

EXAMINATION OF ENFIELD'S DEVELOPMENT
MANAGEMENT DOCUMENT – MARCH 2014

RESPONSE TO THE INSPECTOR'S MATTERS,
ISSUES AND QUESTIONS ON BEHALF OF:

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Matter 1: The Duty to Co-operate and Legal Requirements

Question 7

1. There is no DMD policy which confirms the presumption in favour of sustainable development as set out in the NPPF. Paragraph 1.3.2.1 of the DMD is the only reference and is too vague as follows: *'...the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'*

A specific policy should be included as follows: ***'Sustainable development that is in accordance with the provisions of this plan will be approved without delay'***

2. As set out below the following policies do not conform to the NPPF:

- DMD1
- DMD2
- DMD5
- DMD8
- DMD22
- DMD49
- DMD83
- DMD89

They should be amended as suggested below.

Question 9

Policy DMD38 is contrary to legislation and advice on design and access statements (The Town and Country Planning (Development Management Procedure) (England) Order, 2010 and the National Planning Practice Guidance, 2014).

It should be amended as suggested.

Matter 2: Housing and Community Facilities

Question 2

The only reference to development viability in policy DMD1 is in the context of the desired tenure mix. Development viability should also determine the overall amount of affordable housing provided. The policy should explicitly state that a lower level of affordable housing will be accepted when development viability justifies it. There should be the following clause '**c. the financial viability of the proposed development**'

There is no reference to development viability in policy DMD2. This policy should be prefaced with the words '**Subject to development viability...**

This will bring the policies into line with the NPPF (paragraph 173).

Question 3

The figure of 20% in criterion b of policy DMD5 is arbitrary and too prescriptive. It is contrary to London Plan Housing SPG that advises that locally restrictive policies, including those based on 'conversion quotas' should not be applied along transport corridors or within reasonable walking distance of a town centre without a robust justification.

The DMD contains no justification for this figure, which appears to be a hangover from appendix A1.9 of the Unitary Development Plan (appendix 1).

Criterion b should be amended as follows:

b. Not harm the residential character of the area or result in an excessive number or clustering of conversions. The number of conversions: must not exceed 20% of all properties along any road; and only 1 out of a consecutive row of 5 units may be converted

This will bring the policy into line with the SPG and the NPPF (paragraph 174).

Question 4

The London Plan density matrix is only a guide, as it appears in the text of that plan rather than within a policy.

Therefore, the second sentence of the first paragraph of policy DMD6 should be amended to read: '**Development will be permitted having regard to the London Plan density matrix and where the following criteria are met...**'

Question 5

Policy DMD8 is too prescriptive. The first sentence should read:

*New residential development will **normally** be permitted if all of the following relevant criteria are met. All development **should***

The individual criteria should read as follows:

*d. **Normally meet** or exceed minimum space standards in the London Plan and London Housing Design Guide*

*e. Provide a well-designed, flexible and functional layout, with adequately sized rooms **having regard to** the London Housing Design Guide.*

The London Housing Design Guide is only guidance.

Otherwise, it is possible that the blanket application of this policy could prejudice the deliverability of housing over the plan period, particularly on small or difficult sites.

This will bring the policy into line with the NPPF (paragraph 174).

Question 6

Criterion b of policy DMD9 should read: '*Is **not significantly** overlooked by surrounding development*'

Criterion e should be deleted.

Matter 3: Enfield's Economy, Town Centres and Shopping

Question 4

Policy DMD22 should be amended as follows:

*'Proposals involving a change of use that would result in a loss or reduction of employment outside of Strategic Industrial Locations (SIL) or Locally Significant Industrial Site (LSIS) will be refused, unless it can be demonstrated that the site is no longer suitable **or** viable for its continued use'.*

This will bring the policy into line with the NPPF (paragraphs 22 and 173).

Matter 4: Design and Heritage

Question 1

Criterion 2 of policy DMD38 is overly onerous and goes beyond national requirements. It should be amended to read: ***The Design and Access Statement should meet national requirements as set out in relevant legislation and national policy and advice***

Paragraph 6.1.11 goes beyond national requirements and should be deleted.

Matter 5: Transport and Parking

Question 1

Part 4 of policy DMD45 should be amended as follows:

*'Residential developments providing parking below London Plan Standards will only **normally be approved** if the site...'*

Matter 6: Climate Change and Environmental Protection

Question 1

The reference to 'all development' in paragraph 2 of Policy DMD49 is unduly onerous. The requirement should differentiate between householder, minor and major development, preferably in an SPD.

This will bring the policy into line with the NPPF (paragraph 174).

Matter 7: Green Infrastructure and Green Belt

Question 6

Policy DMD83 should be amended as follows:

*a. There is no **harm to the green belt by reason of any** increase in the visual dominance and intrusiveness of the built form by way of height, scale and massing*

Openness criteria should not apply to land outside the green belt, as it would unreasonably reduce the capacity of suitable land to contribute to development needs.

This will bring the policy into line with the NPPF, which does not afford special protection to land outside the green belt and designated areas.

Question 9

Criterion 2 of policy DMD89 should be amended as follows

2. Limited infilling, or the partial or complete redevelopment of previously developed sites elsewhere in the Green Belt will ~~only~~ be permitted if all of the following criteria are met:

a. New development does not have a greater impact on the openness of the Green Belt

~~b. The proposal does not lead to an increase in the developed proportion of the site;~~

~~c. The proposal is ancillary to, or supports, an existing building;~~

~~d. The proposal does not lead to any significant increase in motorised traffic generation, as evidenced through a suitable traffic modelling tool;~~

e. The proposal contributes towards the aims of sustainable development”.

This brings the policy into line with paragraph 89 of the NPPF.

Appendix

1. Appendix A1.9 of the Unitary Development Plan