



To: **Ms Christine Thorby, Planning Inspectorate**  
From: **Iceni Projects Limited on behalf of Berkeley Homes (North East London) Ltd**  
Date: **29/07/2016**  
Title: **Written Statement in relation to the Examination of London Borough of Haringey Development Plan Documents:**  
**Alterations Strategic Policies 2011-2026 and Development Management Plan DPD**

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1. Iceni Projects have prepared this Written Statement on behalf of Berkeley Homes (North East London) Ltd to outline our response to the Inspector's key Matters and Issues, in respect of the **Alterations to Strategic Policies 2011-2026** and the **Development Management Plan DPD**.
2. This Written Statement responds to the Matters and Issues which are relevant to the previous written representations that we made at Regulation 18 and 19 consultation stages. We also outline other issues of importance that we wish to be considered further.

**a. Response to the Inspector's Matters and Issues**

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3. The following Matters and Issues are covered by this Written Statement:
  - Alterations to Strategic Policies 2011-2026 – Matter 3 Employment [Issue 6-9]
  - Development Management DPD – Chapter 02 Design and Character Policy DM5 [Issue 3]
  - Development Management DPD – Chapter 02 Design and Character Policy DM6 Part C [Issue 5]
  - Development Management DPD – Chapter 02 Design and Character Policy DM11 Part C [Issue 6]
  - Development Management DPD – Chapter 04 Environmental Sustainability Policy DM22 [Issue 15]
  - Development Management DPD – Chapter 06 Employment and Town Centres Policy DM40 [Issue 19]
4. We take each, in turn, below.

**b. Alterations to Strategic Policies 2011-2026**

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**Matter 3 Employment [Issue 6-9]**

5. Policy SP8 should be amended to give consideration to the individual circumstances of a site when deciding what protection should be offered to non-designated employment sites.
6. Para 8.16 and 8.17 of Atkins Employment Land Study (2015) states (with our emphasis added):

*“Ensuring a supply of good quality, well located employment sites is maintained will help to support investment by existing and new businesses and growth in the local business base. Demand is likely to continue to be driven by small and medium sized businesses, primarily operating in B1 sectors. The trend-based forecasts suggest further decline in industrial and warehousing employment which is expected to result in some surplus employment land over the period to 2031. It is important that any surplus land is either re-used to meet B1a/b needs or released to other uses to contribute to Haringey’s housing and regeneration objectives. At the same time, it will be important that fit-for-purpose, well occupied B2 and B8 sites that serve the needs of local businesses are safeguarded so that Haringey maintains a diverse range of business activities and employment opportunities.”*

*The NPPF requires local authorities to be responsive to market signals to ensure that there is adequate provision of the right type of employment land to meet the needs of the business community. At the same time, there is little benefit in safeguarding employment sites that are not fit-for-purpose and could be used to relieve the Borough’s housing and regeneration pressures.*

*The release of an employment site for an alternative use can lead to the regeneration of an area through the introduction of new investment. The potential for a site to be released from employment use should also be considered in relation to site location and circumstances, and the quantum of employment space that is generally available in the borough.*

7. Paragraph 5.1.14 says that “it will be important for a flexible approach to economic development to be taken on Local Employment Areas by not placing significant restrictions on carefully managing the type of employment use that is permitted on allocated sites”.
8. This would imply some flexibility for defined employment areas and it is suggested that the same flexibility is extended to other non-designated employment sites as a minimum.

### **c. Development Management DPD**

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#### **Chapter 02 Design and Character Policy DM5 [Issue 3]**

*DM5 – is this policy flexible enough? Would it conflict with other regeneration/development aims of the Council, for example in Wood Green? How could criteria A. a. be met?*

9. This issue raised by the Inspector is valid. It is unclear how the criteria A a. would be met and also what scale of development this Policy would relate to.

#### **Chapter 02 Design and Character Policy DM6 Part C [Issue 5]**

*DM6 - 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?*

10. Policy DM6 C is onerous and not in accordance with the NPPF and London Plan and should be amended so that building heights are not applied rigidly. The policy starts by advocating a design approach then goes on to state that tall buildings will only be acceptable in areas identified on Figure 2.2. Proposals for tall buildings should be considered in local and regional context having regard to individual merits of a scheme such as its overall quality, public realm and connectivity.
11. The borough has an ambitious strategic housing target, which it rightly aims to meet and exceed. Applying onerous policies such as this will inevitably hinder the Council’s delivery of housing. The Mayor’s Housing SPG 2016 provides sufficiently clear guidance on how housing delivery should be optimised rather than maximised and Policy DM6 should be reviewed in this context.

## Chapter 02 Design and Character Policy DM11 Part C [Issue 6]

*DM11 – Is Part C necessary? What is this based upon? What is meant by overconcentration – how would this be determined? Would part A. a. be sufficient to cover this point in any event?*

12. As outlined for Policy SP2, this approach to density is not consistent with national policy and the London Plan. Development proposals should be design-led. The key consideration for any development should not be density but the quality of the proposed development and the place it will create.
13. We also note that the Mayor's Housing SPG 2016 (which has been formally published since the last consultation period) provides a detailed approach to density, which should if applied properly be sufficient in its own right to guide development density. When housing delivery is a strategic priority of the Mayor a certain degree of flexibility on density will be required, especially in sites close to transport nodes.
14. The Haringey Urban Characterisation Study 2014 is helpful but should only be used in practice as an indicative baseline guide to development and the policy should be updated to reflect this. An assessment should be made on a case-by-case basis having regard to the quality of the design, the mix of uses and the amount and quality of public realm and open space. Para 3.9 of the supporting text suggests an approach such as this but the wording of the Policy itself should be relaxed, to allow easy application.
15. The Policy is unsound as it is not consistent with national or regional policy.

## Chapter 04 Environmental Sustainability Policy DM22 [Issue 15]

*DM22 - Part C. The policy is too prescriptive and onerous. Is this always the best option for major development to meet the aims of the policy? What about viability and feasibility? Is criterion d supposed to deal with this point? If so, it would need rewording to make it clear that b and c are subject to viability and feasibility. Part E, this should be moved to the supporting text as it is not a planning policy.*

16. We agree with the Inspector, Policy DM22 is too prescriptive and onerous. References are made at points through the policy to viability and feasibility, which is supported. However, this caveat is not applied consistently and the draft policy should be updated to reflect this.
17. For these reasons, Policy DM22 is unsound as it is not fully consistent with national policy, in particular Paragraph 96, which requires planning application to “*comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it is can demonstrated by the applicant, having regard to the type of development involved its design, that it is not feasible or viable*”.

## Chapter 06 Employment and Town Centres Policy DM40 [Issue 19]

*DM40: Is this policy too restrictive? Part A.b - Where is the justification for the 3 years marketing? Part B – where is the justification for the sequential approach? Is this supported by National Policy or the Strategic Policies? Part C – see my comments about financial contributions in Inspector Note 1.*

18. Policy DM40 A.b provides no supporting evidence to suggest why a three-year marketing campaign is required. It is typical in other London boroughs to exercise periods of 12 months. The NPPF resists the long term protection of sites, where there is no reasonable prospect of the site being used for that purpose, having consideration to market signals and relative need for different land uses. Given the nature of land acquisition and development process this length of time would hinder actual delivery of needed new homes.
19. The Council's Development Management Policies DPD Regulation 22(1)(c)(v) Statement of Consultation (Pre Submission) in response to our representations states that:

*The policy requirements for site marketing have been set in line with London Plan Supplementary Planning Guidance (Land for Industry and Transport), taking into account local evidence which suggests the need to protect against the loss of employment land in order to strategy. The Council considers that paragraph 6.27 provides sufficient flexibility to consider proposals in circumstances where the vacancy period has been less than 3 years; this will ensure sites are not unreasonably protected for employment generating uses where there is no demonstrable demand for that use.*

20. In reviewing the Mayor's Land for Industry and Transport SPG 2012, we note that there is no reference to a 3-year marketing period. The SPG acknowledges that strategic policy cannot and should not cover other individual small sites that are not designated in DPDs as Strategic Industrial Land (SIL) or Locally Significant Industrial Sites (LSIS), as this should be borough matter. However, the SPG helpfully suggests criteria to inform local DPD policies to manage these 'other' non-designated sites, as provided in paragraphs 4.14 to 4.16. In particular Para. 4.16 (p.51) suggests that a minimum marketing period 2 years is adequate and that boroughs may wish to adopt different marketing criteria according to local circumstances.
21. No local circumstances have been put forward to justify a minimum 3-year marketing campaign and the sequential approach has not been justified in the supporting evidence base. For these reasons Policy DM40 cannot be considered sound, as it remains unjustified and conflicts with the NPPF which resists the long term protection of employment sites where there is no prospect of bringing them back into their original use.

#### **d. Further Issues for Consideration**

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21. Whilst not included in the Inspector's Matters and Issues papers, we respectfully request that further consideration is given to the following.

#### **Alterations to Strategic Policies 2011-2026 – Alt 56 – paragraph 3.27**

22. It is considered that this policy is not consistent with national policy. Development proposals should be design-led. The key consideration for any development should not be density, (which is simply a mathematical calculation) but of the quality of the proposed development overall and the place it will create in its context. An assessment should be made on a case-by-case basis having regard to the quality of the design, the mix of uses and the amount and quality of public realm and open space. Policy SP2 should be amended to reflect this.

#### **Development Management Plan DPD – Policy DM13 – Affordable Housing**

23. Policy DM13 D, is not wholly supported. It states that viability assessments must be based on a standard residual valuation approach, with the benchmark existing use land value taken as the existing/alternative use value.
24. Viability and deliverability are key to securing national policy's aspiration of sustainable development, as outlined in Paragraph 173 of the National Planning Policy Framework (NPPF). Land or site value is central to the consideration of viability and the most appropriate way to assess this value can vary.
25. The CLG guidance on section 106 and affordable housing requirement states: 'Any purchase price used should be benchmarked against both market values and sales prices of comparable sites in the locality'.
26. The RICS Guidance (2012: pp.38) additionally explains that "*Competitive returns can only be achieved in a market context (i.e. Market value) not one which is hypothetically based with an arbitrary mark-up applied, as in the case of EUV*". As such, we request that this element of the policy is amended accordingly.

**e. Summary**

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27. Thank you for providing us with the opportunity to provide a Written Statement to the Examination in Public.
28. We trust that the comments are helpful and clear, however if you require further clarity on any of the comments made please do not hesitate to contact either Rebecca Fieldhouse [rfieldhouse@iceniprojects.com](mailto:rfieldhouse@iceniprojects.com) or Kieron Hodgson [khodgson@iceniprojects.com](mailto:khodgson@iceniprojects.com) of this office.

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