

Haringey Local Plan Pre-submission Response Form

Pre-Submission Consultation 8th January – 4th March 2016

The Council is consulting on four Development Plan Documents (DPDs).

These are the:

- Alterations to the Strategic Policies;
- Development Management DPD;
- Site Allocations DPD; and
- Tottenham Area Action Plan.

They will be submitted to the Secretary of State for Examination in Public later this year. This is your final chance to make comments on the documents.

How to Make Comments

This form is designed for postal comments, if you wish to respond by email, please use the Word compatible version of this form which is available for downloading from the Council's website www.haringey.gov.uk/localplan.

Please note that you need to use a separate Part B form for each comment that you make. Your comments will be considered by a Planning Inspector, therefore they should only relate to the 'tests of soundness' and legal compliance (see guidance note at the back of this form, in the DPDs appendices and on our website for more information).

Complete the form overleaf and return to:

Local Plan team
Level 6, River Park
House,
Wood Green
London
N22 8HQ

Or by email to:

ldf@haringey.gov.uk

Or complete it online at:


www.haringey.gov.uk/localplan

To ensure your comments are considered, please ensure we receive them by **5pm on Friday 4th March 2016**.

Next Steps

In the summer of 2016 the Planning Inspector will hold an "Examination in Public" to consider the DPDs and comments made to them. The timetable for the Examination in Public will be advertised when it has been confirmed.

For further information please visit www.haringey.gov.uk/localplan or email ldf@haringey.gov.uk

Ref: (for official use only)	Local Plan Publication Stage Response Form	
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Name of the DPD to which this representation relates:

**Tottenham Area Action Plan
Proposed Submission**

Please return to London Borough of Haringey by 5pm on Friday 4th March 2016

This form has two parts:

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate Part B for each representation you wish to make.

Part A

	1. Personal Details ¹	2. Agent's Details
Title	Mr	Mr
First Name	Ali	Chris
Last Name	Mentesh	Loon
Job Title (where relevant)		Director
Organisation (where relevant)	MEMS DIY Ltd	Springfields Planning and Development Limited
Address Line 1	c/o agent	15 Springfields
Address Line 2		Great Dunmow
Address Line 3		Essex
Post Code		CM6 1BP
Telephone Number		01371 872727
Email address		chrisloon@springfieldspd.co.uk

¹ If an agent is appointed, please complete only the Personal Details Title, Name and Organisation boxes, but complete the full contact details for the Agent.

Part B – Please use a separate sheet for each response

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	5.74	Policy		Policies Map	BG2: BRUCE GROVE STATIONCOURT
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4. Do you consider the Local Plan is (tick):

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty-to-cooperate. Please be as detailed as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The National Planning Policy Framework (NPPF) at Paragraph 182 clarifies that a local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

(NB The underlining is the objector’s emphasis)

In this case, the Site Allocation referenced as ‘BG2 Bruce Grove Stationcourt’ in the Tottenham AAP fails three of the four tests set out at paragraph 182 of the NPPF and is

therefore considered unsound. The reasons for this are as follows:

1. Site Allocation BG2 is not Justified

The Site Allocation BG2 is not the most appropriate strategy when considered against the alternatives.

It will be noted that the red line area of Site Allocation BG2 includes, amongst other uses, a builder's merchants including a retail shop and retail/storage yard area, which is currently operated by MEMS DIY Ltd at 22-24 Moorefield Road.

The area operated by MEMS DIY Ltd lies to the west side of Site Allocation BG2 and forms part of the overall site allocation. This element corresponds with the land of the previous Site Allocation *BG4: Moorefield Road* that was shown in the Tottenham AAP Preferred Options Consultation (Feb 2015). However, the council has now conjoined such previous site allocation with previous Site Allocation *BG3: Bruce Grove Station*, complete with the central station area to create one large Site Allocation (BG2).

MEMS DIY Ltd is a long standing and successful business, providing building and DIY supplies for the local population. It has been operating at this site for over 30 years and is well utilised by the community for their building materials and DIY needs. The business also employs 10 people from the community providing job opportunities in the local market.

Site Allocation BG2 proposes that the existing builder's merchants is replaced with mixed use residential and employment development.

In the event of Site Allocation BG2 being supported in an adopted AAP and the site being redeveloped (which will not be easily if at all realised) then there would be a gross loss of 10 jobs. This important matter is not referred to at all in the AAP's documentation. It is not clear whether this is an oversight or a convenient omission. However, to both the business and its employees the potential redevelopment of the site and loss of associated jobs is a serious matter. The allocation represents a real and direct threat to people's livelihoods and has not been properly addressed by the LPA. The Site Allocations DPD might make employment allocations elsewhere in the borough. However, it is not known if there will be a suitable relocation opportunity nearby for the type of shop and yard use needed, Even if this were the case, it is unlikely to be on the favourable lease terms currently enjoyed by the operators.

The LPA may argue that the redevelopment of this part of the site for a mixed use residential/employment land use – if ever realised - will generate new jobs. However, this is somewhat speculative and fails to take account that Moorefield is a back street which does not have the prominence or footfall of High Road, this being a main artery through the Bruce Grove area. Passing trade will therefore be limited. There are also open yard uses to the west side of the site along Moorefield Road which perhaps further defines the character of the road at this location, noting that the Site Allocation does not also incorporate these other yards to deliver a comprehensive redevelopment of the area. It is not clear why open yard uses are acceptable on one side of Moorefield Road but seemingly not on the opposite side.

Against the background of the locational characteristics described above, the council has

not evidenced what type of non-residential use would be achievable at the site. A1 shops would struggle to survive. Fast food restaurants will not seemingly reflect the LPA's redevelopment objectives. Cafes and Restaurants are more likely to survive if located along High Road to take advantage of passing trade and footfall. B1 or A2 offices are not best suited to the noisy environment adjacent a railway station and its line, or where dedicated parking is limited (noting the parking restrictions on Moorefield Road).

There are therefore likely to be significant difficulties in attracting new employment uses or users to the land currently occupied by MEMS DIY.

Notwithstanding this, even if the LPA or Local Plan Inspector disagrees with such assertion (such that a viable alternative employment use/user could be found) it is reasonably likely that there would be no increase in jobs at this part of the Site Allocation and in reality a potential net loss of jobs. This is because only 100sqm employment floorspace is made for the whole of the BG2 site allocation, yet MEMS DIY by itself covers a similar site area. Also, the Site Allocations DPD at paragraph 1.30 confirms that the average job density across Haringey's employment areas is currently 44m²/worker. Office uses are more efficient which is occupied at 12-16m²/job, but would generate only 6 to 8 jobs based on the cited 100sqm employment allocation, whereas 10 jobs currently exist. The employment efficiency of the site (jobs per sqm floorspace) as exists appears to be better than the current borough average and even the cited ratio for an office based scheme. The benefits to the economy and local employment of changing the employment base of the site are dubious.

The above comments therefore seriously bring in to question the justification for promoting the replacement of the site's current and viable employment base. This part of the Site Allocation BG2 is not *the most appropriate strategy, when considered against the reasonable alternatives*. In this case an alternative may be to encourage visual improvements to the fabric of the site, whilst retaining the existing use and the local/community employment it provides.

The Site Allocation is therefore not justified.

2. Site Allocation BG2 is not Effective

To be effective one of the tests is that the plan should be deliverable over its period. The timeframe for delivery indicated in Site Allocation BG2 is 2020 onwards.

The land at MEMS DIY is owned by Network Rail (formerly Railtrack), which in turn has granted a lease to the current user of the premises. This lease operates on an 'indefinite' period. This means that as long as the current user wishes to remain at the site, then they can, subject to complying with the other terms of the lease. MEMS DIY Ltd has no intention of vacating the premises. The lease of the land has provided the company - and continues to provide them - with a sound platform on which to operate a viable business.

The business is well established and in the absence of any agreement to relocate (of which there is no intention) then the policy could only be implemented via Compulsory Purchase Actions and the indefinite lease being determined through the legal processes. It will also be noted that there is unlikely that any replacement area for this use will be available in the borough on such favourable terms as exist.

It seems reasonably likely that the Site Allocation cannot be realised or cannot be realised without significant legal and other obstacles, the outcome of which cannot be determined at this stage. The policy is therefore not effective.

3. Site Allocation BG2 is not Consistent with National Policy

The NPPF at Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The economic role includes contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. In this case, for Site Allocation BG2 to be effective it would require the closure of a successful business which currently contributes to the local economy. The Site Allocation does not support this enterprise. Furthermore, there is no policy or site allocation in place to provide replacement premises for this user in the locality. The economic role is therefore not performed by Site Allocation BG2.

The social role includes supporting strong, vibrant and healthy communities, with accessible local services that reflect the community's needs. The services provided by the current business on the site are needed by the community, this being evidenced by the longevity of the business operation at this site for many years. The social role is therefore not performed by Site Allocation BG2.

Paragraph 9 of the NPPF advises that pursuing sustainable development involves seeking positive improvements in people's quality of life, including (but not limited to) making it easier for jobs to be created in cities, towns and villages. In this case, the proposed Site Allocation BG2 implies the loss of current jobs in this city location, without certainty of replacement employment for the current users of the site or certainty of new employment uses being created (particularly given the constraints referred to in the earlier part of this representation). This approach is therefore contrary to the tenets of policy.

Paragraph 10 of the NPPF states that Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. At a micro scale there is a distinction to be made between the local characteristics of High Road (main artery through the area) and Moorefield Road (a back road) and their respective ability to foster new retail or employment uses. For reasons stated earlier, particular commercial uses may be less easy to attain viability along the Moorefield Road part of Site Allocation BG2. The local circumstances are not accounted for, contrary to the NPPF.

Paragraph 17 (Core Planning Principles) of the NPPF states, inter alia, that Plans should: set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the business communities; and promote the vitality of our main urban areas. In this case the needs of MEMS DIY Ltd, who are part of the business community, have not been catered for. Their business need to be stay at the premises. The business, complete with its employment and services to the community, adds to the vitality of this urban area. Core Planning Principles of the NPPF are disregarded in these respects.

Paragraph 19 of the NPPF states that The Government is committed to ensuring that the

planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. In this case the impact of implementing Site Allocation BG2 would be to decimate a longstanding and viable business, as opposed to supporting its growth as required by national planning policy.

Paragraph 21 of the NPPF states that investment in business should not be overburdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment. In drawing up Local Plans, local planning authorities should set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth and support existing business sectors, taking account of whether they are expanding or contracting. However, in this case, Site Allocation BG2 might bring uncertainty for the current business owners and affect their business decisions with the uncertainty of site redevelopment being threatened (potential via compulsory purchase powers). This would have the opposite effect of encouraging economic growth and does little to support the business of MEMS DIY Ltd. Therefore, Site Allocation BG2 does not accord with national policy.

Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of community facilities (such as local shops) and other local services to enhance the sustainability of communities; guard against the unnecessary loss of valued facilities and services; and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. In this case the established premises at MEMS DIY provides both a local shop and a form of social facility Both members of the local community and local trades people use this important facility and have done for many years, which demonstrates its value to them. It is unnecessary to lose such valued facility and Site Allocation BG2 fails to guard against this, contrary to paragraph 19 of the NPPF.

Paragraph 151 of the NPPF states that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in the Framework, including the presumption in favour of sustainable development. Paragraph 152 of the NPPF explains that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.

As explained earlier, the economic and social dimensions of sustainable development (pursuant to Paragraph 7 of the NPPF) are not observed by Site Allocation BG2 and therefore the tenets of paragraphs 151 and 152 of the NPPF are not complied with.

Furthermore, paragraph 152 details that where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In the case of Site Allocation BG2, its effect is to create an adverse impacts upon a viable business and

local facility and these adverse impacts could be avoided. If Site Allocation BG2 is implemented there are no compensatory measures set out for dealing with the adverse impacts created ie loss of a business, loss of a local facility, loss of viable employment in this particular business sector. Paragraph 152 of the NPPF is therefore ignored.

Paragraph 154 of the NPPF states that Local Plans should be aspirational but 'realistic'. They should address the spatial implications of economic, social and environmental change. In this case, Site Allocation BG2 is aspirational but not realistic given the circumstances set out in this representation. Issues include the indefinite lease arrangements with the freeholder, the current business not wishing to relocate and (in the event it is legally forced to leave the site) the practical and financial difficulties in finding a new and viable alternative site in the locality.

Paragraph 155 of the NPPF states that early and meaningful engagement and collaboration with businesses is essential. LB Haringey is aware of the business operation at MEMS DIY Ltd but has not collaborated with the business. Paragraph 157 states that, crucially, Local Plans should be based on co-operation with private sector organisations. In this case the LPA has not co-operated with MEMS DIY Ltd.

Paragraph 160 of the NPPF states that local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should work closely with the business community. However, the LPA has not worked closely with MEMS DIY Ltd (as part of the local business community), does not appear to have any clear understanding of its commercial operation and has therefore failed to recognise its business needs, contrary to the requirements of national planning policy.

Paragraph 173 (Ensuring viability and deliverability) of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. In the case of Site Allocation BG2, it is dubious whether there is a willing landowner as the freeholder has a lease with an operator. In the event that there was willing landowner, there are also the potential issues of compensation and compulsory purchase, with related costs, in order to remove the current business from the site. These problems throw significant doubt on the financial viability and deliverability of implementing Site Allocation BG2 on the western part of the site where MEMS DIY Ltd is located.

(Continue on a separate sheet/ expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as detailed as possible.

The area of Site Allocation BG2 should be amended so that it deletes that part of the site area currently occupied by MEMS DIY Ltd. The area in question that should be deleted was previously identified as *Site Allocation BG4: Moorefield Road* in the Tottenham AAP Preferred Options Consultation.

The text to Site Allocation BG2: Bruce Grove Stationcourt should be amended as follows:

- to delete the words '*and 22-24 Moorefield Road,*' (under 'Address')
- to delete the words '*Builders' Yard*' (under 'Current/Previous Use').

Should the adjustment to the site area also affect the indicative capacity figures, then these should be amended accordingly. It is assumed that the 11 net residential units will be deleted and most if not all of the 100sqm floorspace will be deleted. The text under 'Ownership' should be reviewed to confirm whether 'private' freeholds exist.

Under paragraph 5.74 ('Site Allocation') the words '*and mixed use employment and residential on Moorefield Road*' should be deleted.

Under paragraph 5.74 ('Site Requirements') the 8th and final bullet point and its words ('*Mixed-use residential and employment development replacing the existing Builder's Merchants will be permitted*') should be deleted

(Continue on a separate sheet/ expand box if necessary)

Please note your representation should cover concisely all the information, evidence, and supporting information necessary to support/ justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

To ensure that the Inspector has fully understood the circumstances of the site and the representation made concerning the soundness of the plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral examination.

7. Signature	C.N.Loan	Date:	04.03.16
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Making a Representation: Guidance Note

Haringey's Local Plan Pre-Submission Consultation

8th January – 4th March 2016

The Local Plan documents have been through a number of stages of consultation. The outcomes of each stage of consultation have in turn informed the next stage of development of the documents. The current stage of consultation offers the final opportunity to comment on the draft documents before it is submitted to the Planning Inspector for Independent Examination.

The previous stages of consultation offered wide opportunity to contribute to the development of the policy documents. As the final drafts, any comments made on the documents at this stage may not result in a change but will be recorded and considered alongside the documents at Examination. This will mean that all comments and representations will be made public. This will be the last stage to comment on the Local Plan documents unless requested by the Inspector.

How to respond to Local Plan documents at this stage?

If you seek a change to any of the document your comments should state clearly what you want changed and why, and you should provide evidence to support these proposals. You should provide wording, where relevant, for the changes proposed.

The documents should be consistent with national and regional policy. If you think this is not the case you should state clearly the reasons why. If you feel that an additional policy should be included in the Local Plan documents, which go against national or regional policy, in order to meet a clearly identified and justified local need, you should state what the local circumstances are and provide supporting evidence.

If you think another policy should be included please ensure the issues are not already addressed in:

- national or regional policy; or
- in the other Local Plan documents.

If the issues are not addressed elsewhere, please state why your suggested policy should be included in the specified Local Plan document and what it should say.

The Local Plan documents must meet two key criteria before it can be submitted and adopted. During Examination the Planning Inspector will only consider comments which refer to these criteria. Therefore, when making representations please keep in mind the following:

Has the Local Plan documents met the following legal requirements?

Has it been prepared in accordance with the Local Development Scheme, which sets out the work programme for the Local Plan?

Is it in compliance with the Statement of Community Involvement, which sets out how the Council will involve the community in the preparation of planning documents and in considering planning applications?

Has it been subject to a Sustainability Appraisal to examine the social, economic and environmental impacts of the policies?

Does it have regard to national policy?

Does it conform generally with regional policy as set out in the London Plan?

Is it in line with the objectives set out in Haringey's Sustainable Community Strategy?

Further detailed guidance on how to respond to the documents can be found

Are the Local Plan documents sound?

- Is the document justified?
 - Is it based on robust and credible evidence?
 - Is it the most appropriate strategy when considered against the alternatives?
- Is the document effective?
 - Is it deliverable?
 - Is it flexible?
 - Will it be able to be monitored?
- Is it consistent with national policy?

in the appendices of each document.

Please note that all responses received will be made publically available.

All responses must be received by **5pm 4th March 2016**