
From: Emma McBurney
Sent: 30 March 2015 15:00
To: LDF
Subject: Local Plan: DMP - Development Plan Document (DPD)

Dear Sir / Madam

RE: HARINGEY'S LOCAL PLAN DMP CONSULTATION DOCUMENT FEBRUARY 2015

1. This is a representation on behalf of Omved International Ltd that owns the Southwood Nursery site within the Site Allocations DPD (SADPD) **Site SA 45: Highgate Bowl**.

2. This is an objection to **criteria A of draft policy DM26**.

DM26 Criterion A

3. This says that *'the Council will not grant planning permission for development that would result in the loss of open space unless an assessment has been undertaken which shows that the open space is surplus to all functions that an open space can perform'*. **DMP Glossary** defines open space very widely as *All land in London that is predominately undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers the broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.*

4. It follows that Criterion A applies to all land that is predominantly undeveloped. It is comprehensively restrictive and the requirement that an assessment be carried out that shows it is *surplus to all functions that an open space can perform* sets an impossible, open-ended test that is inconsistent with national and strategic policy.

5. Its inclusion of the word 'predominantly' means that it can be read as applying to relatively open previously developed sites. **NPPF Glossary** defines previously developed land as: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

6. **NPPF para 111** sets out the national policy for such land: *Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it*

is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

7. The respondent's Southwood Nursery site is an illustration of the type of site where development could be inhibited by the policy as drafted. It has a commercial use, is largely open (about 10% of its site covered in buildings and more than 50% by hard standing), it has no public access, and it is virtually invisible in public views. A policy that restricts its development in principle would be inconsistent with the NPPF.
8. The policy must also align with the **London Plan 2015**. Two policies are relevant: **Policy 2.18 Green Infrastructure: the Multi Functional Network of Green and Open Space**; and **Policy 7.18 Protecting Open Space and Addressing Deficiency**.
9. The element of **Policy 2.18** relevant to this objection is: *F Boroughs should: a set out a strategic approach to planning positively for the creation, protection, enhancement and management of networks of green infrastructure by producing green infrastructure strategies that cover all forms of green and open space and the interrelationship between these spaces. These should identify **priorities for addressing deficiencies** and should set out positive measures for the design and management of all forms of green and open space.*
10. The relevant element of **Policy 7.18** is:

*B The loss of **protected open spaces** must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate. LDF preparation*

C When assessing local open space needs LDFs should:

*a include appropriate designations and policies for the protection open space **to address deficiencies***

*b **identify areas of open space deficiency**, using the open space categorisation set out in Table 7.2 as a benchmark for all the different types of open space identified therein*

*c ensure that future publically accessible open space needs are planned for in **areas with the potential for substantial change** such as opportunity areas, regeneration areas, intensification areas and other local areas.*

d ensure that open space needs are planned in accordance with green infrastructure strategies to deliver multiple benefits.

11. Three broad points should be highlighted:
 - a. The policies seek to constrain loss of **protected** open space;

- b. Local Plans should identify and address **areas of open space deficiency**;
- c. Future public open space should be planned in areas with the **potential for substantial change**.

12. Again, using the Southwood Nursery site as an example only:

- it is not protected open space in the UDP or the Local Plan Strategic Policies;
- it is in an area where the Council accepts there is no deficiency of open space (**Local Plan figure 6.4** and it actually has an exceptional quantity of public open space for London);
- it is not in an area with potential for substantial change.

13. For Local Plan policy to preclude development on sites of this type would be inconsistent with national and strategic policy. To properly align Criterion A with national and strategic policy it should be replaced by:

The Council will grant planning permission for development that would result in the loss of open space if the site;

- a. *is previously developed land (it should not be assumed that the whole of the curtilage can be developed);*
or
- b. *is not in an area identified by the Council as deficient in open space and will not lead to the area becoming deficient; or*
- c. *is not protected open space; or*
- d. *an assessment has been undertaken which shows that it is surplus to all functions that an open space can perform.*

Kind Regards

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