

Public Examination of Enfield's Development Management Document (DMD)

Enfield Council's Response to MIQs raised by the Inspector

MATTER 4: DESIGN AND HERITAGE

Question 1: Is Policy DMD 38 too onerous in its expectations for design and access statements, having regard for paragraphs 56 onwards in the NPPF and the guidance detailed in paragraph 6.1.9 of the Plan?

LBE Response

- 1.1 Paragraphs 56 to 68 of the NPPF set out the requirements for good design. They do not state what is expected of design and access statements, nor do they give advice on how to maximise the effectiveness of these documents.
- 1.2 Design and access statements are required as part of a significant number of planning applications. A high proportion of those received by the Council are unnecessarily lengthy and dominated by text. They frequently repeat the content of planning statements and/or other documentation, but do not adequately explain or communicate the design rationale and development.
- 1.3 The Policy does not create additional requirements, but rather clarifies how existing requirements (set out in *The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013*) should be met to ensure that the design and access statement is a useful document.
- 1.4 Therefore, the requirement is not considered onerous. Indeed paragraph 6.1.9 explicitly states that "The form of the design and access statement will need to respond, and be proportional to, the type of development being proposed." For the most applications, the requirements of the policy can be met using a few annotated diagrams as suggested in paragraph 6.1.10.

Question 2: Is the focused change No. 9 sufficient to introduce flexibility into Policy DMD39 and make it less burdensome?

LBE Response

- 2.1 Paragraph 6.2.3 explicitly acknowledges the need to consider the operational requirements of the proposed use. The Council proposes a minor change to give these considerations greater prominence by moving text from paragraph 6.2.3 into the first sentence of the policy as follows:

“All new business premises must make efficient use of land and maximise their contribution to the urban environment. **Having regard to viability and the operational requirements of the proposed use, development must meet all of the following criteria and will only be permitted if it: ...**”

Question 3: Would the focused change No. 10 to Policy DMD 41 lead to consistency with the Control of Advertisements Regulations 2007?

LBE Response

- 3.1 Regulation 3 (1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that “A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account:

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors (specific reference being made to the need to take account of “any feature of historic, architectural, cultural or similar interest”).

“Amenity” is defined in the regulations as including “aural and visual amenity

- 3.2 The implication is that the Regulations envisage that the development plan should set out what is considered harmful to amenity and that paying particular attention to heritage assets may be appropriate. The DMD 41 draws on the evidence base (e.g. Conservation Area Character Appraisals and the Characterisation Study 2011) and the experience of Council partners and officers to identify consistent causes of harm to visual amenity resulting from poorly designed advertisements of a certain type.
- 3.3 While the Council acknowledges that the prevention of certain advertisements in certain areas should not be absolute, hence [FC10], it believes that it is helpful to convey to applicants that in the majority of cases, certain types of advertisement are unlikely to be considered acceptable in particular areas. This is intended to encourage early discussion with the Council.

Question 4: Is Policy DMD 43 inconsistent with Policy 30 of the Core Strategy which states that areas appropriate, inappropriate and insensitive to tall buildings will be mapped? Even if precise boundaries cannot be mapped, why could not broad areas be identified?

LBE Response

- 4.1 The Council acknowledges that it would be preferable to spatially define the areas associated with the definitions of “inappropriate”, “sensitive” and “appropriate” areas for tall buildings, provided that this could be done completely and accurately.
- 4.2 Unfortunately many of the criteria contributing to the sensitivity classification cannot be mapped completely and accurately. Namely:
- *The vicinity of, or along views to or from heritage assets*
 - *Locations where development would infringe upon or detract from important local views.*
- 4.3 Views are affected by existing buildings, topography, vegetation, etc., as well as the exact form, height and location of the proposal. It is therefore not practical to map the areas where this criterion would apply.
- *Ridges or other areas of high ground where they would have a significant impact on the horizon*
- 4.4 The width of a ridge (where tall buildings would be particularly prominent) is hard to define and would depend on the gradient of the slope to either side. “High ground” is a relative term depending on where the potential tall building would be viewed from and the elevation of surrounding areas. The impact on the horizon would depend on a number of factors including the specific topography of the site (and the land around it), the height of the proposed building, the height and massing of existing buildings and the presence of vegetation etc.
- *Locations where existing development is of good quality, and is relatively homogeneous in scale, grain and height, contributing to a strong sense of place*
- 4.5 While the Enfield Characterisation Study (2011) [\[EBD-19\]](#) describes many of these areas, the spatial zone surrounding them in which an impact of a tall building could be felt will depend on views to and from the proposal and the scale, massing and exact location of the proposal itself. The problems of defining areas where views may be affected are set out above.
- *Contain existing and appropriate clusters of tall buildings*

- 4.6 While the locations of existing and appropriate tall buildings have been identified, and a “cluster” could potentially defined as above a minimum number of buildings, whether a proposal is said to be part of a cluster would entirely depend on the exact relationship of the buildings and the height, massing and position of the proposal. In addition, how close the building would need to be to those existing tall buildings in order to be considered part of the cluster would also depend on the character and layout of the existing development and the nature of the proposal.
- 4.7 To attempt to map broad areas where the above criteria would apply would therefore be inherently inaccurate. Mapping broad areas that may or may not meet the criteria gives a false impression of precision and risks restricting development in some areas where tall buildings may be appropriate (against the presumption in favour of sustainable development in the NPPF) and/or implying tall buildings may be appropriate in areas where they are not (leading to wasted time and money for developers).
- 4.8 These “hard to map” criteria that may nevertheless restrict the development of tall buildings exist in, or in close proximity to, all of the areas where tall buildings may otherwise be appropriate. Without detailed assessment of potential development sites, which is beyond the scope of the DMD, it is not possible to predict how restrictive the presence of the criteria will be, and therefore whether tall buildings will be appropriate in these areas at all. The Council therefore feels that it would be premature to identify potential areas for tall buildings, and instead feels this should be supported by more detailed urban design studies as part of the development of Area Action Plans and/or masterplans.
- 4.9 The alternative would be to map only some of the criteria relating to the sensitivity classification. However, the Council believes that this would risk providing false certainty for developers and potentially lead to confusion and/or more weight being applied to some criteria than others.
- 4.10 Rather than over-simplify the required points of consideration and give a false impression of precision/create confusion, the Council feels it is a much more accurate reflection of reality, and ultimately more beneficial to developers and the Council, to clearly and consistently set out the criteria that will be applied. The relevance of each criterion can then be (necessarily) assessed on a site-by-site basis through discussions (preferably at pre-application stage) with developers in relation to specific proposals.
- 4.11 The inconsistency with the adopted Core Strategy is regrettably unavoidable. The commitment therein was made before the criteria relating to the sensitivity of areas were defined and subsequent investigations revealed the difficulty of spatially defining them. The Council believes the inconsistency is a minor one, compared to the implications of attempting to map the spatial extent of the criteria set out above.

Question 5: In the absence of more local information, does the policy add anything to the London Plan and Mayor’s SPG or CABE/English Heritage Guidance on Tall Buildings? Does the policy give developers, local communities and others sufficient information to be justified and effective?

LBE Response

- 5.1 The Council is of the opinion that the policy does give additional information to that in the London Plan by clarifying the considerations that will be taken account of in determining planning applications. Criteria-based policies are a common component of the development plan and are used effectively in determining planning applications.
- 5.2 The Mayor’s London View Management Framework Supplementary Planning Guidance (2012) relates to London’s Strategic Views and their management, none of which are located in Enfield. Therefore the guidance therein has very limited applicability in Enfield and is unlikely to be used effectively for development management purposes.
- 5.3 The requirements listed under part 4 of DMD policy 43 are mainly drawn from the CABE/English Heritage document Guidance on Tall Buildings (2007). These criteria were checked against the London Plan for repetition. The Guidance on Tall Buildings document is not part of the development plan and therefore has limited weight in determining planning applications. By including the recommendations of that document in the DMD, the Council seeks to clarify what is expected from developers and to highlight considerations of particular importance for this type of development in the borough.

Question 6: Focused change No 11 to Policy DMD 44 proposes “preserves the asset in a manner appropriate to its significance” whereas English Heritage proposed the word “conserves”. Is this significant?

LBE Response

- 6.1 The Council acknowledges this is an oversight and agrees that “preserves” should be changed to “conserves” in all cases as a minor change. Similar changes need to be made to the policy title, paragraph 6.5.2, 6.5.4, 6.5.5 and Appendix 6, (part 4).
- 6.2 A footnote should be added at the first use of “conserve and enhance” (in the policy itself) to explain the difference from the Core Strategy terminology as follows:

“References in this document to “conserving and enhancing” heritage assets differ from references in the Core Strategy to “preserving and enhancing” heritage assets in order to reflect the language used in the National Planning Policy Framework (2012).”

Question 7: Should the plan differentiate between the various types of heritage asset (eg. conservation areas, listed buildings, registered parks and gardens, locally listed buildings and archaeology), to ensure that development proposals take account of the proper management frameworks?

LBE Response

- 7.1 The types of heritage asset are defined in the Core Strategy, which is sign-posted in paragraph 6.5.2 of the DMD. To add further clarity, the Council proposes a minor change to the DMD Glossary, replacing the entry for “Heritage Asset” as follows:

Heritage Asset	<p>A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority including:</p> <ul style="list-style-type: none"> • scheduled and local monuments; • areas of archaeological interest; • statutorily and locally listed buildings; • conservation areas; • nationally and locally registered historic parks and gardens.
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- 7.2 Paragraph 6.5.8 of the DMD makes explicit reference to the need to take account of “character appraisals, management plans or other relevant evidence-based documents” to ensure that proper management frameworks are taken account of. However, it is felt that naming all of the existing management frameworks would not be helpful as these are frequently updated, amended and added to. Therefore, it is important that applicants contact the local authority, English Heritage or other relevant bodies in order to ensure that they are referring to the most up to date management frameworks, assessments and/or appraisals.