

# MUNICIPAL YEAR 2012/2013 REPORT NO. 179

## MEETING TITLE AND DATE:

Cabinet - 20.3.13  
Council - 27.3.13

## REPORT OF:

Director of Regeneration Leisure and Culture

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<b>Agenda - Part:</b> 1	<b>Item:</b> 8
<b>Subject:</b> Proposed Submission Development Management Document (DMD)	
<b>Wards:</b> all	
<b>Cabinet Member consulted:</b> Cllrs Goddard and Bond	

## 1. EXECUTIVE SUMMARY

- 1.1.1 The Development Management Document (DMD), part of Enfield's Local Plan, sets out policies which will be used to determine all planning applications: from small scale householder applications to applications for large scale residential, commercial and mixed use development.
- 1.1.2 This report seeks approval of the Proposed Submission DMD and the subsequent consultation and submission, together with the necessary supporting documents to the Secretary of State for independent examination.

## 2. RECOMMENDATIONS

### That Council (subject to any recommendation made by Cabinet on 20 March 13):

- 2.1 Approve the proposed submission version of the DMD and Policies Map for a statutory 6 week publication and subsequent submission to the Secretary of State. Copies of the Proposed Submission DMD have been placed in the Members' Library, Group Offices and on the Council's website.
- 2.2 Agree that the Cabinet Member for Business and Regeneration be authorised to agree the publication of the Sustainability Appraisal and Equality Impact Assessment of the Proposed Submission DMD.
- 2.3 Agree that the Director of Regeneration, Leisure and Culture, in consultation with the Cabinet Member for Business and Regeneration be authorised, to agree appropriate changes to the Proposed Submission version of the DMD and any further consultation required, in the run up to and during the public examination process into the document, in response to representations received, requests from the Planning Inspector and any emerging evidence, guidance or legal advice. Changes of a substantive nature may be considered by the Local Plan Cabinet Sub Committee.

### **3. BACKGROUND**

- 3.1 The Development Management Document (DMD) is part of Enfield's Local Plan. It will help deliver the spatial vision and strategy for the borough set out in the Core Strategy, adopted in November 2010. Once adopted, the DMD, alongside the London Plan and Core Strategy will form the development plan for Enfield. This will be supplemented with Area Action Plans and Neighbourhood Plans as these come forward. The DMD once adopted will replace remaining saved Unitary Development Plan policies (1994).
- 3.2 A draft DMD was published for consultation in Summer 2012. All individuals and organisations (over 1,500) on the Council's Local Plan database were notified of the consultation. Letters were sent to all adjoining Local Authorities and 'prescribed bodies' to comply with the new duty to co-operate introduced through the Localism Act 2011 and subsequent legislation.
- 3.3 A summary document was produced to help engage residents, businesses and the voluntary and community sector. The Council's On Your Doorstep events, held borough-wide were used to promote the document. A programme of events were held during the consultation period including events with the Enfield Racial Equality Council and One-to-One Enfield.
- 3.4 Responses were received from approximately 60 individuals and organisations, this included responses from developers, residents and statutory consultees. Comments were also received from Conservation Advisory Group, Health Improvement Partnership and a number of schools in the borough.
- 3.5 Support was received from organisations including the Enfield Society, the Theatres Trust, the Environment Agency, Haringey Council, and Herts and Middlesex Wildlife Trust. A number of comments were raised regarding the detailed wording of draft policies and changes have been made to reflect comments made, to make policies more robust. The main substantive issues or issues raised by one or more respondent include: concerns regarding the impact of policies on the viability of development; the Council's approach to dealing with affordable housing; and proposed changes to the Policies Map designations including changes to the Green Belt and open space. A summary of all of the comments made on the Draft DMD and details of how individual comments have informed the latest version of the DMD will be published along side the Proposed Submission DMD.

### **4. PROPOSED SUBMISSION DEVELOPMENT MANAGEMENT DOCUMENT**

- 4.1 The Proposed Submission DMD sets out policies which will be used to determine all planning applications: from very small scale householder applications to applications for large scale residential, commercial and mixed use development. It contains policies covering a wide range of topics.
- 4.2 The DMD, a borough wide document, responds to new challenges and opportunities arising since the adoption of the Core Strategy, including the publication of the National Planning Policy Framework (NPPF), the introduction of a new affordable housing tenure and the Taylor review of planning guidance. Evidence which underpins the Core Strategy has been supplemented with further evidence on viability and other studies including: a review of employment land; a detailed green boundary

review, and a review of open space and nature conservation sites. The DMD is required to be in general conformity with the Mayor's London Plan.

4.3 The main changes made since the publication of the Draft DMD include:

- The addition of text on the Government's model policy on sustainable development
- Amendments to the policy on affordable housing
- Changes to town centre policies relating to the loss of retail, new office provision and betting shops
- Changes to text relating to the viability of achieving the Code for Sustainable Homes
- Changes to policies on green infrastructure including new public park provision
- Changes to policies on flood risk and noise levels.

4.4 The Proposed Submission DMD is accompanied by changes to the Policies Map.

## **5. NEXT STEPS FOLLOWING COUNCIL APPROVAL**

5.1 The Proposed Submission DMD will be published for a six week consultation period and thereafter submitted to the Government for independent examination. It is anticipated that the DMD will be formally adopted by the Council towards the end of 2013.

## **6. ALTERNATIVE OPTIONS CONSIDERED**

6.1 None. In the context of changes to national planning guidance, it is imperative that the DMD is adopted to provide an up to date Local Plan to inform planning decisions . The DMD must be submitted for examination in accordance with Government legislation.

## **7. REASONS FOR RECOMMENDATIONS**

7.1 To progress with the approval of the Proposed Submission Development Management Document for submission to the Government for independent examination, in accordance with Government legislation.

## **8. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

### **8.1 Financial Implications**

The cost of the consultation and examination for the Development Management Document is addressed through the Council's Medium Term Financial Plan as part of a wider consideration of statutory Local Plan obligations. If any actions, plans or works arising from this document cannot be met from existing budgets or are likely to have significant financial implications then it would need to be subject to separate reports and full financial appraisal.

### **8.2 Legal Implications**

The Planning and Compulsory Purchase Act 2004 (the Act) imposes on local planning authorities (LPA) a duty to exercise their duties and functions under the Act with the objective of contributing to and promoting achievement of sustainable development. This Act provides for the preparation of Local Plan documents including

development management policies. It is necessary to submit the DMD to consultation and then examination in public in accordance with the Act.

The Act requires a Sustainability Appraisal (SA) to be undertaken for each of the Local Plan Documents and LPA's must consider the undertaking a Strategic Environmental Assessment of emerging plans and programmes that may have a significant impact on the environment.

The recommendation to submit the DMD and SA for public consultation and examination is in accordance with the Council's powers and duties under the Act.

### **8.3 Property Implications**

Planning policies contained within the DMD will affect the development potential of land and buildings in Enfield, including those assets owned by the Council.

The DMD provides detail on how decisions on planning applications will be made. The effect of having greater detail is to bring increased certainty to the development potential of the land and the viability of any development. This should in theory reduce planning and development risks associated with bringing new schemes forward in Enfield. It is important to ensure planning policies have regard to the current economic climate and are appropriate to Enfield's own economic landscape. A fine balance has to be reached to ensure that planning policies direct development to the right locations, deliver high standards in all new development and provide flexibility to take account of changing market conditions over time.

The DMD policies will be monitored on an annual basis and revised as necessary through the plan making process. This will ensure the borough's potential and future opportunities are not unduly constrained and the borough remains competitive within its regional economy.

## **9. KEY RISKS**

- 9.1 Failure to produce up to date, robust policies through the preparation of a development management document would result in a gap in policy. This would lead to poor quality development and/ or development in inappropriate locations and would significantly harm the Council's ability to meet its wider regeneration objectives.

## **10. IMPACT ON COUNCIL PRIORITIES**

- 10.1 The DMD will be fundamental in achieving sustainable development. Policies throughout the document seek to achieve fairness for all, sustainable growth and the development of strong communities through the development management process.

## **11. EQUALITY IMPACT IMPLICATIONS**

- 11.1 The Draft DMD was subject to an initial Equality Impact Assessment/ Analysis (EqIA) to ensure that consultation promoted equal opportunities. A final EqIA (including an assessment of policies) has been undertaken to support the Proposed Submission DMD.

## **12. PERFORMANCE MANAGEMENT IMPLICATIONS**

- 12.1 The DMD will provide clear policies for the assessing planning applications which will bring performance management improvements to the planning application process and result in better performance at appeal.

## **13. PUBLIC HEALTH IMPLICATIONS**

- 13.1 The DMD contains policies covering a wide range of topics such as housing, community facilities, environmental protection, and green infrastructure, all of which may have implications for public health. Strategic Objective 5 of the adopted Core Strategy (2010) promotes Education, Health and Wellbeing; the DMD provides more detailed policies on how to achieve these policy objectives in the assessment of individual planning applications.

### **Background Papers**

None