



The Planning Inspectorate

---

# **Report to the London Borough of Enfield Council**

**by Patrick T Whitehead DipTP(Nott) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 7 April 2014

---

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO ENFIELD COUNCIL NORTH CIRCULAR  
AREA ACTION PLAN**

**LOCAL PLAN**

Document submitted for examination on 30 August 2013

Examination hearing held on 10 December 2013

File Ref: PINS/Q5300/429

## Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Core Strategy
LDS	Local Development Scheme
LP	London Plan
LSIS	Locally Significant Industrial Site
MM	Main Modification
NCAAP	North Circular Area Action Plan
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPD	Supplementary Planning Document
TfL	Transport for London

## **Non-Technical Summary**

This report concludes that the North Circular Area Action Plan provides an appropriate basis for the planning of the North Circular Area over the next 12 years, providing a number of modifications are made to the plan. The London Borough of Enfield Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- The inclusion of a paragraph reflecting the national presumption in favour of sustainable development;
- The insertion of altered text to Policy 4 Local Education together with supporting text to provide clarity and ensure proper consideration is given to the necessary infrastructure to support residential growth;
- An amendment to the supporting text under Policy 13 Ladderswood Estate to reflect the current position with regard to development proposals.

## Introduction

1. This report contains my assessment of the Enfield Council's North Circular Area Action Plan Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (August 2013) which is the same as the document published for consultation in February 2013, together with the Schedule of Post Publication Minor Changes (August 2013) contained in doc NCAAP-07. Those Minor Changes form part of the submitted draft plan.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council formally requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted (letter dated 10 January 2014). These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and I have taken the consultation responses into account in writing this report. References in square brackets [ ] are to documents forming the supporting information to the submitted draft plan.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. In the Statement on the Duty to Co-operate for the NCAAP [NCAAP-05] and elsewhere, the Council has provided evidence of its engagement with all those main bodies prescribed under Section 33 of the 2004 Act, where appropriate, and the relevant public bodies having planning and related responsibilities in the area during the plan preparation process.
7. There is an unresolved issue with the London Borough of Barnet regarding the removal of the safeguarding allocation of land along the A406 North Circular Road between Bounds Green Road and Green Lanes [NCAAP-05, para 4.4]. NCAAP (Section 3.5) indicates that it is considered no longer necessary to carry forward the historic local safeguarding of land as illustrated in the adopted CS Proposals Map and referred to in Core Policy 24. The Council's detailed response to questions on this matter [doc ED-012] provides justification for the removal of the safeguarding which TfL agrees does not prejudice the potential for future road capacity improvement schemes, whilst

resolving the issue of 'planning blight' that has adversely impacted on the area.

8. A second concern raised by Barnet Council relates to the pressure on Barnet schools, and in particular primary school places, resulting from the proposed increase in housing. The matter of school provision in relation to the NCAAP proposals is explored below (para 18) and Barnet Council's concerns are addressed through the proposed modification **(MM2)**. Notwithstanding the issues with Barnet Council I have concluded that the duty to co-operate in respect of the preparation and progress of the NCAAP has been satisfied.
9. In summary, and in the light of all the evidence and in the absence of any indication to the contrary, I am satisfied that the NCAAP has been prepared in accordance with the duty to co-operate. I am also satisfied that the Council will continue to undertake its obligation to co-operate on strategic planning issues through a coherent framework with its neighbours as outlined in the CS, section 10.2 Delivery Mechanisms, and the partnership working with adjoining local authorities and the North London Strategic Alliance referred to in para 10.12.

## **Assessment of Soundness**

### **Preamble**

10. The NCAAP forms part of the statutory Local Plan for Enfield and is intended to co-ordinate a period of significant change. It is intended to be read alongside the Core Strategy, and in particular policies 44: North Circular Area and 45: New Southgate. Suggestions that the NCAAP is fundamentally wrong since the North Circular Road forms a boundary rather than a focus, and that the amount of housing development proposed is too much for the area to absorb are not supported by the evidence. Both the NCAAP plan area, and its potential capacity are derived from the CS policies which provide a context consistent with the LP.
11. Questions have been raised regarding the Council's consideration of submitted planning applications and permissions granted in respect of proposals within the NCAAP plan area. This Examination considers only the soundness and legal compliance of the submitted Plan. Issues relating to the development control process are outside the scope of the Examination and it is neither appropriate nor possible to comment on individual proposals, or the Council's interpretation of policies in arriving at decisions.

### **Main Issues**

12. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearing I have identified 3 main issues upon which the soundness of the Plan depends.

#### **Issue 1 – Whether the Plan provides an appropriate delivery mechanism for the Council's Spatial Strategy.**

13. The Spatial Strategy contained in the adopted CS seeks to focus large scale growth and regeneration in four broad areas, one of which is the area around the North Circular Road at New Southgate [EBD-03, section 4]. The Strategy

indicates that, following agreement on a safety and environmental improvement scheme for the road, opportunities will be sought to improve living conditions for residents, visitors and businesses. In particular it concludes that the area has a capacity to accommodate up to 2,000 new homes, largely on land no longer needed for road improvements and through the renewal of the Ladderswood Estate and New Southgate area.

14. Core Policy 44 confirms the indicative housing delivery target of up to 2,000 within the NCAAP area, whilst CP 45 provides a specific framework for the Regeneration Priority Area of New Southgate. A Masterplan SPD for New Southgate [EBD-05] has been adopted setting out plans for the improvement and opportunities for development in that area. In the context of those adopted policies, and the supporting evidence provided through, *inter alia*, the Infrastructure Delivery Plan [EBD-09] and the SA Report [NCAAP-03], I have concluded that the NCAAP does provide an appropriate delivery mechanism for the Spatial Strategy and, in this respect is sound.
15. Para 15 of the NPPF indicates that all Local Plans should be based on and reflect the presumption in favour of sustainable development. The Council has recognised that the Plan should follow this approach and has proposed a Main Modification which would insert a new explanatory paragraph in Section 1.2 **(MM1)**. This ensures the section is sound.

**Issue 2 – Whether the Plan's proposals for building sustainable neighbourhoods have been positively prepared, are justified by the evidence and are consistent with national policy.**

16. NCAAP Policy 2 identifies specific sites having the potential to deliver approximately 1,300 new homes within the plan period. Some representors have expressed concern that the NCAAP proposes too much development resulting in a disproportionate increase in population, and that local services will be placed under strain. Whilst, as indicated above (para 14) the argument that too much development is proposed is not supported by the evidence, the ability of local services to cope with the amount of additional development is a consideration of importance.
17. In this respect, the policy stance on Broomfield Secondary School contained in Policy 4 in the NCAAP appears ambivalent, referring to support for additional pupil places at Broomfield Secondary School and contrasting with p69 which simply states that permanent expansion to admit more pupils "*..is being considered*". The issue clearly is one of concern to local residents. It was also raised in my preliminary queries to the Council and a proposed modification to the supporting text was submitted to the Examination on 4 December 2012. This did not, in my view, go far enough in addressing the issue. As a result representatives from the education service attended the hearing session and there was agreement that the two services should work together to provide an amended Main Modification which includes a revised Policy 4, together with new supporting text **(MM2)**. The agreed text results in a sound Policy.
18. So far as other policies relating to the building of sustainable neighbourhoods is concerned, issues raised regarding health services are addressed through Policy 5 which indicates that appropriate sites have been identified and confirms the continuing partnership with health care services. The Policy is

sound and no further modifications are identified or necessary.

19. Policy 6 requiring a high quality design for new developments, and Policy 7 relating to building heights and development densities, have also been criticised. However, in some respects the criticisms are founded on perceptions of the application of those policies to development proposals. The Council's defence of the policies is robust and justified. In particular, it has advised that the NCAAP applies the density ranges as set out in the LP. It has also indicated that a site specific PTAL assessment has been carried out of Opportunity Sites, but this is not the only consideration determining a site's appropriate density. Taking all of the evidence into consideration the proposals for building sustainable communities have been positively prepared, justified by the evidence and consistent with national policy. No further modifications are necessary.

### **Issue 3 – Whether the proposals for the Three Neighbourhood Places are appropriate and address the identified key priorities.**

20. There has been no criticism of the Council's general approach to identifying three broad character areas using natural walkable catchments as well as architectural detailing. This assessment provides the basis for the three neighbourhood places which have key priorities, set out in Policy 11. There are more detailed concerns about policies regarding the height and density of developments. However, those that relate to extant permissions are beyond the scope of this Examination and, as indicated at para 19, above, the policies contained in NCAAP have been properly justified and are sound. No modifications are necessary.
21. Concern has been raised that the NCAAP does not pay due regard to the Council's resolution to grant planning permission for development at the Ladderswood Estate. This was coupled to a further concern that it is not appropriate for the New Southgate Industrial Estate at Alexander Place, a site with little industrial space available, to be protected as a Locally Significant Industrial Site (LSIS). The representation proposed a new Policy 13A for the New Southgate Industrial Estate (Site 1A) indicating a residential-led sustainable mixed community, together with an amended NCAAP Map.
22. The Council considers LSISs fulfil an important role providing local employment and business opportunities and the designation has the Mayor of London's support. The Council acknowledges that the Enfield Employment Land Review 2012, para 7.19 [EBD-11] concluded that "*..in reality, there is very little industrial space*" at Alexander Place and that "*as an employment site the area is probably too small and lacks profile to have a long term future*" (para 7.21). Nevertheless the Review recommended that the site be retained and potentially expanded. Consequentially, the Council's preference is to retain the site to allow for businesses to move in as sites become available. It argues there is evidence to support the need for employment land in the area, whilst Policy 4.3 in the emerging Development Management Document [EBD-01] provides for alternative uses provided it can be demonstrated that the site is no longer suitable or viable for its existing or alternative industrial use. It provides criteria to be met for change of use involving the loss of industrial uses to be acceptable.

23. The matters were discussed fully at the hearing and consequently a Statement of Common Ground between the Council and the representors was submitted to the Examination. The Statement indicated agreement to additional supporting text under Policy 13, reflecting the Council's resolution to grant planning permission for a mixed-use residential-led scheme at Ladderswood Estate. It was not possible for the parties to extend the agreement to include revisions to the wording of Policy 13, or to the inclusion of the suggested Policy 13A which would allow for residential-led development, since the Council considers the New Southgate Industrial Estate should remain a LSIS. Having given full consideration to the matters raised I have concluded that the Council's reasons for not revising the Policy are convincing. Notwithstanding the lack of agreement between parties on some aspects, I consider that, with the agreed Main Modification **(MM3)**, the Policy is sound. More generally, I have concluded that the proposals for the Three Neighbourhood Places are appropriate and do address the identified key priorities.

## Assessment of Legal Compliance

24. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The NCAAP is identified within the approved LDS September 2013 [EBD-07] which sets out an expected adoption date of June 2014. The NCAAP's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI [EBD-04] was adopted in June 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (May 2013) [NCAAP-06] sets out why AA is not necessary.
National Policy	The NCAAP complies with national policy except where indicated and modifications are recommended.
The London Plan	The NCAAP is in general conformity with the LP.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS [EBD-15].
2004 Act (as amended) and 2012 Regulations.	The NCAAP complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

25. **The Plan has a number of deficiencies in relation to soundness and for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out**

above.

- 26. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the North Circular Area Action Plan local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Patrick T Whitehead*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	11	End of sub-section: National Planning Policy Framework (NPPF)	<p>Insert New paragraph at the end of sub-section</p> <p><u>“When considering development proposals within the North Circular AAP area the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area”.</u></p>
MM2	31 & 32	Policy 4 Local Education and supporting paragraphs	<p>Insert altered text to Policy 4 Local Education and supporting paragraphs.</p> <p><b>Policy 4 Local education</b></p> <p>The development of new homes within the NCAAP area will be expected to contribute towards the provision of primary and secondary school places commensurate with the expected additional demand, <u>as identified in the annual update of the Council's School Places Strategy, and</u> as set out in the Council's S106 Supplementary Planning Document.</p> <p><del>The creation of additional pupil places at Garfield Primary School and Broomfield Secondary School will be supported. The Council will continue to coordinate the provision of school places with neighbouring boroughs and the potential to increase capacity in other nearby schools will be explored as the need arises. The Council will keep under review its Primary and Secondary School strategies.</del></p> <p><u>In the primary sector there is an identified demand for 2 additional forms of entry from September 2014 in the south west of the borough which includes the NCAAP area. Demand for additional pupil places for reception aged children is specifically being met within the NCAAP area through an approved additional form of entry at</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b><u>Garfield School. In order to secure sufficient provision for both September 2014 and 2017 for the south west as a whole, options are also being considered beyond the area covered by the Action Plan including proposals to increase the capacity of other nearby schools to help meet the demand.</u></b></p> <p><b><u>In the secondary school sector local capacity will be needed from September 2017. The expansion of Broomfield Secondary School will be considered as part of the Council's on-going pupil places review. The Council continues to monitor the provision of school places alongside the progress of Free/Academy Schools, cross border pupil movement and the provision of additional places in neighbouring boroughs.</u></b></p> <p>Supporting paragraphs:</p> <p><b><u>For the purposes of planning for school places Enfield is divided into six pupil places planning areas. The area covered by the Action Plan is within the wider south west pupil places planning area.</u></b> Ensuring appropriate provision is made for additional school places required to meet increased demand as sites are developed and families move in is a top priority for the NCAAP. A great deal of concern has been expressed about this and similar issues and it is therefore essential that developers work closely with the Council to ensure appropriate provision is made in this regard.</p> <p><del>Recent studies have confirmed that Garfield Primary School has capacity for additional forms of entry and the Council is in the process of exploring the feasibility of this in more detail. Other nearby schools may also play a role in ensuring increased demand is met. Similarly, the Council will continue to work closely with its neighbouring authorities to keep this critical issue continually under review.</del></p> <p><b><u>In addition to the expansion of Garfield Primary School, other nearby schools will also play a role in ensuring increased demand in the primary school sector is met in both the short and medium term. The provision of a new primary school to help meet the capacity required for 2017 is still being explored at Grovelands Park. The Council will continue to work closely with its neighbouring authorities to keep this critical issue continually under review.</u></b></p> <p><b><u>In the secondary school sector, new provision is being created in the borough through the approval of Heron Hall Free School, which opened in September 2013, and 2 new Academies, both due to open in September 2014. Secondary school provision in the west of the borough is within capacity up to 2017/18. The Council continues to monitor the progress of free school/academy provision</u></b></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b><u>alongside the latest pupil number projections annually and adapt its Strategy for providing places according. If the expansion of existing schools is necessary in addition to the approved free school/academy provision, then options for Broomfield Secondary School will be explored.</u></b></p> <p>Core Policy 8 outlines Council's position on meeting the future education requirements across the borough over the next 15 years. Further detail is provided in the Council's S106 SPD.</p>
MM3	57	Supporting paragraph under Policy 13 Ladderswood Estate	<p>Text amendment to supporting paragraph as follows:</p> <p>The redevelopment of the Ladderswood Estate is the centrepiece of the Council's proposals for the New Southgate Regeneration Priority Area. <b><u>In February 2014 the Council granted planning permission for a mixed use residential led scheme including six B1(b)/B1(c) commercial units that will provide high quality, flexible employment premises offering new work spaces for start-up and other small businesses. The permitted scheme also includes employment development in the form of a hotel.</u></b> Having prepared the New Southgate Masterplan in consultation with local residents, the Council and its housing and development partners will continue to work in partnership with the local community to deliver the phased redevelopment of the estate and with it a programme of public realm and other improvements. This includes delivering a coordinated programme of improvements to open spaces in the area under the 'Take the High Road' initiative.</p>