

LONDON BOROUGH OF HARINGEY
DEVELOPMENT MANAGEMENT DPD
INSPECTOR'S DRAFT MATTERS AND ISSUES FOR EXAMINATION

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Hearing sessions will be on Thursday **25 August 2016** and Friday **26 August 2016** starting at 10am. at Haringey Civic Centre, High Road, Wood Green N22 8LE.

Representors' statements must be received by **5pm Friday 29 July 2016**
The Council's statements must be received by **5pm on Friday 5 August 2016**
A draft timetable will be published by **31 July 2016**

Please see the published Guidance Notes which contain information on the content of written statements. Appendix A to this note explains the format.

www.haringey.gov.uk/planning-policy/local-plan/examination-public-local-plan-eip

The hearing sessions will be arranged by Development Management Plan Chapter order looking at a number of related policies at each session.

MATTERS AND ISSUES

The MATTERS identified are overriding issues for all policies. I have set out my ISSUES for specific policies in the form of detailed questions as these are the points upon which I want further information. It is likely that the issues for the hearing sessions will be more narrowly defined having regard to the answers to my questions and further written statements. Towards the end of this documents are two Inspector's notes (*in italics*) which are directed at the Council.

MATTERS

Matter 1. Whether the policies are consistent with National Policy and the Strategic Policies (including Alterations), and in conformity with the London Plan.

Matter 2. Do the policies meet the tests of soundness:

- positively prepared
- justified
- effective

Matter 3. Are the policies clearly worded? Will they be a succinct and easily understood guide to development?

ISSUES FOR SPECIFIC POLICIES

CHAPTER 02 – DESIGN AND CHARACTER

1. DM3 - Part A. a. Public Art – does it require Planning Permission – should it be agreed by the Council in every case. 'Maintained in perpetuity' will require a legal agreement - see my comment on planning obligations in Inspector's note 1.
2. DM3 - Part B. Privately owned public spaces. This is a blanket policy – is it appropriate in all circumstances? Where is the evidence that this an appropriate matter for planning to control in every case?
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?
4. DM6 – Part B. The term 'community benefit' is not clear, nor is it explained in the text. What is it? 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?
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?

CHAPTER 03 - HOUSING

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?
7. DM11 - Part E – is private ownership and investment a planning matter? This should be removed from policy and necessary, put in the accompanying text.
8. DM13 - Part G. What is the status of part G in the light of the successful challenge to the provision of affordable homes on small sites? What mechanism does Part H refer to – this is not clear?
9. DM13 Part B. a – How will you assess whether a site is artificially sub-divided? What criteria will you use to determine whether it is developer choice or an artificial sub-division?
10. DM13 Part B. b and c. What is meant by an amended planning application? How will b and c be implemented if there is change in ownership/applicant? Is this lawful having regard to the planning unit? How would this comply with National Policy which seeks to remove the requirement for affordable housing for small scale schemes?
11. DM15 - Part B. a. Why is it necessary to demonstrate need for specialist housing? What is the justification for this? Does this comply with the London Plan? Is there an over/under provision in the Borough? Part B. b. – are these standards covered under other legislation?
12. DM15 – Part C and Part D. e. Why is it necessary to demonstrate need? Does this comply with the London Plan? What is the justification for this?
13. DM16 - Part A. g. Is this policy flexible enough? Should it reflect the wording in DM11 which indicates that a development of all smaller units may be acceptable in some circumstances?

CHAPTER 04 - ENVIRONMENTAL SUSTAINABILITY

14. DM21. Part A. e? What is meant by local and is this feasible? It is a legitimate planning aim, is it enforceable? I suggest this is moved to the supporting text. Why is D necessary given that this is set out in the London Plan?
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.

CHAPTER 6 – EMPLOYMENT AND TOWN CENTRES

See Inspector's note 2 at the end of this document.

16. DM38. This policy appears to be more onerous than strategic policy SP8? SP8 says mixed use is acceptable, but policy DM38 says only if it is necessary. 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? What are the implications for LEA –RA in site allocations or AAPs identified for mixed use?
17. DM38. Is the policy too prescriptive and not flexible enough to take into account all site circumstances? Would the requirements prevent suitable development from coming forward? What is the justification for criterion d? How would this relate to other National and Strategic Policies relating to gypsy and traveller accommodation, including the need for land? Would criterion e. be covered by other parts of the Plan?
18. DM39. What is the aim of the policy in the overall context of the London Plan and Strategic Policies employment strategy? I am not clear on its purpose. 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). Is the Development Management Plan the best place for this policy? I am not clear on the required master plan approach, would this be part of a planning application for new warehouse living? With 15 criteria, is it too restrictive?
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.
20. DM42 – Part A. Why are the uses specified for primary frontages rather than 'appropriate town centre uses' as set out for the secondary frontages?
21. DM46 – How is this policy consistent with National Planning Policy? Is this policy justified? Where is the evidence to show that 5% is a level of saturation/over-concentration for a town centre? How does this affect vitality and viability? Where is it demonstrated that there a clear link between public health and more than 5% of units in a town centre in this use?
22. DM47 – Is this policy justified? Where is the evidence of the spatial link of 400 metres between all types of schools (i.e. primary and secondary), health and hot food takeaways? Some takeaways provide healthy options and not all types of takeaways would be used by school children at lunchtime or on the way home? Would the policy reduce choice for all in throughout much of the Borough? There are already takeaways within 400 metres of schools, how will the policy make a difference?

CHAPTER 07 – COMMUNITY INFRASTRUCTURE, IMPLEMENTATION AND MONITORING

23. DM48 – please see Inspector’s Note 1 below on planning obligations. There is a relevant policy in the Alterations to Strategic Policies; therefore, is DM48 necessary?

Inspector’s note 1

General points for the Council to consider:

- *Policies and text should not rely on standards or requirements set out in untested documents. Where this is the case the wording should be changed, setting out that other, untested documents are guidance only.*
- *Policies and text must not make reference to securing planning obligations/financial contributions without the caveat ‘where appropriate’ as an obligation cannot be lawfully taken into account unless it meets the statutory tests set out in Paragraph 204 of the National Planning Policy Framework.*
- *In many of the policies, criteria have been set out to guide development. However, these often include a criteria which says permission will be refused if the other criteria are not met which seems unnecessary and not positively worded (for example Policy DM27 part D). These should be removed.*

Inspector’s note 2:

- *I would like 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). An employment position paper setting this out would be helpful.*

Appendix A - Format for statements

- A. Statements should not be longer than **3,000 words** on A4 paper, printed on both sides. Photographs in A4 format and annotated (back or front).
- B. No need to repeat your original representation. Important: you should only answer questions as they relate to the content of your original representation and no other matters or issues.
- C. All statements must be headed with the representor’s **name** and be clearly marked, at the top, right hand corner, with the appropriate **matter/issue number** and **representor reference**, e.g. ‘Matter 1 and/or issue 1/

Representor 12 / Mr Smith' for Mr Smith. The Council's Statements should be separately referenced LBH/ followed by the matter/issue.

- D. It is the quality of the reasoning that carries weight, not the bulk of the documents.
- E. Appendices to statements should be limited to that which is essential and should not contain extracts from any publication which is already before the Examination. Appendices should have a contents page and be paginated throughout. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- F. Where paper copies are submitted these should be stapled at the top left corner, with **no spiral bounding**. Electronic copy of statements and appendices should be sent to the Programme Officer (in Word or PDF format) for the Examination web page as an email attachment by the specified deadline.
- G. Late submissions and additional material **are unlikely to be accepted** on the day of the relevant hearing session since this can cause disruption and result in unfairness, and might result in an adjournment of the hearing. If material is not received by the deadlines stated above, the Programme Officer will assume that you are relying only on the original representations.