017 to a Freedom of Information request by a hearing participant was submitted subsequent to the hearing sessions. It provides a spreadsheet with 342 entries. The increase since the earlier data does not invalidate the general argument. A copy of a spreadsheet entitled "Houses in Multiple Occupation Register" obtained from Croydon Council earlier in the year was supplied by another hearing participant subsequent to the hearing sessions. It lists 306 entries.

Multiple Occupation will help such households to access housing. That recommendation is followed by the Council in the Local Plan so the absence of a specific policy relating to Houses in Multiple Occupation does not represent a failure to prepare positively the plan for Croydon as a whole or even for the north-west of Croydon where the ten wards concerned are clustered.

41. That is not to deny that in one particular location, which happens also to be a Conservation Area, Houses in Multiple Occupation feature largely. There may also be other local hot spots. But many proposals for houses in multiple occupation are not subject to planning control because they are permitted development. For that reason I agree with the view that, in those places where the operation of permitted development rules gives rise to problems, the first step would be to consider the imposition of an Article Four Direction.
42. Such a Direction only brings a class of development within the ambit of planning control; it does not provide a policy. But policy DM1(b) already exists to control the effects of development on the dwelling mix of the existing housing stock, so there is no failure to plan positively for the future of that stock. Whether the policy is justified or effective is a matter I return to in a subsequent issue.

#### *Places of worship*

43. Unchanged Strategic Policy SP5.6 promises that criteria for the provision and improvement of places of worship will be set down in the Croydon Local Plan: Detailed Policies and Proposals DPD. But, in fact, other than a generic policy (DM20.3) setting criteria for all types of community use, there are none specifically for places of worship. Policy DM20.3 itself is incomplete in not referring to the arrangements for responding to proposals for D1 uses in Table 4.1 of the Strategic Policies. So, for consistency and effectiveness, modifications to both SP5.6 and DM20.3 are recommended. (**MM S24 and MM D72**)

#### *University campus and young persons not in education, employment or training (NEETs)*

44. Unrevised Strategic Policy SP5.12 records the Council's desire to bring a university or "multiversity" to Croydon and promises that subject to progress, the Croydon Local Plan: Detailed Policies and Proposals DPD will define a campus location at a suitable site with high public transport accessibility. That the Detailed Policies and Proposals document does not do so is more an indication of lack of progress than a failure to plan positively and so is not a reason to find the plan unsound.
45. Representations were also made about the plight of NEETs but both Strategic Policies SP5.14 and SP5.15 already exist. The partial review of the Strategic Policies adds paragraphs 4.25 and 4.26 to the supporting material for policy SP3 (Employment). In order to ensure that policies are stated effectively, I recommend modifications (**MMs S2, S18**) to recognise these provisions as the policies to provide training and job opportunities for local people that they are. I therefore have no reason to find the plan unsound in relation to this point.

## **Issue 2 – Whether Policies are stated effectively**

46. Much comment on the submitted documents sought to contrast draft policies with actual decisions taken by Croydon Council. It is not for me to review or examine those decisions. I am appointed only to consider the soundness of the plan, not to monitor or review the council's decision making on planning applications.
47. It was not part of the Council's evidence that the Detailed Policies and Proposals represent a radical departure from existing practice. Rather, they are meant to represent an elaboration of existing adopted Strategic Policies which have been partially reviewed and refined in relation to changed circumstances.
48. If actual decisions taken by Croydon Council cause surprise, or are capable of being contrasted with the content of the Local Plan, that emphasises the need for the plan to be clear and effective in allowing developers or members of the public to predict the outcome of a planning application. As National Planning Guidance points out in describing the role of Local Plans, they are a critical tool in guiding decisions about individual development proposals because they are the starting point for considering whether applications can be approved.
49. The Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered. The first of the government's twelve planning principles set out in paragraph 17 of the NPPF advises that Plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
50. To some extent, it is inevitable that in a criteria-based plan which seeks to apply policies each of which, worthy in themselves, may point in different directions, an individual decision may rest on a balance of opposing policies. But, to be effective, each policy must be clear in itself and not duplicate or overlap with other policies inconsistently.
51. For each proposed policy in the Detailed Policies and Proposals document there are six sections of text. Three are lists; of relevant Strategic Objectives and Strategic Policies; of former Unitary Development Plan policies to be replaced; and of key supporting documents. The other three state "why we need this policy" (its justification), the policy itself and finally "how the policy works".
52. In practice, the text of the submitted document frequently conflates these three functions. The reason for the policy tends to be restated as an introductory sentence to the policy itself and much material which appears to me to be a statement or restatement of policy appears not within the policy itself but in the section "how the policy works". In places, such as Table 5.3 and paragraphs 5.27-5.29, both relating to policy DM6, the two sections overlap with similar but differing provisions, which is likely to cause confusion and so, be ineffective.
53. In responding to my questions about this structure, the Council is adamant that the content of the sections headed "how the policy works" contains advice, not policy and that it does not want exceptions to policy stated as

policy. But, if advice is followed as, or more, consistently than policy itself then it becomes a rival to policy which thus loses its clarity. Likewise, if advised exceptions to policy are stated in the plan, even in supporting text, they could become followed as routine and so become a rival policy which undermines the policy itself and potentially causes confusion. Text which is clearly expressed as policy should be included in a relevant policy for clarity and to ensure effectiveness.

54. The Strategic Policies have a simpler structure. Sections headed "How we are going to get there" state the policies themselves. "Why we have taken this approach" sets out the justification. But, in places, the review again appears to state elements of policy amongst the justification. Statements such as "the council will seek..." are self-evidently statements of policy. To be effective, they need to be in the right section of the document.
55. I have therefore carefully examined both submitted documents and recommend modifications to move supporting text into policy where it appears to be stating policy or to delete it where it appears merely to restate policy already stated. (**MMs S2, S4, S5, S6, S8, S9, S10, S11, S12, S18, S19, S20, S21, S27, S28, S29, D1, D2, D3, D5, D6, D7, D8, D9, D10, D11, D13, D14, D15, D16, D20, D22, D29, D30, D31, D32, D33, D35, D36, D37, D38, D40, D41, D42, D43, D46, D47, D48, D49, D50, D52, D53, D55, D56, D57, D58, D59, D60, D61, D64, D65, D66, D71, D73, D74, D75, D81, D83, D84, D87, D91, D92, D93, D94, D97, D98, D99, D100, D101, D108**)
56. A particular confusion arises because both policies DM11 and DM35 deal with character. As submitted, policy DM11 has ten sections each dealing with a discrete subject. It applies indiscriminately across the borough.
57. As submitted, policy DM35 and succeeding policies DM36 to DM51 inclusive also deal with character but are structured entirely differently. Policy DM35 also applies indiscriminately across the borough. It has four sections:
- Establishing a framework of 16 Places (between them these cover the whole borough and so overlap the application of DM11), the character of which proposals should complement and enhance (thus duplicating and potentially contradicting the application of DM11)
  - Encouraging height of 3 storeys (thus overlapping with policy DM11.1(b))
  - Identifying locations of place-specific policies
  - Identifying locations of focussed intensification.
58. The succeeding sixteen sections of the plan each describe the general character of one of the 16 Places defined by policy DM35.1, and set out policies DM36 to DM51 inclusive where place-specific policies envisaged by DM35.3 would apply. Paragraph 11.6 advises that in other areas where no Place-specific development management policy applies, the character can be managed through other policies within the plan (presumably DM11 amongst others) but paragraph 11.9 apparently also applies to these areas, introducing

table 11.4 setting out "interventions suitable for each type of local character" including "rear garden development" thus overlapping and potentially contradicting the application of policies DM11 and DM2.

59. I recommend the resolution of this ineffective confusion of overlapping policies by the amalgamation of policies DM2, DM11 and DM35 into one overarching Design and Character policy (**MMs D4, D24, D25, D26, D27, D28, D39, D44, D45, D51, D54, D103, D104, D105, D106**).

### **Issue 3 – Whether the plans' policies are justified and consistent with national policy**

#### *The housing requirement*

60. Reviewed policy SP2.2 rolls forward the period of the plan from 2011-2031 to 2016-2036. Although the period of the plan remains at 20 years, the housing requirement or target increases from a minimum of 20,200 new homes to a minimum of 32,890 new homes (corrected from 31,850 to reflect homes completed or under construction)(**MMs S1, S3**).
61. The 2013 London SHMA is part of the evidence base of both the London Plan and also Croydon's Partial Review of its Strategic Policies. It repeatedly stresses that the London Boroughs remain responsible for identifying housing requirements at a local or sub-regional level. In line with that view, Croydon prepared its own SHMA. Croydon's local SHMA, June 2015, and its addendum of September 2015 identify an OAN of over 44,149 additional homes by 2036<sup>2</sup>. Many representations on Croydon's Partial Review express the view that the plan is unsound because it has not set its target or requirement in line with government policy stated in paragraph 47 of the NPPF. That requires local plans to meet the full objectively assessed need for housing.
62. Such a view is inconsistent with the legislation which applies to London, as explained in paragraphs 18-23 of the report dated November 2014 by Mr A Thickett to the Mayor of London on the examination in public into the Further Alterations to the London Plan. Statute requires the London Boroughs' Local Plans to be in general conformity with the London Plan. London is a single housing market. Other than some fine tuning regarding local need relating to the size and type of property and tenure, there is no need for each London Borough to duplicate the work done by the Greater London Authority by producing their own individual assessments of overall need. Mr Thickett recommended changes to the London Plan to reflect this approach by removing references to London Boroughs needing to identify objectively assessed need with regard to the quantum of new housing in their areas.
63. As adopted, the London Plan sets targets for each borough in its table 3.1. That for Croydon is 1,435 per annum, i.e. 28,700 for the period of the Croydon Local Plan. The London Plan then harks back to its earlier approach in policy 3.3(Da) which is that "Boroughs should draw on the housing

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<sup>2</sup> The figure is greater than the figure of 42,930 stated in both the submitted documents because the unmet need from 2014-2016 was not included.



benchmarks in table 3.1 in developing their housing targets" and in policy 3.3(G) which tells Boroughs to monitor housing capacity and provision not just against targets but also against local housing needs assessments. However, the supporting text makes clear any ambiguity by demonstrating that the targets reflect the central projection in a range of demographic projections and that they should be exceeded, both to meet projected higher needs at the start of the plan period and also to boost significantly the supply of housing.

64. So, in setting a housing requirement of 32, 890, which is robustly justified by capacity analysis, the partially reviewed Croydon Strategic Policies exceed the target of 28,700 for Croydon set by the London Plan and so, conform both with it and the legal requirement to do so. In any event, Croydon sets its requirement as a minimum. The difference of 11,259 between Croydon's housing requirement set in its reviewed Local Plan and the local OAN identified in its SHMA is a component in a London-wide housing market. As several other London Boroughs commented in their responses to Croydon's consultations under the Duty to Cooperate, the matter is one to be considered in future iterations of the London Plan.
65. It follows that it is not a reason to find unsound the submitted Partial Review of the Croydon Plan. No modification is needed other than the addition and corrections to the explanatory paragraph 4.2 of the Strategic Policies (**MM S1, S3**), which Croydon representatives acknowledged during the Hearing sessions as necessary to reflect the latest available information.

#### *Employment requirements*

66. In theory there are several ways of establishing requirements for employment floorspace; some driven by the need to find employment for projected populations, others driven by analyses of potential growth in various local economic sectors. The approach taken by Croydon derives from its role set by the London Plan, containing Strategic Industrial Locations and an Outer London Strategic Office Location.
67. There is no target figure set for industrial or warehousing employment activity. Rather, a criteria-based approach towards the managed release of industrial land remains largely unchanged from the Strategic Policies found sound and adopted in 2013. An adjustment to allow for Gypsy and Traveller pitches on Strategic Industrial Locations is considered in relation to the justification for Gypsy and Traveller provision in general. A further adjustment encompassing opportunities for employment and skills training is uncontroversial.
68. Strategic Policy to increase the stock of retail premises commensurate with Croydon's retail function as a Metropolitan Centre and ensuring the viability and vitality of all its centres has not been reviewed. There is no suggestion that it should have been, so its contribution to employment growth is outwith the scope of this examination.
69. What has been reviewed is the target for, and location of, new office floor space development in Croydon Metropolitan Centre. It is fair to say that this is both aspirational and opportunistic, based on a market-led perception of a demand for what is described as "Grade A" offices rather than needs based (although there is some indigenous growth), but, as noted above, there is no

prescribed methodology for justifying such policies. The market-led analyses commissioned by Croydon appear thorough and the floorspace target is based upon them and so would be sound if based upon the latest information, which the Council seeks to adjust by means of a modification (**MMs S16, S36**).

70. In parallel with that is a new section (b) of policy SP3.13 identifying an Office Retention Area where proposals resulting in the loss of offices would be permitted if there was no demand. This policy is supported by an Article 4 Direction (covering a wider area) which removes permitted development rights for the change of use of offices to residential. During the hearing sessions it was established that the Article 4 Direction was introduced because the GPDO provisions had led to the loss, not only of superfluous poor quality office accommodation but also of both high quality accommodation and lower quality accommodation which was still in continuing demand from smaller businesses, to an extent which was threatening the role of Croydon as an Outer London Strategic Office Location, set by the London Plan.
71. Because policy SP3.13(b) makes no reference to the point of quality, it was questioned whether its wording would achieve what Croydon was setting out to do. The justification for the policy omits to state the case for retention where there is continuing demand. Both require modification in order to do effectively what the Council is seeking to do. (**MMs S17, S22, S35**)
72. The requirement in policy DM3 for developments on the periphery of centres either to provide for a specific end user or to fit out ground floor units is justified by reference to paragraph 5.9. The circumstances which give rise to the need for the policy are undisputed.

#### *Requirements for supporting infrastructure*

73. Many representations on the two submitted plans claimed that there was inadequate infrastructure planned to support the anticipated housing and employment growth. It is true that there is no policy setting out, in terms, the quantity of schools, health facilities or transport capacity which would be consistent with the growth anticipated. However, the Detailed Policies and Proposals document allocates sites for five additional primary schools, five additional secondary schools and for twenty-one potential healthcare facilities. These are listed in evidence document LBC-09-1000, together with a summary of the calculations which underlie the proposals made. Those for schools are based on the Greater London Authority's ward level population projections which are generally accepted as reliable and are, in turn, partly based on development proposals.
74. Proposals for increased public transport capacity are already set out in the Strategic Policies adopted in 2013. The partial review brings that up to date with proposed amendments to policies SP8.8 and 8.9 reflecting additional capacity improvements proposed both by Transport for London and Network Rail. Evidence document LBC-08-900 records that Transport for London carried out modelling of the Tramlink and bus networks to understand the impact of the two proposed secondary schools located along the route of tram line 3 to New Addington. The study found that the network had spare capacity as the majority of the journeys would be counter-peak flows.

75. None of the evidence before me leads to a conclusion other than that the quantitative requirements for supporting infrastructure are both positively prepared and soundly justified. I consider the justification for individual site selection in a later section of this report.

#### *Housing Land supply*

76. A five-year housing land supply, including a 5% buffer (justified because the Council consistently exceeded its housing targets between 2004/5 and 2008/9 and again in 2010/11), would be 8,634 new dwellings. The Council points out (in its response to my question Q112 (examination document LBC/PR/008)) that, since the plan period starts in 2016, the position is largely committed for the first three years of the plan, with 4891 already under construction or completed, leaving 3743 to be accounted for.
77. The total number of homes expected on sites allocated in the Detailed Policies and Proposals and phased within the period 2016-2021 is 3083, leaving 660 more to be found in years four and five, well within the windfall allowance for Croydon included in the London Plan target figures. Moreover, there is evidence that sites could be brought forward from later phases of the plan period. Consequently, I have little doubt that the plan provides a sufficiency of housing allocations from which the Council will be able to identify a supply of specific deliverable sites sufficient to provide against its housing requirements for the first five years of the plan with no shortfall in delivery to be expected at the end of the first five years.
78. For subsequent years, the position is inevitably less certain. The supply depends on a significant number of quite large sites, one in particular of over 1,000 units, so if one falls by the wayside the programme is vulnerable. The development rate on large sites can limit progress on a housing trajectory but the Council responds that the concept of "Buy to let" increases delivery rates as purchasers buy off-plan, as does development in the form of a single block because all dwellings have to be completed before one can be occupied.
79. No allowance is made for a non-implementation rate or for an inability to overcome constraints, an approach which is justified by the council's uncontroverted assertion that there are few sites with physical constraints; viability represents such constraints as there are. Examination of table 6.35.1 of the Local Plan Viability Assessment report commissioned by the Council from BNP Paribas shows that 19 out of 54 sampled sites would not be viable at the present time. Yet six of these are included as allocated sites in the Detailed Policies and Proposals document, two within the first five-year period (totalling between 74 and 221 dwellings), three within the second five-year period (totalling between 151 and 442 dwellings) and one in the third five-year period (providing 17 dwellings). So, viability has the potential to be a deliverability issue, which I now explore further.
80. A table at paragraph 2.37 of the Council's Technical Paper – Homes (examination document LBC-02-300) itemises eight sites included within the Detailed Policies and Proposals allocations which are assessed as "never viable". (The "never" relates to variations in the levels of affordable housing to be required, rather than the passage of time). They represent 26.8% of the total dwelling allocation in the plan. One site represents 13.1% alone.

However, the margin of error implicit in viability assessments means that the inclusion of these sites does not inevitably render the housing trajectory unsound, merely uncertain at the present time. It is necessary therefore to examine the components of the Council's identified housing supply in greater detail before coming to a conclusion, which I do below, in the section headed "Conclusions on housing land supply".

### *Croydon Opportunity Area*

81. Reviewed Strategic Policy SP2.2(c) proposes that the Detailed Policies and Proposals document allocate sites for at least 10,760 net additional homes within the Croydon Opportunity Area. This is to be put into effect by policy DM40 within the latter document. A number of representations on individual sites in the Croydon Opportunity Area suggest that their potential is even greater than the Council envisages.
82. The Council's approach in calculating the expected yield from individual sites has not been to undertake a feasibility study of each site but instead has been to apply the housing density matrix of the London Plan to the area of the site, albeit informed by knowledge of planning applications made and pre-application discussions. There is little or no evidence to justify the imposition of different figures as a requirement and, as the Council's application of the London Plan density matrix has been consistent and, in the absence of feasibility studies, I have not adopted any of the different figures advocated. The result is a cautious approach to the number of homes which could be delivered. I am therefore confident that the number of homes for Croydon Opportunity Area envisaged in the plan is likely to be an underestimate and therefore I confirm my view that in general terms, policies SP2.2(c) and DM40 are sound.
83. Several representations comment on the detailed uses proposed for each site in table 11.9 of the Detailed Policies and Proposals document, seeking greater flexibility of the uses proposed in column 3 of table 11.9 or recognition that a tall building is appropriate. The Council's responses are that the identification of proposed uses in the table is meant to be recognition of what is acceptable rather than a prescription of what should be required but that there is no need to specify a tall building because the acceptability of such would be assessed on a case-by case basis.
84. Whilst I commend the Council's flexibility, that does not appear to have been consistently applied throughout the table; entries for sites 123, 176, 186, 187, 197, 218, 234, 236, 311, 392, 489 and 493 record the potential for NHS requirements on site. Others, such as sites 175, 201 and 203 appear to go beyond mere statements of acceptability and appear to give elements of prescription. Others proscribe certain forms of development, such as basements on sites with a known flood risk. Moreover, the table is not entitled "Acceptable uses of land" but "Proposals for uses of land" and the third column is not headed "Acceptable use" but "Proposed use".
85. To be effective in delivering housing targets, and other needs identified by the plan, a schedule of proposals needs to be, and is clearly expected by both developers and the public to be, more than just a list of acceptable uses. Whilst there should also be flexibility, a distinction can easily be made

between what a site is expected to deliver and what it may additionally deliver.

86. In most cases, the entries in table 11.9 do that. I recommend modifications (**MM D113, D114, D115, D116, D119, D120, D130, D134, D135, D136, D139, D147**) in order to apply that principle more generally in cases where the Council has indicated acceptance of representations made. Additionally, I recommend a modification to delete any requirement for a business use on site 178 as a recent permission has accepted its omission (**MMs D117, D138**). It is not necessary to correct the site names column of Table 11.9 with a full schedule of all the properties included within it as the Inset Proposals Map makes quite clear the extent of each site.
87. I do not see any evidence for requiring a tall building as a necessity on any site and so find sound the Council's approach for each proposal to be evaluated in terms of policies SP4.5, 4.6 and DM16. (Except that the latter delegates policy on tall buildings to place specific policies but place specific policy DM40 makes no provision for them in the Croydon Opportunity Area, so the suggested modification to insert new policies DM40.3 and DM40.4 is necessary for soundness (**MM D112**)).
88. A similar issue arises in relation to the entries for phasing of development in Appendix 5. Here, I agree with the Council, for the reasons given in earlier paragraphs, that the phasing should not be binding because there may be a need for sites to come forward earlier both in order to secure a five-year housing land supply at any time and in order to boost the supply of housing in any event. I therefore recommend that the relevant boxes in appendix 5 be titled "Anticipated phasing of development" (**MM D129**).
89. I have not proposed a modification to include retail within the uses proposed for site 138 because I accept the Council's sound argument that the site is outside the Primary Shopping Area, well separated from main or secondary retail frontages. Notwithstanding the substantial footfall likely to result from the site forming a gateway to the new station bridge, that footfall does not form part of any recognised circulation route serving existing retail frontages and so any retail use put forward through a planning application should be evaluated on its own merits by a sequential test as an out of centre proposal in accordance with Policy DM5.3, Table 5.1 and policy DM9.
90. In the case of allocation site 21, which is an adjoining site, a retail use is proposed but qualified by the words "so long as the current planning permission is extant." Reportedly, a sequential test was undertaken to justify the inclusion of a retail use within the permission and so I regard the provision within the allocation as sound. For similar reasons I do not accept the soundness of removing the qualification "so long as the current planning permission is extant" from allocation site 21. No change to this allocation is necessary to achieve a sound plan.
91. The Council has agreed to the extension of site 175 to include adjoining land and connected building, Knollys House, and so modifications are required to reflect this agreement (**MMs D118, D137**). Subsequent to the hearing sessions, a private and confidential viability appraisal overview was provided which convinced the Council that the site would be unviable and so

undeliverable if required to include a primary school. Although not before me, this has convinced the Council that it is not commercially viable to provide a primary school on site as part of comprehensive redevelopment. The Council suggests that the primary school is removed as a proposed use. I have no reason to disbelieve that this is necessary for the soundness of the plan (**MMs D118, D137**)

#### *Windfalls*

92. Reviewed policy SP2.2 (d) proposes a twenty-year windfall allowance of 10,060 dwellings, almost 30% of the annual target. It is increased from the rate proposed in the adopted Strategic Policies of 2013. Paragraph 3.9 of the Council's Technical Paper – Homes (examination document LBC-02-300) justifies this by reference to an analysis of actual completions on small sites between 1 April 2004 and 31 March 2012 with a reduction of 90% for homes completed on garden land, the last reflecting NPPF paragraph 48. It argues that the rate will continue otherwise unabated as a result of its policies for the sustainable growth of the suburbs and for focussed intensification contained in policy DM35. The SHLAA for Greater London records a decline of windfall sites between 2004 and 2011 but the period includes the international financial crisis following 2008 and data shows activity picking up after 2011.
93. For reasons of effectiveness explained earlier, I recommend modifications which merge policies DM35 (Positive character of the Places of Croydon providing for both the sustainable growth of the suburbs and for focussed intensification) and DM2 (Protecting back garden land) into one comprehensive policy DM11 (design and character) but without alteration to their substance. I now turn to examine the contribution each of these three components will make to the justification for the windfall allowance proposed in reviewed policy SP2.2(d) before I conclude on whether the windfall allowance relied upon is justified. I reach this conclusion in the section of this report headed "Conclusions on housing land supply".

#### *Garden land*

94. NPPF paragraph 53 advises local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. It does not invite local planning authorities to resist the development of residential gardens in all cases. Such an interpretation is to ignore the word "inappropriate" and the phrase "where development would cause harm to the local area." The Council's submitted policy DM2 reasonably applies NPPF paragraph 53 by requiring new residential development within the rear gardens of an existing dwelling to complement surrounding character, be subservient to the original dwelling and retain a defined area of the existing garden for the benefit of the retained property. Whilst I recommend the deletion of policy DM2 as a separate policy (**MMs D28, D31**) in order to avoid confusion between overlapping policies, these three requirements are retained in modified policy DM11.1 and in subsection (g) of modified policy DM11.4.
95. The size of the garden area to be retained would be not be less than the size of the largest garden of a typical modern compact house on a relatively small plot, one of the identified typologies which characterises Croydon. These

limitations are not excessive or unreasonable and so I consider that the 90% reduction for windfalls on garden land built in to the council's housing land supply calculations is probably over-cautious.

96. In any event, if developers were to find the restrictions on garden land development excessive, the likely market response could be to seek to redevelop the entire site at a higher intensity without retention of the existing building. Such a proposal would then only be limited by the general quality controls of other parts of policy DM11 without the specific restrictions applied to garden development.
97. The map and data on page 7 of Croydon's Character Typology (evidence document LBC-01-205) shows that only some 7-19% of all the dwelling plots in Croydon are large enough to be subdivided. Even if a figure at the lower end of the range were taken but an average of only one additional dwelling per plot was achieved over the lifetime of the plan, the Council's target for windfalls would be reached. In practice, individual circumstances such as access, layout, topography, viability and owner's intentions would mean that not all those plots large enough would be physically suited to subdivision but some of those that do come forward would yield a higher number of dwellings.
98. I agree with the council's assertion in paragraph 2.7 of its examination statement LBC-PR-020 that the exact quantity of homes from windfall sites has not been quantified, nor would it be possible to do so; the figure of 10,060 referred to in an earlier paragraph is an allowance, not a prescription or limitation. The calculation in the previous paragraph is notional but puts the contribution of garden land to the Council's housing land supply in perspective, demonstrates its sense and so, its soundness.

#### *Policies of encouragement*

99. There is a range of policies, DM2, DM11 and DM35-51 designed to encourage and control windfall developments on unallocated sites across the borough. I have commented elsewhere on the confusion caused by the overlapping nature of these policies and their subdivisions and their consequent ineffectiveness. I recommend modifications in an earlier part of my report to resolve this confusion by merging these two policies and DM2 to make a single, effective, policy governing design and character, without losing the substance of the three component parts. Here I am concerned with the justification for these place specific policies and their contribution to the Council's housing land supply.
100. The relationship between the various policies of the plan needs to be understood. Table 11.3 appears to be setting out a hierarchy of change, ranging from "evolution without significant change of area's character", where policies DM35.1 and DM35.2 apply (now to be incorporated in policy DM11.1) together with table 11.4, through to redevelopment (in Valley Park, Croydon Opportunity Area and Waddon (where policies DM38.2, 40.1 and 51.1 would apply)). In between are areas of Guided Intensification, where the Place Specific policies DM36-51 would apply and the Focussed Intensification areas where paragraphs 11.13-16 associated with policy DM35.4 would apply.

101. The rubric in the second column of table 11.3 explains that "Focussed Intensification will be supported in and around District, Local and potential Neighbourhood Centres". Those criteria are confirmed in paragraph 25 of the Technical Paper – Positive Character of the Places of Croydon (evolution of the suburbs) (evidence document LBC-09-1001). It records; "the development will be focussed on District, Local and emerging Neighbourhood Centres."
102. But in fact, the list of areas of focused intensification (Table 11.2) includes no District Centre or areas around, just one Local Centre and one Neighbourhood Centre and three "areas around" Local or Neighbourhood centres. By contrast, all District Centres and all other Local Centres are subsumed within Place Specific Policies DM36-51 where "Guided Intensification" is meant to apply rather than "focussed intensification".
103. A table in the Council's evidence document LBC/PR/053 confirms that Guided Intensification is meant to apply to an area where the mix of character type is not that which would be expected in an area designated as a Local or District Centre. In its document LBC/PR/055, responding to my Question 123, the Council explains that the places chosen for focused intensification are those which manifest both much lower density than might be expected from ideal densities set by the London Plan and also developable sites. By contrast, Locations chosen for Place Specific Policies ("Guided Intensification") either have fewer developable sites or low public transport accessibility levels. What it is expected to mean in practice is that in Guided Intensification the character of the area will evolve towards a more consistent character or one that might be expected in a District or Local Centre, as sites are redeveloped.
104. The Council's documents LBC/PR/053 responding to my Question 121 and LBC/PR/055 responding to my question 123 emphasise that the Guided Intensification policies often seek to permit development that is one or two storeys higher than the predominant building height so as to facilitate a level of growth and enable development but that they are character policies first and foremost, not policies about growth. But the consequence of applying Place Specific Policies (Guided Intensification) to all District and most Local Centres would be that a lesser degree of intensification would apply there than in the areas of focussed intensification. This is an outcome which is both counterintuitive and contrary to the expressed argument of the plan.
105. For example, paragraph 11.14 applies to areas of focused intensification and suggests that height increases should be "up to double the predominant height of buildings in the area." From my visits to the areas, my understanding is that they are generally two storey (though Forestdale is generally three-storey) which implies that new development in the areas of focused intensification is expected to be generally four storeys in height (six in Forestdale).
106. By contrast, the place-specific policy DM47.1 for Shirley Local Centre, bordered on either side by zones of focused intensification requires development to complement the existing predominant building heights of 2 storeys up to a maximum of 4 storeys, so no greater intensification would be allowed in the Local Centre than outside it. Likewise, the place-specific policy for Sanderstead Local Centre DM45.1 offers no encouragement for intensification at all, yet it is bordered north and south by two parts of an area



of focused intensification where apparently, four storey buildings are to be encouraged.

107. I understand that height is not the only manifestation of intensification but it is a good proxy. In contrast to the “doubling” of heights suggested for the zones of intensification, examination of the place-specific policies for District Centres, shows that lesser increases in height are proposed.
108. Only those for New Addington (DM36 – up to 12 storeys), Addiscombe (DM37 – up to 5 storeys), Norbury (DM43 – up to 5 storeys), Purley (DM44 – a single landmark up to 16 storeys), Selsdon (up to 4 storeys) and Thornton Heath (ambiguously; a maximum of 4 storeys but tall buildings not to exceed 9 storeys, necessarily clarified by the Council’s suggested modification (**MM D124**)) suggest any general increase in height and then usually only modestly, by one storey. Coulsdon, which is a District Centre, has no policy to encourage intensification. Nor do Upper Norwood or South Norwood District Centres (though I appreciate, these are largely conservation areas and so, intensification on a large scale might be thought inappropriate or inimical).
109. In summary, the outworking of the policies applied to each place specific policy area (Guided Intensification) on the one hand and to areas of focused intensification on the other would produce a relationship between Local centres and their hinterland which is contrary to the Council’s intention stated in Table 11.3 of the DP&P document and in its evidence base (evidence document LBC-09-1001).
110. The Council accepts that the Croydon Local Plan: Detailed Policies and Proposals document does not show the reasoning behind each of the proposed approaches to accommodating growth in the hierarchy of change. To meet this deficiency, which I agree needs to be addressed, the Council proposes to include within the Plan two diagrams extracted from the Places of Croydon Technical Paper (evidence document LBC-09-1001) (**MM D39**). The Council also suggests modifications to policy DM35.4 and paragraphs 11.13 and 11.14, which I endorse and which I have swept up into my suggested amalgamation of policies DM2, DM11 and DM35 (**MM D38, D54**). I further recommend that passages from the Council’s reasoning given in its evidence documents LBC/PR/053 and LBC/PR/055 should also be included in the supporting text to combined policy DM11.1 (**MMs D39, D45**) so as to explain and clarify the relationship between Guided Intensification and focused intensification and their application to different locations within Croydon.

*Place specific policies*

111. The partial review of Strategic Policy SP2.2 (b) proposes that allocations for 6,970 dwellings be made outside the Croydon Opportunity Area. These are made through various subsections of policies DM36-39 and 41-51. In addition, as submitted, policy DM35.3 applies Place Specific policies to proposals for windfall developments within specific locations identified on the Policies Map. Many, but by no means all, of these are District or Local Centres.
112. Some of the Place Specific policies such as DM37 (Addiscombe), DM38 (Broad Green and Selhurst), DM42 (Selsdon), DM47 (Shirley), DM48 (South

Croydon), DM49 (South Norwood and Woodside), DM50 (Thornton Heath) encourage development or redevelopment at marginally increased but complementary height or intensity whilst featuring the distinctive characteristics of each locality. Others, such as DM45 (Sanderstead) itemise distinctive features to be retained in developments without necessarily encouraging intensification. Still others such as DM41 (Crystal Palace and Upper Norwood) and DM42 (Kenley and Old Coulsdon) simply allocate sites for development without departing from the generally applicable policies of DM11. Policy DM51 (Waddon) is concerned with the creation of a new potential local centre.

113. Other than for the allocated sites, no feasibility study has been undertaken to demonstrate the potential of each centre for housing development, so there is no quantification of the contribution they would make to housing supply. Nevertheless, paragraphs 29 and 30 of the Council's Technical Paper – Positive Character of the Places of Croydon (evolution of suburbs)(evidence document LBC-09-1001) assess the capacity for growth for areas with Place Specific Policies together with areas covered by the focused intensification policies, examined below. An approximation of numbers can be made from the recommendations for the minimum and maximum densities which are based on the desired character type for each area. The estimated net growth varies from 20% to 500%. Whatever the numbers, I agree that they would make a contribution to windfall housing development over and above that on existing residential or garden land.
114. Most of the selections for the application of place specific policies are uncontroversial. They appear to have been soundly selected and delineated on the basis of evidence and I have no reason to question their selection and delineation.
115. There are four exceptions to their uncontroversial nature. These are New Addington (policy DM36 with particular reference to site 44), Coulsdon (policy DM39 with particular reference to sites 372 and 945), Norbury (policy DM43) and Purley (with particular reference to sites 30, 35, 61, 347 and 683).

#### *New Addington*

116. New Addington and proposal 44 is the subject of a detailed representation giving an informative account of the development of New Addington and the planning history of the west side of Central Parade over the past ten – fifteen years, including the designation of part of proposal site 44 as a Town Green. Given the fragmented layout of the Town Green and of the inefficient layout of existing largely low rise buildings on the remainder of the site, the existence of 3, 8 and 12 storey buildings characterising the immediate vicinity, the requirement for inclusion of open space within the proposed site allocation does not seem to me to be inconsistent with the achievement of the other facilities and the numbers of dwellings envisaged in the proposal.
117. Moreover, there is no evidence to the contrary so, although the Council, in accordance with its usual practice, has not produced a feasibility study demonstrating the practicality of what it proposes, the usual presumption, that the Council has prepared what it believes to be a sound plan, prevails in

respect of policy DM36 and site allocation 44. I consider the justification for sites 120 and 636 elsewhere in this report.

### *Coulsdon*

118. Of the District Centres in the borough, two are Conservation Areas (South Norwood and Crystal Palace and Upper Norwood) and do not have Place Specific Policies. Alone of the others, Coulsdon has no Place Specific Policy, only allocations. The reasons for this are explained in the column headed "Comments on developability" in evidence document LBC-09-1003. There is seen to be a limited developability of high density schemes and it is thought that most of the larger vacant sites within the town centre have already come forward for permission for development or are being developed.
119. Yet, as these same comments note, these (recently developed) sites set a marker for future development around the town centre and, as paragraph 11.63 of the submitted Detailed Policies and Proposals observes and, as I noticed from my site visit to the centre, Coulsdon has potential for growth. Bearing in mind the representations made at the hearing sessions on behalf of local groups that they were not averse to new development in Coulsdon and that there was a particular need in Coulsdon for the development of smaller units suitable for elderly people to downsize into, I am puzzled by this omission. Whilst the evidence shows that the plan as submitted is sound, there is clearly an opportunity which could be explored in a future review of policy DM39.
120. Of the two allocations within the town centre, the Council has itself proposed a modification to site 945 to include retail uses within the proposed mix, which is necessary in order to be consistent with its location within the Main Retail Frontage of the District Centre (**MMs D111, D146**). Representations were mainly concerned with ensuring that any development of either site maintained current levels of public parking provision. The Council points out, correctly, that such is already proposed for site 372. It also points out that policy DM31 (d), requiring the re-provision of car parking unless not needed, would apply to any proposal to redevelop site 945. For consistency therefore, **MMs D111, D146** should also include car parking as a proposed use.
121. In its usual fashion, the Council has not provided a feasibility study to demonstrate the practicality of its proposed site allocations. But there is no evidence to show that either proposal would be unsound and, given the extent of each site, its topography and the height of adjacent or nearby buildings to which each site would relate, I have no reason to believe that the quantity of housing development envisaged, or the other facilities suggested, would be unachievable. It therefore follows that the usual presumption, that the Council has prepared what it believes to be a sound plan, prevails in respect of policy DM39 and site allocations 372 and 945. I consider site allocations 60 and 764 elsewhere in my report.

### *Norbury*

122. The Council indicated that it had incorrectly delineated the boundary of Norbury District Centre on the Policies Map. It promotes the correction as a Modification. As noted in the introduction to this report, the Policies Map is not

a Development Plan document and so I have no power to recommend a Modification to it but the Council has the power to make minor corrections to the Plan on its adoption.

123. Representations confirm support for site allocation 951. They also question the reduced population growth forecast for the plan period compared with the previous fifteen years and point to further opportunities for housing growth through the relocation of businesses currently occupying former residential property to more suitable units in the designated main and secondary retail parades. The Council explained the reduced population growth anticipated by expressing the view that there had been development opportunities identified in the previous fifteen years but few now remained.
124. Notwithstanding that view, policy DM43.1 envisages developments of up to five storeys high, which is more likely than not to encourage the bringing forward of development opportunities identified by the representations made. Consequently, I consider that policy DM43 would make a sound contribution towards the delivery of housing targets both through its allocations and through windfall opportunities.

*Purley*

125. Site 347 in Purley currently comprises a large Tesco store, with some ancillary office accommodation and an extensive surface car park. It dates from the early 1990s. My site visit indicated that the car park is well-used and the store appears to be well patronised. However, any scepticism as to the plausibility of redeveloping such a recently-built and well-used facility is dispelled by the fact that in 2006 Tesco proposed to replace the store with a 6-storey building containing affordable flats above a new store and by representation 00048/02 which reaffirms Tesco Stores Ltd's expressed interest in the redevelopment of the site, points out its limited constraints and suggests that the proposal could be delivered well before 2026.
126. There is no questioning the capacity of site 30 to accommodate the range of homes (30-171) anticipated in the DP&P document. Most concerns focus on the need for a replacement car park and on detailed specification for the swimming pool both of which are included as a proposed use within a mixed redevelopment of the site in table 11.13 and so need no modification in response. The enthusiasm of the widely expressed support for a 6-lane 25m pool is not matched by hard evidence of demand or by the application of accepted planning standards for provision, so I am unable to say that the absence of more detail makes the plan unsound. Both that and the matter of car park numbers would be for consideration if a planning application comes forward.
127. There is no questioning the capacity of site 35 to accommodate the range of homes (20-111) identified in the DP&P document. Most concerns focus on the attributes (sixteen storey height and 20 car parking spaces) of a current planning application encompassing both sites 35 and 130. That is not before me for decision. The reference in policy DM44.1(b) requiring developments to complement the existing building heights of 3 to 8 storeys, with a potential for a new landmark of up to a maximum of 16 storeys is not specific to any

particular site within Purley. Any of several sites could seek to take advantage of it.

128. The reasoning behind policy DM44.1(b) is largely explained in paragraphs 74 to 76 of the Council's Technical Paper – Positive Character of the Places of Croydon evolution of suburbs (evidence document LBC-09-1001). It comments that in order to preserve the character of Purley, tall buildings are not considered appropriate in general but that a single, well-designed landmark tower of up to 16 storeys could potentially enrich and enhance the landscape, character and legibility of the District Centre, act as a marker for the District Centre on a strategic and prominent site and be a focus for regeneration.
129. In response to my Question 126 the Council explained further that adopted and unaltered Strategic Policy SP4.5 encourages tall buildings in District Centres, of which Purley is one. The existing predominant building heights in Purley were assessed at 3-8 storeys taking into account the effects on apparent building heights of Purley's particular topography (including steep valley sides on which a building with two road frontages will appear several storeys higher on one frontage than the other). A maximum height of 16 storeys was chosen so as to be double the prevailing height but still be proportionate to it. All that explanation is reasonable. The proposals for site 35 in table 11.13 do not specify that a tall building should be built on that site and so would remain sound and not require modification even if the current planning application were to be refused permission on the grounds of unacceptability of a tall building.
130. There is no questioning the capacity of sites 61 and 683 to accommodate the range of homes (21-119 and up to 91) envisaged in the DP&P document. Most concerns focus on the need for replacement car parking which is already specified as a proposed use for each site in table 11.13. Although, in common with most other sites in the plan, the Council has calculated the housing yield from these sites by a mechanistic application of the London Plan's density matrix rather than by a feasibility study of each site, I have no reason to doubt the accuracy of the calculations and so, the soundness of the allocations for these and for other sites allocated within Purley District Centre.
131. Within the wider Purley area, individual sites 324 (Purley Oaks Depot), 405 (Capella Court and Royal Oak Centre) and 495 (Dairy Crest Dairy, 823-5 Brighton Road) are contentious. I report on these elsewhere.

*Focused intensification*

132. Proposed policy DM35.4 identifies five specific areas (listed in table 11.2) where the Council would support intensification. The policy goes on to be qualified by criteria; "where there is adequate provision of community infrastructure, good accessibility to public transport and open space and schools" but, as it would be unsound to designate areas for intensification if they did not so qualify, my recommended modification to delete this policy and incorporate its substance into policy DM11.12 (**MM D38**) omits these criteria. Instead, I consider below, whether each designation is justified by these criteria.

133. The meat of the designation is not contained within policy DM35.4 itself but in subsequent paragraphs 11.13 to 11.16, particularly paragraph 11.14; "Height increase should be up to double the predominant height of buildings in the area" and 11.15 which promotes in these areas the development of three defined character types and two different forms (urban and suburban) by reference to criteria for each. In this section of my report, I examine the justification for these policies.
134. Analysis which can be found in table 4 of the Council's Technical Paper – Positive Character of the Places of Croydon (evolution of suburbs) (evidence document LBC-09-1001) shows that none of the identified areas for focused intensification would be appropriate for its "urban" form, so the reference in paragraph 11.15 of the submitted DP&P to the urban form of intensification could have no application and only the suburban form of intensification envisaged could apply. In consequence, the modification I recommend for reasons of effectiveness, explained earlier, to incorporate these requirements into the policy itself omits any reference to urban intensification and refers only to its suburban form.
135. The Council's response to my question 110 refers me to an evidence document LBC-09-1003 which explains how the assessment of potential areas for focussed intensification was carried out. This shows that, in general terms, four of the five locations selected meet the criteria (I consider the specific boundaries chosen later). The Setting of Sanderstead is an exception, where the PTAL rating at 1b is one of the lowest accessibility ratings in London and so falls below the lowest end of the range which should be considered for intensification, according to the Council's own criteria. Its entry for Heritage shows "No" despite the area to the north of the local centre wrapping around a locally listed historic park and garden and a listed building which is a prominent landmark of some significance. In the absence of a specific proposal to increase public transport accessibility, this particular designation appears unjustified by the Council's own criteria and so unsound. I therefore concur with the council's request for its deletion (**MM D38**) in order to make the plan sound.
136. In commenting on proposed modifications, many representations point to an apparent contradiction between the statement in paragraph 11.100 of the submitted DP&P that Kenley and Old Coulsdon has a predominantly consistent character and the statement in modification MMD54 that at the heart of each area of Focused Intensification is an area with no one character type. But predominantly does not mean exclusively, so there is no inherent contradiction in describing an area as predominantly consistent but with an area of no one character type at its heart. During the hearing sessions, the explanation given for the selection of the boundaries to the areas of focussed intensification was that they were chosen to reflect a distance of 400m around existing transport and other facilities. That explanation is consistent with the entry for Kenley (Godstone Road) in evidence document LBC-09-1003.
137. However, the boundaries of the zones shown on the Policies Map are clearly not simple radii around a point. Nor are they radii adjusted to topography. That for Kenley, for example, extends about 550-600m up Abbots Lane and Welcomes Road but only on one side of the road and only about 250-300m along Park Road and Valley Road (the latter again on only one side of the

road) and barely at all along Godstone Road. The latter lies in flood zone 3 but then so does the whole of the Brighton Road which forms much of the Brighton Road/Sanderstead Road zone of intensification. So, that explanation does not convince.

138. Similarly, the area for Forestdale extends about 800m along Selsdon Park road but only on one side. Its extent along the eastern side of Featherbed Lane appears entirely arbitrary.
139. The Brighton Road/Sanderstead Road zone of intensification extends about 500m north of the northernmost extremity of the Local Centre but only on one side of the road, even though the area on the west side extending to Avondale Road would appear to have similar characteristics and extensive rear gardens possibly offering the opportunity for intensification. Its southern extent is about 600m from the southern end of the local centre.
140. Although the criteria for choosing boundaries are limited to the reference to a distance of 400m around a chosen point, I observe that, generally speaking, though there are a considerable number of exceptions, the boundary for the Shirley area of focused intensification does not extend beyond properties with a frontage to the A232 main road. In the absence of a greater understanding of the criteria for including land within a zone of intensification, I am unable to say that the exclusion of the land at the rear of 179 Shirley Road, which the Council regards as having Nature Conservation Importance, would make the plan unsound. I consider the soundness of the designation as a Site of Nature Conservation Importance in a later section of my report.
141. The Council's response to my question 125 (document LBC/PR/066) explains that the boundaries of each area were determined not just by reference to distance from each local or neighbourhood centre but also by reference to 800m distances to local schools or open space and also by reference to the potential availability of development sites not requiring site assembly. They were subsequently adjusted further by reference to public comment at consultation stages.
142. In response to my request, the Council has given further consideration to the boundaries proposed and, in addition to the deletion of the focused intensification around Sanderstead local centre, proposes modifications to adjust the boundaries of three of the remaining four areas so as to eliminate anomalies such as those described above (**MM D38**). I concur that these are necessary for soundness. Although the resulting boundaries still appear arbitrary, in places dividing two identical properties by a policy boundary, I accept that this is a product of the catchment area methodology used.
143. The majority of the southern part of the Forestdale area appears to be already developed at a fair intensity of three storey blocks of flats, including part of Holmbury Grove. Like the representative of the Holmbury Grove Management Company, I doubt that it has much potential for further intensification through redevelopment. But I notice that there is an extensive supply of garages now too small to house today's larger cars. They have potential for amalgamation and conversion to residential uses, so I do not regard the inclusion of this area within the area for Focused Intensification as necessarily unsound.

144. Much of the Kenley zone of intensification would be within the viewing corridor of the designated Croydon Panorama from Riddlesdown towards Kenley. But, for development to be in a view does not necessarily disrupt or harm the view; policy DM18.2 would apply to any new development within the viewing corridor but there is nothing in that policy which would preclude all forms of intensified development; it does not seek to protect what is seen in the view (eg trees in the case of Kenley). It would only seek to prevent those developments which would circumscribe, crowd or obstruct the view or appear too close or high in relation to landmarks. But, of the latter, there are none within the panorama in question and the earlier part of the policy would appear to be more restrictive of development on the Riddlesdown side of the valley than the Kenley side and so I do not regard the designations of both a panorama and a zone for intensification as mutually incompatible.
145. Respondents to the proposed modifications have pointed out that flood risk in Kenley will hold back development. Flood risk is widespread in Croydon and is an issue that much development will have to deal with. But the greater intensity of development envisaged in zones of intensification may generate such sufficiently enhanced values that the costs of dealing with flood risk can be accommodated and so, the existence of flood risk does not necessarily imply that the designation of a zone of intensification would be unsound.

*Conclusions on housing land supply*

146. The Council has set itself a housing requirement well in excess of the target set by the London plan. A substantial percentage of the Council's allocated sites would be in the Croydon Opportunity Area. My examination concludes that the Council has probably identified sufficient sites to accommodate the first five years of its housing supply requirement. After that, about one-quarter to one-third of all sites are currently identified as not viable, in the Council's own studies. On the other hand, there is clear evidence that the Council has erred well on the side of caution in identifying the housing numbers to be delivered on each individual site in the Croydon Opportunity Area.
147. Outside that area, the Council would be largely dependent on windfalls. My examination of the Council's policies on garden land and on design and character in general suggest that the former are not so restrictive as to render unsound the Council's expectations of the number of dwellings to be provided through windfalls.
148. Over and above that, the Council's Place Specific and focused intensification policies are designed to encourage the identification of increased numbers of windfall sites. No numbers are put forward, though the Council's evidence suggests growth figures of between 20 and 500% for each Place Specific or Focused intensification area. The upper end of the range of figures given for each area in evidence document LBC-09-1003 totals 7605<sup>3</sup> (excluding the contribution from Sanderstead). My examination suggests that the Council's Place Specific Policies are unambitious but not unsound. However, certain of

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<sup>3</sup> Using estimated minima where figures for estimated maxima are not provided



the Council's focused intensification areas are not soundly based and I recommend modifications to them (**MM D38**).

149. There is uncertainty, because of the lack of quantification and doubts about viability but these are balanced by the Council's caution in estimating outcomes on each site and by the enhanced effects of the Place Specific and focused intensification area policies. Overall, my conclusion is that the housing supply policies are sound.

#### *Affordable Housing*

150. The calculations for the need for affordable housing which underpin the proposed change to the justification for policy SP2.4 lead to a figure of 91% of all new homes needing to be affordable housing. The calculations which underpin this figure do not entirely convince me of their soundness but it was not necessary to pursue that concern because the proposed justification goes on to recognise that it is not realistic to expect such a figure to be delivered.
151. Instead, the strategic target of 40% is set by reference to the SHMA, viability and the need to deliver balanced communities with a mixture of tenures and dwelling types. This method is consistent with that required by the London Plan and so the resulting figure is sound. There is no change proposed to the Council's Strategic Policy of negotiating to achieve up to 50% affordable housing, other than its limitation to sites of ten or more dwellings, almost complying with government policy (which would exempt sites of ten or fewer dwellings).
152. What is proposed to change is that the Council's Dynamic Viability Model which was the basis of negotiation is to be abandoned. There is universal agreement that this is out of date. No substitute mechanism for negotiation is prescribed but a new reference to viability is introduced. A new policy sets a normal minimum provision of 30% affordable housing, on site but with provisions for off-site substitution. Policy also proposes an alternative minimum of 15% on-site provision together with a Review Mechanism by which a share of unexpected profits could levy a commuted sum equivalent to up to a further 35%.
153. The Council's own viability assessment (evidence document LBC-02-308) suggests that a number of proposal sites would be unviable at 15% affordable housing. Given that valuation is an art rather than a science, the presumptions inherent in the process mean that its apparent accuracy is sometimes misleading. Expert valuers frequently vary widely in their conclusions and margins of difference can be considerable. I do not attach greater significance to the Council's Local Plan Viability Assessment than it can bear, which is that it is adequate to demonstrate that both the Council's normal expectation of 30%, its absolute minimum of 15% and its negotiating maximum of 50% are all reasonable.
154. Review mechanisms are frequently unpopular with developers because they are said to lead to an uncertainty of outcome. But that is a misapprehension. The outcome of all development is always uncertain; a review mechanism of the kind to be applied by policy SP2.5(d) simply ensures that in the event of a development with poor expectations of profitability turning out to be more

profitable than expected, a share of the unexpected profit would be secured for affordable housing. Its operation cannot result in a development becoming less profitable than expected. In any event, as the Council's evidence shows, most development would be expected from the beginning to be more profitable, so would fall within the terms of other parts of policy 2.5, outside the terms of subsection (d) and need not have a review mechanism applied.

155. Representations allege that policy DM4, applying the government's policy of Vacant Building Credit to affordable housing requirements is contrary to government policy. It is correct that the government's policy, propounded in a Written Ministerial Statement of 28 November 2014 does not specify a period of vacancy or marketing. But government Guidance, published in May 2016 advises that local authorities should consider whether a building has been made vacant for the sole purpose of redevelopment. A longer period of vacancy, with marketing, can be evidence that such is not the case. Government Guidance also advises that the vacant building credit applies where the building has not been abandoned. A long period of vacancy, by itself, would suggest abandonment. Marketing is evidence that such is not the case. I therefore conclude that the Council's policy directly follows from government advice.
156. I have commented in an earlier section on the confusion and ineffectiveness caused by elements of policy being stated in supporting text rather than in the policy itself. The Council also promotes a modification to policy DM4.2(a) to ensure clarity, which I endorse as necessary for soundness. **(MM D9)** With these failings resolved, I am confident that the policies on affordable housing are sound.

#### *Dwelling mix*

157. The combined effect of the proposed changes to Strategic Policy SP2.7 and the introduction of Detailed Policy DM1 is to change from a policy which required 60% of all new dwellings outside the Croydon Opportunity Area and 20% within to have three bedrooms or more and for 35% of all new two-bedroomed dwellings to provide four bed spaces to a policy which requires a varying percentage of dwellings to contain three bedrooms or more, by reference to a matrix of public transport accessibility levels and urban character. The matrix is provided by table 4.1 of the Detailed Policies and Proposals document.
158. That matrix would allow for percentages of family homes in the highly accessible areas of the Croydon Opportunity Area to be as low as 5 or 10%. This recognises both the difficulties and occasional inappropriateness of providing family housing in the kind of urban form expected in the Opportunity Area. The figures are less than the previous policy required. Consequently, arguments that the new policies have abandoned the differentiation which existed between the Croydon Opportunity Area and the rest of the borough appear to be ill-founded.
159. Unfortunately, evidence supplied in response to my questions demonstrates that when policy DM1 is applied to the sites allocated in the plan, only 31% of dwellings would be provided as dwellings of 3 bedrooms or more. Even if 100% of the windfalls expected in the plan were of 3 bedrooms or more

(which would not comply with policy DM1), the strategic target set by reviewed policy SP2.7 for 50% of all new dwellings to comprise 3 bedrooms or more would just fail to be met.

160. The Council estimates that for the target set in reviewed policy SP2.7(a) to be met the minimum percentages of dwellings three bedrooms or more set in table 4.1 would have to be raised by 20 percentage points to levels which are not likely to be achievable. I agree. It therefore follows that the strategic target set in reviewed policy SP2.7(a) is unachievable and so, unsound.
161. Fortunately, the evidence which underpins the strategic target (the Addendum to the Strategic Housing Market Assessment (evidence document LBC-02-306)) makes it clear that the rationale for the strategic target is need moderated by effective demand (i.e., the need is for a greater percentage of smaller units but purchasing power enables people to buy above their needs). So, I am able to recommend a reduced but attainable strategic target (of 30%, double that achieved since 2011, according to the Croydon Monitoring Report (evidence document LBC-02-304)) without rendering the plan unsound for failing to provide for demonstrable needs. (**MMs S7, S13**)
162. The observations above confirm the significance of policy DM1(b) to the Council's strategic objectives. There is no evidence to suggest that this policy is anything but sound.

#### *Dwelling quality*

163. Strategic Policy SP2.8 seeks to ensure that new homes in Croydon meet the needs of residents over a lifetime and contribute to sustainable communities within the borough by complying with minimum design and amenity standards set out in the Detailed Policies and Proposals. In response to my question asking where these provisions would be found, the Council referred me to guidance provided by paragraphs 6.40, 6.41 and 6.43 of the DP&P document. That response confirms my view, expressed previously, that in places the substance of this document lies in the supporting text rather than in the policies themselves and substantiates the need for modifications (**MMs D32, D52**) to make the plan effective and so, sound.
164. Representations allege that the requirement of policy DM11.8 for increased ceiling heights in closely-spaced high density developments is unjustified. The Council's explanation is that the policy is intended to compensate for restricted light caused by close-spacing. But there is no evidence to demonstrate that the remedy adequately addresses the cause. In any event, the policy overlaps with the requirements of policy DM11.6 and paragraphs 6.40, 6.41 and 6.43. Accordingly, modifications are necessary to policy DM11.6 to render it effective. (**MM D32**) These in turn render policy DM11.8 unnecessary. (**MM D34**)

### *Sustainable Design and Construction*

165. Part (b) of Strategic Policy SP6.3 refers to the London Plan as an alternative to the National Technical Standards, whichever requires the higher standard. As the London Plan is the spatial development strategy for London, it forms part of the development plan.<sup>4</sup> Specific reference to it within Croydon's Local Plan is therefore, strictly speaking, unnecessary but, in this instance, to do so adds to the clarity of the policy and so, is not unsound.
166. Representations sought the introduction of the words "where feasible" into subsections (d), (f) and (g) of the policy. This is unnecessary. There are always instances where exceptions to policy should be permitted in the light of practical considerations. The planning acts provide for this in requiring a local authority to have regard to both the provisions of the development plan and any other material consideration when dealing with a planning application and to determine the application in accordance with the plan unless material considerations indicate otherwise.<sup>5</sup> It goes without saying that feasibility is a material consideration in the determination of any planning application and so, does not need to be stated as part of policy. Its absence does not render the policy unsound.
167. In response to representations, the Council proposes<sup>6</sup> to delete the words "conversions and changes of use" from subsection (g) of policy SP6.3 as it is not effective to apply the policy to these kinds of development. I concur and so the modifications are necessary for soundness. (**MM S25**) Subsection (i) of policy SP6.3 requiring new development to "consider" the incorporation of innovative techniques addresses the process of design and so would not necessarily be effective in determining its outcome in the form of a development proposal. Its inclusion in the plan would be unsound and so **MM S26** proposes its deletion.
168. Reviewed Strategic Policy SP6.3(h) refers to the Detailed Policies and Proposals document for application. These are policies DM24, DM25 and DM26. Various representations seek amendments to these. The Council proposes to amend policy DM24(d) to refer to development, rather than just to buildings and to add definitions to table 8.1 and text to paragraphs 8.20 and 8.26, which I agree would be necessary to achieve soundness. (**MMS D80, D82, D83, D86**)
169. In light of the convincing evidence of Croydon's serious and extensive surface water flooding problems, I do not agree that the improvement over greenfield runoff rates sought by policy DM26.3(c) should be reduced to an aspiration. Nor, in this instance do I consider that the last two sentences of paragraph 8.24 should be elevated to policy. The penultimate sentence is no more than a statement of the obvious. The final sentence is simply pointing to policy in the London Plan rather than setting policy for Croydon. The Council's suggested addition of an explanatory sentence to paragraph 8.26 adds further

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<sup>4</sup> See s38(2) of the Planning and Compulsory Purchase Act 2004

<sup>5</sup> S70 of Town and Country Planning Act 1990 and s38(6) of the Planning and Compulsory Purchase Act 2004

<sup>6</sup> In paragraph 5.8 of its Hearing Statement evidence document LBC-PR-036

to the justification for policy DM26 and so contributes to its soundness. Policy DM26 applies equally to all forms of flooding and so an absence of a specific reference to sewer flooding does not make the plan unsound.

### *Tall buildings*

170. In response to representations alleging inconsistencies between policy DM16 (Tall buildings) and DM19 (Heritage Assets and Conservation), the Council promotes modifications to policy DM16 (**MM D61**) to eliminate the inconsistencies. I agree that these are necessary for soundness.
171. There were also representations made, on practical grounds of building security, against requirements for amenity space in buildings taller than 40 storeys and against requirements for a mix of publicly accessible uses and spaces on the first floor of tall buildings. In response, the Council proposes to delete the latter requirement (**MMs D62, D63**), which I agree to be impractical and so necessarily deleted in the interests of soundness. The Council pointed out that the former requirement did not need to be met within the building, so long as it was incorporated within the development, though it accepted that all the examples given within the policy were indeed within the buildings. A modification (**MM D61**) is necessary to clarify the ambiguity.

### *Gypsies and Travellers*

172. The Council's Gypsy and Traveller Accommodation and Needs Assessment of 2013 (GTANA) (evidence document LBC-02-312) provides evidence of a need for 49 pitches and one emergency stopping place to provide for a full twenty years of need to 2036. Reviewed Strategic Policy SP36 proposes that only a minimum of 36 pitches be provided by that date. This is partly in recognition of the potential for three additional pitches at the Council's existing Latham's Way site and partly because the Council argues that as it is proposing to set a general housing requirement which is only 73% of its own objectively assessed housing need, it should only provide for a similar percentage of its own objectively assessed Gypsy and Traveller need.
173. However, as explained earlier, the Council is not required to meet 100% of its own objectively assessed housing need and so its 73% success is an irrelevant consideration. It is required to meet and exceed the housing targets set by the London Plan and it does so. In fairness it should do the same in respect of Gypsy and Traveller sites.
174. Policy 3.8(i) of the London Plan requires the accommodation requirements of gypsies and travellers to be identified and addressed. Paragraph 3.56 of the London Plan explains that the Mayor is clear that the planning system should ensure fairness between the settled and traveller communities. It is his view that assessing levels of genuine need, deciding on the level and location of suitable provision to meet that need and carrying out the necessary consultation with relevant communities and stakeholders is far more effectively done locally.
175. Both because of the level of locally-specific detail involved and the scale of the issue (relative to London's other strategic housing needs), the Mayor agrees with national Government that boroughs should work with gypsies and

travellers and other stakeholders to identify local needs for temporary and permanent sites, and develop and effect strategies to meet need through the identification of land for sites through their local plans as set out in accordance with national guidance. Thus, although housing requirements for each borough are set by reference to a single London-wide OAN, requirements for gypsies and travellers are to be set by reference to the OAN for each borough.

176. For the above reasons, the Council's explanation in reviewed paragraph 4.22 of its Strategic Policies for its reduced provision for gypsy and traveller pitches is unjustified and, therefore renders both policy and plan unsound. However, as noted in paragraph 2.9 of the Council's Technical Paper – Gypsy and Travellers (evidence document LBC-02-313), the definition of gypsies and travellers used in the GTANA is not the same as the definition of gypsies and travellers used in the government's more recent Planning Policy for Traveller Sites (PPTS). The latter excludes those who have permanently ceased to travel. Their needs must be considered in the wider context of all housing needs in the borough.
177. Inspection of the Council's GTANA suggests that it would have included a few households no longer counted as gypsies or travellers. Moreover, a Technical Note supplied by a hearing participant, not from the Council's consultants but from Swansea University's Opinion Research Services, indicates that the standard method for assessing Gypsy and Traveller accommodation needs, which was used in the Council's GTANA, may exaggerate population growth. These two factors lead me to conclude that for the Council to set a requirement of 36 new pitches (in addition to 3 to be provided at Latham's Way), supplemented by its submitted adjustment to table 4.1 of the reviewed Strategic Policies to permit gypsy and traveller pitches in tier 1 industrial locations, is reasonable and sound strategy but for different reasons to those stated in paragraph 4.22 of the reviewed Strategic Policies document. A modification to the justification for the policy is therefore necessary. (**MM S14**)
178. The submitted Detailed Policies and Proposals document allocates one site (324) for gypsy and traveller pitches. Following a feasibility study the Council proposes a modification to the plan to indicate 20 pitches for the site (**MMs D122, D142**), leaving other sites to be found through the operation of reviewed table 4.1 of the Strategic Policies. This proposal has attracted a huge number of representations, from which six points challenging its soundness can be distilled.
179. The first of these is that one piece of the Council's own evidence ranked the site as only fifteenth out of thirty-five considered. There are many criticisms of the criteria used by the Council in its selection of this site and its rejection of others but there is only one proposal before me, not a beauty parade of alternatives so, even if I were to find the Council's methods unsound, it would not be open to me to designate any other site in substitution.
180. NPPF paragraph 182 requires the plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. What I have to consider is not whether the allocated site is the best which could have been chosen but whether the Council's choice is the most

appropriate and, the Council having made the choice, whether its preferred site is a sound allocation in planning terms.

181. The council's July 2016 assessment and selection of sites for Gypsy and Travellers and its Technical Paper – Gypsy and Travellers, August 2016 explains how its site evaluation changed from its August 2015 assessment and the options presented in the consultation draft of the Croydon Local Plan in December 2015 to address inconsistencies in scoring for sites within the Green Belt or Metropolitan Open Land, to correct flood risk scores, to take account of intractable noise issues with one site and to reflect the greater deliverability of a Council-owned site. These are all reasonable criteria and so I do not regard the Council's choice as inappropriate or unsound, even if it was not technically the "best" site in the 2015 evaluation.
182. To be appropriate and so, sound, an allocation does not have to be the best choice, merely an acceptable choice against planning criteria. So I turn to consider the points of planning substance in relation to the chosen site.
183. Ninety-three percent of the site lies within flood zone 1 which is suitable for the highly vulnerable use proposed. The present entrance to the site (and that shown in the Council's feasibility study of a potential layout of the site) lies within flood zone 3a with a high probability of flooding from a river but it is clear from the council's Level 2 Strategic Flood Risk Assessment that the site has a small length of frontage to a length of Purley Downs Road lying within flood zone 1. It follows that safe emergency access and egress can be provided even if, for other reasons, day to day access is retained onto Riddlesdown Road. The site is also found to be at medium risk of surface water flooding and groundwater flooding which would preclude basement bedroom construction but that is hardly a consideration on a site intended for mobile homes which do not usually have basements. On a gypsy site, as with any other residential site, arrangements can be made to ensure that sleeping accommodation would be raised above ground level.
184. The site is adjacent to a storm water balancing pond, likely to have a degree of contamination when full, a main railway line and a heavily trafficked main road, so there are concerns about child safety. Without decrying the need for safety, these hazards exist for all local residents. They do not argue specifically against the use of the site for gypsy or traveller pitches.
185. The pond site is said to harbour protected species, although the Council has no record of such. Because of the obvious safety hazards, public access to the pond area is not permitted and so there should be no expectation that continuing use or development of the adjoining site 324 whether for gypsy and travellers pitches or for other forms of development should affect any protected species if present.
186. In response to concerns that the site's noise environment would make it unsuitable for accommodation for gypsies and travellers, the Council commissioned a Noise Assessment from AECOM Acoustics. This demonstrates that, with 3m high noise barriers in place, both daytime and night-time road noise from Riddlesdown and Purley Downs Roads would be reduced to an acceptable level, even allowing for the limited sound insulation qualities of mobile homes.

187. Rail noise is discontinuous and different assessment measures apply. AECOM advises that a noise barrier at the edge of the site would be too far from the noise source to be effective and that a closer noise barrier would have to be unfeasibly high because the railway is elevated. I am not convinced because I have seen instances where Network Rail, both in the construction of new lines and in the regeneration of old, has placed noise barriers at the top of embankments, close to the tracks, and could no doubt be commissioned to do so in this case, if it was necessary. But, in any event, notwithstanding the effects of the height of the railway embankment in relation to the site spreading noise widely, AECOM advises that the distance from the rail line to the suggested location of the nearest residential pitch would mean that the aspirational night noise limit of 42 dB  $L_{AFM_{max}}$  recommended in the World Health Organisation's "Night Noise Guidelines for Europe" would not be exceeded. There is no evidence to contradict their finding.
188. The most compelling planning argument against the allocation of site 324 for gypsy and traveller pitches is that it is already included in Schedule 2: Industrial Areas with Sites Suitable for Waste Facilities of the South London Waste Plan adopted in March 2012. This is a schedule of 19 sites where single or multiple waste management facilities or waste transfer stations will be permitted in order to provide sufficient waste management facilities to meet the Waste Plan's capacity needs.
189. Although Schedule 2 indicates that the likely timescale for redevelopment is 2017-2021, no current proposal to develop this site for waste has been put forward. The most recent South London Waste Plan monitoring report suggests that the management action necessary to address the capacity gap is to explore greater deliverability on Schedule 1 sites, (including the Purley Oaks Household Waste and Recycling Centre on Brighton Road adjacent to site 324).
190. The Council points to a lack of objections from the partner authorities in the South London Waste Plan to the proposal to allocate site 324 for gypsy and traveller pitches. A mere lack of response would not render the Council's unilateral action sound in overriding a jointly prepared plan but the Council has subsequently obtained specific written confirmation from each of its partners consenting to the Council's proposal.
191. Having considered all the substantive planning arguments against the allocation of the proposed site, I find that the allocation proposed is sound.

*Green Grid (Green Belt, Metropolitan Open Land and Local Green Space)*

*Green Belt*

192. The NPPF advises that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. Croydon Council has appropriately taken the opportunity of reviewing its Strategic Policies and preparing its Detailed Policies and Proposals to propose certain alterations to its established Green Belt boundaries.



193. The review identified three areas of land that do not meet the nationally set criteria for designation as Green Belt. Two are proposed for designation as Metropolitan Open Land, one as Local Green Space.
194. There is no substance to the belief that the Council's proposed re-designation of areas of Green Belt as Metropolitan Open Land or of MOL as Local Green Space represents a "downgrading" of their status since the London Plan provides that, in London, MOL is treated as though it were GB and the policy applicable to both designations is identical. Likewise, the reference in paragraph 76 of the NPPF to development on Local Green Space being capable of being ruled out other than in very special circumstances and paragraph 78 advising that policy for managing development within a Local Green Space should be consistent with policy for Green Belts makes it clear that re-designation as LGS means no effective change in policy or protection.
195. The effect of designation, whether as GB, MOL or LGS is to preserve the land in question free from most forms of built development. It is clearly likely to be more effective to resist an unsuitable proposal for development when the land in question is correctly designated than when it is incorrectly designated. Thus, I do not regard re-designation as such to be a reason to find the plan unsound. I report on individual cases below.
196. The exceptional circumstances for amending Green belt boundaries by the removal of three areas of land are clearly set out in section 2 of the Council's Review of Metropolitan Green Belt and Metropolitan Open Land July 2016 (evidence document LBC-07-803). The principal reason, other than a desire to reinforce the protection given to each piece of land by ensuring that it is correctly designated, is that they do not form part of a wider area that checks the unrestricted sprawl of London as a whole. This includes Sanderstead Plantation which is clearly separated from Green Belt land to the south by a ribbon of development. I therefore consider that these three de-designations are correctly arrived at and their inclusion in the plan does not make it unsound.
197. Two of the de-designated areas are to be re-designated as Metropolitan Open Land. I concur that these two re-designations are soundly based. On the other hand the third area (Sanderstead Plantation) meets the criteria for Metropolitan Open Land because it is a sufficiently large area to contribute to the physical structure of London by helping to separate Sanderstead, Selsdon and South Croydon, three of the "Places of Croydon" identified in the Local Plan, it is recognised as a Site of Nature Conservation Importance and is included within an Archaeological Priority Area. Its omission from the MOL designation would not be soundly based and so I recommend a modification (**MM S32**) to re-designate it as MOL.
198. A second element of the Council's Review of Metropolitan Green Belt and Metropolitan Open Land is the identification of sixteen parcels of land abutting existing Green Belt that meet the criteria for designation. These are set out in Table 6.1 of the Strategic Policies – Partial Review document. For the most part they make minor additions to the Metropolitan Green Belt. These appear to be well-considered by reference to the evidence contained in the Council's Technical Paper – Green Grid (evidence document LBC-07-800) and its Review of Metropolitan Green Belt and Metropolitan Open Land (evidence document

LBC-07-803). Other than the inaccurate designation of Land in Toller's Lane, which the Council itself sought to correct in a modification submitted with the submitted plans themselves and which was further corrected by a representation made at the hearing session (**MM S31**), I have no reason to believe any of the additions to Metropolitan Green Belt to be unsound.

*MOL (Shirley Oaks, World of Golf, Land at Love Lane)*

199. A third element of the Council's Review of Metropolitan Green Belt and Metropolitan Open Land is a consideration of land which is presently designated as MOL. Land at Shirley Oaks, currently designated as MOL is proposed to be de-designated on the grounds that it lacks open air facilities which serve the whole or significant parts of London, does not contain features of national or metropolitan importance and is separated from other areas of the Green Grid by Shirley Oaks Hospital and its car park. Some, but not all of the area is to be re-designated as Local Green Space and some is to be allocated as two development sites (128 and 504).
200. But in fact, as Figures 6.2 and (rather more clearly) 7.12 of the Strategic Policies document show, contrary to the assertion made in paragraph 5.1 of the Council's hearing statement (evidence document LBC-PR-024), a green grid route (referred to by representors as the Saffron Way) passes through the site. A letter from BMI Healthcare, the operators of Shirley Oaks Hospital makes it quite clear that public access during daylight hours is maintained across their grounds between Shirley Oaks and Ashburton Playing Fields. A Green Grid route forms part of a green chain or a link in a network of green infrastructure and so is one of the criteria used to identify land for designation as Metropolitan Open Land.
201. Moreover, as is clear from figure 6.2a of the Strategic Policies Review document, the route of the Saffron Way, together with the site of the Addiscombe, Woodside and Shirley Leisure Gardens clearly contributes to the physical structure of London by helping to distinguish between Addiscombe and Shirley, two of the built-up Places of Croydon identified in the Local Plan. This too is one of the criteria for designating land as Metropolitan Open Land.
202. For both the above reasons I conclude that the dedesignation of Peabody Close playing fields and allotments and part of the Shirley Oaks land west of the dwellings in Poppy Lane and Primrose Lane and either side of Shirley Oaks Road west of the rear boundary of properties in Verdayne Avenue from MOL would be unsound. I recommend a modification to the plan (**MM S30**) to retain those parcels of land as MOL.
203. I do not say the same of sites 504 and 128, or the site of the balancing pond or the land to its east, north-east of Primrose Lane. Site 504 is the site of an existing pumping station and so its development as brownfield land is a sound allocation.
204. The other parcels of land are almost entirely surrounded by housing development and disconnected from the Saffron Way route. Likewise, the land to the north of Firsby Avenue, south-east of Primrose Lane, although connected to the land in Shirley Oaks Road without a physical boundary, appears to serve a separate function unconnected with the Saffron Way and

not serving to help the separation of Addiscombe from Shirley. These fragmented pieces of open space (other than site 128 to which there is no public access) are more appropriately considered for designation as Local Green Space, or for protection by other policies, which I consider below.

205. Site 128 was omitted from the Council's Level 2 Strategic Flood Risk Assessment. An Addendum has now been issued correcting the omission. This shows that about one-third of the site is at medium to high risk of surface water flooding and there is a medium risk of groundwater flooding. The addendum makes a number of recommendations which development of the site would need to follow in order to be acceptable. None of these imply that the allocation for housing development is unsound.
206. The designations as MOL of land at Love Lane and the World of Golf make a contribution to the distinction and separation between three Places in Croydon (South Norwood and Woodside, Addiscombe and Shirley) and Elmers End in Bromley similar to that of land at Shirley Oaks. The inducements of public open space or of affordable housing offered in return for their de-designation may be attractions to be considered in the context of a planning application but as there is no evidence of a lack of public open space in the locality of either of these sites and as the plan makes adequate arrangements for affordable housing they are not matters which amount to the exceptional circumstances<sup>7</sup> to justify a review of Green Belt (or, in London, MOL) boundaries in their particular cases.

*Previously developed and other sites*

207. As paragraph 83 of the NPPF advises, once established, Green Belt boundaries should only be altered in exceptional circumstances. The inconvenience of having to apply NPPF paragraphs 89 and 90 to proposals for development within previously developed sites at the Selsdon Park Hotel and of allocation site 502 does not amount to the exceptional circumstances which NPPF paragraph 83 would require for the alteration of established Green Belt boundaries. In particular, site 502 is entirely surrounded by Green Belt and, in visual terms, clearly falls within it so its continued designation as Green Belt is sound.
208. I accept that the application of Green Belt designation to buildings with extensive grounds in the existing, adopted, plan appears to have anomalies. Some schools and their playing fields, such as that to the north of the Selsdon Park Hotel are excluded from the GB. Others, such as Riddlesdown High School are entirely included within the GB. Still others, such as Trinity School have their grounds included but their buildings excluded. Elsewhere, large tracts of development, such as Addington Village and the Addington Palace estate are "washed over" with a Green Belt designation.
209. But the Council's review of its Green Grid has been limited to questioning whether parcels of land are correctly designated GB, MOL or LGS or not. It has not addressed existing anomalies relating to buildings with extensive grounds.

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<sup>7</sup> Referred to in NPPF paragraph 83

It would be wrong to review the boundary of one site outside the context of reviewing all boundaries. The ability of the Council to meet its housing targets means there are no exceptional circumstances put forward to justify a more detailed comprehensive review, so I conclude that the decision not to undertake such a comprehensive, detailed, review does not make the plan unsound. It follows that the decision not to release for development other sites in the Green Belt, such as those at Mitchley Avenue also does not make the plan unsound.

*Allocations within the Green Belt and MOL*

210. The Council has allocated for development a number of sites (60, 119, 502, 636, 662 and 764) without proposing their de-designation as GB or MOL. (The council says the reference to de-designation of sites 636, 662 and 764 in Appendix 5 of the Detailed Policies and Proposals Document is an error, to be corrected).
211. In the case of site 60, I accept that this allocation simply reflects the existence of a planning permission which is still in course of implementation. The necessity or otherwise of requiring a further access to the A23 road was considered and rejected at the time of granting planning permission. The decision has not been challenged. Its existence demonstrates that the allocation of the site without a requirement for a further access is sound.
212. Site 502 is previously developed land and the allocation reflects Green Belt policy by restricting future development to the same footprint, volume and impact on openness as the current buildings on site. It is not therefore inherently in conflict with Green Belt policy and so the designation, appropriately qualified, is sound.
213. However, the allocations for the other four sites (119, 636, 662 and 764) for development are in clear contradiction to established Green Belt (and MOL) policy. The proposals (for schools in each case) do not fall within one of the exceptions to the inappropriate construction of buildings in the Green Belt set out in paragraphs 89 and 90 of the NPPF. As the Council acknowledges in its evidence document LBC-PR-049, there can be no guarantee that any planning application made in pursuit of the allocations would be found to have the very special circumstances necessary to justify the harm to the Green Belt (or MOL) caused by reason of inappropriateness (or any other harm) since such a decision would only be made at the time and in response to a particular planning application. One of the tests of soundness is whether the plan would be deliverable over its period. There can be no guarantee that these sites would be deliverable while they remain designated as GB or MOL. It is therefore unsound to make these four proposals on designated Green Belt or MOL.
214. Moreover, although the Council's criteria for appraisal of Green Belt sites for schools (contained in paragraphs 3.30 and 3.31 of its Technical Paper – Proposals sites, evidence document LBC-09-1000) includes significant impacts on openness, this criterion does not figure in table 3.7 of that document against any of the Green Belt sites examined. Paragraph 3.29 of that document notes that the sites were not assessed against the five purposes of the Green Belt because all of the land to be retained as Green Belt fulfils the

five purposes. But not all the sites are equal in that respect so this omission is unsound and so renders the plan unsound.

215. In particular, chosen site 636 would occupy a significant extent of the narrow gap between Addington Village (washed-over development within the Green Belt) and New Addington and, in conjunction with the already existing Addington transport interchange would tend to have the effect of securing a coalescence of continuous urban development across that gap. The same would also be true of rejected sites 635 and 638. Likewise, rejected sites 651, 653, 654, 655, 657 and 658 would have caused a significant reduction in the extent of the narrow gap between the Forestdale area and the line of ribbon development on Gravel Hill (washed-over development within the Green Belt). For that reason, I find proposed allocation 636 unsound in any event, notwithstanding any need for the development proposed, and recommend its deletion (**MMs D107, D144**). An alternative to site 636 is identified in the form of adjacent site 120 (**MMs D107, D133**), outside the Green Belt.
216. In respect of the other three sites (119, 662 and 764), all I can consider at this stage is whether exceptional circumstances exist (in the words of NPPF paragraph 83) which would justify an alteration to Green Belt boundaries so as to exclude them from the Green Belt. The rationale for making these allocations is that having found a shortage of other suitable sites for a primary school in the north-west of the borough and a shortage of other suitable sites for secondary schools anywhere in the Borough, the Council has need to consider Green Belt (or MOL) sites.
217. Other than for the first five years (when the children involved have already been born), school population projections are notoriously uncertain. Even though the Council has used best practice in its forecasts and I have already concluded (when considering the positive preparation of the plan) that the quantitative requirements for supporting infrastructure are both positively prepared and soundly justified, it is inherent that even in the most soundly based projections there are doubts about their reliability for later years of the projection as the Council readily acknowledges in its paper presented to the Hearing sessions.
218. Yet, for at least two of the secondary schools proposed in the plan, their need is not projected until later in the plan period (post 2026 for site 764, post 2024 for site 16 (not a Green Belt site)). The Council's expert on school roll projections accepted that provided one of the secondary school sites currently proposed goes forward, a sufficiency of provision for immediate future years was currently projected. A statement of Common Ground agreed between the Council and Iceni Projects (the promoter of a residential-only development on non-green belt site 16) agrees that provided current identified sites proceed (including two Green Belt sites and a third unidentified site), the Council will have an 8% surplus of secondary school spaces in 2030/31 (five years before the end-date of the plan period), implying that two secondary school sites (16 and 764) would not be needed until the final five years of the plan period, if at all.
219. Moreover, many of Croydon's secondary schools are six forms of entry or less. The view that it is better to expand those than add more schools because a

greater number of smaller schools is less viable was not challenged by the Council except to point out that government funding requires any new spaces to be delivered through the Free School system and that it is difficult to expand schools in the centre of the Borough. Nevertheless, difficulties are not impossibilities. Education provision is part of the Council's CIL Regulation 123 list and so the Council is not entirely prevented by government funding policies from paying for school expansions.

220. I therefore conclude that the general case for removing all four of these sites from the Green Belt (and MOL) and thus retaining the allocations for their development in the plan is not convincing. Moreover, as the Council's evidence document LBC-PR-049 recognises, if de-designation of Green Belt occurs, the land can potentially be taken up by other development if the schools do not proceed so, if the case for releasing Green Belt land for development rests on educational needs, that case needs to be immediate and certain.
221. Subsequent to the hearing sessions the Council provided additional information (in response to discussion documents D2 and D2.1) which clarified the effect of deleting three secondary school sites from the plan (sites 636, 662 and 764), confirmed that funding for the development of site 662 has been obtained and made clear the urgency of delivering a school on site 662 by September 2018.
222. Site 662 is owned by the Council and so the risk of the school not proceeding on this site is slight. It abuts existing residential development to west and south so its development would have a limited effect on the extent of the openness of the Green Belt in this vicinity. The case for developing a school on site 662 is both immediate and certain. There does not appear to be any other non Green Belt site presently available. This represents the exceptional circumstances in which an alteration to Green Belt boundaries can be countenanced. I recommend a modification to this effect. (**MM S33**)
223. To a degree, **MM S33** would be contrary to the London Plan policy 7.16 which strongly supports the current extent of London's Green Belt, even though the Council points out that the net effect of the submitted Local Plan (with Main Modifications) is to add 34.05 ha of land to the Green Belt which more than offsets the 10.77 ha to be lost by the deletion of site 662 from the Green Belt and so the overall extent of Green Belt and Metropolitan Open Land within the borough would be increased. But the exceptional circumstances which justify this change are set out above. No reasonable viable alternative site has come forward.
224. The deletion of school sites 119, 636 (and its substitution), and 764 would not necessarily render the whole plan unsound on the grounds of making inadequate provision for identified needs. Other sites for schools are identified which can be considered for bringing forwards for the earlier periods of the plan, not least, site 16 (considered further in a later section of this report). At worst, the Council will need to do a review of Green Belt and the Plan's secondary school provision in another five years' time. Accordingly I recommend the deletion of these allocations in order to make the plan sound in terms of its compatibility with national Green Belt policy (**MMs D107, D109, D110, D132, D133, D144, D145**).

### *Local Green Space*

225. Paragraph 76 of NPPF advises that local communities should be able to identify for special protection green areas of particular importance to them. By such designations, local communities will be able to rule out new development other than in very special circumstances. Designations should be capable of enduring beyond the end of the plan period. Paragraph 77 of the NPPF advises that the designation will not be appropriate for most green areas or open space.
226. The references to "special" protection, "particular" importance, "very special circumstances", "enduring" and the advice that the designation "will not be appropriate" in most cases suggest that a very high threshold of importance is implied in their designation, akin to that of Green Belt or MOL.
227. NPPF paragraph 77 offers three criteria for their designation;
- Reasonably close proximity to the served community
  - Demonstrably special and holding a particular local significance
  - Local and not extensive
228. Almost any site within Croydon will be in reasonably close proximity to its served community, so there is no question but that the 89 sites proposed by Croydon meet that criterion. Likewise, the sites are local and not extensive.
229. But, as paragraph 4.8 of the Council's Technical Paper – Green Grid (Examination Document LBC-07-800) indicates, compliance with the second criterion is judged by reference to a set of eight characteristics, the presence of any three of which, in combination with public accessibility, are deemed by the Council to make a site "demonstrably special" and of "particular significance". Unfortunately, many of these characteristics, such as a community garden, children's play area, natural open space, playing field or recreation ground seem rather commonplace with the consequence that, even where three of these co-exist, the criterion of "demonstrably special" or of "particular" significance within the terms of the NPPF is not met.
230. Official designation as an Historic Park or Garden recognises that a site is "special" or "significant" to a degree. Likewise, designation as a Site of Nature Conservation Importance gives objective recognition that a site is "special" or "significant" to a degree but there are other policies (e.g Strategic Policies SP4.13 and SP7.4 and Detailed Policies DM19.1-9 and DM28) which give more appropriate protection to those areas. Local Green Space is not a designation simply intended to duplicate those designations; that would be unnecessary and so unsound. It needs to be special by reference to other criteria.
231. Cemeteries, churchyards or burial grounds have special significance to individuals but, to be designated as a Local Green Space, "particular" significance is expected, arguably going beyond the everyday reverence which is paid to such places.
232. The other categories referenced by the Council appear to be entirely commonplace. Without additional evidence of their "demonstrable" or

"particular" significance or special characteristic, my concern is that these designations are not justified to the standard expected by the NPPF. In three cases the designated sites are recorded as being entirely hard surfaced with no greenery on them at all, yet are proposed to be designated as green spaces. The Council's acknowledgement that at least one of the designated spaces is the subject of a planning permission for comprehensive redevelopment confirms that insufficient attention has been paid to the NPPF criterion that their designation should be capable of enduring beyond the end of the plan period.

233. In response to my concerns the Council observes that 89 Local Green Spaces represent one Local Green Space per 4,000 residents. It notes that 4,000 residents would equate to a large village elsewhere in England, and every large village might reasonably be expected to have one Local Green Space.
234. The Council has undertaken research into adopted Neighbourhood Plans which have been found sound by independent examiners and the types and quantity of Local Green Spaces they designate. Not all Neighbourhood Plans designate Local Green Space, and the Council has only looked at a small sample of recently adopted Neighbourhood Plans. However, the research shows the designation of a grass verge, a playing field, a community orchard, woodland scrub, recreation areas, a children's playground and ponds, a cricket ground, a cemetery and a community garden, amongst others. They amount to 79 Local Green space designations in seven neighbourhood plans, each covering populations of between 1,395 and 14,017 people.
235. The information is not before me to explain why each of those designations is of particular importance to their local communities. Nor is a sample of 7 Neighbourhood Plans out of a total of 340 made by 7 June 2017 necessarily a typical sample. There is no national guidance as to the expected rate of LGS designation in relation to population but NPPF paragraph 77 advises that the Local Green Space designation will not be appropriate for "most" green areas or open space. Yet, of the 170 sites assessed in Appendix 1 of the Council's Technical Paper – Green Grid (evidence document LBC-07-800), 87 (i.e. "most") are assessed for designation. This, together with the anecdotal points already noted, suggests that the Council's process for assessment has not been sufficiently rigorous to be sound.
236. It would not be appropriate or practical for me to visit all 89 sites proposed for designation; I rely on the evidence provided by the Council. I therefore come to a conclusion similar to that reached by my colleagues examining the Cambridge City and South Cambridgeshire Local Plan<sup>8</sup>. I have serious concerns that the Council's assessment of the proposed LGS designations has not been carried out with sufficient rigour nor focussed fully on the stringent criteria set out in the Framework which set a high bar given that LGS sites enjoy the same level of protection as Green Belt land.

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<sup>8</sup> Interim Finding in respect of policy NH/12 Local Green Space  
[https://www.scambs.gov.uk/sites/default/files/letter\\_from\\_inspectors\\_re\\_interim\\_findings\\_policy\\_nh12\\_lgs\\_rd-gen-420.pdf](https://www.scambs.gov.uk/sites/default/files/letter_from_inspectors_re_interim_findings_policy_nh12_lgs_rd-gen-420.pdf)



237. Little else depends on the LGS designations so this finding does not make the whole plan unsound. To ask the Council to review or for me to examine each site individually, as representations on the modifications have sought me to do, so as to come up with a more robust list, would take considerable time. So as not to delay the process of adoption of a Local Plan adequate for most purposes, I recommend to the Council that the LGS designations be deleted in their entirety (**MMs D79, D86, D102**) and that, if it is minded to pursue the concept of LGS designation as opposed to other policies to replace UDP policy RO8, it conducts an early, self-contained, review of that matter alone.
238. These three suggested modifications have generated the vast majority of all representations made to all the suggested modifications. The volume of representations clearly represents a broad swell of opinion.
239. Many representations comment on the lack of explanation of the proposed modifications and the brevity of the time allowed to comprehend what was recommended, to consider the implications and to form an opinion on them. Many equate the loss of designation with the actual loss of open space, citing a belief that the deletion of LGS designation implies a proposal to close the parks and open spaces concerned or to develop their land for housing. But this would not be the case because the sites are effectively covered by other designations, as explained in the following paragraph.
240. London Plan policy 7.18, which forms part of the development plan for Croydon, provides protection for all open space and is consistent with NPPF paragraph 74 which advises that open space should not be built on unless replaced or demonstrably surplus to requirements. The Mayor of London suggests that these references be specifically included in the Plan. I concur that this is necessary to avoid misunderstanding and so have adjusted **MMD86** to that effect. The Council may also wish to show on the Policies Map the sites to which these London Plan policies apply.
241. A substantial number of other arguments require full consideration. A large number of these argue for the general benefits of open space to recreation and health. These are undisputed but, by definition, general benefits do not amount to the special justification needed to support LGS designation on a specific site. Others argue for the historic interest of particular places or pointed to their ecological or nature conservation interest. These too cannot be disputed but, as noted above, the plan already contains policies to protect land with these characteristics (e.g Strategic Policies SP4.13 and SP7.4 and Detailed Policies DM19.1-9 and DM28) and so LGS designation would simply amount to an unjustified duplication of designation, which, in itself would demonstrate that the LGS designation would be unnecessary and so, unsound.
242. About two-thirds of the individual sites (out of the 89 designated in the submitted plan) were the subject of representations to the effect that they should retain their LGS designation. Many of these applied the arguments described above which, for the reasons stated, I find unconvincing. Others provide pointers to the kind of criteria that the Council may wish to use in the Review which I recommend. Several point to the fact that parts of Croydon are highly built up, where green space is at a premium or where the particular facilities offered by a local open space are at a premium. But the concept of

Local Green Space is not simply about maintaining a quantitative standard of open space or facilities, important though that is; it is concerned with boundaries which are capable of enduring beyond the end of the plan period, ie, not just ensuring that a sufficient quantity of open space is provided or retained in an area but that it be provided or retained on the particular site in question because its location has particular importance to the local community, possibly as the result of an event on the site or as the result of a campaign of acquisition or gift in relation to the site.

243. As already noted, it would not be appropriate or practical for me to evaluate individually all 89 sites proposed for LGS designation without causing an untoward delay to an otherwise sound plan; I rely on the evidence provided by the Council and come to a view on its soundness of method. Notwithstanding the passion and commitment of the representations made in response to the suggested modifications, they do not convince me that the methods used by the Council in identifying sites for LGS designation are sound, so the modification, adjusted for the reason given earlier, is justified.

#### *Sites of Nature Conservation Importance*

244. Three sites are contentious in terms of designation as SNCI. One is a triangle of land at the rear of 179 Shirley Road. The other is the Shirley Allotments and Leisure Gardens. The third is land at Kent Gate Way.

245. The issue concerning land rear of 179 Shirley Road amounts to a simple difference of opinion between two qualified professionals in relation to the significance of what they have found on site. There is semi-natural broad-leaved woodland, the quality of which is disputed. There is evidence of badger use but its currency and significance is disputed. There is dead wood suitable for invertebrates and reptiles but the presence of notable species is disputed. There is at least one tree with potential as a bat roost but the actual presence of bats is disputed. The Council's ecologist recommends the designation of the land. The landowner's ecologist does not.

246. Evidence for both sides was examined in detail at a hearing held on 13 November 2012 (appeal reference APP/L5240/A/12/2178438). That concluded that both the size and secluded nature of the site as it then existed were significant in defining its nature conservation interest and potential. There is no evidence in the Ecology Assessment produced for the Local Plan by Thomson Ecology in 2013 that those factors have changed in the succeeding five years and so I have no reason now to take a different view.

247. The Addiscombe Woodside and Shirley Leisure Gardens and the land designated as a SNCI at Kent Gate Way were omitted from the Review of Sites of Importance for Nature Conservation (document LBC-07-801) carried out in November 2014. During the examination the Council commissioned appraisals. These record in both cases the presence of some habitats of high value for nature conservation, others of moderate value and others of low value. They recommend that the Leisure Gardens be designated as a SNCI and that part of the Kent Gate Way site be de-designated as a SNCI. The Council therefore promotes modifications to do so, which I recommend for soundness (**MMs D88 and D89**).

*Views, landmarks and heritage assets*

248. My examination of the Council's evidence base (Heritage Assets and Conservation Technical Paper (evidence document LBC-04-522), Assessment of Landmarks Panoramas and Views (evidence document LBC-04-523) and Local Heritage Review (LBC-04-518) raised no questions of soundness. The Assessment and Review appear both to have been carried out systematically and with rigour.
249. The severity of criterion (b) of policy DM19.1 and criteria (a) and (c) of policy DM19.4 are all within reasonable parameters. Paragraphs 6.141 to 6.150 provide justification. Policy DM19.4 does not require compliance with the various supplementary planning documents referred to. Instead it merely requires developments to have regard to them, which is not unsound.
250. In response to a representation pointing to the complexity of the concept of Enabling Development, the Council proposes to delete policy DM19.1(e). By definition, enabling development as described in NPPF paragraph 140 is otherwise in conflict with planning policies and so it is unsound to have a policy countenancing enabling development. I concur that its deletion is necessary for soundness (**MMD68**).
251. There is disappointment at the change from Local Areas of Special Character in the previous Unitary Development Plan to Local Heritage Areas in the new Local Plan. But I agree with the Council's interpretation of advice in the NPPF that it is the significance of character which merits a designation rather than the simple fact that an area may display character or be well-designed. The Council proposes a modification to make this clear, which I endorse as necessary for soundness, and also a modification to policy DM19.5 to bring its terminology into line with statute. (**MMs D67, D69, D70**)
252. In response to additional information to demonstrate the inaccuracy of the boundary of the Dutch Village Local Heritage Area the Council proposes to modify its boundary of the Dutch Village Local Heritage Area (**MM S23**) which I agree is necessary for soundness but, in the absence of further evidence, I must conclude that the designation of other Local Heritage Areas is sound as submitted.

*Betting shops, sui-generis<sup>9</sup> uses and other town centre issues*

253. There is an inconsistency between the list of local centres in policy SP3.6(c) which omits Beulah Road and both figure 7.15 of the Strategic Policies Partial Review and Table 5.2 of the Detailed Policies and Proposals which include it. For soundness, this is necessarily corrected by a modification (**MM S15**).
254. Policies DM5, DM6 and DM7 between them control development in the Croydon Metropolitan Centre, District and Local Centres, Neighbourhood

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<sup>9</sup> A Latin term meaning "of its own kind". In the planning context it means a use which is not within one of the Classes of the Use Classes Order.

Centres and Shopping Parades. Each applies a table (5.1, 5.3 and 5.5) which applies different control policies to different uses in different parts of each location. The effect is that new or additional sui-generis uses (including Betting Shops) would not be permitted in defined Main Retail Frontages, Secondary Retail Frontages, Neighbourhood Centres or shopping parades. Within any kind of centre, they would be confined to the Croydon Metropolitan Centre, the nine District Centres and the nine existing and two proposed Local Centres but outside the Main or Secondary Retail Frontages in all cases.

255. Sui generis uses cover such businesses as betting shops, pay-day loan shops, nail bars, taxi offices, amusement arcades and launderettes. The argument made (by a betting shop operator but on behalf of all sui-generis uses) is that just because they are not included in a Use Class of the Use Classes Order does not mean that they are not necessarily appropriate town centre uses. A contrast is made with policy towards B1 uses which are given more favourable consideration in the policies.
256. Although it is true that B1 uses are given more favourable consideration, it does not follow that policies towards sui-generis uses are therefore unsound. They do not imply that the uses are inappropriate town centre uses, just that they are appropriate outside Main or Secondary Retail Frontages. There is no evidence put forward to argue unsoundness on the basis that the existing supply of sui-generis premises, together with the potential for additional premises within the twenty general locations which the submitted policies DM5, 6 and 7 allow for their expansion would be insufficient to meet the demands for sui-generis premises in Croydon. I also note that Policy DM9 applies in edge of centre or out of centre locations and does not appear to restrict their provision in otherwise appropriate premises and locations. The policy put forward is, in effect, unchanged from previous Unitary Development Plan policy to maintain the retail attractions of centres so the lack of much positive evidence to support the proposal is understandable. As there is little evidence for the contrary proposition, I find the policy towards sui-generis uses sound.
257. With seven modifications which the Council proposes, to add a reference to suitability and availability and to distinguish arts culture and tourist facilities so as to reflect the provisions of the sixth bullet of NPPF paragraph 23 and to correct the addresses of properties within the South Norwood District Centre (**MMs D12, D19, D21, D23, D76, D127, D128**), the collection of policies DM5-DM9 appears to apply government policy. The sequential test applied in policy DM9 differs in detail from that contained in the NPPF by referring to vacant units rather than sites, so implying a preference for the re-use of vacant buildings over new-build but is not contrary to it. The Council's suggested proviso that a site be accessible and well-connected to the town centre reflects the NPPF advice to prefer such locations. In the absence of much evidence either way, the usual presumption applies, that the Council has prepared what it thinks to be a sound plan. I have no sufficient reason to think otherwise in so far as they apply to sui generis or other town centre uses.

### *Take-aways*

258. I am less convinced by the way these policies apply to new or additional uses in the A5 Use Class (hot-food take-aways). The effects of policies DM5-DM9 would be to allow these in just twenty areas; Croydon Metropolitan, District and Local Centres but not in shopping parades in Neighbourhood Centres or elsewhere or in any edge of centre or out of centre location. The reasons given in paragraph 5.37 are to retain a greater choice of local retail services (but other sections of the policy allow loss of local retail services up to a limit; if the loss is allowable anyway, there is little reason for the new use not to be in the A5 use class), to limit waste and delivery issues (but policy could require that these be dealt with; a complete ban is not necessary to achieve the desired result); and to support healthier food options (but not all A5 uses produce unhealthy food; the Council's own campaign to persuade take-away proprietors to adopt healthy food options would be as stymied by this policy as would purveyors of less healthy food).
259. That last observation is not intended to belittle the Council's concerns with tackling the phenomenon of obesity as a health concern. The authorities quoted in the Council's observations on the suggested modifications to the plan demonstrate the seriousness of the matter and the government's recognition of the issue as a public health issue. But the quoted research demonstrating associations between obesity and ease of access to takeaway food and between obesity, deprivation and access to hot food takeaways has led the Council to adopt a policy which fails to distinguish between healthy and unhealthy takeaway food, which confounds its own efforts to improve the healthiness of the food provided by takeaway outlets and which fails to address the undoubted demand for the provision of convenience food.
260. Because the Council's reasons for this policy do not withstand scrutiny, they must be regarded as unsound and so a modification is required. In the light of the Council's representations on the suggested modifications, I now adjust the modification previously consulted upon in order to reflect what appears to be the Council's three main concerns; (a) to retain a sufficiency of A1 uses (b) to prevent an excessive concentration of take-aways and (c) to ensure that the food provided in a takeaway is healthy. (**MMs D17, D18, D21**).

### *Public houses*

261. The Council's concern with promoting healthy eating habits through limiting the growth of hot food take-aways is not paralleled by promoting a reduction in places to drink alcohol. Instead, policy DM22 would seek their retention even if there is no defined need.
262. Such an indiscriminate policy is not supported by the Council's own evidence (document LBC-05-601). This distinguishes a variety of types of pub and emphasises the value of those which serve a social role as a meeting place, hosting a wide variety of community-oriented events, which it calls community pubs. It also realistically recognises that a few pubs become foci for crime and anti-social behaviour, a distinction not made in the Council's policy.

263. Characteristics of a community pub identified in the Council's evidence document include;

- Space for organised social events (pub quizzes, darts competitions, pool leagues)
- Meeting rooms/performance spaces/rooms for hire for events
- Ancillary facilities (e.g skittles alley, children's play area)
- Associated clubs and teams

Not all pubs display these characteristics and, of those that do, not all are physically suitable by modern-day standards (e.g event venues need sound insulation to prevent amplification of music causing a nuisance to neighbours).

264. The Council's policy criteria include other matters unrelated to a pub's community value, such as historic building status or heritage asset. Although it is recognised that a historic asset is best preserved for its original purpose, heritage policy recognises that the focus is the preservation of the asset, not necessarily its original function. The original purpose may no longer provide the wherewithal to maintain and preserve the asset and so an insistence on retention of the original use may not be consistent with heritage policy (SP 4.11- SP4.15 and DM19).

265. For all the above reasons I consider that the Council's proposed policy DM22 is unsound. I recommend a modification, applying criteria derived from the Council's evidence document. (**MMs D77, D78**). I do not reduce the criteria to considerations of viability and duration of marketing limited to designated Assets of Community Value because although viability and marketing duration are relevant considerations, the additional criteria of the modification are well-justified by the evidence. ACVs have protection procedures of their own independent of planning considerations so it would be an unsound duplication of control to limit the policy to ACVs alone.

#### *Care Homes and Community Facilities*

266. Public Houses are considered by the Council to be a Community Facility according to paragraph 5.38 of the reviewed Strategic Policies. These are protected by policies SP5.3(b) and DM20 and (in the case of pubs) DM22. But, by the same re-write, care homes, residential homes and nursing homes are no longer to be considered a community facility to be protected by policy.

267. The reason given by the Council is that over many years, market forces have led to the development of a private sector care home industry in Croydon far in excess of Croydon's own needs with consequent disproportionate demands on Croydon's health and social services. It has been pointed out that boroughs are not self-contained islands, particularly for individuals who pay for their own care in a place of their choosing.

268. In truth however, the policies themselves, whether the unreviewed SP5.3 (b) or the new DM20.2 both refer to the needs of the community without limit to municipal boundaries. It should not be necessary for me to point out by a modification to the plan that, in London, the needs of the community can transcend borough boundaries. Proposed policy DM3.1, which does refer

specifically to Croydon residents, concerns controls over additional facilities, not the protection of existing ones. The proposed change to the definition of community facility applies equally to all care home facilities and does not discriminate between those which house Croydon residents and those which house others so is not unreasonable. It is founded in evidence and so is sound.

269. Other representations point to the ease with which community facilities can close despite the Council's planning policies. Powerful though planning policy can be, there is no modification to the plan which I can recommend which would overcome the harsher realities of either public or private finances or which would prevent uses ceasing to operate.

### *Transport and Parking*

270. The review of the Strategic Policies simply adds largely factual matters, reflecting proposed or considered operator changes in south London, extensions to the Croydon tram network put forward by Transport for London, measures to increase capacity on the main London to Brighton rail line and operators' programmes for making local stations accessible. The Detailed Policies and Proposals document introduces policies to deal with the impacts of development on the transport network, to adapt the existing London Plan car parking standards to require a percentage of provision for car clubs, electric charging and disabled people using wheelchairs, to restrict the development of temporary car parks and to facilitate rail and tram improvements.

271. It is argued that, because the tram improvements are so uncertain, policy DM33, against developments which might prejudice its implementation, has the potential to frustrate desirable development. That would appear to be a risk but to delete the policy on the grounds that it is unsound would leave the way open for development potentially to stymie much-needed transport improvements. Infrastructure such as a tramway can be difficult to insert amongst existing development so it makes sense to have a policy which at least requires the matter, which has a reasonable prospect of implementation, to be taken into account.

272. Other concerns largely focus on car parking provision, the number of existing car parks allocated for development and the adequacy of the outcomes resulting from the application of the London Plan car parking standards. This last is not a matter before me. Croydon's plan is required to be in general conformity with the London Plan. That Plan requires that car parking standards be set as a maximum (i.e. that developments may be permitted to have no more car parking than the maximum allowed in table 6.2 of the London Plan). Developments which would provide no car parking at all would comply with the London Plan standards but the London Plan also recognises that outer London Boroughs may wish to secure a more generous provision of car parking in areas with low levels of public transport accessibility.

273. The Croydon Plan does not take up that facility. Its reasoning is explained in paragraph 10.16 of the DP&P document. An exception for the early years of the plan is recognised in paragraph 10.17 of the document but that is not translated into policy. What the policy does require is that when a housing

development contains more than one tenure, the affordable housing element should be provided with car parking at a rate at least two-thirds as generous as that of other tenures (rather than all being allocated to the other tenures).

274. Since the intention of the Croydon Plan is to focus development on areas of higher public transport accessibility (the Croydon Opportunity Area, the District and Local Centres and the areas of focused intensification), the Council's reasoning appears sound and justified by the evidence. In this particular instance, I do not translate the content of paragraph 10.17 into the policy itself, since its terminology ("may be acceptable...if justified by a Transport Assessment") is clearly not setting out a policy applicable in every case but identifying the procedural requirements necessary to justify an exception to policy in an individual circumstance.
275. Moreover, table 6.2 of the London Plan contains within it flexibility for up to two parking spaces per dwelling to be provided in lower density suburban areas. This is 33% in excess of the average number of cars per household in Coulsdon, one of the wards in Croydon with highest levels of car ownership and is double the average car ownership level for Croydon as a whole recorded in the 2011 census, according to figures provided by the East Coulsdon Residents' Association. There is clearly little evidence to demonstrate that, by choosing not to take up the flexibility for even greater provision, the Croydon Local Plan policy for car parking provision in new developments would be unsound.
276. There are allegations that the Local Plan relies on supplementary planning documents for its effectiveness. Neither table 6.2 of the London Plan nor table 10.1 of Croydon's DP&P are supplementary planning documents. They are both integral parts of documents which form sections of the development plan and so policy DM31 which applies them to development in Croydon is not unsound on that account.
277. Whilst recognising the fact that the plan proposes to allocate a significant proportion of public car parks for development, policy DM31 (d) would apply. It would require that, in those developments, there would be no loss of existing car parking spaces unless there is demonstrably no need for them. No threshold of use to indicate lack of need is proposed. I am not convinced by the suggestion made that peak occupancy of 60% should trigger protection, since peak usage of 60% clearly indicates that even at peak times, 40% is not needed, indicating a much greater underuse at other times of a land use which consumes high quantities of floorspace and site area but clearly the policy is imprecise and so would be unsound without some indication of measurement. Accordingly, I recommend a modification to refer to peak occupancy rates. (**MM D95.**)
278. Tenants of affordable housing may have the use of a greater number of vehicles than suggested by records of car ownership. But the evidence does not suggest that the Council's policy, to seek specific and proportionate parking provision for affordable housing where otherwise a much lower share of provision might be made, would be unsound.



279. Bicycle owners may prefer to keep their bicycles within their house or flat rather than in designated cycle stores but the plan does no more than apply the London Plan policy with an adjustment to require charging points for electric bicycles and mobility scooters. It does not require cycle stores to the exclusion of cycle storage space within a dwelling and so, is not unsound.

280. None of the criticisms of the Council's policy towards car parking hold water. I therefore put forward no further modification than that which the Council itself promotes to table 10.1 in order to clarify the requirements for car club spaces and electric charging points and bays without which the plan would be unclear and so, unsound. **(MM D96)**

#### *Miscellaneous sites*

281. This report has already dealt with a number of sites in relation to other specific areas and issues. In addition to those already discussed, the Council proposes the deletion of allocation site 82 from table 11.10 and Appendix 5 of the DP&P because it has become a listed building. I agree that this removes the justification for its identification as a development site. Its deletion is therefore needed to make the plan sound **(MMs D121, D131)**. Site 946 is omitted from table 11.20 of the DP&P, so a modification **(MM D126)** is necessary to correct this omission. In addition, a number of representations challenged the soundness of specific site allocations.

282. A number of sites in the vicinity of Waddon (sites 11, 16, 25, 301 and 350) were challenged on the grounds that their designation was contrary to policies DM24 (air quality and noise pollution) and DM30 (traffic impact). Any development on any site anywhere is likely to generate a degree of traffic, air pollution and noise pollution as paragraph 10.5 of the DP&P acknowledges but that does not automatically put it in conflict with those two policies which refer to severe impacts and acceptable levels. In both cases, there is nationally accepted guidance which sets thresholds for acceptability. Moreover, it is commonly accepted that TfL is committed to a scheme of highway improvement of the A23/A232 junction which would deal with the issue of traffic impact.

283. The challenge to the soundness of the allocation for site 16 is fivefold

- The educational need is lacking
- And can anyway be met in other ways
- Delivery is dependent on The TfL Fiveways junction improvement, not likely to be delivered until the 2020s.
- Access from Duppas Hill Road would not be acceptable
- Access from Stafford Road would be unviable

284. The Council's school population projections have already been discussed twice in this report, once in considering whether the plan has been positively prepared and subsequently in considering the allocation of sites within the Green Belt. That consideration acknowledges that for the later years of the plan even the most soundly-based school population projections are notoriously uncertain. But that does not mean that they are not soundly based.

285. My earlier consideration also accepts that alternative ways of meeting the need by expanding existing schools in the centre of the Borough may be difficult, though admittedly, not impossible.
286. As a result of that consideration, I recommend that two sites for secondary schools within the Green Belt be deleted from the plan, substituting an alternative site outside the Green Belt in one instance. Their deletion from the plan, together with the fact that one Free School intended to help supply the deficiency has no approved site, consequently increases the significance of site 16 in meeting the identified needs for secondary school education.
287. The Council and Iceni Projects had previously signed a Statement of Common ground agreeing to the dependency of the school on TfL's scheme of highway improvements and to the need to acquire properties in order to achieve the preferred access to the school, in Stafford Road. Although the developer's transport statement reports that an all movements signalised junction on to Duppas Hill Road would have unacceptable effects on the wider highway network and seeks to demonstrate the acceptability of a "left in, left out" access for residential development alone, it does not assess the potential of the latter for serving a mixed development including a school.
288. Nor has it explored the potential of Travel Planning to reduce the traffic generation of the school below that indicated by the TRICS database of schools not necessarily using travel planning techniques. I therefore endorse neither of the identified access difficulties as insuperable obstacles to the delivery of a school on this site. In the light of my earlier conclusions on the soundness of allocating sites for schools within the Green Belt, which re-emphasise the significance of site 16 in meeting the Council's need for school sites, I do not find that the arguments put forward lead me to a finding of unsoundness for the allocation of site 16 in part for a secondary school.
289. The Council responded to some representations relating to sites 301, 306 and 405 by proposing modifications. I concur that these are necessary in the interests of soundness because they clarify ambiguities and uncertainties which could be regarded as unsound. (**MMs D123, D125, D140, D141, D143**)
290. The former Dairy Crest dairy, 823-825 Brighton Road (site 495) is an attractive locally listed building. The site allocation is for its frontage range to be converted to studio spaces and for new light industrial units to be developed to its rear. It is surrounded by residential property so there is understandable concern about potential air pollution, noise and the effects of servicing and expressions preferring a residential development.
291. However, the site lies within flood risk zone 3, where government Guidance advises that a new residential use (classified as "more vulnerable" in flood risk terms) should not be permitted. Although flood risks might possibly be dealt with through redevelopment, conversion of the existing heritage asset to a residential use would clearly be unacceptable. There is a balance to be struck between the retention and re-use of a heritage asset and the need to protect people's homes from flooding. Light industrial use (a "less vulnerable" use in flood risk terms) is, by definition, compatible with a residential area and may

be permitted in flood zone 3 if an exception test is passed. Its acceptability would have to be secured by conditions attached to a planning permission if given but there is no evidence before me to show that the balanced view reached by Croydon would be unsound.

## **Public Sector Equality Duty**

292. Affordable Housing has its own provisions in Strategic Policies SP2.3 to SP 2.6 inclusive. In addition to provisions for affordable housing, the Plan makes provision for gypsies and travellers which have been examined in earlier sections of this report. It contains policies to provide a mix of homes by size to accommodate different groups in the community based on an analysis of Croydon's needs. Specific reference is made to specialist and supported housing for elderly and vulnerable people. The London Plan forms part of the development plan for Croydon. It is not the subject of this examination but includes policies requiring a proportion of homes to be wheelchair accessible.

293. In its policy for residential care and nursing homes, the plan recognises the increasingly elderly nature of the population. Its policy for promoting healthy communities (DM17) recognises the need for improvements to existing facilities providing services important to a wide range of diverse clients. Its policy for providing and protecting community facilities (DM20) is predicated on the needs of the community and emphasises the need for developments to be flexible, adaptable, capable of multi-use, accessible and designed to meet the needs of particular client groups. Its previously adopted (and unaltered) strategic policies on transport seek to ensure that "access for all" principles are adhered to. The review adds recognition of operators' programmes of making stations accessible to wheelchair users. The Detailed Policies and Proposals build on these strategic requirements by modifying the London Plan parking standards to add detailed requirements for wheelchair accessible parking spaces and for mobility scooters.

294. I am therefore satisfied that the plan's provisions for inclusive design and accessible environments are consistent with the NPPF. In this matter and all other relevant matters, I have had due regard to the equality impacts of the plan in accordance with the Public Sector Equality Duty.

## **Assessment of Legal Compliance**

295. My examination of the compliance of the Plan with the legal requirements is summarised below. I conclude that the Plan meets them all, with modifications (**MMs D4, D74, D90**) to exclude as ultra vires a number of policies or paragraphs (4.29, 7.5, 9.32) which sought to impose fees for work in assessing planning applications over and above the fees which the Council is authorised to charge for the processing of planning applications.

296. The Local Plan has been prepared in accordance with the Council's Local Development Scheme January 2017.

297. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement adopted in October 2012.

298. The following paragraphs explain how I have reached a conclusion of legal compliance with regard to Sustainability Appraisal.
299. Unlike the Sustainability Appraisal reports of many Local Plan documents, those for these two Croydon plans are very slim. Just one issue from the Strategic Policies Partial Review and four issues from the Detailed Policies and Proposals are selected for appraisal.
300. Paragraph 8 of Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires an outline of the reasons for selecting the alternatives dealt with. The Council's reasons are stated in its two SA reports. For the Strategic Policies the report focusses on alternatives to the Housing Growth policy and not on other policy areas. This was deemed a proportionate and reasonable approach as it was not immediately apparent that for the other subjects there were strategic choices to be made that might benefit from alternatives appraisal. For the Detailed Policies and Proposals it makes its choices based on both technical work and past consultation. The potential to consider alternatives for other DP&P issues was also reviewed but the conclusion reached that there was insufficient potential to add value.
301. It is clear from the evidence (eg the repeated "Sustainability Appraisal" sections of Technical Paper – Policy DM11-17 (Document LBC-04-500)) that Sustainability Appraisal was carried out more extensively and reported at earlier stages of preparing these plans. Although not originally submitted as part of the evidence base, I requested that these reports be submitted as they clearly form part of the overall Sustainability Appraisal of the Local Plan.
302. These show that consideration of the Strategic Policies review encompassed all the policy areas which were included within the review but that the broad spatial distribution of development would remain unaltered from the adopted Strategic Policies which had been subject to sustainability appraisal at the time of their adoption and so did not require a further appraisal. Consideration of the policy areas which are a focus of the Strategic Policies review determined that all but one need not be a focus of alternatives appraisal. This was deemed proportionate and a reasonable approach as it was not immediately apparent that there were strategic choices to be made that might benefit from alternatives appraisal. The remaining issue which was appraised was the approach to be taken to the London Plan's revised housing targets.
303. For the Detailed Policies and Proposals, the Sustainability Appraisal of the Preferred and Alternative Options acknowledged that addressing contentious issues systematically, via appraisal of and consultation on alternatives is a means of ensuring that the final policy approach is justified. However, it argued that it is not necessarily the case that every development policy should be developed subsequent to an appraisal of alternatives. For many policy areas or issues it is proportionate (given time and resource limitations and the desire to avoid "consultation fatigue") to develop a preferred policy approach on the basis of technical work and consultation (on a draft policy) only, without formal consideration of alternatives.
304. Four policy issues were subsequently chosen for alternatives appraisal and each appraised against eighteen sustainability objectives. For specific sites, a screening process whittled down the candidates to 283 reasonable options.

For a considerable proportion of these sites, preferred and non-preferred uses were identified but the alternative uses were not appraised in any greater detail. Instead a spreadsheet was used to appraise all sites in relation to over thirty relevant criteria and a narrative analysis of the findings was made.

305. Case law (*Calverton PC v Nottingham CC* [2015] EWHC 1078 (Admin)) recognises that options may be rejected as the plan moves through various stages and do not necessarily fall to be examined at each stage and that it is permissible for the environmental report to refer back to earlier documents and that the reasons for rejecting earlier documents must be summarised in the final report. On this basis I am satisfied that adequate Sustainability Appraisal has been carried out.
306. The Habitats Regulations Appropriate Assessment Screening Reports April 2016 set out why AA is not necessary. Natural England supports this finding.
307. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These include the various policies setting out the approach in relation to flood risk (SP6.4 and DM26), renewable and low carbon energy (SP6.2) and sustainable design and construction (SP6.1 and DM24). In addition, the overall spatial focus on the Croydon Opportunity Area and the selection of areas for Guided or Focused Intensification is intended to reduce the need to travel. Accordingly, the plans, taken as a whole, achieve this statutory objective.
308. The Local Plan is in general conformity with the spatial development strategy (The London Plan).
309. The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, except where indicated. In those instances MMs are recommended to bring the Local Plan into line with legal requirements.

## **Overall Conclusion and Recommendation**

310. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
311. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendices, the Croydon Local Plan Strategic Policies – Partial Review and the Croydon Local Plan Detailed Policies and Proposals satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework.

*P. W. Clark*

Inspector

This report is accompanied by two Appendices containing the Main Modifications.

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