

LB Haringey Development Management DPD
Inspector's Draft Matters and Issues for Examination
Matters 1 and 2 /Chapter 6/Issue 19: Policy DM40
Representor 12/Quod on behalf of THFC

Hearing Statement on behalf of Tottenham Hotspur Limited and its Group Companies ("THFC")

Chapter 6: Employment and Town Centres, Policy DM40

1. THFC are concerned that as currently drafted, Policy DM40 will not achieve the Council's objectives and has the potential to frustrate the regeneration of Tottenham by limiting the flexibility of the Council to allow for the release of land designated for employment use; and non-designated land previously in employment use, where that can help deliver new jobs, homes and other facilities.
2. The Inspector has raised three overriding matters. This representation relates specifically to Matter 1 – consistency with national, strategic and London Plan policies and Matter 2 – whether the soundness tests are met.
3. Paragraph 19 of the Draft Matters and Issues note asks four specific questions about this policy:
 - a. Is this policy too restrictive?
 - b. Part A. b – where is the justification for three years marketing?
 - c. Part B – where is the justification for the sequential approach? Is this supported by National or Strategic Policies?
 - d. Part C – see my comments about financial contributions in Inspector Note 1.
4. We will address points 1 to 3 below, cross referring to our previous written representations, the Council's evidence base and relevant policy.
5. We note that the Inspector has asked for more information from the Council on the link between Alterations to the Strategic Policies and the Development Management policies relating to employment (DM38, 39, 40). We understand that an Employment Position Paper is due from the Council by 5 August. With the permission of the Inspector we would like to reserve the right to comment further on these issues when that paper becomes available as it is central to THFC's concerns.

Question 1: Is the Policy Too Restrictive?

6. Our view is yes, the policy as drafted is too restrictive.
7. Paragraphs 18 to 22 of the NPPF encourage Local Authorities to plan positively for economic growth but also to avoid:

“long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”. (NPPF: 22)

8. Both the NPPF and Planning Practice Guidance (PPG) require this approach to be based on evidence and regular monitoring and review.
9. The Council's own Employment Land Review (ELR 2015) reaches the same conclusions set out in THFC's previous representations of 4 March 2016, namely that almost all employment growth will be in the B1a/b use classes and that growth in B8 uses is both unlikely and undesirable.
10. It makes four recommendations (at paragraph 8.19), namely that the Council should consider:
 - Safeguarding B1 (a/b) sites where fit for purpose and redeveloping, including at higher density for such uses;
 - Considering not fit for purpose sites, particularly industrial and warehousing land, for release;
 - Work pro-actively with landowners to bring forward mixed use developments and facilitate intensification of employment sites;
 - Monitoring supply and maintain flexible policies that will enable it to respond to future opportunities for economic and business growth as they arise.
11. In our view these recommendations and the requirements of national policy, were met in the proposed policy in the Development Management Policies Preferred Option Consultation, (February 2015) which differed from the currently proposed policy in two important ways.
12. Firstly, the previous draft policy covered both designated and non-designated employment land.
13. This was consistent with the NPPF which specifically refers to sites "allocated for employment use" in paragraph 22. It is also consistent with Strategic Policy SP8 which safeguarded Locally Significant Employment Sites where 'they continue to meet the needs of modern industry and business'. Such an approach is endorsed by the recommendations of the Council's up-to-date evidence base (ELR 2015) which does not distinguish between allocated and un-allocated sites, but instead to quality and types of use and the opportunities that sites can provide.
14. Secondly, the previous draft policy allowed for loss of employment floorspace as part of a strategically co-ordinated regeneration scheme or programme (DM52 A(c)), Page 84).
15. This reflected the Council's wider strategic policy ambitions for its growth areas and areas of change (Policy SP1), which contain within them both allocated and un-allocated employment sites. Similarly the London Plan identifies parts of the Borough - the Upper Lea Valley as an Opportunity Area and Haringey Heartlands/Wood Green as an intensification area – as strategic locations for growth.
16. Existing employment sites (both designated and non-designated) in these areas can play an important role in achieving the Council's targets in a number of ways. The better and more fit for purpose sites can continue to provide for employment uses, or be redeveloped for such uses (as envisaged by Policy DM37). Where there is capacity for intensification, sites could become part of mixed use developments – the most likely means of providing substantial new B1(a/b) floorspace (as envisaged by Policy DM38). However there are other sites that could be released for a range of uses, which could facilitate wider development in the area by providing new infrastructure or homes.
17. In our view a policy drafted along similar lines to that in the original Policy DM52 would allow the Council the flexibility – as part of their own wider regeneration plans – to allow for the policy to reflect the circumstances of individual sites and to continue to strongly safeguard such uses where

appropriate. Policy DM40 as currently drafted unnecessarily fetters the Council's ability to achieve its own objectives.

18. We therefore regard the overall policy DM40 as inconsistent with national, London Plan and strategic policy.
19. We therefore regard the policy as unsound because it is not justified – in that it is inconsistent with the evidence base and is not the most appropriate strategy for achieving the Council's objectives.
20. To remedy this we would request that the Inspector considers ensuring that the policy refers to both designated and non-designated employment sites, and that text similar to that in the previous draft policy DM52 A(c) is inserted into Policy DM40.

Question 2: Part A. b – where is the justification for three years marketing?

21. As far as we are aware the Council has provided no justification for a three year marketing period.
22. In our experience authorities have in the past required a period of 12 to 18 months. Given the urgent need for additional homes (Haringey's strategic housing target has been significantly increased from 820 homes per annum to 1,502 homes per annum, effective from April 2015 – an 83% increase) and other development in London a longer period simply delays the release of land to no purpose or public benefit.
23. The presumption in favour of sustainable development (NPPF para 14) for plan making purposes emphasises the need for authorities to positively seek opportunities to meet development needs and to allow '*sufficient flexibility to meet rapid change*', subject to any adverse impacts and other policies in the plan.
24. We would therefore suggest that the three year marketing period is not justified and not consistent with the 'golden thread' of national policy: the presumption.

Question 3: Part B – where is the justification for the sequential approach? Is this supported by National or Strategic Policies?

25. We have seen no justification for the proposed sequential approach, and it is not consistent with national or strategic policy.
26. The NPPF states (para 22):

“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.”

27. The Council's Policy SP1, Managing Growth sets out its priorities for growth areas, which include new homes, business floorspace and necessary infrastructure. It rightly does not seek to prioritise one over another but instead the supporting text states (para 3.13):

“The Council wishes to manage growth over the life of the Plan so that it meets the need for homes, jobs and services, is supported by necessary infrastructure and maximises the benefits for the local area and community and the borough as a whole.”

28. It is therefore our view that there is no justification for the sequential approach set out and that proposals should, consistent with the NPPF, be treated on their merits based on the circumstances of the site, including its location, accessibility and amenity. This lack of justification and inconsistency with the NPPF makes the policy as drafted unsound.
29. This would not preclude the Council from seeking to ensure that released sites in strategic locations should be required to meet identified infrastructure needs, for example if there were evidence of need for a school or a health centre, but would avoid an unnecessary sequential assessment, and marketing process which would further delay development.

Conclusion

30. As the most significant private investor in the Borough, THFC shares Haringey Council's ambitions to ensure an economically thriving Borough in which residents have access to employment opportunities, and entrenched areas of deprivation and unemployment are addressed.
31. THFCs own development proposals are bringing hundreds of new jobs to the area, along with expenditure with local businesses, and the Club and its Foundation are actively involved with the Council and partners to ensure local people and businesses benefit.
32. We are concerned however that the lack of flexibility in the proposed Policy DM40 will, instead of securing additional employment floorspace, unnecessarily sterilise some sites which are no longer appropriate for such uses – particularly those uses which the Council itself is forecasting will decline. One example of this is a site at 500 White Hart Lane that THFC are proposing to bring forward for a mixed-use residential, employment and retail/community development. The application is currently with LB Haringey for determination (LPA ref. HGY/2016/0828) and comprises development on an underused part of a locally significant industrial site. There are links between the proposed development and the wider regeneration of Tottenham as it offers an opportunity to decant households and industrial units to help the redevelopment of the High Road West Masterplan Area. These types of schemes are dependent on the flexibility within the policy.
33. The changes we propose would make the proposed policy sound and consistent with national policy, and help secure the achievement of the Council's strategic objectives.

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