

Hearing Statement - Development Management DPD

Representor: John Ferguson

Representor Reference: 23

In respect of:

Issue 4 - DM6- Part B

Issue 5 - DM6 – Part C

Issue 16 – DM38

Issue 17 – DM38

Issue 18 – DM39

Issue 19 – DM40

The evidence enclosed sets out that the plan is not sound as it is not consistent with National, Local and Regional Policy, is not justified, effective or positively prepared and the policies are not clearly worded.

On behalf of

Provewell Estate

RPS CgMs Ref: 17700

28th July 2016

QUALITY MANAGEMENT

Representor reference:	23
Representor:	John Ferguson
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Hearing Statement - Development Management DPD

Introduction

This statement has been prepared on behalf of my client Provewell Estate in response to Inspector's Draft Matters and issues for Examination of the Development Management DPD for London Borough of Haringey.

This response reiterates and references the representations made in March 2016 in relation to the proposed alterations to Haringey's Development Management Development Plan Document, expanding on the issues and matters raised by the inspector.

Issue 4 –DM6 (Building Heights) – Part B

The term 'community benefit' is not clear, nor is it explained in the text. What is it?

Policy DM6 sets out that "proposals for taller buildings that project above the prevailing height of the surrounding area must be justified in community benefit". This element of DM6 is unclear and could lead to misinterpretation of the policy.

Does the Council intend that for every 'taller' building, a 'community benefit' (whatever that may be) is derived, if so, where is the justification for this?

There is no policy justification every 'taller' building to provide a community benefit, in either national, regional, or local policy. Given the definition of a taller building, this policy would relate to a large amount of development. DM6.B is an unreasonable and ambiguous expectation that should be removed from the policy to meet the tests of soundness.

Issue 5 – DM6 (Building Heights) – Part C

Is this policy too restrictive? It uses the words 'only be acceptable', implying that everywhere else tall buildings will be unacceptable. Is that the case? Where is the justification showing that tall buildings are unacceptable elsewhere?

The principle of a policy for tall buildings is supported by Provewell. However, it is considered that this policy is unnecessarily restrictive for the reasons set out below.

Appendix F of the DM DPD defines tall buildings as "those which are substantially taller than their neighbours, have a significant impact on the skyline, are of 10 storeys and over or are otherwise larger than the threshold sizes set out for referral to the Mayor of London." Policy DM6 states that such buildings will only be acceptable in areas identified on Figure 2.2, and if they meet the requirements set out in DM6Ca-c.

Policy DM6 restricts the development of tall buildings (those 10 storeys or higher) to areas specified on figure 2.2 only, strongly implying that tall buildings will be unacceptable elsewhere. This is inconsistent with paragraph 65 of the NPPF, which directs that *Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.*

A policy preventing any buildings above 10 storeys in height across other parts of this London Borough would be contrary to the presumption in favour of sustainable development set out in the NPPF.

The blanket ban on tall building outside of the specified areas is contrary to London Plan Policy 7.7, which supports tall building in locations which improve legibility of an area by emphasising visual significance and contribute towards improving permeability of a site, and significantly contribute towards local regeneration.

In relation to SA34, the Site Allocations DPD highlights that “there is potential for a building on the corner of Eade and Seven Sisters Rds marking the gateway to the warehouse district from Seven Sisters Rd.” However, the opportunity for a gateway building in this location is limited as a result of the onerous Policy DM6, which would only allow for a building two to three storeys higher than the prevailing surrounding building heights.

There is no justification as to why such development would be unacceptable due to principle of the height of the building, without further consideration of the building’s context or design. The principle of whether a tall building is acceptable should be assessed on the site context, design and planning merits of the scheme. This policy should therefore be amended.

Issue 16 – DM38 (Employment-Led Regeneration)

Policy DM38 states that the Council will only support proposals for mixed use development within a LEA – RA “where this is necessary to facilitate the renewal and regeneration (including intensification) of existing employment land and floorspace” and sets out that such development proposals must demonstrate reasons of viability for a mixed use scheme is necessary to facilitate employment delivery.

Part b of the policy states that proposals must “maximise the amount of employment floorspace to be provided within the mixed use scheme, having regard to viability”

This policy is inconsistent with national, regional and local policies for the reasons set out below.

National policy

The NPPF supports the integration of land uses through mixed use developments and mixed use communities. As one of the twelve core planning principles in the NPPF directs that planning should “promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas”.

Adversely, DM38 introduces a number of strict criteria that must be met in order for mixed use development to be considered acceptable, and only in certain areas.

Regional policy

Policy 2.14b of the London Plan sets out that “Boroughs should identify areas for regeneration and set out integrated spatial policies that bring together regeneration, development and transport proposals with improvements in learning and skills, health, safety, access, employment, environment and housing”

Policy DM38 fails to follow this integrated approach to regeneration.

Local policy

The purpose of the Local Employment Area – Regeneration Area is to encourage the renewal of land through mixed use redevelopment, as Policy SP8 states: “A Regeneration Area (RA) is the most flexible of the categories as it can include uses appropriate in a mixed use development”. The supporting text of SP8 suggests that designated regeneration areas have been created to allow for a more flexible approach to employment policy.

The flexible approach set out in SP8 is not demonstrated through the application of DM38.

Evidently, this policy does not accord with national, regional or existing local policies and is therefore unsound. The policy should be amended accordingly.

This policy appears to be more onerous than strategic policy SP8? Why is there a different conclusion reached for these policies? Where is the evidence following on from the SP that a more onerous approach needs to be taken?

The criteria for policy DM38 create a more onerous approach to employment-led regeneration than is set out in policy SP8; however there is no justification for this approach.

What are the implications for LEA-RA in site allocations or AAPs identified for mixed use?

Policy DM38 conflicts with sites in the Haringey Warehouse District allocated as LEA-RA in the Site Allocations DPD which specifies a land use split with 33% for residential. The supporting text for SA30 sets out that the DEA-RA allocation is to “reflect the Council’s aspiration to create a mix of uses on this site through the re-introduction of creative employment uses”.

The acceptability of a mixed use proposal in an area designated LEA-RA should not be limited by the need to demonstrate reasons for viability. The wording of policy DM38 is evidently overly prescriptive and inconsistent with existing policies. The disparities between SP8 and DM38 are likely to lead to varied policy interpretations. The policy is clearly ineffective and should be re-worded to clarify that the principle of mixed use development is wholly suitable in a regeneration area.

For the reasons set out above, policy DM38 fails to meet the tests of soundness, and must therefore be amended.

Issue 17 – DM38 (Employment-Led Regeneration)

Is this policy too prescriptive and not flexible enough to take into account all site circumstances? Would the requirements prevent suitable development from coming forward?

The prescriptive nature of Policy DM38 fails to take account of the individual circumstances of sites. For example Arena Design Centre (SA30) is proposed to be designated as a DEA-RA yet the existing site

characteristics are predominantly residential, with 275 residents living on the site yet only 5 people employed across two commercial units at the site.

Part b of DM38 requires the amount of employment floorspace to be maximised on site. However, in relation to SA30, this is unfeasible and does not reflect the individual characteristics of the site, nor is it suitably justified.

This policy would inevitably prevent development from coming forward at this site, where it can be demonstrated that there is no demand or reasonable prospect of the site being used for employment purposes. Part C.d of the policy requires the quantum of commercial floorspace to be retained, re-provided, increased, and the resulting increase in employment density to be achieved. This need to re-provide employment in terms of floorspace is particularly constricting because in many instances old commercial stock is in need of redevelopment to meet the needs of modern business. A flexible approach to employment-led regeneration is therefore required to encourage redevelopment to create successful regeneration that meets the needs of today's economy. The wording of this policy should therefore refer to the re-provision of existing employment stock in terms of employee numbers rather than employment floorspace in order to effectively increase employment densities.

The application of this policy would disadvantage many sites and would inevitably prevent development from coming forward in many instances. The policy is therefore ineffective and there is no robust justification for the policy being so prescriptive.

Would criterion e be covered by other parts of the plan?

DM38 Part e states that “there should be an adequate separation of uses, particularly where new residential floorspace is introduced as part of a mixed use scheme”. This policy would contradict the purpose of the Haringey Warehouse District, which encourages live-work units.

Issue 18 – DM39 (Warehouse Living)

Does it seek to provide guidance for new warehouse living or does it relate to legitimising existing uses for specific site allocations (see para 6.20 of the Plan).

This policy recognises that the divide between live and work spaces is changing, and consequently sets out guidance for new warehouse living; as the Glossary of Terms (DM DPD Appendix F) clarifies: “Purpose built and genuine integrated working and living accommodation specifically targeted at the creative industries sector”. The purpose of the policy is therefore not to legitimise existing uses, but to encourage site redevelopment to enable live work communities to continue and flourish.

ProveWell support LB Haringey's attitude to the Haringey Warehouse district, and the introduction of this policy.

With 15 criteria, is it too restrictive?

Whilst the principle of introducing the Warehouse Living policy is supported, the wording of the policy is too restrictive, as it sets out 15 criteria which development proposals within the Warehouse District must adhere to. In addition to this, those allocated as LEA: RA must also have regard to policies DM38, DM40 and SP8. This is clearly overly restrictive and leaves little room for the individual circumstances of each site, and may prevent appropriate development opportunities from being realised.

Part B of policy DM39 requires proposals for warehouse living to “increase and diversify the employment offer”. This aspect of the policy is an unreasonable expectation for all Warehouse Living sites to adhere to. The policy should instead reference the re-provision of the current lawful and established planning position of the uses on the site, in order to encourage redevelopment.

In addition to part B, part C further details that regard will be had to:

B The lawful planning uses on site, establishing the existing baseline with respect to the intensification of the employment offer and re-provision of the host community;

D The quantum of commercial floorspace to be retained, re-provided, increased, and the resulting increase in employment density to be achieved having regard to the baseline at (b);

This section of the policy in particular is too restrictive and does not allow for adequate flexibility, and would inhibit development opportunities in some circumstances. It is also a repetition of requirements set out in part B.

Employment re-provision should be measured in terms of the number of employees rather than employment floorspace, thus allowing employment densities to be increased, resulting in an increased employment capacity overall. A denser re-provision of existing commercial floorspace reflects the change in the type of employment provision within the Warehouse District, which is no longer focussed on B2 or B8 employment uses. Redevelopment proposals will provide B1 commercial space aimed at SMEs, as per part C(e) of policy DM39, thus leading to an increase in job provision through a much denser Use Class. Homes and Communities Agency Employment Density Guide 2015, which compares the densities of different Use Classes sets out that for B1(a) use, 1 person would be employed per 10-13sqm, whereas B2 would employ 1 person per 36sqm and 1 person would be employed per 70-75sqm for use class B8. The requirement to re-provide employment floorspace does therefore not accurately reflect the type of employment on offer at the Warehouse District, and should be amended accordingly.

The number of criteria set out in this policy is likely to render development unviable, and restricts the potential for innovation and creativity, which is at the heart of the creative industries that are attracted to this area.

Issue 19 – DM40 (Loss of Employment Land and Floorspace)

Policy DM40 requires “clear evidence that an open and recent campaign to market the site, covering a minimum continuous period of 3 years” to be undertaken without success to permit the loss of non-designated employment land and floorspace to a non-employment use.

Is this policy too restrictive? Where is the justification for the 3 years marketing period? Is this supported by National Policies or the Strategic Policies?

The 3 year marketing period is overly restrictive, as it fails to be responsive to need. The policy is therefore not in line with the NPPF, which states in paragraph 22 that “planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.

This London Plan (FALP 2015) states in paragraph 4.13 that “Local plans and strategies should support the conversion of surplus offices to other uses and promote mixed use development”, thus supporting a more flexible approach to land use, where it no longer serves its original purpose. This onerous 3 year marketing period is not justified by evidence and is therefore unsound. The inflexibility of the policy makes for an unresponsive and ineffective plan.

The wording of the above policy is also ambiguous, as it appears to relate only to non-designated employment land and floorspace. There is no reference to designated employment land requiring a 3 year marketing period; this could therefore be interpreted as either not requiring any marketing period, or strictly no loss of employment floorspace whatsoever on designated employment land.

Policy DM40 Part B sets out a sequential approach that also fails to accord with paragraph 22 of the NPPF: “Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

The 3 year marketing period is particularly burdensome given the Brexit climate, creating great uncertainty for the future of businesses operating in the UK, and has already dramatically impacted individual businesses and plunged the UK economy.

The marketing period should therefore be reduced in order to comply with national and regional planning policies and ensure that the plan meets the tests of soundness.

