

## APPENDIX 2

### For General Release

<b>REPORT TO:</b>	<b>Council</b>
<b>AGENDA ITEM:</b>	<b>10</b>
<b>SUBJECT:</b>	<b>Croydon Local Plan: Detailed Policies and Proposals (Submission to the Secretary of State for the Department of Communities and Local Government)</b>
<b>LEAD OFFICER:</b>	<b>Heather Cheesbrough - Director of Planning and Strategic Transport</b>
<b>CABINET MEMBER:</b>	<b>Councillor Alison Butler – Deputy Leader Statutory - Cabinet Member for Homes, Regeneration &amp; Planning</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b>	
<p>The Croydon Local Plan will set the growth and development vision and planning policies for the borough from 2016 – 2036. The Croydon Local Plan will provide the planning policy basis for the borough to plan for the borough’s housing need, deliver necessary affordable housing, accommodate sustainable growth, regenerate the district centres, strengthen neighbourhood and local centres, safeguard and provide employment floorspace and deliver a renewed Croydon Opportunity Area, with a residential population of up to 20,000 people, a comprehensively developed retail core and provision of public realm and infrastructure.</p> <p>The Corporate Plan (2015-2018) sets out how the council will deliver on three key ambitions:</p> <ul style="list-style-type: none"> <li>• GROWTH, creating growth in our economy;</li> <li>• INDEPENDENCE, helping residents to be as independent as possible;</li> <li>• LIVEABILITY, creating a welcoming, pleasant place in which local people want to live.</li> </ul> <p>Ambition Priority One of the Corporate Plan, growth is underpinned by the Croydon Local Plan, enabling development to occur in sustainable locations, in a desired form and at the appropriate time. The Croydon Local Plan establishes the planning policy vision and the statutory basis with which to support the growth and development objectives delivered through the Croydon Promise and Places Plans.</p> <p>The Corporate Plan contains the Council’s contribution to Croydon’s Community Strategy 2016-2021 developed by Croydon’s Local Strategic Partnership (LSP). The Community Strategy is the overarching strategy for the borough and sets out the direction for the Local Strategic Partnership for the next five years and beyond, with the focus on three overarching outcomes, each with their individual priorities, which will see Croydon become:</p> <ul style="list-style-type: none"> <li>• a place to learn, work and live through ambitious placemaking, regeneration, economic growth, cultural renaissance and providing a safe pleasant environment</li> </ul>	

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- a place of opportunity for everyone through better education, health promotion, supporting independence and resilience, and tackling poverty deprivation and homelessness
- a place with a vibrant and connected community and voluntary sector through enabling communities to connect, collaborate and take responsibility where they see a need and have capacity and commitment to provide for it.

The Community Strategy is set within the context of 'We are Croydon', Croydon's long term vision that was developed by approximately 20,000 residents and adopted in 2010. Croydon's vision is to be:

*Enterprising* - a place renowned for its enterprise and innovation with a highly adaptable and skilled workforce and diverse and thriving local economy

*Connected* - a place that is well connected, easy to get to and around, and supported by infrastructure that enables people to easily come together; with one of the best digital, communications and transport networks in the country

*Creative* - a place that draws people to its culture and creativity – an inspiration and enabler of new artistic and sporting talent

*Sustainable* - a place that sets the pace amongst London boroughs on promoting environmental sustainability and where the natural environment forms the arteries and veins of the city

*Learning* - a place that unleashes and nurtures local talent and is recognised for its support and opportunity for lifelong learning and ambitions for children and young people

*Caring* - a place noted for its safety, openness and community spirit where all people are welcome to live and work and where individuals and communities are supported to fulfil their potential and deliver solutions for themselves.

The Croydon Local Plan will assist in delivery of Croydon's vision and the Partnership's priorities for each outcome.

### **FINANCIAL IMPACT**

The Croydon Local Plan can be delivered from the Croydon Local Plan budget (reserve) 2016 – 2018.

Under delegated authority from the Cabinet meeting of the 11th July 2016, the Deputy Leader (Statutory) – Cabinet Member for Homes, Regeneration and Planning recommends the following to Council:

### **RECOMMENDATIONS**

#### **That Council:**

1. Agrees the submission of the Croydon Local Plan: Detailed Policies and Proposals to the Secretary of State for the Department of Communities and Local Government, including the Croydon Local Plan Policies Map and together with the Croydon Local Plan Detailed Policies and Proposals Main Modifications.
2. Delegates to the Director of Planning and Strategic Transport, in consultation with the Deputy Leader (Statutory) – Cabinet Member for Homes, Regeneration and Planning, the approval to consult on Croydon Local Plan: Detailed Policies and Proposals post Examination in Public Main modifications, should that be necessary as directed by the Independent Planning Inspector.
3. Delegates to the Director of Planning and Strategic Transport, in Consultation with the Deputy Leader (Statutory) – Cabinet Member for Homes, Regeneration and Planning, the making of minor changes relating to factual elements and clarification where needed, prior to submission of Croydon Local Plan: Detailed Policies and Proposals to the Secretary of State.

## **2. EXECUTIVE SUMMARY**

- 2.1 Once fully adopted the Croydon Local Plan: Detailed Policies and Proposals (CLP2) will form part of the development plan for the borough along with the Croydon Local Plan: Strategic Policies (including its Partial Review), the South London Waste Plan and the London Plan. On adoption, the Croydon Local Plan: Detailed Policies and Proposals will replace the remaining saved policies of the existing Unitary Development Plan to ensure the borough has an up to date development plan that is focussed on meeting the need for homes, jobs and associated infrastructure whilst respecting and enhancing the character of Croydon.
- 2.2 The Croydon Local Plan: Detailed Policies and Proposals sets out the detailed planning policies that will enable the growth strategy of the Croydon Local Plan: Strategic Policies Partial Review to be realised. It also sets out the proposed development sites that will be allocated for development where those sites are over 0.25ha in extent.
- 2.3 As the Croydon Local Plan: Strategic Policies - Partial Review in setting the borough's growth strategy, vision, objectives and policies, enshrines Ambitious for Croydon, Croydon's Growth Zone and Croydon's Community Strategy, this

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flows through to the Croydon Local Plan: Detailed Policies and Proposals and provides conformity with these documents.

- 2.4 The Detailed Policies and Proposals propose an innovative approach to meeting the needs of the borough for new homes and associated infrastructure and the regeneration of the district centres, strengthening neighbourhoods (with designation of neighbourhood centres), and local centres and promoting employment opportunities and economic growth. They set out an approach that will encourage higher density development within the urban area of the borough with sustainable growth of the suburbs throughout Croydon, to enable more sustainable growth and development, more mixed use development, particularly along the A23 and in the Croydon Opportunity Area, and a higher quality residential accommodation with new rigorous standards for private amenity space in flatted developments. This will encourage the provision of family homes in areas which to date have predominantly seen the development of smaller homes.
- 2.5 CLP2 Detailed Policies (only) were subject to Preferred and Alternative Options consultation from 25<sup>th</sup> October to 6<sup>th</sup> December 2013. The CLP2 was the subject of preferred and alternative options consultation from 6 November to 18 December 2015. CLP2 Proposed Submission publication was undertaken from 5<sup>th</sup> September 2016 to 17<sup>th</sup> October 2016. Consultation and publication was carried out in accordance with the The Town and Country Planning (Local Planning) (England) Regulations 2012 and Council's adopted Statement of Community Involvement 2012.
- 2.6 The preferred and alternative options consultation and Proposed Submission publication resulted in an unprecedented number of representations and engagement in the process. This engagement in the Local Plan process is welcomed and the comments received have helped shape CLP2. The Main Modifications that are proposed to the July 2016 Proposed Submission CLP2 are as a consequence of the representations received as part of the Proposed Submission publication and relate to the soundness of CLP2. The Main Modifications are set out in Appendix 4.
- 2.7 The Croydon Local Plan: Detailed Policies and Proposals is considered to be positively prepared, justified, effective and consistent with national policy.
- 2.8 The costs associated with Submission of the Croydon Local Plan: Detailed Policies and Proposals can be met from the Local Plan Budget (reserve) 2016-18.

### **3. DETAIL**

- 3.1 The context of the Croydon Local Plan: Detailed Policies and Proposals report is set out below.

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### **The national context**

- 3.2 The National Planning Policy Framework states that “Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities”.
- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Currently the development plan in Croydon consists of the London Plan, the Croydon Local Plan: Strategic Policies, the saved policies of the Unitary Development Plan and the South London Waste Plan.
- 3.4 The National Planning Policy Framework states that Local Plans must be positively prepared, justified, effective and consistent with national policy to be considered sound.
- 3.5 To be positively prepared the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 3.6 To be justified the Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 3.7 To be effective the Plan should be deliverable over its time period and based on effective joint working on cross-boundary strategic priorities.
- 3.8 The Council has now reached the stage to submit the Croydon Local Plan: Detailed Policies and Proposals to the Secretary of State for the Department of Communities and Local Government.

### **The Croydon Local Plan**

- 3.9 A new Croydon Local Plan is being prepared to replace the saved policies of the Unitary Development Plan which were adopted in 2006 and to update the Strategic Policies to reflect the new London Plan adopted in March 2015. Following the publication of the National Planning Policy Framework in March 2012, the saved policies of the Unitary Development Plan could have reduced weight if they are found to be out of alignment with the government’s planning policies as expressed in the National Planning Policy Framework.
- 3.10 The Croydon Local Plan is split into two documents, the Strategic Policies Development Plan Document (CLP1) and the Detailed Policies and Proposals Development Plan Document (CLP2).
- 3.11 The Croydon Local Plan: Strategic Policies Development Plan Document was adopted by the Council on 22<sup>nd</sup> April 2013 and along with the London Plan, the remaining saved policies of the Unitary Development Plan and the South

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London Waste Plan, forms the current development plan for Croydon. A partial review of the Croydon Local Plan: Strategic Policies (CLP1.1) is also at Submission stage and is the subject of a separate report.

- 3.12 The Croydon Local Plan: Detailed Policies and Proposals will replace the remaining saved policies of the Unitary Development Plan. Upon adoption it will become part of the development plan for Croydon and will benefit from the full weight afforded to development plan policies under Section 38(6) of the Planning and Compulsory Purchase Act 2004.

### **Detailed Policies and Proposals Development Plan Document**

- 3.13 The Croydon Local Plan: Detailed Policies and Proposals will set out the detailed planning policies that will be used to determine planning applications in the borough and allocate land for development up to 2036 to meet the requirements of the Croydon Local Plan: Strategic Policies (including the Partial Review).
- 3.14 The Croydon Local Plan: Detailed Policies and Proposals will then assist with the sustainable growth of the borough through the setting of a planning framework, which will provide certainty to the community and developers and will contribute to meeting housing need along with the need for associated infrastructure and jobs.
- 3.15 Council is recommended to agree submission of the Croydon Local Plan: Detailed Policies and Proposals Main Modifications to the Secretary of State for the Department of Communities and Local Government in order for an Independent Planning Inspector to be appointed to examine the soundness of the Croydon Local Plan: Detailed Policies and Proposals.
- 3.16 The Main Modifications set out in Appendix 4 are necessary as a result of the representations received as part of the Proposed Submission publication which have highlighted issues regarding soundness. The justification for the Main Modifications are included in Appendix 4. Notwithstanding the Main Modifications outlined in Appendix 4, the Proposed Submission Croydon Local Plan: Detailed Policies and Proposals is unchanged since consideration at Cabinet on 11<sup>th</sup> July 2016 and is now recommended for submission the Secretary of State for the Department of Communities and Local Government.

- 3.17 The remaining timetable for preparation of the Croydon Local Plan: Detailed Policies and Proposals is set out below:

<b>Stage</b>	<b>When</b>
Submission of Croydon Local Plan: Detailed Policies and Proposals to the Secretary of State	January 2017
Independent examination by a planning inspector	Spring/Summer 2017
Adoption of Croydon Local Plan: Detailed Policies and Proposals as the Council's planning policies	Winter 2017

### 4. CONSULTATION

4.1 The Croydon Local Plan: Detailed Policies and Proposals (Proposed Submission) was published on 5<sup>th</sup> September to 17<sup>th</sup> October 2016.

4.2 The publication was communicated as follows:

- Emails and/or letter to the Local plan consultee database, regularly updated - a list of all the organisations and stakeholders Croydon engages with on planning documents including the Duty to Cooperate authorities, Statutory Bodies, landowners and developers and local community organisations, businesses and residents.
- The Croydon Local Plan: Detailed Policies and Proposals , Policies Map, evidence base, Croydon Local Plan 'Places' summary document, representation guidance form, representation form and online representation form available on the Council's website.
- Printed media - adverts in the local newspaper and council communications including e-bulletins to promote the publication period.
- Site notices displayed for all the site proposals (allocations).
- The Croydon Local Plan: Detailed Policies and Proposals, Policies Map, Croydon Local Plan 'Places' summary document, representation guidance form, and representation form were available in the borough's libraries.
- Information stand was erected in the main library for the period of the consultation.
- Web pages, and social media such as Facebook and Twitter.

4.3 All representation received on the Croydon Local Plan: Detailed Policies and Proposals (Proposed Submission) will be sent to the Planning Inspectorate for consideration by an independent planning inspector at an Examination in Public.

4.4 A summary of the main issues raised in representations received on Croydon Local Plan: Detailed Policies and Proposals (Proposed Submission) are set out below.

- Objection to policy on protecting back garden land stating that it does not protect back gardens sufficiently
- The policy on vacant building credit is too restrictive and will prevent developers from benefiting from vacant building credit
- Policy DM5.3 (restricting use of ground floors in town centres outside of designated frontages for commercial uses) conflicts with Policy DM16.2 (requiring publically accessible uses on the ground and first floors of tall buildings)
- The wording of Policy DM19 on Heritage is stronger than that in the National Planning Policy Framework and the level of protection is not justified
- Sanderstead Plantation should remain Metropolitan Green Belt and not be a Local Green Space

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- The principle of focussed intensification and impact on character
- The areas of focussed intensification should be reduced in extent to cover only main roads
- The areas of focussed intensification are not justified because they have a Public Transport Accessibility Level rating of 2, not 3 to 4.
- The site allocation at Purley Pool should specify that the swimming pool is a 25m x 10m pool.
- Purley Oaks depot is not suitable for a Gypsy and Traveller site and a site should be provided on Purley Way instead.
- Land in Poppy Lane (site 128) should not be developed for housing as it is not suitable.
- Support for the proposed allocation of Coombe Road Playing Fields as a site for a secondary school
- Objection to the loss of Green Belt for schools at Coombe Road Playing Fields, Portnalls Road and Land west of Timebridge Centre

4.5 It is planned that Submission of the Croydon Local Plan: Detailed Policies and Proposals to the Secretary of State will take place in mid to late January, subject to Full Council approval to submit.

## 5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

### 1 Revenue and Capital consequences of report recommendations

	Current Financial Year	M.T.F.S – 3 year Forecast		
		2016/17	2017/18	2018/19
	£'000	£'000	£'000	£'000
<b><u>Earmarked Reserve</u></b>				
Croydon Local Plan reserve	(253)	(78)	0	0
			0	0
<b><u>Effect of Decision from Report</u></b>				
Expenditure CLP1.1 <sup>1</sup>	70	40	0	0
Expenditure CLP2 <sup>2</sup>	105	38		
<b>Remaining Reserve</b>	<b>(78)</b>	<b>0</b>	<b>0</b>	<b>0</b>

<sup>1</sup>Croydon Local Plan: Strategic Policies- Partial Review

<sup>2</sup> Croydon Local Plan: Detailed Policies and Proposals



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### **Revenue Budget available**

Expenditure	0	2	0	0
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The costs of delivering the Croydon Local Plan can be met from the existing earmarked reserve set aside for this purpose (£253k) and the revenue budget (£2k 2017/18).

### **2 The effect of the decision**

The submission of CLP2 is one stage in the process of preparing the Croydon Local Plan: Detailed Policies and Proposals. Submission to the Secretary of State is a statutory requirement in preparing a Development Plan Document, of which CLP2 is one. All the current work required to support CLP2 is accounted for within the current Spatial Planning Service resource level and Local Plan reserve. The earmarked reserve of £253k has been set aside for the delivery of the Croydon Local Plan and the expenditure for this element of the Local Plan can be funded from this reserve. Once all expenditure is taken into account, this reserve will be fully spent and an additional £2k budget will be required to fund the project. This will be funded through the existing revenue budget or through any reduced spending from the reserve.

### **3 Risks**

The preparation of CLP2 is a complex multi-stage process, being prepared to a tight timetable. There is therefore inherent risk that any unforeseen circumstances, additional analysis or legal challenge will result in additional financial costs above those available and could delay the final adoption of the CLP2.

These are being mitigated to reduce their impact with a programme management approach and up front communication with key stakeholders including statutory organisations.

As CLP2 will be part of the overarching Local Planning Authority's spatial planning strategy for the next twenty years, it is also essential that it is of sufficient quality and purpose to ensure the Council can achieve its Vision.

### **4 Options**

There are no options with regard to submission to the Secretary of State, as most of the processes being undertaken are specified by statutory requirements or by government policies.

In the absence of CLP2, future planning decisions will be at risk of challenge as there could be the absence of an up to date development plan and possible non-conformity with London Plan policy, which could result in greater planning appeal costs.

### **5 Future savings/efficiencies**

A sound CLP2 will contribute indirect financial savings by assisting the regeneration of the borough through the setting of a firm planning framework that will provide certainty to the community and developers, mitigate cost associated with planning appeals and ensure the Council has an up to date development plan

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as set out in government guidance, which could become a performance requirement under emerging government policy.

6 Approved by: Zulfiqar Darr, Interim Head of Finance - Place & Resources

### 6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 The Council Solicitor comments that Part 2 of the Planning and Compulsory Purchase Act 2004 ('the Act'), together with the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') made under the Act, govern how the Council is to develop, maintain and keep under review its local development scheme including the local development documents of which the Croydon Local Plan: Detailed Policies and Proposals forms part. The recommendations set out in this report and the detail in the body of the report evidences the Council's compliance with these statutory obligations. In particular, throughout the process of reviewing the local plan, officers have had regard to the following:-

- i) Regulation 18 of the Regulations by giving public notification of the preparation of the Local Plan and inviting representations to be made on proposals
- ii) Regulation 19 of the Regulations by publishing the documents intended to be submitted to the Secretary of State prior to submission to the Secretary of State
- iii) Regulation 22 of the Regulations by ensuring that such documents that are required to be submitted under that Regulation to the Secretary of State for the Secretary of State to consider and independently examine the Local Plan under section 20 of the Act are in proper form.

6.2 Following submission of the Croydon Local Plan: Detailed Policies and Proposals to the Secretary of State, the Secretary of State will appoint an Independent Planning Inspector to conduct an Examination in Public into the soundness (as defined in the National Planning Policy Framework) of the Local Plan. The Inspector's Report will conclude whether the Plan is sound and appropriate for adoption by the Council taking account, amongst other things, representations received in relation to the Plan. The Inspector may conclude that the Plan is suitable for adoption with or without further modifications. Under Section 23 of the Act, adoption of the Plan will need to be subject to a further Council resolution.

(Approved by: Sean Murphy: Principal Corporate Solicitor (Regeneration) on behalf of the Acting Council Solicitor and Acting Monitoring Officer)

### **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no direct Human Resources considerations arising from this report in terms of impact on staff. However, submission to the Secretary of State of the Croydon Local Plan: Detailed Policies and Proposals can be undertaken with the current Spatial Planning resource level and availability.

Approved by Adrian Prescod, HR Business Partner, for and on behalf of the Director of Human Resources

### **8. EQUALITIES IMPACT**

- 8.1 The draft Croydon Local Plan: Detailed Policies and Proposals (Preferred and Alternative Options) was subject to an Equality Analysis, which assessed the draft Plan's impact on equalities and mitigation measures have been taken into account where necessary. The equality analysis was undertaken to assess the likely impact on protected groups. This concluded that a full analysis would not be required as the draft Croydon Local Plan: Detailed Policies and Proposals (Preferred and Alternative Options) would not have any adverse impact on protected groups compared to non-protected groups. The analysis found a number of equality and inclusion issues that would be likely to have a positive impact e.g. the construction of three bedroom homes will provide extra housing for Croydon communities and the provision. Therefore no further Equalities Analysis has been undertaken on the Croydon Local Plan: Detailed Policies and Proposals and it is not included as a background paper to this report.

### **9. ENVIRONMENTAL IMPACT**

- 9.1 A full Sustainability Appraisal (incorporating a Strategic Environmental Assessment) of the draft Croydon Local Plan: Detailed Policies and Proposals has been prepared and the findings incorporated into the Submission report. A Scoping Report on the sustainability objectives was published on 7 August 2012 and was thereupon subject to a five week consultation.

### **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 The draft Croydon Local Plan: Detailed Policies and Proposals report does not have an impact on the reduction or prevention of crime and disorder.

### **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 Submission to the Secretary of State is an essential and statutory requirement in preparing the Croydon Local Plan: Detailed Policies and Proposals. Subject to the Main Modifications, The Croydon Local Plan: Detailed Policies and Proposals is considered to be positively prepared, justified, effective and consistent with national policy.

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- 11.2 In the absence of the Croydon Local Plan: Detailed Policies and Proposals future planning decisions will be at risk of challenge as there could be the absence of an up to date development plan and possible non-conformity with London Plan policy, which could result in greater planning appeal costs.
- 11.3 The Housing and Planning Act introduces the ability of the Secretary of State to intervene in a Council's plan making if they don't have an up to date Local Plan by 2017. Progression of the Council's Local Plan keeps plan making in the Council's control.

### 12. OPTIONS CONSIDERED AND REJECTED

- 12.1 There are no options with regard to submission to the Secretary of State, as the processes being undertaken are specified by statutory requirements or by government policies.

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**CONTACT OFFICER:** Steve Dennington, Interim Head of Spatial Planning (ext. 64973)

### BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

(Available via

<https://secure.croydon.gov.uk/akscroydon/users/public/admin/kabmenu.pl?cmte=CAB>)

- Evidence base for Croydon Local Plan: Detailed Policies and Proposals, including the Sustainability Appraisal
- Appendix 1 – Draft Croydon Local Plan: Detailed Policies and Proposals (Proposed Submission)
- Appendix 2 – Draft Croydon Local Plan (Proposed Submission) Policies Map and Addendum (the Policies Map layers shown on the Addendum supersede the Draft Croydon Local Plan (Proposed Submission) Policies Map and are those to be approved).
- Appendix 3 – Saved policies of the Unitary Development Plan to be deleted upon adoption of the Croydon Local Plan: Detailed Policies and Proposals DPD
- Appendix 4 - Croydon Local Plan: Detailed Policies and Proposals Main Modifications