



Planning Committee

Tuesday 3 July 2012 at 7.00 pm

Committee Room 4, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Councillors:

Ketan Sheth (Chair)
Daly (Vice-Chair)
Aden
Baker
Cummins
Hashmi
John
CJ Patel
RS Patel
Krupa Sheth
Singh

first alternates

Councillors:

Thomas
Long
J Moher
Kansagra
Ms Shaw
Cheese
Van Kalwala
Hopkins
Gladbaum
Oladapo
Hossain

second alternates

Councillors:

R Moher
Naheerathan
Moloney
HB Patel
Allie
Beck
Ogunro
Lorber
Harrison
Powney
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	PAGE
1. Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
Extract of Planning Code of Practice	
2. Response to Department for Communities and Local Government's Illegal Landlords Initiative	5 - 12
Brent has recently received £163,745k from the Department for Communities and Local Government to support work targeted primarily at more effective enforcement of unauthorised 'beds in sheds'. The issue has had media coverage and the Housing Minister is drafting guidance for local authorities where a significant problem of what they refer to as 'illegal landlords' are thought to exist. There is an expectation on councils to prepare action plans to target the funding. There is also a possibility of influencing Government policy and using the localism agenda to develop initiatives in Brent.	
3. Local Development Framework - Wembley Area Action Plan Preferred Options for Public Consultation	13 - 26
Having considered responses to consultation on the Wembley Area Action Plan Issues and Options document in September last year, it is now proposed to consult on the Council's Preferred Options. This is effectively a draft new Development Plan for Wembley. This report provides a summary of the main consultation responses, explains the contents of the draft Plan and recommends that this is made available for public consultation for eight weeks commencing on 13 August 2012.	
The Wembley Area Action Plan Preferred Options document is to follow.	
4. National Planning Policy Framework	27 - 32
This report updates Members on changes to national planning policy through the publication of the new National Planning Policy Framework in March 2012. This report provides a summary of key policies within it and the implications for Brent.	

5. **Date of next meeting**

The next meeting of the Planning Committee is scheduled for Wednesday, 25 July 2012 at 7.00 pm and will consider planning applications. The site visits will take place the preceding Saturday, 21 July 2012 at 9.30 am when the coach leaves Brent House.

The next Planning Committee meeting to consider policy issues is scheduled for Tuesday, 6 November 2012 at 7.00 pm.

6. **Any other urgent business**

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near The Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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	<p style="text-align: center;">Planning Committee 3rd July 2012</p> <p style="text-align: center;">Report from Director of Regeneration & Major Projects</p>
<p>For Action</p>	
<p>Response to DCLG's Illegal Landlords Initiative</p>	

1.0 Summary

- 1.1 Brent has recently received £163,745k from DCLG to support work targeted primarily at more effective enforcement of unauthorised 'beds in sheds'. The issue has had media coverage and the Housing Minister is drafting guidance for local authorities where a significant problem of what they refer to as 'illegal landlords' are thought to exist. There is an expectation on Councils to prepare action plans to target the funding. There is also a possibility of influencing Government policy and using the localism agenda to develop initiatives in Brent.

2.0 Recommendations

- 2.1 That the funding from CLG is used to target the problem of 'beds in sheds' in the borough, including measures that are likely to reduce the occurrence of the problem in the future, such as Article 4 Directions/Local Development Orders to remove permitted development rights for outbuildings and set a lower size limit for outbuildings before planning permission is required.
- 2.2 That a detailed action plan be developed, based on actions outlined in paragraph 3.8 of this report and appendix 1, to establish the extent of the problem in Brent and to examine and pursue the most effective enforcement action, engaging with external agencies where appropriate.
- 2.3 That a report be provided after 12 months detailing progress made and spend incurred.

3.0 Background

- 3.1 The focus of concern about 'illegal landlords' has been around the use of outbuildings in residential gardens, frequently termed 'beds in sheds'.

However, it can also be linked to the unauthorised use of the house itself and has recently spread to the use of vacant commercial premises.

- 3.2 The main drivers behind the trend of the use of outbuildings in house gardens is the growth in the rental sector in generally lower to middle value areas of the Borough, and a growing demand for tenanted properties – particularly at the lower end of the market. What has facilitated the use of outbuildings has been the nature of ‘permitted development rights’ which mean that buildings of significant size and with facilities can be rented are now increasingly common in gardens in parts of the borough.

Discussions with CLG

- 3.3 A series of meetings have been held with CLG and a selected number of more effected authorities, including Brent, known as the Local Authority Network. This has referred to various cross cutting interests for local services and Government Departments (eg HMRC, Border Agency, and Police). However, while guidance is being drafted it appears unlikely that major change is envisaged. What seems clearer is a desire to understand the scale of the problem, a presumption that Local Authorities will proactively use existing powers and an indication that local solutions could be pursued for those authorities who can demonstrate a problem and local support for its actions.
- 3.4 Brent has been allocated £163,745 to address the problem and is one of 9 authorities to receive such funding. The most urgent need is therefore to develop an action plan to use the allocated funding to answer the scoping question as well as point to possible options to respond to the problem.

Brent’s Perspective

- 3.5 Brent’s input to the discussions has been informed by the level of planning enforcement activity undertaken in the Borough. This differs from most others who have much less experience of actively tackling this issue. A notable recent exception is Newham where a Mayoral initiative has committed over £1m in funding for direct action and increased staffing. This has produced a team of 20 plus contracting staff aiming to deliver 250 Enforcement Notices a year in 2011/12.
- 3.6 Over the last 3 years, Brent has served between 20–28 planning Enforcement Notices per year on ‘beds in sheds’ representing about 15% of all notices served. The total number of notices served in 2011/12 was the highest ever at 220. The planning enforcement team comprises 5 enforcement staff and 1 technical support post. Previous analysis has shown that approximately 50% of notices are appealed and continued action including prosecution and demolition are required to ensure eventual compliance.
- 3.7 This excludes those cases where action cannot be taken after investigation because they have become immune due to the time (4 years for self contained accommodation and 10 years for non-self contained). This is estimated to represent approx 50 cases every year but further work is needed to refine this.

Linked Issues

3.8 A 'perfect storm' of factors may link Rates, Benefits, Fraud, Private Sector housing standards, HMRC, Border Agency, Fire and Police Services in higher profile cases. However, when coordinated action occurs there tends to be a lead interest whose actions take precedence. Most cases in Brent relate to individual properties although there is still a need for other Brent services to be aware or involved. Brent officers have recently worked with the Fire Brigade and other services to tackle hostel type accommodation in industrial buildings on the Northfields Estate Alperton.

Future Action Plan

3.9 Brent does not have the option of significantly skewing its current enforcement activity to allow a step change increase in enforcement activity. This problem is already being targeted and undertaken in a demonstrably more productive and efficient way than most authorities. The key objective of the action plan is therefore to use the funding to enable this step change for a period with the intention that it will reduce current problems more quickly and deter their potential future growth. Critically, additional funding should allow a better understanding of the problem (e.g. by area, type of structure, tenure, etc) to support more pro-active and targeted monitoring and action in the future. Another area that needs to be better understood is the proportion of occupiers of 'beds in sheds' type accommodation that are the recipients of housing benefit, and of the effects of removing this type of accommodation on the Council's housing obligations.

3.10 The key elements of an Action Plan are likely to include:

- A scoping exercise to help assess the scale and location of the problem. This could include using techniques such as thermal imaging but will almost certainly involve targeted investigation of areas. This will need additional temporary staffing.
- A pilot scheme of coordinated action, including with other Brent services and possibly focusing on benefit and rates. This will also help to understand the possible scale of linked issues such as benefit and rates fraud.
- A planned increase in enforcement activity for a period to concentrate on the issue in targeted areas. However, this will need additional resources as previous experience in discussion with Members and residents groups has demonstrated the difficulty of trying to further refine priorities for action or significantly reducing the level of activity undertaken.
- Publicity aimed primarily at neighbours to increase the detection and deterrence rate. Landlords and owners would also be targeted but it is less clear that this would be effective unless the costs of demolition/prosecution could really be demonstrated to be a deterrent. This has not really been evidenced to date.

- Consider area specific Article 4/Local Development Orders to limit permitted development rights to a size of building which is less likely to be a marketable product.

This is set out in Annex 1

- 3.11 The proposed measures identified in the Action Plan will allow the Council to better establish the extent of the problem in Brent and allow a sufficient resource to tackle what we already know is a growing problem. It is anticipated that enforcement action directed towards beds in sheds could quadruple in the short term, leading to an additional 100 notices /year being served. A move towards greater planning controls over outbuildings through limiting permitted development rights should result in a reduction in the number of larger garden buildings capable of being adapted for residential occupation. It is also hoped that an improved multi agency approach will lead to better sharing of information and earlier detection and action, further reducing the problem. As is the case at the present time, close liaison with the Housing and other services will seek to ensure that the Council does not pick up additional expenditure through rehousing or other obligations obligations as a result of action taken.

4.0 Financial Implications

- 4.1 The Council currently holds the £163,745 grant in its Housing Account. The funding has been provided to 9 authorities where the problem is seen as being the greatest. This funding is not ring fenced although CLG have asked recipient authorities to provide action plans indicating how the money will be spent.

5.0 Legal Implications

- 5.1 The Council has statutory powers under the Planning acts to take enforcement action against beds in sheds provided that notices are served within 4 years of the breach for single dwellings, and 10 years for properties that are multi occupied. The Council also has the ability to seek to remove permitted development rights (in this case on outbuildings) through Article 4 Directions. Such directions need to be confirmed by the Secretary of State and can incur compensation liabilities although in practise claims are rarely made. Local Development Orders can be introduced to replace the permitted development limits with lower ones.

6.0 Diversity Implications

- 6.1 Although there is no clear evidence base, experience suggests that occupiers of illegal accommodation appear to be economically active in some form, and tend not to include children. Occupiers tend to be reluctant to provide details and often disappear when problems come to light. The majority of occupiers in Brent appear to be European economic migrants or, as highlighted by the BBC reporting, newer arrivals of established migrant communities.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 Additional staffing resources will be required through the government grant if Brent is going to increase the level of enforcement activity.

Background Papers

Planning and Enforcement Appeal Monitoring Report (Planning Committee 22 May 2012)

Planning Enforcement Annual Monitoring Report 2008/9 (Planning Committee 28 July 2009)

Contact Officers

Steve Weeks, Head of Area Planning 020 8937 5238

Andy Donald

Director of Regeneration & Major Projects

Appendix One – Action Plan

	Action to be taken	Financial implications	Timetable	Outcomes
1	Fund 3 posts to carry out a pilot survey to identify the scope of the problem. This will involve identifying problem streets by using aerial photography and GIS mapping.	£115,000	“Pilot” by August 2012 “Blitz” by December 2012	Identify the scale of the problem
2	Increased liaison with the benefits service and council tax to help form a view on the problem areas. Improve liaison with the Valuation Office.	Within existing resources	August 2012 (Subject to confirmation)	Help identify problem properties
3	Work with Audit and Investigations Team to help identify rogue landlords with follow up visits to properties	Est. £10,000t. Planning Enforcement input funded from above	August 2012 (Subject to confirmation)	Identify Fraud. Also resolve the problem of rogue landlords
4	Assess scope for aerial surveys with possible use of infra red equipment to indicate all beds in sheds in the borough. Likely to be in conjunction with other affected authorities.	£10,000	August 2012 (subject to availability)	Be able to plot them on a map and take action on unlawful ones (i.e. those which have not been there for more than 4 years.
5	Review pilot and ongoing blitz as well as Benefits/Tax and Audit Investigation outcome	Within 1 above	Sep 2012	Confirm scope of problem and indicate future priority areas.

	Action to be taken	Financial implications	Timetable	Outcomes
6	Take forward the cases that have been identified as dwellings and issue enforcement notices (1 above)	Within 1 above	Phased between August-December 2012	The buildings become illegal
7	Deal with any appeals that have been made against the notices issued (6 above)	Within 1 above	October to March 2012	The buildings become illegal
8	Direct Action to ensure compliance with enforcement notices (7 above)	Within 1 above	March, 2013 and on wards	Resolved the problem by demolishing the building
9	Publicity for the Direct Action and consultation for an Article 4 direction covering problem areas.	£15,000	February and March 2013	Helps to act as a deterrent. Also people become more aware of the problem and are more likely to report it to the Council. This can also double up as the consultation period for a new article four direction and more restrictive local development order for out buildings in problem areas.

	Action to be taken	Financial implications	Timetable	Outcomes
10	Extend the pilot area to cover 3 or 4 wards. Tackle problem streets – be more rigorous in gaining access where access has not previously been obtained to improve evidence gathering. Issue enforcement notices where breaches have been identified.	£3,000 – use of locksmith + the 2 new members of staff as set out in action point 3	December 2012 and January 2013	Tackle all beds in sheds in the 3/4 problem areas
11	Liaise with Housing. Those beds in sheds which have been there for more than 4 years and accommodation is unacceptable should be issued with suspended prohibition orders	Cost of rehousing if living conditions are so bad that the prohibition orders can not be suspended. £10,000 for temporary accommodation	On going	Help resolve the problem of very poor accommodation



Planning Committee

3rd July 2012

Report from the Assistant Director, Planning & Development

Wards affected:
Wembley Central, Tokyngton, Barnhill,
Preston, Stonebridge

Local Development Framework - **Wembley Area Action Plan** **Preferred Options for Public Consultation**

1.0 Summary

1.1 Having considered responses to consultation on the Wembley Area Action Plan Issues and Options document in September last year, it is now proposed to consult on the Council's Preferred Options. This is effectively a draft new Development Plan for Wembley. This report provides a summary of the main consultation responses, explains the contents of the draft Plan and recommends that this is made available for public consultation for 8 weeks commencing on August 13th.

2.0 Recommendations

- 2.1 That Planning Committee recommends to Executive that the Preferred Options of the Area Action Plan (attached) for public be agreed for public consultation commencing on 13th August.
- 2.2 That the Assistant Director, Planning & Development is authorised to make further editorial changes to the document prior to finally issuing it for public consultation.

3.0 Detail

Introduction

3.1 The reasons for producing the Area Action Plan (AAP) derive from the need to bring UDP policy, particularly the Wembley Regeneration Area chapter, first drafted in 2000 and adopted in 2004, up-to-date. It was a commitment made by the Council at the beginning of the LDF process in 2005 and is a logical step in drawing up the folder of Development Plan Documents (DPDs) that will make up the LDF and ultimately

supersede the UDP. The AAP also consolidates detailed policy and guidance currently contained in a number of documents, including the Wembley Masterplan 2009, the Wembley link SPD 2011 and the Wembley West End SPD 200.

Current Stage

- 3.3 So far the Council has had a preliminary round of public consultation, in September - November last year, on the planning issues for the Wembley area and on the options for dealing with these.

Summary of Responses at Issues and Options Stage

- 3.4 Seventeen organisations responded to the consultation in September - November 2011 generating 278 comments. This included bodies such as the GLA, TfL, and the Environment Agency as well as major developers/landowners in the area such as Quintain Estates and Development Ltd and P J Carey Ltd. Responses were received from the following organisations:

- Brent Green Party
- Maddox Associates (on behalf of Solum Regeneration)
- Quintain Estate & Development Plc
- Greater London Authority
- DP9 (on behalf of owners of Kelaty House)
- College of North West London
- Environment Agency
- Friends Families & Traveller Law Reform Project
- PJ Carey Ltd
- Natural England
- Sport England
- Thames Water Plc
- Environment Agency
- Metropolitan Police Authority (Agent CgMs)
- Transport for London
- London Brent Congregation of Jehovah's Witnesses

- 3.5 The detailed responses varied quite considerably, to an extent depending upon what their particular interests are. All of the representations can be viewed on Brent's website at:

http://brent.limehouse.co.uk/portal/waap_io

- 3.5 Some of the key points made in response to the consultation are summarised below:

Urban Design

- Shouldn't be prescriptive about public realm. (Quintain, DP9, College of NWL)
- Produce a tall buildings strategy for the entire Plan area (GLA, Green Party)
- Include a public art strategy in the Plan (All)

Business, Industry and Waste

- De-designate Strategic Industrial Land (SIL) immediately adjacent to key sites identified for regeneration which will include residential or other sensitive uses (GLA, Quintain)
- De-designate substantial part of the SIL to facilitate wider regeneration and environmental improvement (Brent Green Party, DP9, PJ Carey Ltd)
- There was general support for the promotion of low cost affordable workspace (All)
- There was both support for restricting further waste management uses (Brent Green Party, DP9) and for treating proposals on their merits (GLA, Quintain, Environment Agency)
- General support for removing or reducing the Business Park designation.
- General support for allowing purpose-built office development to be converted to residential or other non-commercial uses

Transport

- Minimum road improvements necessary to prevent unacceptable levels of traffic congestion (Brent Green Party, TfL)
- A balance between minimising car use and ensuring that the area is also attractive to those who wish to come by car (Quintain, DP9)
- Restrain car use by applying low maximum standards and direct resources towards improving public transport, walking and cycling (Brent Green Party)
- Seek a balance between the London Plan parking standards, the existing Borough standards and the need to ensure new development is served adequately (Quintain,DP9)
- General support for providing shared surfaces throughout the new urban quarter close to the Stadium

Housing

- General support for accepting Affordable Rent as part of the tenure mix in Wembley
- Designate sites suitable for more family housing in Wembley (Brent Green Party, GLA)
- Leave at Core Strategy target of 25% 3 or more bedrooms (GLA, DP9)
- Set quota or target for Extra Care housing in Wembley (GLA, Quintain)

Town Centres, Shopping, Leisure and Tourism

- Policy to control size and type of units in line with indicative town centre uses across Wembley (Brent Green Party, GLA)

- Policy which allows for take aways and fast food outlets to be located close to the stadium by zoning locations where they are acceptable (GLA)
- General support for encouraging landowners to allow for temporary creative uses using vacant brownfield sites
- A mix of retail uses is important to delivery of a sustainable offer in Wembley; zoning would need to be justified and not overly prescriptive (Quintain)

Social Infrastructure

- Provide a new primary school in the AAP area (all)
- Provide a new central health centre could be provided towards the end of the development period once there is sufficient demand for new provision (all)
- Provide Space for additional GPs could be provided by expanding existing GP practices in the Wembley area (GLA)
- Smaller, specialised community facilities (GLA and Metropolitan Police Authority)
- Provide less new community space but at a subsidised rate to increase affordability (GLA and London Brent Congregation of Jehovah's Witnesses) and funding from development such as S106/CIL and New Homes Bonus could be used to support and expand existing community facilities in Wembley (GLA, Brent Green Party and London Brent Congregation of Jehovah's Witnesses)
- Encourage shared space and multi-faith facilities (all)

Climate Change

- General support for the minimisation of carbon emissions from buildings
- Wembley District Energy Heat Network – support for compelling adjacent sites to connect to one another where feasible (Quintain, Brent Green Party) and require future proofing measures (Brent Green Party, GLA)
- Provide energy from waste by identifying sites appropriate for locating anaerobic digestion plants (all)
- Introduce a new policy to require developers proposing new waste processing facilities to carry out a feasibility study to investigate if heat could be provided to Wembley from biomass or biomass by-products and anaerobic digestion from municipal waste or other sources (all)
- Set a standard for electric car charging points in private car parks eg. one for every 30 cars (Brent Green Party) and identify the locations for electric car recharging units in Wembley (TfL)
- Set a target to increase the proportion of green cover in Wembley, using green space, green roofs and tree planting (all)

Open Space, Sports and Wildlife

- Set a series of additional criteria for the new park (Brent Green Party, Environment Agency) and specify that the new park be located adjacent to Engineers Way, orientated East to West (Greater London Authority, Natural England)
- Set no further requirements regarding the new park other than repeating the quantum of open space required by the Core Strategy (Quintain)
- Support for open space improvements and for new food growing space to be provided in the Wembley area (all)
- Support for improvements to sports facilities in the Wembley area including using S106/CIL and enabling new or upgraded sports facilities available for community use out of school hours (all)
- Support for increasing play provision by providing formal play areas in open spaces along with a more play friendly environment and public spaces (all)
- Support for improving wildlife and people's access to nature

Summary of Preferred Options

- 3.4 The Vision and objectives for the Plan have been shaped by the Core Strategy and the Wembley Masterplan. There are also key policies in the Core Strategy, particularly policy CP7 dealing with the Wembley Growth Area, which determine the basic strategy for the area. This includes targets such as the number of homes to be built (11,500 from 2007 to 2026) of which 50% should be affordable, a target of 10,000 new jobs and a range of new development including expansion of the town centre eastwards. All this is to be supported by new infrastructure including, for example, new schools, new health facilities, new public open space, a new community pool and a new combined heat and power plant if financially viable.

Key Policies

3. Below is a summary of the key policies in the Plan by topic. There are also a number of major site proposals which provide further detailed guidance. on individual sites.

Urban Design & Placemaking

- **Character & Urban Form** - Development should seek to reinforce and emphasise the distinctive character of each locality
- **A Legible Wembley** - The council will continue to focus of the three stations as the principle gateways into the Wembley area, whilst the enhancement of nodes around key junctions will be sought
- **Public Art** - Contributions towards public art will be sought from development within the area, particularly at key gateways or where new open spaces are proposed

- **Tall Buildings** - will be acceptable only in a limited number of locations within the Wembley area. These are shown in the Plan. A number of views to the stadium will be protected
- **Olympic Way** - Development must be carefully designed and scaled to respect the predominance of Wembley Stadium and its arch.

Business, Industry & Waste

- **Strategic Industrial Locations (SIL)** - De-designation of relatively small areas of land including on South Way (temp. Stadium car park) and the Euro Car Parts site
- **Wembley Stadium Business Park** - area reduced in size with waste management limited to east of the area
- **Offices** - Purpose-built offices promoted in area close to Wembley Park station

Town Centres, Shopping, Leisure And Tourism

- **Town centre boundary** - defined for area extending from Forty Lane to Ealing Road
- **Sequential approach to development** - is emphasised, with large foodstore directed to High Road location, preferably Brent House
- **Large-scale leisure/tourism/cultural development** – is appropriate east of Olympic Way
- **Hot-food takeaways** - No more within 400m of school entrance and no more than 7% in any stretch of primary or secondary frontage (currently 7% in Wembley as a whole)
- **Vacant sites or buildings** - promoted for occupation by temporary, creative uses

Transport

- **Improved access** - for public transport, pedestrians and cyclists, particularly along the Wembley Hill Road / Forty Lane corridor
- **Improved highway access** - for car travel from the North Circular by improving the Stadium Access Corridor (via Great Central Way / South Way) and the Western Access Corridor (via Fifth Way / Fulton Way). The site proposals identify some relatively small land requirements to enable junction improvements and road widening at a number of locations.
- **Buses** - incrementally provide improved penetration of the masterplan area by buses as development is built out
- **Car parking** - encourage car parking in locations on the edge of the town centre

- **Through traffic** - package of measures to discourage through traffic on Wembley High Road
- **Pedestrian access** – to be improved between the Masterplan area and High Road
- **Coach parking for stadium**- criteria based approach for locations including within 960 metres

Housing

- **Affordable Rent** at up to 80% of market rent, including service charges and determined with regard to local incomes and house prices
- **Family Housing** – at least 25% of new homes in Wembley should be family sized
- **Supported Housing** – Existing supported housing protected. Extra care housing sought on sites where development is primarily residential, where residential amenity is good and where it is near to open space
- **Private Rented Sector** – high quality, purpose-built, private sector rented accommodation will be encouraged through a flexible approach to the proportion of affordable housing and unit size mix.
- **Student Accommodation** – will form part of major mixed use development but will be capped at 20% of the projected increase in population

Social Infrastructure

- **Primary Schools** - Provision of school land on the Wembley Industrial Park site - identified in Site Specific Allocation. A further (minimum) two form entry school in the vicinity of the town centre.
- **Secondary Schools** - Contributions towards secondary provision will also be sought through CIL
- **GP/Dentists provision** - where other local capacity (e.g. Chalkhill Health Centre) is used up-long term provision as population grows
- **Community Halls** - provision as provided in the NW Lands (i.e. smaller areas at no rent) and use this as a basis of achieving space across the masterplan area
- **Creative workspace** - Cross reference to the created in NW Lands application & intention to provide more low cost creative workspace in mixed used developments across the area
- **Sports and play infrastructure** - Cross reference to that may sit in open space and housing chapters

- **Temporary uses** - reference to provision of meanwhile and temporary uses that will provide opportunities for social interaction

Climate Change

- **Decentralised Energy** - major developments will be expected to connect to, or contribute to, the Decentralised Energy System where feasible. Developments completed before the energy centre should be designed for future connection
- **Energy from Waste** - major energy from waste facilities will be allowed only east of Fourth Way. Smaller scale proposals to recover energy from waste generated locally will be supported subject to impact assessments
- **Greening Wembley** - development proposals must incorporate urban greening including green roofs, green walls, trees and soft landscaping
- **Flooding** – proposals within Flood Risk Zones must not reduce floodplain storage or increase maximum flood levels. All major proposals will be required to apply Sustainable Urban Drainage Systems

Open Space, Sports and Wildlife

- **Open Space Provision** - require a new park of 1.2ha adjacent to Engineers Way, orientated E-W and 3 parks of 0.4 ha. Support enhancement and improvements e.g. a new pedestrian bridge link across Met. /Jubilee lines to Chalkhill Open Space
- **Food Growing** - require major new residential development to provide space for food growing and encourage the use of vacant spaces for temporary food growing
- **Sports Facilities** - use development contributions to improve the provision of sports facilities and the council will make new or upgraded sports facilities available for community use out of school hours
- **River Brent and Wealdstone Brook** – adj. development sites to undertake opportunities to provide amenity space, biodiversity improvements and semi-naturalisation of Wealdstone Brook

Site Proposals

The following sites are included in the Plan with more detailed planning guidance for potential development. Guidance is generally indicating appropriate land uses, special requirements such as active frontages and land take for junction improvements or road widening:

Wembley High Road

- Wembley West End
- London Road
- Chiltern Line Cutting North

- Wembley High Road/Chiltern Line Cutting South
- Brent House & Copland School

Comprehensive Development Area

- Land at South Way
- Land west of Stadium
- North West Lands
- Stadium Retail Park
- Arena House
- Apex/Karma House
- Olympic Office Centre
- Wembley Retail Park
- Stadium main car park

Wembley Park Corridor

- Wembley Park station car park
- Torch/Kwik Fit
- Brent Town Hall
- Cottrell House

Wembley Eastern Lands

- Amex House
- Watkin Road
- Euro Car Parts
- First Way

Wembley Industrial Estate

- Second Way
- Drury Way
- Great Central Way

Public Consultation on the Preferred Options

- 3.5 Appendix 2 sets out in full the draft Preferred Options document. Executive is asked to agree this for public consultation, subject to officers making further minor changes such as improving the document's legibility with better images, illustrations, etc. It is proposed that the consultation starts on 13th August for 8 weeks.
- 3.41 This stage of consultation is seeking views on what is effectively a draft Plan. A publicity leaflet will be prepared and the consultation will be advertised. Residents' associations, etc. in the Wembley area will be targeted for consultation and the Wembley Area Consultative Forum will provide a mechanism for publicity/discussion. Also, there has been an opportunity to take advantage of a Community Roadshow scheduled for Wembley Central Square for one week commencing on 13th August. This will help ensure that the consultation is publicised to wide audience, particularly local residents and visitors to the town centre.
3. Those who wish to respond to the consultation will have the opportunity to do so in detail to separate parts of the document via the online consultation module, and to make written submissions including by e-mail. All comments received will be taken into account in revising the Plan before it is made available again and submitted for Examination.

Timetable for Preparing the Area Action Plan

- 3.42 The timetable for taking the Area Action Plan forward is set out below:

Consultation on Preferred Options	Aug. 2012
Pre- submission Consultation (Publication)	Dec. 2012
Submission	Mar. 2013
Examination Hearings	July 2013
Adoption	Dec. 2013

4.0 Financial Implications

- 4.1 The preparation and ultimate adoption of an Area Action Plan will provide a more up to date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the Plan have a good chance of receiving planning consent.
- 4.2 The costs of preparing the WAAP will be met mainly from Planning & Development budget. However, additionally there has been a need for studies, particularly dealing with transport matters, which providing evidence to support new policies and proposals. Much of this work has already been undertaken and funded. If further work is necessary, including the costs of consultation, then a business case for undertaking the work will be prepared. Any additional funding will be sought from existing budgets in Regeneration and Major Projects Department. To date the total cost of studies has been estimated at about £100,000.
- 4.3 Costs associated with public consultation are likely to be no more than £10,000 for each round of the two rounds remaining and there will be a cost of Examination in

2012/13 of about £60,000. The Examination will be funded by the Departmental Projects budget.

- 4.4 There will also be scheme delivery and land costs associated with road widening and junction improvements proposed in the Plan. These are to be estimated before Executive meeting on July 16th. Scheme costs and property acquisition will generally be funded from S106 and CIL. In most cases there will be relatively straight forward acquisition of small areas of land. However, at Wembley Triangle for example acquisition of a number of properties to the west of Wembley Hill Road will be necessary if the full scheme is to be implemented. In this case implementation of the scheme will have to be on redevelopment of the site only if the costs of acquisition are so high that they are prohibitive.

5.0 Legal Implications

- 5.1 The preparation of the LDF, including the Wembley AAP, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the DPD will have substantial weight in determining planning applications and will supersede part of the UDP.

6.0 Diversity Implications

- 6.1 Full statutory public consultation is being carried out in preparing the DPD and an Impact Needs / Requirement Assessment (INRA), which assessed the process of producing the LDF, was prepared and made available in 2008. An Equalities Impact Assessment will be prepared to accompany consultation on the draft Plan.

7.0 Staffing/Accommodation Implications

- 7.1 The reduced level of staff available to work on the Plan means that it is not possible to bring it forward according to the timetable agreed by Executive in November. Future progress will be dependent upon priorities identified for limited staff resources.

8.0 Environmental Implications

- 8.1 The DPD deals with the development of the Borough's main regeneration area and thus will have a significant effect on controlling impacts on the environment including requiring measures to mitigate climate change. Sustainability appraisal will be undertaken at all stages of preparing the DPD.

9.0 Background Papers

Brent Core Strategy July 2010
Brent Site Specific Allocations Development Plan Document
Wembley Masterplan, June 2009
Wembley Link SPD, July 2011
Wembley AAP, Issues & Options, Sept 2011

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development 020 8937 5309

Chris Walker
Assistant Director, Planning & Development

Appendix 2 – Wembley Area Action Plan – Preferred Options

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Planning Committee

3rd July 2012

Report from the Assistant Director, Planning & Development

Wards affected:
All

National Planning Policy Framework

1.0 Summary

- 1.1 This report updates Members on changes to national planning policy through the publication of the new National Planning Policy Framework in March 2012. This report provides a summary of key policies within it and the implications for Brent.

2.0 Recommendations

- 2.1 That Planning Committee notes the contents of the new National Planning Policy Framework and the implications of this for making planning decisions in Brent.

3.0 Detail

Introduction

- 3.1 Planning Committee, in November 2011, agreed the council's formal response to the draft National Planning Policy Framework (NPPF) which had been made available for public consultation. The proposals outlined in the Framework were highly controversial and were considered to have potentially far-reaching consequences for planning in England.

National Planning Policy Framework

- 3.2 The new National Planning Policy Framework, which was published on March 27th 2012, has replaced nearly all existing national planning policy and guidance included in national Planning Policy Guidance notes and Planning Policy Statements. It took immediate effect and reduced national planning policy to under 50 pages from several hundred pages.
- 3.3 Nearly all of the fundamental principles of previous planning policy remain, with a few notable differences which are explained below, and revisions since the draft have restored a number of important policies. There is, however, much less detail which

could give rise to more cases being determined at appeal, especially where no guidance is included or where the precise meaning of policy may be open to interpretation.

- 3.4 The key policies in the new NPPF are summarised below and, where there has been a substantial change from the draft, this has been highlighted by a strike through showing a deletion from the text in the draft and new text inserted since the draft is underlined:

Presumption in Favour of Sustainable Development

- Absent from the draft version, it includes the Brundtland definition of sustainable development
- For plan- making: Local planning authorities (lpa's) should positively seek opportunities to meet the development needs of their area and prepare Local Plans to meet objectively assessed development needs.
- For decision-taking: Approve proposals that accord with statutory plans without delay
- Grant permission where the plan is absent, silent, ~~indeterminant~~ or relevant policies are out of date

Core Planning Principles

These underpin plan making & decision-taking.

- Plan-led, with succinct Local & Neighbourhood Plans
- Creative exercise in finding ways to enhance & improve places
- Take into account: local circumstances, land prices, housing affordability, environmental quality, health & wellbeing - protecting Green Belts around them, recognising intrinsic character and beauty of the countryside
- Seek high quality design & good standard of amenity
- Support low carbon future, enable re-use (e.g. conversion of existing buildings)
- Allocate land of less environmental value where ~~practical & consistent~~ with other ~~objectives~~ polices in this Framework
- Encourage reuse of land that has been previously developed (brownfield land)
- Promote mixed-use developments, ~~vibrant places~~ & recognise multiple benefits of open space (wildlife, recreation, flood prevention, carbon storage, food production)
- Conserve heritage assets
- Make fullest use of public transport, walking & cycling

- ~~Default answer is 'YES' except where this would compromise sustainable development~~

Economy

- Planning should encourage and not act as an impediment to sustainable economic growth
- 'avoid long term protection of employment sites' remains but caveated by 'where there is no reasonable prospect of a site being used for that purpose'

Town Centres

- Sequential approach to development strengthened from draft - ~~lpa's should prefer applications for retail and leisure uses to be in town centres~~ lpa's should apply a sequential test to main town centre uses
- now applies to all main town centre uses including offices

Transport

- Facilitate economic growth
- ~~Where practical & where reasonable~~ encourage low emission solutions
- No requirement to apply maximum parking standards, although it remains in the London Plan
- Housing
- now includes an explicit reference to prioritising 'brownfield' land for development
- Lpa's with a record of persistent under delivery will have to find an extra 20% on top of 5 year supply
- Windfall sites can be included in 5 year supply if compelling evidence that sites consistently become available

Design

- Good design is indivisible from good planning
- should contribute positively to making places better for people
- ~~Promote good design that ensures attractive, usable & durable places~~
- Local & Neighbourhood plans should develop robust & comprehensive policies
- Permission should be refused for development of *obviously poor design*
- Local design review arrangements & national design review for major projects

Historic Environment

- Conserve heritage assets in manner appropriate to their significance
- Balanced judgement will be needed when taking into account effect of development proposal on non designated heritage assets

Natural Environment

- Aims to minimise adverse effects (rather than enhance)
- Encourage reuse of previously developed brownfield land
- Allows for loss of open space, sports and playing fields if benefits clearly outweigh loss
- Identify in local & neighbourhood plans protection for 'Local Green Spaces' – demonstrably special to local community

Climate Change

- Council targets on decentralised energy or carbon emissions reduction should not make development unviable
- Local requirements for building's sustainability...should be consistent with the Government's zero carbon policy and adopt nationally described standards.
- Local plans should apply sequential, risk based approach to location of development (flood risk)

Plan - making

- Development Plan to be consistent with NPPF – including presumption in favour of sustainable development
- Only policies that provide a clear indication of how decision maker should react to development should be included
- Produce a Local Plan – can be reviewed in whole or in part
- SPDs – used to help applicants make successful applications or aid infrastructure delivery ~~only where these bring forward sustainable development.~~ There should be no additional financial burden.

3.5 In addition to the NPPF itself, some technical guidance has been produced dealing with flooding and mineral extraction which retain the key elements of the former Planning Policy Statements dealing with these topics.

3.6 There is also an Annex on Implementation which has substantial implications for planning in Brent. This states that lpa's may give full weight to relevant policies adopted since 2004 for 12 months, even if there is a degree of conflict with the NPPF. Where there is conflict, or where the NPPF is silent, no weight can be given to policies

adopted before the 2004 Planning & Compulsory Purchase Act (i.e. saved UDP policies) as of March 27th. The Framework states that lpa's should progress revisions to Plans as quickly as possible to take account of the Framework. The implication for Brent is that many saved UDP policies, adopted prior to the 2004 Act, will need to be reviewed as they may be afforded very little weight if relied upon in determining planning applications. It is proposed that work will commence on bringing forward a new Development Management Policies document as part of the LDF before the end of this financial year.

4.0 Financial Implications

4.1 There are no direct financial implications arising from this report. However, the need to review saved policies in the UDP will have cost implications in terms of staff resources necessary and to fund the process of statutory consultation and Examination.

5.0 Legal Implications

5.1 The borough's plans and planning decisions will have to be in line with the new NPPF.

6.0 Diversity Implications

6.1 There are no diversity implications arising from this report.

7.0 Staffing/Accommodation Implications

7.1 The need to bring forward the preparation of a Development Management Policies document will require appropriate staff resources to be applied to this.

8.0 Environmental Implications

8.1 Clearly the introduction of a new National Planning Policy Framework has major implications for development everywhere and so it is important in shaping the environment in Brent.

9.0 Background Papers

National Planning Policy Framework, March 2012

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development 020 8937 5309

Chris Walker

Assistant Director, Planning & Development

