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Spatial Planning Service,
6th Floor Zone B,
Bernard Weatherill House,
8 Mint Walk,
Croydon CR0 1EA.

Dear Sir,

**Croydon Local Plan: Strategic Policies - Partial Review (Proposed Submission) and
Croydon Local Plan: Detailed Policies and Proposals (Proposed Submission)**

De-designation of Metropolitan Open Land around Shirley Oaks Village

I object to the de-designation of Metropolitan Open Land (MOL) around Shirley Oaks Village as detailed in Table 6.1 of Croydon Local Plan: Strategic Policies - Partial Review (Proposed Submission).

MOL is a designation only used in Greater London. Policy 7.17 of the London Plan states that land designated as MOL should meet one of the following criteria:

1. It contributes to the physical structure of London by being clearly distinguishable from the built up area.
2. It includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London.
3. It contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value.
4. It forms part of a green chain or a link in the network of green infrastructure and meets one of the above criteria.

This land is clearly distinguishable from the built-up area and forms part of a green chain (which the London Plan says can consist of “footpaths and the open spaces that they link, which are accessible to the public”) with Ashburton Playing Fields, Long Lane Woods, the golf driving range on Long Lane, the playing fields around Croydon Arena, South Norwood Country Park and Beckenham Cemetery. The proposal is therefore not justified.

Policy 7.17 of the London Plan also states that “the Mayor strongly supports the current extent of MOL” (emphasis added) and that “the policy guidance of paragraphs 79-92 of the NPPF on Green Belts applies equally to MOL” - for example, paragraph 83 which, as noted above, states that “once established...boundaries should only be altered in exceptional circumstances” (emphasis added). The proposal is therefore also inconsistent with national and regional policies.

Finally, the proposal is inconsistent with the Council's own policies SP7.2 and DM27.1.

If, despite the above arguments, it is accepted that the land should be de-designated as MOL then all of it that is not allocated for housing should be designated as Local Green Space.

Paragraph 77 of the NPPF states that this designation should be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

The land demonstrably meets the first and third test and the level of public response to the Council's proposal shows how strongly the local community feels about it.

Croydon Local Plan: Detailed Policies and Proposals (Proposed Submission) replicates the first and third of these tests, but replaces the second test with more detailed criteria, namely that sites should be publicly accessible and at least one of the following:

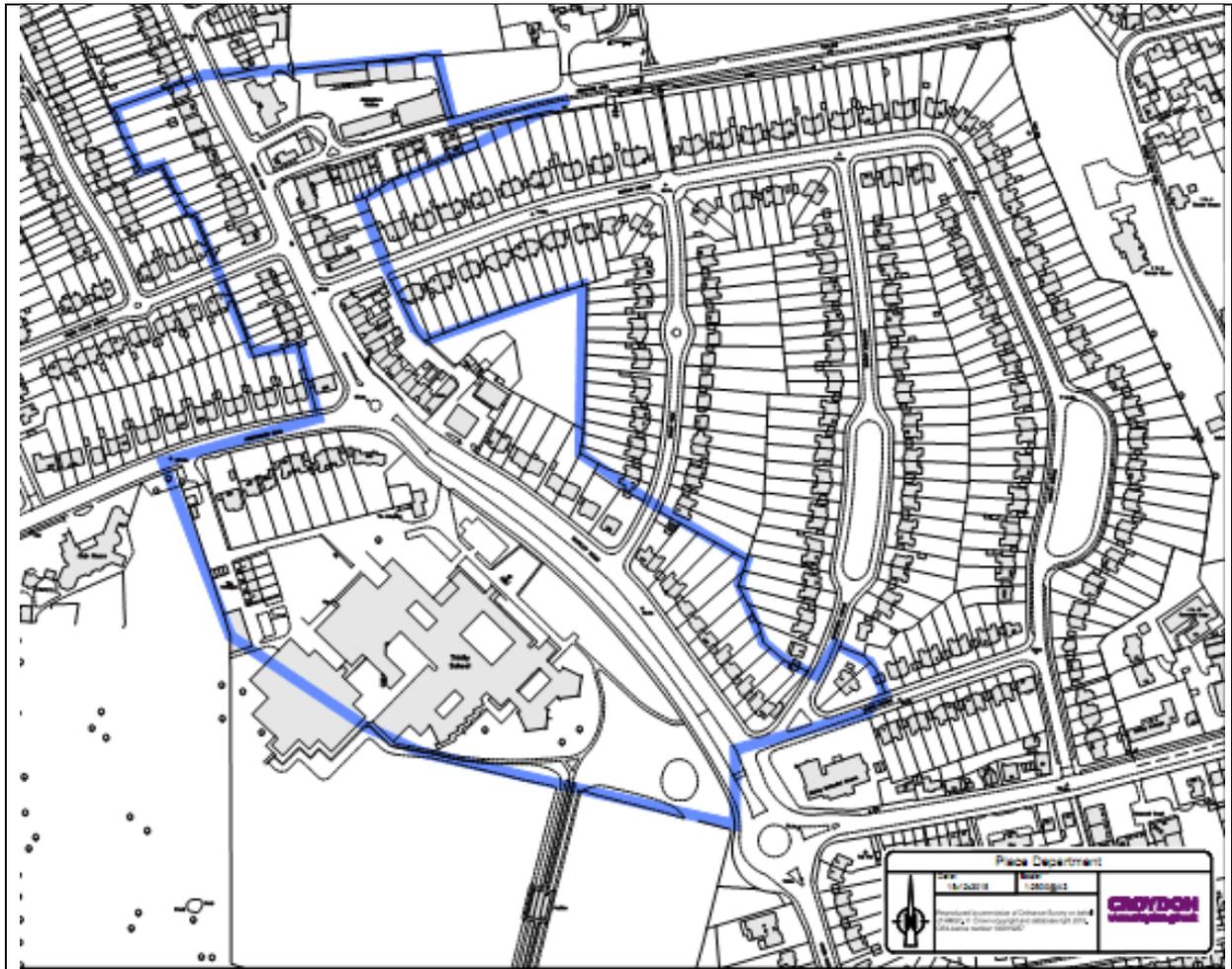
- a historic park or garden;
- a community garden;
- a children's play area;
- a tranquil area;
- a natural and semi-natural open space;
- a cemetery, church yard or burial ground;
- a site of Nature Conservation Importance; or
- a playing field or recreation ground.

All of the land that is not allocated for housing is publicly accessible and meets at least one of these tests.

Areas of focused intensification in Forestdale and Shirley

I object to the detail, rather than the principle, of the areas of focused intensification proposed around Forestdale Neighbourhood Centre, Shirley Local Centre and Shirley Road Neighbourhood Centre as detailed in policy DM35.4 and Table 11.2.

In my previous objection there was never a response to a request for an explanation about the detail of intensification in the area shown below. There has been no explanation of why these specific areas were selected above other areas in the borough, so they appear to be random and not subject to an objective assessment. Appendix 1 demonstrates that similar planning must include mechanisms to provide vehicular access that is not detrimental to the existing infrastructure.



Above: area of Intensification around Shirley Road dual carriageway



Above: Explanation sought for areas in Addiscombe Road, Shirley Road and Primrose Lane

Paragraphs 11.14 and 11.15 of Croydon Local Plan: Detailed Policies and Proposals (Proposed Submission) set out what this policy would mean:

“New development located in designated areas would be significantly larger than existing and may be associated with merging smaller properties. Height increase should be up to double the predominant height of buildings in the area. The promoted character types for the areas of focussed intensification are: ‘Medium-rise Blocks With Associated Grounds’, ‘Large Buildings With Spacing’ and ‘Large Buildings With Continuous Frontage Line’. Their gradual introduction will alter over time the predominant character of intensified areas”.

In all three cases, the proposed areas are still too widely drawn including all or part of some residential streets where intensification would fundamentally change the character of the built environment (by way of example - this is not an exclusive list - parts of Huntingfield are including in the Forestdale Neighbourhood Centre area, one side of Eldon Avenue is included in the Shirley Road Neighbourhood area and West Way Gardens is included in the Shirley Local Centre area). It would be more justified to limit these areas to the main roads only.

In the case of the two Shirley areas, this argument is strengthened by the fact that they are not a very good fit with the criteria set out in Policy DM35.4. The policy says areas should have “good accessibility to public transport”, but unlike many other areas of the borough Shirley is not served by either the tram or rail network, relying solely on bus routes which run along Wickham Road, Shirley Road and Addiscombe Road, all of which are heavily congested and do not have bus lanes. There is no mechanism in the plan to deliver the necessary improvements to public transport, so this proposal is not positively prepared.

Finally, the Shirley Local Centre area includes properties on the Wickham Road, Hartland Way and Devonshire Way that I understand have restrictive covenants limiting housing density, which suggests that this proposal may not be effective.

Appendix 1

High Court rejects challenge to refusal of planning permission for 650 homes in Cheltenham

Mr Justice Holgate has refused Bovis Homes and Miller Homes permission to proceed to challenge the decision of the Secretary of State to withhold planning permission for 650 new homes in Cheltenham, finding the claim to be "unarguable".

The challenge was of particular note for its analysis of paragraph 32 NPPF, which provides that development should be prevented if the "residual cumulative impacts of development are severe".

The Inspector had concluded at IR,225 that:

"Whilst I can agree therefore that the development should not need to solve all existing unrelated transport problems, the existing or future "in any event" situation on the highway network, is not an unrelated problem which evaluation of the proposed development ignore.

It is a related problem which is highly pertinent to the evaluation of the current appeal proposal"

He went on to have regard to the guidance in DfT Circular 02/2013, paragraph 9 which provides:

"Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed ..."

Mr Justice Holgate was not persuaded that the Inspector and Secretary of State arguably erred in law by taking into account of the existing highway situation when resolving the paragraph 32 NPPF questions. In particular, the Judge noted that it would be open to a decision taker to rationally conclude that a given development could wash its own face in highway impact terms, but due to existing over capacity, the residual cumulative impacts of the development could be severe.

Whilst the decision that the claim is not arguable does not create binding authority on the meaning of para.32 NPPF, it does provide an interesting insight into the breadth of discretion open to a decision taker when resolving whether the residential cumulative impacts of development are serve.

Ashley Bowes acted for the successful Interested Parties (Leckhampton with Warden Parish Council and Leckhampton Green Land Action Group Ltd instructed by Richard Stein at Leigh Day) before the High Court, and on behalf of Leckhampton Green Land Action Group Ltd before the planning inquiry.

NOTES:

Appeal decision letter reference: LAND AT KIDNAPPERS LANE, LECKHAMPTON, CHELTENHAM APP/B1605/W/14/3001717

Case reference: Bovis Homes Ltd & Miller Homes Ltd v SSCLG (CO/3029/2016) (2 September 2016).

Yours faithfully,

R M Sleeman