



Brent

SUMMONS TO ATTEND COUNCIL MEETING

Monday 18 January 2016 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

To the Mayor and Councillors of the London Borough of Brent and to each and every one of them.

I hereby summon you to attend the MEETING OF THE COUNCIL of this Borough.

CAROLYN DOWNS
Chief Executive

Dated: Friday 8 January 2016

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1353, peter.goss@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
democracy.brent.gov.uk

The press and public are welcome to attend this meeting
Please note this meeting will be filmed for live broadcast on the Council's website. By entering the meeting room you will be deemed to have consented to the possibility of being filmed and to the possible use of those images and sound recordings for webcasting.

Agenda

1 Minutes of the previous meeting 1 - 10

2 Declarations of personal and prejudicial interests

Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interest in any matter to be considered at this meeting.

3 Mayor's announcements (including any petitions received)

4 Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)

5 Report from the Leader or members of the Cabinet

There is no report to this meeting.

6 Deputations (if any)

To hear any deputations received from members of the public in accordance with standing order 39.

7 Questions from the Opposition and other Non-Cabinet Members

Questions to be put to members of the Cabinet in accordance with standing order 40.

8 Report from the Chair of Scrutiny Committee

The Chair of the Scrutiny Committee to report to Council in accordance with Standing Order 41.

9 Backbench members' debate

Full Council will be asked to suspend Standing Order 37 in so far as to permit this additional item to be taken.

10 By election result 11 - 12

To receive the Kensal Green by election result.

11 2014/15 Treasury Management Outturn 13 - 26

This report updates members on Treasury Management activity and confirms that the Council has complied with its Prudential Indicators for 2014/15.

12 2015/16 Mid Year Treasury report 27 - 34

This report asks Council to note the 2015/16 mid-year Treasury report which has been considered by the Audit Committee and the Cabinet.

13 Changes to the Constitution 35 - 46

This report informs Members of changes to the officer scheme of delegations following the implementation of the senior management restructure; changes to contract standing orders in line with new EU procurement thresholds and clarification of standing orders 78 and 79.

14 Brent Draft Development Management Policies Development Plan Document - Submission 47 - 170

This report asks Council to consider the representations made at Publication stage, officers' recommended responses and where appropriate the proposed minor modifications to the draft Plan before approving the draft Plan for formal submission.

15 Motions

To debate the motions submitted in accordance with Standing Order 45.

16 Urgent business

At the discretion of the Mayor to consider any urgent business.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL
held on Monday 23 November 2015 at 7.00 pm

PRESENT:

The Worshipful the Mayor

Councillor Lesley Jones MBE B.Ed MA

The Deputy Mayor

Councillor Parvez Ahmed

COUNCILLORS:

Aden	Agha
Allie	Bradley
Butt	Carr
S Choudhary	A Choudry
Colacicco	Collier
Colwill	Conneely
Crane	Daly
Davidson	Dixon
Duffy	Eniola
Ezeajughi	Farah
Harrison	Hector
Hirani	Hoda-Benn
Hossain	Hylton
Kabir	Kelcher
Khan	Long
Mahmood	Marquis
Mashari	Maurice
McLeish	McLennan
Miller	Moher
J Mitchell Murray	W Mitchell Murray
Naheerathan	Nerva
M Patel	RS Patel
Pavey	Perrin
Shahzad	Ms Shaw
Ketan Sheth	Krupa Sheth
Southwood	Stopp
Tatler	Thomas
Van Kalwala	Warren

Apologies for absence

Apologies were received from: Councillors Chohan, Denselow, Kansagra and

Oladapo

1. **Procedural motion**

Councillor Kabir moved a procedural motion.

RESOLVED:

That in respect of Summons items 7, First Reading of the Budget:

the Leader be permitted up to 10 minutes in which to present the report,
a representative of the Conservative Group be permitted up to 10 minutes to debate the item,
a representative of the Brent Conservative Group be permitted up to 10 minutes to debate the item,
the Deputy Leader be permitted up to 10 minutes to debate the item,
a general debate to follow, in accordance with Standing Order 46,
the Leader be invited to respond to the debate for up to 5 minutes.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 7 September 2015 be approved as an accurate record of the meeting.

3. **Declarations of personal and prejudicial interests**

None declared.

4. **Mayor's announcements (including any petitions received)**

The Mayor announced with sadness that Councillor Dan Filson had passed away suddenly on Friday 30 October 2015. She offered her sincerest condolences and deepest sympathies to Councillor Filson's family and friends.

The Mayor extended her sincerest condolences to the families and friends of those killed and injured in the devastating attacks in Paris and Mali during the past week. She added that Brent stood shoulder to shoulder in solidarity with those countries who are victims of terror.

In memory of Councillor Dan Filson and those killed and injured in recent terrorist attacks the Council stood in silence for one minute.

The Mayor invited councillors to pay tribute to Dan Filson and his work as a councillor both in Brent and in Hammersmith and Fulham and welcomed his sister Deborah Filson who was present at the meeting. The Leader of the Council and a number of other councillors referred to Dan Filson as being generous, kind, a committed democrat, hard working with a good sense of humour. Particular reference was made to his work as chair of Scrutiny Committee and his efforts to increase the profile of scrutiny within the Council.

The Mayor announced that Councillor Carr had asked her to confirm that, following her speech at the meeting of Council in September, she had written to Mr Phillip Grant to apologise for her comments. Councillor Carr recognised that it was not appropriate to personalise and express her views on the correspondence from Mr Grant at a public forum in the way she had.

The Mayor announced that in September 2015, the Queen became the longest serving monarch in Britain's history. She congratulated Her Majesty on behalf of all Brent residents.

The Mayor was pleased to announce that Councillor Oladapo had been discharged from hospital following successful surgery and was now at home recuperating. His aim was to return to council duties in the New Year and he looked forward to seeing his friends and colleagues again then.

The Mayor stated that she had been proud to lead this year's Borough Remembrance Services at both Barham Park and the Civic Centre. It had been wonderful to see so many attending both services, and especially the Ghurkhas who marched in the procession for the first time.

The Mayor referred to the first visit to the UK of Narendra Modi as India's Prime Minister on 20 November, and the estimated 60,000 visitors to Wembley Stadium. She was sure members would recognise the solemnity of this occasion.

The Mayor announced that Brent's Annual 'White Ribbon Day' would be on 25 November from 10am until midday at the Tricycle Theatre in Kilburn. The day would focus on the particular issue of Female Genital Mutilation (FGM) and feature first hand stories from survivors as well as advice on practical steps on how to combat it. The Mayor encouraged everyone to attend.

The Mayor congratulated Councillor Denselow on his recent marriage.

The Mayor announced that her charity Christmas party would take place on 10 December 2015 and anyone wishing to purchase a ticket should contact her office.

The Mayor announced that Andy Donald (Strategic Director, Regeneration & Growth) would soon be leaving Brent to take up the position as Chief Executive in Redbridge. Andy had worked for Brent for over 15 years and had contributed a great deal to the regeneration of the Borough. On behalf of the Council she wished Andy Donald well in his new role.

5. **Deputations**

None.

6. **Appointments to committees and outside bodies and appointment of chairs/vice chairs**

RESOLVED:

- (i) that Councillor Kelcher be appointed chair of Scrutiny Committee and Councillor Long be appointed to fill the vacancy on the Scrutiny Committee;
- (ii) that Councillor Mahmood be appointed to replace Councillor Naheerathan on the Alcohol and Entertainment Licensing Committee.

7. Report from the Leader or members of the Cabinet

There was no report to this meeting.

8. First reading debate on the budget

Councillor Butt opened the debate by referring to the 36% cut in the Council's budget and the further 30% cut required over the next 4 years. He attacked the Government's management of the economy and stated that the Council needed to plan for the worst case scenario given the Government's track record. The message from the Council was that it would continue to protect those services most needed by local residents and he referred to a number of areas where the Council was working with local communities and partner agencies to maintain the delivery of services. Nevertheless he accepted that deep cuts would have to be made which would affect some services. Many areas so far protected would have to be looked at again in view of the savings that needed to be made in 2017/18. Councillor Butt stated that the possibility of increasing Council Tax would be considered.

Councillor Maurice stated that the level of cuts still only formed a small proportion of the Council's expenditure and that other Councils were able to achieve these savings. He referred to the London Borough of Wandsworth which had the lowest Council Tax in the country. Councillor Maurice felt that lessons could be learned from a borough such as this.

Councillor Warren referred to the previous Labour Government and suggested it was the cause of the financial situation now faced by the country. He expressed his hope that future Council spending plans would not be subject to long consultation exercises. He felt the Council should know what services residents wanted and suggested they wanted more spent on street paving, security through the provision of more CCTV and neighbourhood watch schemes, rubbish clearance and community libraries. Councillor Warren wanted to see savings made by removing the various consultation forums and deleting the press and communications function. He wanted to see the green bin tax abolished and withdrawal of the changes to parking permit charges. Councillor Warren stated that he would present in February a legal and fair alternative budget including a 2½% reduction in Council Tax.

Councillor Pavey referred to the unusual level of uncertainty in planning for a budget with new schemes being announced by the Government but with no details accompanying them. This had the potential for local councils being left to pick up the pieces. He felt that Government was trying to micro manage local councils and criticised the adverse affect this had on local residents. Councillor Pavey submitted that the budget submitted in February would be based on civic enterprise. It would be a creative, dynamic forward looking budget.

During the debate there was criticism of the Chancellor's ambition to try to cut the deficit in one go. The view was expressed that Labour Councils were innovative and well managed, working with their staff and trade unions in order to keep services running. Reference was made to social care needs across London and the work being undertaken to meet demand. The impact on the NHS of cuts in social care was highlighted and the need to spend on prevention in health not just treatment. It was disputed that only 2-3% of the Council's budget was being cut when it was felt to be clear that the Council would lose 50% of its budget. The reduction in funding was seen as an attack on local government. Concern was expressed for maintaining the provision of services for women, which it was felt were vulnerable to being impacted disproportionately. Reference was made to Conservative Council Leaders expressing concern over the level of cuts being imposed. The view was expressed that Council Tax needed to be increased by the permitted 2% to help fund social care. A specific request was made for provision to be made for improving air quality and increasing cycling facilities.

An alternative point of view was submitted that comments made on the budget represented a negative attitude. It was submitted that it was clear that residents wanted their rubbish collected, the streets kept clean and pavements maintained. Instead there were record levels of fly tipping and criticism was levelled at the green bin charges. Additionally it was put forward that only a negative response was forthcoming from the Council on the Chancellor's announcement regarding business rates.

Additional suggestions put forward to improve the budget situation were to charge councillors for use of the Civic Centre car park, delete the provision of refreshments at Council meetings and reduce the use of paper by restricting the circulation of paper copy agendas. A request was made to explore the establishment of a mutual co-operative for the New Millennium day centre and progress the Church Road redevelopment. The view was expressed that the arrangements for the provision of green bins were an improvement. However criticism was voiced over past officer restructures carried out at a cost to the Council. It was submitted that all governments had a duty of care towards local people and that local councillors were elected to improve the lives of people not see cuts implemented which affected the lives of young people, especially the poorest.

Councillor Butt thanked those who had made a contribution to the debate. He criticised those members who spoke in opposition to the budget proposals but did not mention the pressures facing adult social care, housing and the provision of school places. He stated that the Council was working with businesses, looking at flexible models of provision, ensuring key contracts were delivering value for money and at the same time providing the first house building programme for many years. However, he reiterated that the Council was losing £50M and this would affect the poorest most vulnerable people.

RESOLVED:

that the contents of the report from the Chief Finance Officer be noted and Scrutiny Committee be informed of the outcome of the first reading debate.

9. **Report from the Chair Scrutiny Committee**

There was no report to this meeting.

10. **Backbench members' debate**

Police Community Support Officers(PCSOs)

Upon the Mayor submitting it to a vote it was agreed to suspend Standing Orders in so far as to allow a non cabinet members' debate to take place at the meeting.

RESOLVED:

That standing order 37 be suspended in so far as to allow a non Cabinet members' debate to take place at the meeting.

The Mayor reported that the most support received for discussion of an item was on the provision of PCSOs in the borough. She explained that 20 minutes would be allowed for this item.

It was submitted that the biggest issue on which many ward councillors received casework was on crime and anti social behaviour. Reference was made to murders and burglaries with a plea for more deployable CCTV in the Kensal Green area. A respect for the role of PCSOs was stated but nevertheless their number had been reduced from 5000 to 800 and there was concern that this number would be removed. It was submitted that removal of a police presence in an area resulted in an increase in crime. A plea for additional CCTV in the north of the borough was made. It was submitted that cutting the number of PCSOs did not fulfil the government's duty of care. The borough and specifically Harlesden had seen a steady drop in crime. It was felt that this was down to PCSOs working with the local community and freeing Police time to deal with more serious crime. A call was made for the Mayor of London to protect the provision of PCSOs. It was stated that police cuts led to increased crime and that crime had a debilitating effect on a neighbourhood.

An alternative view was submitted that Brent currently had record low levels of unemployment and had benefited from a huge drop in crime with the number of burglaries and robberies down. It was scaremongering to suggest there would not be a police presence in the area and there was little evidence that PCSOs made much difference to the level of crime.

In contrast it was submitted that investment in policing was the reason for the fall in crime and further reductions would have a devastating effect on the borough. The view was expressed that PCSOs provided local knowledge and cutting their numbers would put a strain on the relationship between police and local residents.

Councillor Butt responded to the debate on behalf of Councillor Denselow (Lead Member, Stronger Communities). He felt that the concerns expressed were valid and at a time of heightened fears over security the Government was making the situation worse. He referred to the cuts to the police service and that PCSOs had been a familiar re-assuring sight on London streets. He had taken the issue up with the Borough Commander and partner agencies to make sure everybody worked together to provide re-assurance to local residents that they were safe.

11. **Statement of Licensing Policy**

The report before members set out the requirements for the Council to publish a Statement of Licensing Policy at least once every 5 years, setting out its policies with respect to the exercise of its licensing functions. The Council's current policy had come into effect on 7 January 2011 and would expire on 6 January 2016. On 26 October 2015 the Alcohol & Entertainment Licensing Committee had agreed the draft policy.

RESOLVED:

- (i) that the draft Statement of Licensing Policy attached as Appendix 1 to the report submitted be agreed;
- (ii) that the intention to carry out a further review of the Council's policy next year with the aim of formulating practical policies which respond to local issues, assist decision making and facilitate the achievement of the Council's objectives and vision be noted.

12. **Statement of Gambling Principles**

Members considered the report regarding the need to prepare and publish every three years a Statement of Principles that sets out the Council's policy for dealing with applications and regulating gambling premises within the borough. The Council's current Statement would expire in January 2016 and therefore a draft Statement to replace it had been prepared. The Alcohol & Entertainment Licensing Committee on 26 October 2015 and Cabinet on 16 November 2015 had agreed the draft Statement of Gambling Principles.

RESOLVED:

that the revised Statement of Gambling Principles (31 January 2016 – 31 January 2019) attached as Appendix 1 to the report submitted be approved.

13. **Members' code of conduct and gifts and hospitality**

Members considered the report which set out proposed changes to the Members' Code of Conduct and a draft Members' Gifts and Hospitality Protocol for approval and the consequential amendment to Standing Orders.

It was pointed out that the Standards Committee had approved the changes and had recommended that a general obligation be added.

RESOLVED:

- (i) that the proposed changes to the Members' Code of Conduct and the consequential amendment to Standing Orders be approved, including the addition of the following general obligation:
You must not –
 - (e) make frivolous, vexatious or repeated complaints against another member or an officer of the council;
- (ii) that the draft Members' Gifts and Hospitality Protocol be approved;

- (iii) that the new Members' Code of Conduct and the Members' Gifts and Hospitality Protocol come into force on 30 November 2015 and the Chief Legal Officer be authorised to discharge the Council's duty to publicise the new Members' Code of Conduct;
- (iv) that the Chief Legal Officer be authorised to revise the Licensing and Planning Codes of Practice to reflect the new Members' Code of Conduct.

14. **Member's absence from Council meetings**

Item withdrawn

15. **Motions**

15.1 **Trade Union Bill**

Councillor Stopp moved the motion circulated under Councillor Miller's name. He accused the Government of mounting a divide and rule attack on the trade union movement and reminded members of the benefits trade unions had fought for over the years. He called for the scrapping of the bill and for the Council to stand up for the fundamental role that trade unions played in protecting human rights. It was argued that existing controls on trade unions were sufficient without the need to introduce more. It was suggested that the bill was politically motivated. The view was submitted that trade unions were needed to provide checks and balances and that their role should be outside party politics.

In response it was argued that the bill was not about recognising the good things that trade unions had achieved but about introducing reasonable controls. It was submitted that the recent London Underground drivers strike had had a devastating effect on London. It was submitted that from what had been said it was made to sound as if the Government was proposing to ban trade unions altogether. The measures contained in the bill were felt to be reasonable and whilst trade unions had done a lot of good they could also be very destructive.

The motion was put to the vote and declared CARRIED.

RESOLVED:

- (i) that, as a major employer in the local area, this Council welcomes the positive benefits that arise from the relationship that it has with recognised trade unions and believes that the relationship between employers and their employees through their collective representatives would be damaged by reducing facility time for elected representatives and by removing the ability of union members to pay union dues direct from wages;
- (ii) this Council believes that the Trade Union Bill, far from assisting employer-employee relations or improving workplace democracy, is an ideologically driven attack on the fundamental rights and freedoms of workers to organise or take strike action. It is also deliberately designed to dramatically reduce funding to the main Party in opposition to the Government, and as such is a threat to our democracy;

- (iii) the Council notes that the Bill and associated secondary legislation will:
- Allow agency labour to be used to substitute for striking workers, currently outlawed, which would be deeply divisive and, with agency workers often doing unfamiliar jobs, could pose a serious health and safety risk to themselves and others
 - Introduce very high thresholds for industrial ballots, with an extra threshold in certain public services, without doing anything to improve the ability of workers to participate in ballots
 - Severely restrict the right to picket and peacefully protest, including organising campaigns through social media
 - Significantly reduce trade union facility time and withdraw check off union contributions in the public sector, irrespective of the wishes of the employer
 - Require union members to 'contract in' to their union's Political Fund every 5 years, thereby significantly reducing the ability of trade unions either to campaign on political issues or to support political parties.
- (iv) this Council therefore calls on the Government to withdraw the Trade Union Bill and all associated regulation/secondary legislation;
- (v) this Council also commits to promote the positive role that trade unions bring to society. The Council will endeavour within law to preserve facility time for union representatives and enable union members to pay their union fees through the payroll, whatever the outcome of this Government's legislative attack on the rights of working people.

15.2 **Crime in Brent**

Councillor Colwill moved the motion circulated in his and Councillors Kansagra and Maurice's names. Councillor Warren moved an amendment to the motion which was ruled out of order because it had the effect of negating the motion. An amendment to the motion was proposed by the Leader of the Council which had the effect of removing reference to the north of the borough and substituted Barnhill ward for Kenton ward. This was accepted by Councillor Colwill. In support of the motion, attention was drawn to the reduction in the number of Police Community Support Officers (PCSOs) and the disproportionate effect this had on women subject to violent crime. The Mayor allowed an additional speaker on this item. Councillor Warren stated his objection to this.

RESOLVED:

that it be noted that:

- crime in the Borough is increasing in relation to violent crimes; recently there was another murder of a young man, this time in Barnhill;
- the numbers of police officers have been reduced in the Borough which is now causing an escalation of serious crime'
- the Conservative Group calls on the Council to take action to reduce the crime rate and the deaths and injuries that are now occurring all across the Borough due to the lack of police officers in Brent.

15.3 **Business rates**

Councillor Warren moved the motion circulated in his and Councillors Davidson and Shaw's names. He referred to the devolution of business rates to local authorities as a good news story which had been turned into a bad news story by the response from the Council's leadership. He urged the Leader and his colleagues to use their imagination and welcome the resources the Council would get to use. It was added that the retention of business rates could make the Council more efficient and should not be used to blame the Government over the proposals.

In response it was pointed out that there was still some time to go before the proposal was implemented and the estimated income had to be seen in the context of the cost pressures facing local government. It was accepted that the proposal held many potential benefits but it was not equal across all local authorities and if it was used to replace other forms of finance then councils would be no better off.

The motion was put to the vote and declared LOST.

16. **Urgent business**

None.

The meeting closed at 9.30 pm

COUNCILLOR LESLEY JONES MBE B.ED MA
Mayor


LONDON BOROUGH OF BRENT FULL COUNCIL – 18 JANUARY 2016

KENSALL GREEN BY-ELECTION HELD ON 17 DECEMBER 2015 - RESULT

Candidate/party	Number of votes
ALLEY, Chris (Conservative)	255
CHAN, Jumbo (Labour)	931 ELECTED
DICKSON, Sarah (Liberal Democrat)	417
HASSAN, Jafar (Green)	102
NIBBS, Juliette (UKIP)	38

The elected member has signed the Declaration of Acceptance of Office.

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 Brent	Council 18 January 2016
Report from the Chief Finance Officer	
Wards Affected: ALL	
2014/15 Treasury Management Outturn Report	

1. INTRODUCTION

- 1.1 This report updates members on Treasury Management activity and confirms that the Council has complied with its Prudential Indicators for 2014/15.

2. RECOMMENDATION

- 2.1 Full Council is asked to consider and note the 2014/15 Treasury Management outturn report, which has been seen by the Audit Committee and the Cabinet, in compliance with CIPFA's Code of Practice on Treasury Management (the Code).

3. BACKGROUND

- 3.1 The Council's treasury management activity is underpinned by the Code, which requires authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year.
- 3.2 This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the CLG Investment Guidance.
- 3.3 The Council has borrowed money over the long term to support investment in the Council's infrastructure and also invests balances held for short periods. It is therefore exposed to financial risks including the loss of invested funds

and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Council's treasury management strategy.

Economic background

- 3.4 The recovery in the UK continued with steady economic activity and growth. Q4 2015 GDP showed year-on-year growth of 2.4%. Much of the improvement came from the service sector, with contributions from production and construction. Retail sales, consumer confidence and house prices all increased over the year. However, business investment has recovered less convincingly, the recovery in productivity has been anaemic at best, and the twin deficits (trade and budget) remain a source of concern. CPI fell from 1.6% in March 2014 to 0% in March 2015, principally because of a considerable fall in energy prices over the autumn of 2014 but also reflecting lower core inflation, reducing the pressure on the Bank to raise rates. The fall in unemployment continued, down from 6.8% in March 2014 to 5.5% in March 2015. Some 31.1m people were in employment, but the amount of excess capacity remains uncertain, making it difficult to be confident how much inflationary pressure is in the economy. Earnings growth increased from 1.8% in March 2014 to 2.3% in March 2015. In April 2015, the next move in official rates was expected to be upwards but there was no expectation that it was imminent.
- 3.5 At present it is difficult to be confident that present levels of growth can be sustained due to:
- the Eurozone's ongoing struggle to show sustainable Geopolitical uncertainty arising from the situation in the Ukraine and the Middle East
 - Evidence of increasing strains to the Chinese and other emerging economies, caused by a confluence of factors.

Gilt Yields and Money Market Rates

- 3.6 Gilt yields (the rate of interest on UK government borrowing) remained little changed until July 2014 and then fell in response to lower oil prices and the implication for inflation. Yields reached their low point (10 year yields at 1.33%) in January 2015 and then rose a little to finish the year at 1.19% (5 years), 1.57% (10 years) and 2.14% (20 years).
- 3.7 Interest rates on short term inter-bank lending remained below 1% through the year.

The Borrowing Requirement and Debt Management

3.8 The table below summarises the Council's borrowing activity during 2014/15. The Council's underlying need to borrow as measured by the Capital Financing Requirement (CFR) at 31/03/2015 was £579 million.

	Balance 01/04/2014 (£m)	New Borrowing (£m)	Borrowing Repaid (£m)	Balance 31/03/2015 (£m)	Average Rate (%)	Average Life (Years)
CFR	582			579		
Short Term Borrowing	0	75	75	0	0	
Long Term Borrowing	428	0	4	424	4.72	37.4
TOTAL BORROWING	428	75	79	424	4.72	37.4

3.9 At 1 April 2014 the Council had £428 million of long-term borrowing, to finance its previous years' capital programmes. With short-term interest rates being much lower than long-term rates, it was more cost effective in the short-term to use internal resources and borrow on a short-term basis (mainly from other local authorities), rather than undertake further long-term borrowing. By doing so, the Council has been able to reduce net borrowing costs and reduced overall treasury risk, because overall borrowing has been reduced slightly.

3.10 The Treasury Management Strategy approved by the Council in March 2015 states that the Council will maintain borrowing at the lowest level consistent with prudent management of the Council's finances. This implies that, at present discount rates, we will not undertake premature repayment of debt but that, in conjunction with our Treasury Management advisers, Arlingclose, we will remain abreast of developments and be prepared to borrow up to the level of CFR if a significant permanent rate rise appears likely. These circumstances did not arise during the year.

3.11 No debt was restructured during the year and no lenders exercised options to vary the terms of loans on LOBO (Lender Option, Borrower Option) terms. The Council has borrowed £95.5m under LOBO transactions, all of which were entered into in the period November 2002 to April 2010. Unlike PWLB loans, there is no formula for the cost of redemption of LOBOs, and the price quoted would depend on any bank's view on its commercial advantage. The

banks' positions have been insured through the derivatives markets and to renegotiate these arrangements would be very expensive

- 3.12. There are complex arguments made about LOBOs, by their supporters and by their detractors. The Council's position is simply that the LOBOs are part of its portfolio, and must therefore be managed as effectively as possible. There are no plans to enter into further LOBO contracts. However, it should be noted that the average rate of interest being paid on LOBOs is little different to that on PWLB debt (4.75% compared to 4.71% at 31 March) and the range of rates lower. The most expensive LOBO was at 6.234% on 31 March, compared with the most expensive PWLB at 8.875%
- 3.13 In January 2015 the Department of Communities and Local Government (CLG) confirmed that HM Treasury (HMT) would be taking the necessary steps to abolish the Public Works Loans Board. HMT has confirmed however that its lending function will continue unaffected and local authorities will retain access to borrowing rates which offer good value for money. The authority intends to use the PWLB's replacement as a potential source of borrowing if required.

Investment Activity

- 3.14 Both CIPFA and the CLG Investment Guidance require the Council to invest prudently and have regard to the security and liquidity of investments before seeking the optimum yield. The table below summarises investment activity during 2014/15.

Investments	Balance on 01/04/2014 (£m)	Investments made (£m)	Investments repaid (£m)	Balance on 31/03/2014 (£m)	Average Rate (%)
Fixed Term Deposits	62	630	567	125	0.5
Money Money Market Funds and notice deposits	49	482	507	24	0.6
TOTAL INVESTMENTS	111	1112	1074	149	0.5

- 3.15 Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2014/15 which defined "high credit quality organisations" as those having a long-term credit rating of A- or higher that are domiciled in the UK or overseas where the sovereign rating is

AA+ or higher. During the year, in response to the growth of bail in risk and following changed advice from Arlingclose, officers took the decision to restrict the maximum maturity with market financial institutions to three months and use only marketable instruments issued by them. Yields obtained were slightly reduced by this action, but it was felt to be a prudent response to the changed risk environment.

- 3.16 At the start of the year, investments with banks and building societies were primarily fixed-rate term deposits. The maximum duration of these investments was 12 months in line with the prevailing credit outlook during the year as well as market conditions. At the end of the year, the transition to marketable instruments was underway, and the latest commercial counterparty maturity was 4 August.

Credit developments and credit risk management

- 3.17 The Council assessed and monitored counterparty credit quality with reference to credit ratings; credit default swaps; GDP of the country in which the institution operates; the country's net debt as a percentage of GDP and share price. The minimum long-term counterparty credit rating determined by the Council for the 2014/15 treasury strategy was A- across rating agencies Fitch, S&P and Moody's.
- 3.18 The mechanism for dealing with a failed bank, which was brought into effect through the Financial Services (Banking Reform) Act 2013, is now largely in operation. The Council has taken a number of actions in response to this, and continues to monitor risks, with advice from Arlingclose. Some results of these are noted above (3.11 – 12)
- 3.19 The European Parliament approved the EU Bank Recovery and Resolution Directive (BRRD) on April 15, 2014. As a result, over 2014-15 Moody's revised the Outlook of several UK and EU banks from Stable to Negative (note, this is not the same as a rating review negative) and S&P placed the ratings of UK and German banks on Credit Watch with negative implications, following these countries' early adoption of the bail-in regime in the BRRD.
- 3.20 In December the Bank's Prudential Regulation Authority (PRA) stress tested eight UK financial institutions to assess their resilience to a very severe housing market shock and to a sharp rise in interest rates and address the risks to the UK's financial stability. Institutions which 'passed' the tests but would be at risk in the event of a 'severe economic downturn' were Lloyds Banking Group and Royal Bank of Scotland. Lloyds Banking Group, is taking measures to augment capital and the PRA does not require the group to submit a revised capital plan. RBS, which is not on the Authority's lending list for investments, has updated plans to issue additional Tier 1 capital. The Co-operative Bank failed the test. The Council banks with RBS

- 3.21 The Council did not make any deposits with institutions in the Eurozone during the year and took the action noted above on UK banks.

Liquidity Management

- 3.22 Combining changes to the regulatory environment and our adoption of a three month lending limit, investments with financial institutions are now normally by means of purchasing 3 month Certificates of Deposit (CDs). Longer maturities can be obtained by depositing with government bodies, either Central, via Treasury Bills up to 6 months, or Local, though attractive rates from Local Authorities are rare at the moment. At peak periods, mindful of the primacy of security as a criterion for decision making, substantial balances may be held in short term investments, particularly Money Market Funds. The use of short term borrowing at times of lower cash balances is judged to maintain a prudent balance between maintaining security and liquidity and achieving a reasonable yield on investments, though this is rarely required currently.

Yield

- 3.23 The UK Bank Rate was maintained at 0.5% through the year. Short term money market rates also remained at low levels which continued to have a significant impact on investment income. The average 3-month LIBID rate during 2014/15 was 0.5%, the 6-month LIBID rate averaged 0.67% and the 1-year LIBID rate averaged 0.95%. The low rates of return on the Council's short-dated money market investments reflect prevailing market conditions and the Council's objective of optimising returns commensurate with the principles of security and liquidity.
- 3.24 The Council's budgeted investment income for the year had been estimated at £0.6m. The average cash balance during the year was £153m during the period and interest earned was £0.9m.

Update on Investments with Icelandic Banks

- 3.25 **Heritable** – The Council has now recovered 94% of its £10 million deposit with Heritable Bank. It is likely that further distributions will be received, although the administrators have not made any further estimate of final recoveries yet. After the end of the year (in late August) a further £380,000 (3.8%) was received and a further distribution is expected, subject to the outcome of a legal case.
- 3.26 **Glitnir** – The Central Bank of Iceland undertook a final auction of the krone representing the final £1m outstanding and, after conversion of the proceeds to sterling, this realised £0.7m. The balance had already been provided for in previous year's Accounts

Compliance

- 3.27 The Council confirms that it has complied with its Prudential Indicators for 2014/15, which were approved by the Council on 2 March 2014 as part of the Council's Treasury Management Strategy Statement.
- 3.28 In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during 2014/15. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield. Further information is set out in Appendix 2.

Investment Training

- 3.29 The needs of the Council's treasury management staff for training in investment management are kept under review and considered as part of the staff appraisal process, and additionally when the responsibilities of individual members of staff change.
- 3.30 During 2014/15 staff attended training courses, seminars and conferences provided by Arlingclose and CIPFA and opportunities which may arise with other organisations are considered.
- 3.31 A member training session on treasury management was held on 24 November 2014 which outlined the overall treasury management framework with a particular focus on the management of risks.

4. FINANCIAL IMPLICATIONS

- 4.1 The Council's incurred interest costs of £20.0m in 2014/15 in respect of its long-term borrowing and earned interest of £0.9m on its investments.

5. LEGAL IMPLICATIONS

- 5.1 None identified.

6. DIVERSITY IMPLICATIONS

- 6.1 None identified.

7. STAFFING IMPLICATIONS

- 7.1 None identified.

8. BACKGROUND INFORMATION

Treasury Management Strategy Report to Council – 2 March 2015
2014/15 Mid Year Treasury Report to Council – 8 September 2014

9. CONTACT OFFICER

Eamonn McCarroll

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Appendix 1 - Debt and Investment Portfolio Position 31/3/2015

	31/3/2015 Actual Portfolio £m	31/3/2015 Average Rate %
External Borrowing:		
PWLB – Maturity	288	5.0
	40	2.6
PWLB – Equal Instalments of Premium	96	4.8
LOBO Loans	424	4.7
Total External Borrowing		
Other Long Term Liabilities:		
PFI	34	9.3
Total Gross External Debt	458	5.1
Investments:		
Deposits	62	0.7
Money Market Funds	49	0.4
Total Investments	111	0.6
Net Debt	353	4.8

Appendix 2 – Prudential Indicators

(a) Capital Financing Requirement (CFR)

The Council's cumulative maximum external borrowing requirement for 2014/15 is shown in the table below:

Capital Financing Requirement	31/03/2015 Estimate £m	31/03/2015 Actual £m
General Fund	445	442
HRA	137	137
Total CFR	582	579

Gross Debt and the Capital Financing Requirement: In order to ensure that over the medium term debt will only be for a capital purpose, the Council should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence.

Debt	31/03/2015 Estimate £m	31/03/2015 Actual £m
Borrowing		424
PFI liabilities		34
Total Debt	615	458
Borrowing in excess of CFR?	No	No

(b) Authorised Limit and Operational Boundary for External Debt

The Operational Boundary for External Debt is based on the Council's estimate of most likely, i.e. prudent, but not worst case scenario for external debt. It links directly to the Council's estimates of capital expenditure, the capital financing requirement and cash flow requirements and is a key management tool for in-year monitoring. Other long-term liabilities comprise finance lease, Private Finance Initiative and other liabilities that are not borrowing but form part of the Council's debt.

The Authorised Limit for External Debt is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt

that the Council can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

The Director of Finance confirms that there were no breaches to the Authorised Limit and the Operational Boundary during 2014/15.

	Operational Boundary (Approved) 31/03/2015	Authorised Limit (Approved) 31/03/2015	Actual External Debt 31/03/2015
Borrowing			424
Other Long-term Liabilities			34
Total	680	780	458

(c) Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

This indicator is set to control the Council's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net principal borrowed.

	Approved Limits for 2014/15 Proportion %	Maximum during 2014/15 Proportion %
Upper Limit for Fixed Rate Exposure	100	100
Compliance with Limits:	Yes	Yes
Upper Limit for Variable Rate Exposure	40	0
Compliance with Limits:	Yes	Yes

(d) Maturity Structure of Fixed Rate Borrowing

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

Maturity Structure of Fixed Rate Borrowing	Upper Limit %	Lower Limit %	Actual Fixed Rate Borrowing at 31/03/2015 £m	% Fixed Rate Borrowing at 31/03/2015	Compliance with Set Limits?
under 12 months	40	0	40	10	Yes
12 months and within 24 months	20	0	29	8	Yes
24 months and within 5 years	20	0	49	11	Yes
5 years and within 10 years	60	0	18	4	Yes
10 years and within 20 years	100	0	26	6	Yes
20 years and within 30 years	100	0	1	0	Yes
30 years and within 40 years	100	0	101	24	Yes
40 years and within 50 years	100	0	160	37	Yes
50 years and above	100	0	0	0	Yes

(e) Capital Expenditure

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council tax and in the case of the HRA, housing rent levels.

Capital Expenditure	31/03/2015 Estimate £m	31/03/2015 Actual £m
Non-HRA	80	67
HRA	10	8
Total	90	89

(f) Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

Ratio of Financing Costs to Net Revenue Stream	31/03/2015 Estimate %	31/03/2015 Actual %
Non-HRA	9.76	7.37
HRA*	15.99	13.14
Total	10.76	8.00

(g) Adoption of the CIPFA Treasury Management Code

This indicator demonstrates that the Council adopted the principles of best practice.

The Council adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2011 Edition* in February 2013

(h) Upper Limit for Total Principal Sums Invested Over 364 Days


The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

	31/03/2015 Approved £m	31/03/2015 Actual £m
	20	0

(i) HRA Limit on Indebtedness

HRA Debt Cap (as prescribed by CLG)	£199m	
	31/03/2015 Estimate £m	31/03/2015 Actual £m
HRA CFR	137	137

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 <p>Brent</p>	<p style="text-align: center;">Council 18 January 2016</p>
	<p style="text-align: center;">Report from the Chief Finance Officer</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>2015/16 Mid-Year Treasury Report</p>	

1. SUMMARY

- 1.1 This report updates Members on recent treasury activity.

2. RECOMMENDATION

- 2.1 Full Council is asked to note the 2015/16 mid-year Treasury report which has been seen by the Audit Committee and the Cabinet.

3. DETAIL

BACKGROUND

- 3.1 The Council's Treasury Management Strategy is underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year.
- 3.2 The Code also recommends that Members are informed of Treasury Management activities at least twice a year. This report therefore ensures this authority is embracing Best Practice in accordance with CIPFA's recommendations.
- 3.3 Treasury Management is defined as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

- 3.4 In addition to reporting on risk management, the Code requires the Authority to report on any financial instruments entered into to manage treasury risks.

ECONOMIC BACKGROUND

- 3.5 Growth rates in most major economies looked more fragile in the last six months. The US continues to grow slowly and the Eurozone as a whole has started to experience slow growth. However, Eurozone growth continues to be fragile, and vulnerable to external shocks. The UK is now growing comparatively quickly (0.7% growth in the second quarter of 2015) although balanced growth is still to be delivered. Although business investment rose in the last quarter and there are now signs that productivity may be starting to recover, this is a recent development and the trend is far from established. Both the current account and trade deficits continue to be a source of concern. There is concern that recent developments in China will have international implications, particularly for developing and commodity supported economies.. Inflation in the UK remains at a very low level, with the Consumer Price Index currently growing at 0.1% per annum.
- 3.6 Gilt yields fluctuated in response to international events in the first half of the year with a slight upward trend. There is continuing uncertainty about when the Federal Reserve and Bank of England will start to unwind Quantitative Easing or increase interest rates, but it is likely that falls in Stock Markets in recent weeks have made the authorities more cautious. The movement in rates at which local authorities can borrow from the Public Works Loans Board (PWLB) is set out in the table below (certainty rates):

Period	March 2015	August 2015
1 year	1.2%	1.3%
5 year	1.9%	2.1%
10 year	2.5%	2.7%

- 3.7 The interest rate the Council receives on money market funds or for 1-12 month maturities with local authorities has changed little during the first half of the year at 0.45%.

DEBT MANAGEMENT

- 3.8 The Authority continues to qualify for borrowing at the 'Certainty Rate' (0.20% below the PWLB standard rate). This is reviewed on an annual basis and has been confirmed as applying until 31 October 2015.
- 3.9 Alternative sources of long term funding to long-dated PWLB borrowing are available, but the Council will continue to adopt a cautious and considered approach to funding from the capital markets as the affordability, simplicity and ease of dealing with the PWLB represents a strong advantage. No long term loans have been raised so far this year as is shown in the table below:

	Balance on 01/04/2015 £m	Debt £m	New Borrowing £m	Balance on 31/08/2015 £m
Short Term Borrowing	0.0	0.0	0.0	0.0
Long Term Borrowing	423.7	1.6	0.0	422.1
TOTAL BORROWING	423.7	1.6	0.0	422.1
Average Rate %	4.72			4.73

- 3.10 Affordability and the “cost of carry” remained important influences on the Council’s borrowing strategy alongside the consideration that, for any borrowing undertaken ahead of need, the proceeds would have to be invested in the money markets at rates of interest significantly lower than the cost of borrowing.
- 3.11 For the Council the use of internal resources in lieu of borrowing has continued to be the most cost effective means of funding capital expenditure. This has lowered overall treasury risk by reducing both external debt and temporary investments. However this position will not be sustainable over the medium term and the Council will need to give careful consideration to its future capital programme and how this is financed in due course. Borrowing options and the timing of such borrowing will continue to be assessed in conjunction with the Council’s treasury advisor, Arlingclose.
- 3.12 The persistence of low interest rates means that it would be uneconomic to reschedule debt, because early retirement of the loan would incur a heavy penalty, to compensate the PWLB for having to lend the money on at lower rates. For example, our most expensive loan, maturing in 6 years, was taken out in 1994, at a rate of 8.875%. There is £3.05m outstanding on this loan. Early repayment would trigger debt redemption charges of £1.28m. If the loan was replaced on a like for like basis, interest charges would be lower. However, the lower interest charges combined with the £1.28m redemption charge (amortised over the life of the loan) would result in an annual charge some £21k higher than the current annual payment. This shows that the current market conditions are some distance away from facilitating effective debt redemption

INVESTMENT ACTIVITY

- 3.13 The Council gives priority to security and liquidity and aims to achieve a yield commensurate with these principles.

	Balance on 01/04/2015 £m	Investments Made £m	Investments Repaid £m	Balance on 31/08/2015 £m
Short Term Investments	149.1	545.3	506.2	188.2

- 3.14 Security of capital has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2015/16. New investments were made with the following classes of institutions:

A- rated banks;
AAA rated Money Market Funds;
Other Local Authorities;
The UK Debt Management Office.

- 3.15 Counterparty credit quality was assessed and monitored with reference to Credit Ratings (the Council's minimum long-term counterparty rating of A- (or equivalent) across rating agencies Fitch, Standard & Poors and Moody's); credit default swaps; GDP of the country in which the institution operates; the country's net debt as a percentage of GDP; sovereign support mechanisms; potential support from a well-resourced parent institution; share price. At the beginning of the year, there were no foreign banks on our Lending List. Since then, two conservatively run Scandinavian banks with good ratings and strong financial figures have been added to the list. All investments in banks and Building Societies are now undertaken by means of marketable instruments (Certificates of Deposit, CDs). This adds a measure of additional liquidity without sacrificing return, given our maturity limits.

BUDGETED INCOME AND OUTTURN

- 3.16 The Council's external interest budget for the year is £23.3m, and for investment income is £1.4m and the latest estimate is that the Council will achieve these figures. The average cash balances, representing the Council's reserves and working balances, were £183m during the period to 31 August
- 3.17 The UK Bank Rate has been maintained at 0.5% since March 2009 and is not expected to rise until 2016. Short-term money market rates have remained at very low levels.

ICELANDIC BANK INVESTMENT UPDATE

- 3.18 The Council received £0.4m in August 2015, which means that only £0.2m of the original £10m deposit now remains outstanding. It is expected that a further distribution will be made but this depends on the result of litigation currently under way regarding a property investment.

COMPLIANCE WITH PRUDENTIAL INDICATORS

- 3.19 Officers confirm that they have complied with its Prudential Indicators for 2015/16, which were set in February 2015 as part of the Council's Treasury Management Strategy Statement (TMSS). Details can be found in Appendix 1.

OUTLOOK

- 3.20 At the time of writing this activity report in August 2015, economic growth remains slow worldwide, though the UK has performed comparatively well. Growth has been led by consumer spending, though investment has begun to grow. Productivity remains low though is also showing some signs of improving. However, the current account deficit remains a problem and will continue to do so as long as Eurozone demand remains depressed. Growth prospects outside the UK do not give cause for hope that it will improve soon. A significant threat to world growth is the situation in China and contagion to other emerging economies, which are being squeezed by continued weakness in their currencies, as well as a dearth of demand drivers. The outlook is for official interest rates to remain unchanged into the next financial year, and recent developments are unlikely to bring forward the date for the first. The Council's advisers expect gilt yields to rise slowly over the next two years. Markets will continue to be affected by the potential for a Greek sovereign default and the ramifications of the slowing growth in China.

SUMMARY

- 3.21 In compliance with the requirements of the CIPFA Code of Practice this report provides Members with a summary report of the treasury management activity during the first half of 2015/16. As indicated in this report none of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

4. FINANCIAL IMPLICATIONS

These are covered in the report.

5 DIVERSITY IMPLICATIONS

None.

6. STAFFING IMPLICATIONS

None.

7 LEGAL IMPLICATIONS

None.

8 BACKGROUND

Annual Treasury Strategy – Report to Full Council as part of the Budget Report – February 2015.

Persons wishing to discuss the above should contact Chris Thompson Treasury and Pension Investments Section, Finance, on 020 8937 1474 at Brent Civic Centre.

CONRAD HALL
Chief Finance Officer

Appendix 1

Capital Financing Requirement

Estimates of the Council's cumulative maximum external borrowing requirement for 2015/16 to 2017/18 are shown in the table below (excluding Private Finance Initiative schemes):

	31/03/2015 Actual £m	31/03/2016 Estimate £m	31/03/2017 Estimate £m	31/03/2018 Estimate £m
CFR	579	577	567	567

Usable Reserves

Estimates of the Council's level of Usable Reserves for 2015/16 to 2017/18 are as follows:

	31/03/2015 Actual £m	31/03/2016 Estimate £m	31/03/2017 Estimate £m	31/03/2018 Estimate £m
Usable Reserves	97	88	85	84

Prudential Indicator Compliance

Authorised Limit and Operational Boundary for External Debt

The Local Government Act 2003 requires the Council to set an Authorised Borrowing Limit. This is a statutory limit which should not be breached. The Council's Authorised Borrowing Limit was set at £750m for 2015/16. The Operational Boundary is based on the same estimates as the Authorised Limit but reflects the most likely, prudent but not worst case scenario without the additional headroom included within the Authorised Limit. The Operational Boundary for 2015/16 was set at £650m. The Chief Finance Officer confirms that there were no breaches to the Authorised Limit or the Operational Boundary so far this year; borrowing at its peak was £466m.

Upper Limits for Fixed Interest Rate and Variable Interest Rate Exposure

These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on our portfolio of investments.

	Limits for 2015/16	Maximum during 2015/16
Upper Limit for Fixed Rate Exposure	100%	100%
Upper Limit for Variable Rate Exposure	40%	0%

Maturity Structure of Fixed Rate Borrowing

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

Maturity Structure of Fixed Rate Borrowing	Upper Limit %	Lower Limit %	Actual Fixed Rate Borrowing as at 31/08/15 £m	% Fixed Rate Borrowing as at 31/08/15	Compliance with Set Limits?
Under 12 months	40	0	41	10	Yes
12 months and within 24 months	20	0	33	8	Yes
24 months and within 5 years	20	0	44	10	Yes
5 years and within 10 years	60	0	18	4	Yes
10 years and above	100	0	288	68	Yes

Net Debt and the CFR

This is a key indicator of prudence. In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Authority should ensure that the net external borrowing does not exceed the total of the CFR in the preceding year plus the estimates of any additional increases to the CFR for the current and next two financial years.

The Authority had no difficulty meeting this requirement so far in 2015/16, nor are there any difficulties envisaged for future years. This view takes into account current commitments, existing plans and the proposals in the approved budget.

Total principal sums invested for periods longer than 364 days

This indicator allows the Council to manage the risk inherent in investments longer than 364 days.

The limit for 2015/16 was set at £20m.

The Council's practice since the onset of the credit crunch in 2007 has generally been to keep investment maturities to a maximum of 12 months. At 30 September, the last maturity date in the deposits portfolio was 11 March, 2016.

Credit Risk

This indicator has been incorporated to review the Council's approach to credit risk. The Council confirms it considers security, liquidity and yield, in that order, when making investment decisions.

Credit ratings remain an important element of assessing credit risk, but they are not the sole feature in the Authority's assessment of counterparty credit risk. The authority considers the following tools to assess credit risk, with advice and support from our advisers, Arlingclose:


- Published credit ratings of the financial institution and its sovereign;
- Sovereign support mechanisms;
- Credit default swaps (where quoted);
- Share prices (where available);
- Economic fundamentals, such as a country's net debt as a percentage of its GDP;
- Corporate developments, news, articles, markets sentiment and momentum.

The Council can confirm that all investments were made in line with a minimum long term credit rating of A- or equivalent, as set in the 2015/16 TMSS.

HRA Limit on Indebtedness

This purpose of this indicator is for the Council to report on the level of the limit imposed at the time of implementation of self-financing by the Department for Communities and Local Government.

HRA Limit on Indebtedness	31/03/2015 Actual £m	31/03/2016 Estimate £m	31/03/2017 Estimate £m	31/03/2018 Estimate £m
HRA CFR	137	137	137	137
HRA Debt Cap (as prescribed by CLG)	199	199	199	199
Difference	62	62	62	62

 <p>Brent</p>	<p>Full Council</p> <p>18 January 2016</p> <p>Report from the Chief Legal Officer</p>
<p>For Action Wards Affected: ALL</p>	
<p>Changes to the Constitution</p>	

1.0 Summary

- 1.1 The Chief Legal Officer is authorised to make legal, factual and other technical changes to the Council's Constitution as may be required from time to time. The Chief Legal Officer can also remove inconsistencies or ambiguities.
- 1.2 This report informs Members of changes to the officer scheme of delegations following the implementation of the senior management restructure; changes to contract standing orders in line with new EU procurement thresholds and clarification of standing orders 78 and 79.

2.0 Recommendation

- 2.1 That Full Council note the changes to the Constitution marked up in Appendix 1 and the need to make consequential changes throughout the Constitution.

3.0 Detail

Officer scheme of delegations

- 3.1 On 16 December 2015, the General Purposes Committee approved the Chief Executive's senior management re-structuring proposals. Accordingly, the officer scheme of delegations (which is in Part 4 of the Constitution) has been amended to record the changes made (see Appendix 1). As references to job titles and allocation of responsibilities appear elsewhere in the Constitution, Members are asked to note that further consequential changes throughout the Constitution will also need to be made.

Revised EU Procurement Thresholds

- 3.2 On 1 January 2016, new (lower) EU procurement thresholds came into force across all EU member states. Accordingly, Contract Standing Orders have been revised in line with the legislative change (see Appendix 1).

Standing Orders 78 & 79

- 3.3 On 22 June 2015 legislative changes to the disciplinary and dismissal procedures for the Chief Executive, Monitoring Officer and Section 151/Chief Finance Officer were reported to Full Council.
- 3.4 More recently, on 16 December 2015, the General Purposes Committee approved the Council's new HR procedures for the officers concerned. These procedures are referenced in Standing Orders 78 and 79 which have been amended (see Appendix 1) to make clear when a dismissal has to be approved by Full Council.

4.0 Financial Implications

- 4.1 None.

5.0 Legal Implications

- 5.1 These are addressed in the body of the report.

6.0 Diversity Implications

- 6.1 None.

Background Papers

None

Contact Officers

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RESPONSIBILITY FOR FUNCTIONS

proper officer' will be a reference to the person so specified in the Table but if none is specified, the Chief Executive or a person nominated by him or her for the purpose will be identified. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Cabinet, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).

- 1.12 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Standing Orders and Financial Regulations and this Part 4 and Part 5.
- 1.13 In exercising any function or making any decision, the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.
- 1.14 A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Councils' Committee and the Transport and Environment Committee exercise executive and non-executive functions. The terms of reference and make up of these committees and the sub-committee are described in Part 5.

2. Powers Delegated to Officers

- 2.1 Those officers named in the Tables or elsewhere in the Constitution have delegated to them the powers specified therein but subject to the limitations specified therein. For the avoidance of doubt, this includes an officer appointed to a named post on an acting interim or temporary basis.
- 2.2 References in this Part 4 to a 'director' or 'relevant director' are references to one or more of the officers specified in paragraph 2.4 below.
- 2.3 The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's departments unless expressly prohibited by law from doing so.
- 2.3.1 The Chief Executive shall also have the authority to carry out all executive functions in the interim in the event of there being no Leader, or Deputy Leader appointed and insufficient members of the Cabinet appointed to achieve a quorum.
- 2.3.2 Exceptionally, notwithstanding anything in this Constitution, the Chief Executive shall be authorised to exercise either executive or non-executive functions where the matter is urgent unless this is prohibited by law.
- 2.3.3 If the Chief Executive acts in the circumstances set out in paragraphs 2.3.1 and 2.3.2 above, the Chief Executive shall notify, as appropriate, the Leader or Deputy Leader of the Council, the Lead Member with portfolio responsibility for the matter to which the decision relates and the Leader of the Principal Opposition Group of any such action.
- 2.4 The Chief Executive, ~~Chief Operating Officer~~ and Strategic Directors listed below shall have responsibility for the following general and related areas:-
- (a) **Chief Executive:**

RESPONSIBILITY FOR FUNCTIONS

Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. –Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement. Management of corporate planning, policy, performance, scrutiny, Executive and Member Services (including electoral and Mayoral services), returning officer for the election of councillors, electoral registration officer, committee, member and Mayoral services, Responsibility for strategic commissioning, communications, information governance (including data protection and freedom of information), procurement, partnerships, and performance improvement, complaints and chief executive office support.

(b) **Strategic Director of Resources/Chief Operating Officer:**

Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral, committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, digital services (excluding information governance), public health, highways, transport strategy, Brent Transportation Services, transportation, refuse and street cleansing, parking, parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits, commercial services, property and facilities management.

(c) **Strategic Director Community Wellbeing/Adults:**

Statutory Director of Adult Social Services, public health, community services, direct services and client affairs, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum in so far as it is not a housing matter, reablement, safeguarding responsibilities, adult social care complaints, commissioning and quality, support planning and review, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director -Children and Young People, public health, housing (including housing needs, homelessness, housing strategy, housing management, right to buy management, housing partnerships, private housing services and disabled facilities grants) leisure and cultural services (including arts, libraries, museums and archives).

(d) **Strategic Director Children and Young People:**

Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Authority not reserved to members including but not

RESPONSIBILITY FOR FUNCTIONS

limited to early years education and school places, education and training provision for young people.

(e) **Strategic Director Regeneration and Growth Environment:**

Regeneration, urban renewal, economic development, building new education facilities, environmental infrastructure services, capital programme management, regulatory services, statutory land use, planning, development and building control, land charges, -street naming and numbering, housing regeneration, affordable housing development, ~~corporate property, facilities and premises management~~, ~~All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services, liaison and transactions with Housing Associations, homelessness and housing strategy, housing management, employment and skills (including adult and community education)~~, environmental health, licensing, street trading, trading standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control. -Community sSafety and pPublic pProtection, pPublic rRealm (including carbon project team), transportation, highways, parking, street lighting, waste management and recycling, refuse and street cleansing, parks and open spaces, cemeteries, environment, CCTV monitoring, emergency planning and business continuity.

2.5 In addition to those powers specified in the Tables and elsewhere in this Constitution, the officers specified above have delegated to them by the Council or the Leader, or Cabinet (as the case may be) all and any of the powers of the Council and the executive as may be necessary or desirable to enable them to effectively manage and operate their service area or unit or to carry out the roles and responsibilities required of them from time to time (not necessarily restricted to those roles and responsibilities specified above). These powers are subject to the exemptions, restrictions and limitations specified in paragraph 3 below or elsewhere in this Constitution. These powers include (but are not limited to) the powers set out in the following table which are also, subject to any exemption, restriction or limitation specified in respect of them in that table:-

Power	Exception, restriction or limitation
1. to exercise all functions that may from time to time fall within the scope of their professional and operational responsibility.	
2. to manage, within the approved cash limits, the budget allocated to the functions for which the officer has responsibility and to make virements or transfers as necessary.	<p>(a) no action may be taken which would result in growth, which cannot be contained in future years budgets or which would affect a budget which is not under the officer's direct control.</p> <p>(b) no virements or transfers may be made other than in accordance with the Scheme of Transfers and Virements agreed by Full Council.</p>

CONTRACT STANDING ORDERS**82. Definitions**

The following definitions shall apply throughout these Contract Standing Orders (in alphabetical order):

Approved List	A list of contractors that meet the Council's minimum financial and technical criteria for specified types of services, supplies or works contracts.
Chief Officer	The Chief Executive and Strategic Directors.
Collaborative Procurement	Any arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council.
Contracts Finder	A web based facility operated by or on behalf of the Cabinet Office for advertising tenders.
Contracts Register	The electronic register of contracts awarded by the Council and overseen by the Corporate Procurement Centre.
Contract Value or Estimated Value	The contract's value or estimated value for the contract term excluding VAT.
E-Auction Facility	A web-based facility approved by the Chief Legal Officer which enables the electronic submission of prices for a Tender.
Electronic Tender Facility	A web-based facility approved by the Chief Legal Officer which enables the electronic despatch and receipt of Tender documents.
Electronic Tender Time Box	The feature within an Electronic Tender Facility which stores received Tenders and prevents viewing of them until after the appointed closing date and time.
European Procurement Legislation	The relevant EU Directives and corresponding UK Regulations as amended or replaced from time to time including the Public Contracts Regulations 2015 and the Public Contracts Regulations 2006.
EU Thresholds	The current EU thresholds under European Procurement

	<p>Legislation for the following types of contracts are:</p> <ul style="list-style-type: none"> • in the case of contracts for public works, <u>£4,4,322,012104,394</u> • in the case of contracts for services or supplies, <u>£172,514164,176</u> • in the case of contracts for Schedule 3 Services, <u>£625,050589,148</u> • in the case of contracts for public works concession contracts, <u>£4,4,322,012104,394</u>
Framework Agreement	An agreement for a specified term under which contracts for the provision of particular services, supplies or works can be entered into ("called off") on agreed terms.
High Value Contract	Any contract that exceeds the values stated for Medium Value Contracts (under which different thresholds apply for services / supplies and construction / works).
Low Value Contract	<p>In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of £25,000 and up to the amount which is the current EU Threshold for services and supplies contracts (which is currently <u>£172,514164,1764</u>).</p> <p>In the case of a contract for construction or works: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £25,000 and up to £250,000, provided that the contract is classified as a contract for works and not services by the European Procurement Legislation.</p>
Local Brent Provider	A party that provides services, supplies or works and that is based or has a local office situate in a postcode area falling within the London Borough of Brent.
Medium Value Contract	<p>In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between the amount which is the relevant EU Threshold for services or supplies contracts (which is currently <u>£172,514164,176</u>) and £250,000.</p> <p>In the case of a contract for construction or works, a contract with an estimated value of between £250,000 and £500,000, provided that the contract is classified as a contract for works and not services by European Procurement Legislation.</p>

- (b) Any Partnership Arrangement or Collaborative Procurement which includes delegation of powers shall be approved by the Cabinet (or where relevant, Full Council).
- (c) Any Collaborative Procurement shall comply with these Standing Orders and Financial Regulations unless;
 - (i) agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer; or
 - (ii) in the case of a High Value Contract, the agreement of the Cabinet is obtained under Standing Order 84(a).

For the purposes of this Standing Order the contract value shall be calculated on the estimated value of the Council's part of the contract only.

- (d) Any agreement between the Council and one or more other body which includes any payment by the Council in respect of the costs of carrying out a Collaborative Procurement shall comply with these Standing Orders unless agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer.

86. Contracts not subject to full tendering requirements

- (a) Certain contracts as set out in this Standing Order listed below, are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.
- (b) No formal procurement procedures apply to Very Low Value Contracts apart from a requirement to secure best value. For Very Low Value Contracts, the best way to demonstrate best value is by seeking three quotes or using an Approved List (where one exists) or the Online Market Place, however this is not mandatory and it is open to a duly authorised officer to approve another procurement route. As with all Council procurement, there is a mandatory requirement to keep an auditable record to demonstrate compliance and value for money.
- (c) Save where required by European Procurement Legislation, no formal tendering procedures apply to Low Value Contracts except that at least three written quotes must be sought and the quotes sought and/or obtained shall be recorded or alternatively the contract is procured through the Online Market Place. Where quotes are sought, advice must be sought from the Council's procurement officers about how to select the three organisations to be invited to quote and how to structure the quotation process. Unless the Council's procurement officers advise that it is not necessary or appropriate, all quotes shall be sought using the Electronic Tender Facility and at least one of the quotes shall be sought from a Local Brent Provider. In the case of Low Value Works Contracts valued at above the relevant EU Threshold for supplies or services contracts (currently ~~£172,514~~£164,176), approval of the Chief Legal Officer is required to use a quotation process; if approval is not given then a tender process under Standing Order 96 below is required for such contract. Low Value Contracts do however require formal approval for award according to Standing Order 88(a) from a duly authorised officer within the relevant Council department.
- (d) Contracts which are procured using an Approved List or the Online Market Place in accordance with the rules prescribed pursuant to Standing Order 97, are not subject to full tendering requirements.

- (e) Subject to the proviso below, no formal tendering procedures apply where contracts are called off under:
- (i) a Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority, where call off under the Framework Agreement is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract PROVIDED that the Chief Legal Officer has advised that participation in the Framework Agreement is legally permissible. Advice from the Chief Legal Officer must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer.
 - (iii) the Online Market Place (as detailed in Standing Order 97), where the call off is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract.

SAVE THAT any high value contract may only be awarded on the approval of the Cabinet as required by paragraph 2.5 of Part 4 of the Constitution.

- (f) Subject to complying with any relevant parts of the European Procurement Legislation, Tenders need not be invited nor quotes sought:
- (i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services, supplies or works may only be provided by a particular provider or where there is only one provider who would be able to provide the services, supplies or works required PROVIDED that advice is sought from the Chief Legal Officer and in the case of High Value Contracts, approval is sought from the Cabinet (or, if appropriate, the General Purposes Committee); or
 - (ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure services, supplies or works necessary to deal with the immediate urgent situation PROVIDED that advice is sought from the Chief Legal Officer; or
 - (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the avoidance of doubt this exemption does not apply to any framework agreements or call off contracts that will facilitate the award of individual contracts providing such personal services.

87. Provision of goods, services and works by the Council

- (a) The Local Authorities (Goods and Services) Act 1970 ("the 1970 Act") provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the 1970 Act. Section 96 of the Local Government Act 2003 provides that local authorities may do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions provided this power is exercised through a company within the meaning of Part 5 of the Local Government Act 1989. The general power of competence in the Localism Act 2011 may also authorise the provision of goods, works and services by the Council.

- (p) Prior to the appointment of any person to any post within section 2(8) of the Local Government and Housing Act 1989 which is not otherwise covered by paragraph (b) above the procedure set out in paragraphs (j) to (m) shall be followed save that any references in those paragraphs to the Senior Staff Appointments Sub-Committee shall be to the relevant appointing officer.

77A Interim and fixed term appointments to Senior Management posts

- (i) Decisions to appoint to Senior Management Posts as defined in Standing Order 77(b) (ii) – (v) which are not permanent appointments but are interim appointments or fixed term contracts for less than one year be made by the Chief Executive
- (ii) Upon appointment to a post as defined in Standing Order 77(b) (ii) – (v) on an interim or fixed term basis the Chief Executive shall inform the General Purposes Committee setting out the process for selection and the timescales for a permanent appointment.
- (iii) The General Purposes Committee shall be informed of any recommendation for an extension of the interim arrangements beyond a year to a post defined in Standing Order 77(b) (ii) – (v)
- (iv) Any interim appointment to the post of Director of Public Health shall be in accordance with (i) – (iii) above
- (v) Decisions to appoint to Senior Management posts as defined in Standing Order 77 (b) (vi) – (vii) which are interim appointments or fixed term contracts be made by the Chief Executive
- (vi) The appointment of an Interim Chief Executive shall be considered by a sub-committee of General Purposes Committee which shall include the Leader, Deputy Leader and a Leader of an opposition party as decided by the Leader.

78. Disciplinary action against the Head of Paid Service, the Monitoring Officer or the [Section 151/Chief Finance Officer](#)

- (a) ~~Except as described in paragraph (b) below, no~~ 'disciplinary action' (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) may be taken in respect of the Chief Executive, Monitoring Officer or [Section 151/Chief Finance Officer](#) other than in accordance with Standing Order 79.
- (b) The Chief Executive, Monitoring Officer and [Section 151/Chief Finance Officer](#) may be suspended by the General Purposes Committee for the purpose of investigating the alleged misconduct occasioning the action. That suspension will be on full pay and, if it lasts longer than two months from the date it took effect, it will be reviewed by the General Purposes Committee.

79. Dismissal from Senior Management Posts

- (a) Any proposal to dismiss a person from any of the posts mentioned in Standing Order 77(b) shall be notified to the Director Human Resources together with any other particulars that the person or body proposing the dismissal considers are relevant to the dismissal and no notice of dismissal shall be given unless the following paragraphs have been complied with.
- (b) The Director Human Resources shall forthwith notify –every member of the Cabinet:
 - (i) the name of the person whom it is intended to dismiss;

- (ii) any other particulars relevant to the dismissal which have been notified to the Director Human Resources-; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Cabinet on behalf of the Cabinet to the –Director Human Resources-.
- (c) The Leader shall within the period specified in the notice notify the Director Human Resources of any objection which the Leader or any other member of the Cabinet has to the proposed dismissal.
- (d) If no such objection is received by the Director Human Resources—and Administration, the Director Human Resources may proceed to give notice of the dismissal to the employee. If an objection is made the person or body proposing the dismissal shall consider whether to proceed with the dismissal. If satisfied that the objection is not material or is not well founded then the Director Human Resources may proceed to give notice of the dismissal to the employee.
- (e) In the case of the dismissal of the Chief Executive, Monitoring Officer or the Chief Finance Officer, the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.
- (f) In the case of the dismissal of the Chief Executive, Monitoring Officer or the Section 151/Chief Finance Officer, a proposal to dismiss as a result of 'disciplinary action' (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) must be approved at a meeting of Full Council before notice of dismissal is given. In addition, Bbefore the taking of a vote at any such meeting, Full Council must take into account, in particular:
- (i) any advice, views or recommendations of the Dismissal Advisory Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the officer concerned.

80. Staff Appeals Against Dismissal

Appeals by members of staff at Operational Director level and below against dismissal for misconduct shall be heard by a more senior officer unless the Director of Human Resources considers it appropriate for the appeal to be heard by the Staff Appeals Sub-Committees.

Appeals by members of staff at Strategic Director level, or who report to the Chief Executive directly, against dismissal for misconduct shall be heard by the Staff Appeals Sub-Committees.

81. Political Assistants

An appointment of an assistant to a political group pursuant to section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group and in accordance with the provisions of that Act and any other applicable legislative provision.

The provisions include:

- (i) No appointment shall be made to any post allocated to a political group until



Full Council
18 January 2016

**Report from the Strategic Director of
Regeneration and Environmental
Services**

For Action

Wards affected:
ALL

**Brent Draft Development Management Policies
Development Plan Document – Submission**

1.0 Summary

1.1 On 21st September 2015 Cabinet approved the draft Development Management Policies Development Plan Document for Publication and then, subject to Full Council approval, submission to the Planning Inspectorate for Examination. As a consequence of representations made at Publication stage a number of minor alterations are proposed to enable a sound draft Plan to be formally submitted. Full council is asked to consider the representations made at Publication stage, officers' recommended responses and where appropriate the proposed minor modifications to the draft Plan as set out in Appendix 1. Full Council is requested to approve the draft Plan included within Appendix 2 together with proposed minor modifications set out in Appendix 3 for formal submission.

2.0 Recommendations

- 2.1 Full Council considers the representations made at publication stage and agrees the recommended responses to individual representations, as set out in the schedules attached as Appendix 1.
- 2.2 Full Council agrees that the draft Brent Development Management Policies Development Plan Document in Appendix 2 together with the schedule of proposed modifications as set out in Appendix 3 be submitted to the Planning Inspectorate for Examination.

- 2.3 Full Council authorises the Strategic Director, Regeneration & Environmental Services to agree any necessary changes to the document during the Examination process to facilitate the adoption of a sound Plan.

3.0 Detail

- 3.1 The reasons for producing the Development Management Policies Development Plan Document derive from the need to bring Unitary Development Plan (UDP) policy first drafted in 2000 and adopted in 2004 up-to-date. It is a required step in drawing up the folder of documents that will make up the borough's development plan and ultimately supersede the UDP.

Public Consultation

- 3.2 The process of adopting the Development Plan is set out in the The Town and Country Planning (Local Planning) (England) Regulations (last amended in 2012). Consistent with this and Planning Practice Guidance early engagement/consultation took place in preparing the Plan. Following Executive's approval on 24th March 2014 consultation upon a draft Plan was undertaken from 20th June and 31st July 2014. Wide publicity was given to this. It was advertised in the local press, social media and on the website. It was made available in Brent libraries as well as online. It was advertised through posters on notice boards throughout the Borough. Letters were sent to those on the consultation database, schools, community and voluntary sector groups. Public drop in sessions were held at the Civic Centre, Willesden Sainsbury's and as part of the Sudbury week of action. Officers presented on the policies to the five Brent Connects Forums. Similar processes took place when Plan was formally published for representations from the 24th September – 5th November 2015.

The Plan's relationship with other Planning Policy

- 3.3 National planning policy is set out within the National Planning Policy Framework (2012) and associated National Planning Practice Guidance (2014 onwards). The Council has to take account of national policy in the preparation of its development plan. Planning at a national level has and will, as identified through announcements in the most recent Chancellor's Budget, continue to go through a process of significant change. In its preparation, the proposed content of the draft Development Management Policies Plan, used to assess development proposals, has sought to take account of the relevant national policy at each of its stages.
- 3.4 The London Plan is the strategic plan which the Development Management Policies Plan has to be in general conformity with. As well as being a strategic plan, it is a lengthy document that for the majority of its policies also has a development management focus. This Plan has been subject to Further Alterations adopted in 2015 and is currently subject to proposed Minor Alterations. It is also supported by extensive supplementary planning guidance on a number of significant issues including housing, sustainability and children's play. Again the draft Plan has sought to take account of this strategic planning context, and it is recommended to highlight reference to

appropriate policies rather than incorporate their repetition; supplementing the London Plan by adding where appropriate and necessary Brent specific elements.

- 3.5 Brent's Core Strategy was adopted in 2010 and sets out strategic policies for the Borough. The draft Development Management Policies Plan is necessary to provide the detailed policy where necessary to support the determination of planning applications.

Current Stage

- 3.6 It is now recommended that the Plan go through its next formal stage. This is submission to the Planning Inspectorate for Examination of the draft Plan which the Council wishes to adopt. The Examination will determine if the draft Plan is 'sound' and whether it can be recommended for adoption in its current form; with modifications; or is incapable of being sound.
- 3.7 The publication stage of the Development Management Policies resulted in representations being made. All representations received and the recommended council responses to these are included in the Schedule of Responses as set out in Appendix 1. This is ordered by where the issue which is subject to representation is located in the draft Plan. The officer responses also includes proposed minor modifications to the draft Plan that officers consider will improve the clarity of the draft Plan, or make it 'sound' resulting from the representations made.
- 3.8 A requirement for representations to be 'duly made' is that they have to be submitted within the deadline set by the Council in its notices. Some representations were received after the expiration of the deadline and have been identified as such separately in Appendix 1. It is for the Inspector to determine the weight that should be attached to non-duly made representations. However, given the relatively small delay in their submission, officers have considered their content and essentially treated them in terms of response as if they have been duly made. Full Council is requested to consider all representations made, and approve the suggested officer responses and associated proposed modifications to the Plan.
- 3.8 Appendix 2 sets out the draft Development Management Policies Development Plan Document which was issued for publication. Appendix 3 sets out a consolidated list of proposed minor modifications to the draft Plan in Appendix 2. These incorporate the recommended responses set out in Appendix 1, plus other minor editing/points of clarification which are proposed for submission. Appendix 2 and Appendix 3 are recommended to Council as the Plan with modifications that the Council seeks to submit for Examination.
- 3.9 As part of the Examination process it is probable that in considering representations made the Council will be encouraged by the Inspector, or agree in association with those that have made representations, to make further modifications to the Plan to make it 'sound', or improve its clarity. As the Examination is a dynamic process, it is recommended that officers through delegated authority from Full Council to the Strategic Director, Regeneration &

Environmental Services are able to propose any necessary modifications to the document during the Examination process to facilitate the adoption of a sound Plan. Such modifications will not be significant in the sense that they strike at the heart of the Plan, fundamentally altering its content. Any further modifications, including those in Appendix 3 will be subject to further opportunity for representations to be made which will have to be considered by the Planning Inspector before they conclude their report.

- 3.10 On receipt of the Inspector's report, assuming that this identifies that the Plan is sound subject to modifications, the modified Plan will be brought back to Full Council to consider for adoption. It is anticipated that this will be Summer/Autumn 2016. The following paragraphs highlight the sections where the more significant representations have been made and the suggested response.

Significant representations made and suggested response (more fully set out and justified in Appendix 1).

Local Plan Viability Assessment

- 3.11 The Home Builders Federation, SEGRO, Greater London Authority, Fizzy Developments and Quintain have made representations on a number of policies including DMP 14 Employment Sites, DMP15 Affordable Housing and DMP19 Residential Amenity Space with regards to the impact of the policies and the need for viability assessment. The National Planning Policy Framework sets out the need for Local Planning Authorities to ensure that the cumulative impact of policies and standards should not put implementation of the Plan at serious risk; facilitating development through the economic cycle. Evidence supporting the assessment should be proportionate.
- 3.12 The Core Strategy identified the 50% affordable housing target for Brent as reaffirmed in the draft Plan. The Community Infrastructure Levy incorporated standards set out in Supplementary Planning Guidance that are also essentially being taken forward in the draft Plan. Both of these were subject to viability assessment and found sound. Evidence commissioned to support initiatives such as the Housing Zones in Brent has indicated that the 50% affordable target set in DMP14 in employment sites released for housing is achievable, so officers consider the policies are sound. Nevertheless, additional viability assessment work has subsequently been commissioned to look at a wider range of sites/scenarios to assist in supporting policies. This is considered proportionate to the policies being examined, when viewed in the context of previous viability assessments undertaken. This evidence when completed will be submitted with the draft Plan for Examination.

Statements of Common Ground

- 3.13 In order to assist the Planning Inspector, speed up the Examination process and indicate a positive approach to engaging with those that made representations, officers have sought to produce statements of common ground. These indicate where both those making representations and the Council agree on certain matters, for example the Council's proposed modifications (as set out in the appendices to this report) to the draft Plan

submitted. This should provide comfort to the Inspector that in terms of the Examination process substantial time should not necessarily be given revisiting issues where there is now agreement. So far agreements have been made with CAMRA (Campaign for Real Ale), Heritage England and the Environment Agency. Others are likely to be agreed either prior to, or during the examination process.

4.0 Financial Implications

- 4.1 The preparation and ultimate adoption of the Development Management Policies DPD 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 Assuming that the Inspector considers the evidence in support of the Plan to be robust, costs associated with the Examination and adoption process are likely to be no more than £40,000. The Examination will be funded by the Departmental Projects budget.

5.0 Legal Implications

- 5.1 The preparation of the Local Plan, including the Development Management Policies DPD, 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 be part of the development plan and have substantial weight in determining planning applications and will supersede the remaining 'saved' parts of the UDP.

6.0 Diversity Implications

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 Full statutory public consultation is being carried out in the process of preparing and adopting the DPD. An Equalities Impact Assessment has been undertaken up to the current stage. The impacts have been assessed as being positive in relation to younger people, ethnic minority groups and those with a disability, specifically related to policies around limiting takeaways and

shisha premises in the vicinity of schools, limiting betting shops and pay day loans and also in seeking to provide suitable affordable housing to meet needs.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

8.0 Environmental Implications

8.1 The DPD deals with the development of the Borough and thus will have a significant effect on controlling impacts on the environment. Sustainability Appraisal is undertaken at all stages of preparing the Plan.

Background Papers

London Plan 2015

Brent Core Strategy July 2010

Draft Brent Development Management Development Plan Document Consultation June 2014 and supporting documents

Draft Brent Development Management Development Plan Document Publication Version September 2015 and supporting documents

Brent Planning Committee 23rd July 2015 Brent Development Management Policies Local Plan – Publication and Submission

Brent Cabinet 21st September 2015 Brent Development Management Policies Local Plan – Publication and Submission

Contact Officers

Any person wishing to inspect the above papers should contact Paul Lewin, Planning Policy & Projects 0208 937 6710

Lorraine Langham
Strategic Director, Regeneration and
Environmental Services

Appendix 1

Development Management Policies: Summary of Representations at Regulation 19 Stage

During regulation 19 publication stage representations were made by:

- Brent Friends of the Earth
- Environment Agency
- Fizzy Developments
- Greater London Authority
- Highways England
- Historic England
- Home Builders Federation
- KFC (GB) Limited
- Natural England
- NEAT Developments and Royal London Asset Management
- Old Oak and Park Royal Development Corporation
- Paddy Power
- Royal Borough of Kensington & Chelsea
- SEGRO
- Sport England
- Snowcrest Properties Limited
- Transport for London
- Thames Water
- Wembley National Stadium Limited

- Marine Management Organisation
- Office of Rail Regulation

The following representations were received outside of the publication period and were therefore not duly made. These representations have been included for completeness.

- CAMRA
- McDonalds
- Quintain

The following organisations confirmed they had no representations:

*Existing text deleted shown as struck-through, new text shown in red and underlined, repositioned text shown in green.

Duly made representations (those received within the period set)

Representor	Section/ Policy/ Para	Legally Compliant	Sound	Comment	Council's response and where relevant proposed changes*
Section 2: General Development Management Policy					
Old Oak & Park Royal Development Corporation	General	✓	✓	The DMP has been positively prepared, it is justified by a range of supporting studies it accords with cross-boundary strategic priorities and is consistent with the aims of the NPPF.	No change needed in relation to comment.
Historic England	General	-	-	The brevity of the proposed policies may not allow for the active, positive approach required by the NPPF in respect of heritage.	See response which follows to Historic England's detailed comments.
Home Builders Federation	General	-	✗	The DMP does not appear to be supported by a viability assessment. This is a requirement of the NPPF. However, it is acknowledged that the Council has produced a viability appraisal in support its CIL that has been examined and found sound and adopted.	For the purposes of clarity the DMP highlights affordable housing targets which have been set in the Core Strategy. Both the Core Strategy and CIL charging schedule have been found sound at examination, therefore a further viability assessment is not required.
Natural England	General	✓	✓	The DMP addresses comments submitted at the previous stage of consultation and this is evidenced in the Consultation Statement. The duty to cooperate has been fulfilled with regard to Natural England.	No change needed in relation to comment.
Brent Friends of the Earth	DMP 1	-	✗	An additional general policy requirement is needed that all development should be sustainable and contribute towards meeting current climate change policies.	Minor modification proposed to policy DMP 1 for clarity as follows: 'Subject to other policies within the development plan, development will be acceptable provided it is: e. <u>sustainable</u> , and maintaining or enhancing sites of ecological importance;'
Historic England	DMP 1	✓	✓	The policy provides a commitment to the borough's heritage assets and is therefore	Minor modification proposed to DMP 1 for clarity as follows: 'Subject to other policies within the

				supported. Recommend part d) amended to 'conserving and enhancing' to align with the terminology of the NPPF.	development plan, development will be acceptable provided it is: d. preserving conserving or enhancing the significance of heritage assets and their settings;'
Sport England	DMP 1	✓	✓	The policy is supported as it protects open space and community buildings, both of which include sports provision.	No change needed in relation to comment.
Thames Water	DMP 1	-	✗	To avoid unacceptable impacts on the environment reference is needed to the provision of adequate water and sewerage infrastructure to serve development.	Policy DMP1(c) sets out that development will be acceptable provided it is provided with the necessary physical infrastructure. For clarity minor modifications are proposed to paragraph 2.7 as follows: 'Development will be expected to provide any associated infrastructure required to make it acceptable accessible from a planning perspective. This includes elements such as on or off-site physical infrastructure for example transport improvements, water and sewerage infrastructure , or surface water drainage or social infrastructure such as additional capacity in schools or health practices.'
Thames Water	DMP 1	-	-	The requirements in policy DMP 1 are generally supported; however, suggest an additional requirement is added stating development should not be located where the amenity of future occupiers would be adversely affected by existing sources of noise, odour, vibration, fumes, dust or other air pollution.	Minor modification proposed to DMP 1 for clarity as follows: 'Subject to other policies within the development plan, development will be acceptable provided it is: g. not unacceptably increasing exposure to flood risk, noise, dust, contamination, smells, waste, air quality , light, other forms of pollution and general disturbance or detrimentally impacting on air or water quality ;
Section 3: Town Centres					
Historic England	General	-	-	It is recommended that Chapter 3 recognise the positive attribute of its town centres, and ensure that appropriate linkage is made with effective conservation and design policies in the plan.	In determining planning applications all relevant policies in the DMP will be considered in the round, therefore it is not considered necessary to cross-reference policy DMP 7 here.
Greater London Authority	DMP 2	✓	✓	Reference to unviable secondary frontages on the periphery of town centres being considered acceptable for residential use is welcomed.	No change needed in relation to comment.
KFC (GB) Limited	DMP 3	-	✗	Preventing takeaways locating in proximity to	One of the three dimensions in achieving sustainable

				schools is not justified as evidence has not been provided of the link between the incidence of obesity and the proximity of hot food takeaways to such places. The policy is not consistent with the NPPF.	development as set out in the NPPF is for the planning system to perform a social role by supporting ‘strong, vibrant and healthy communities.’ Consequently one of the core planning principles is to ‘take account of and support local strategies to improve health, social and cultural wellbeing for all.’ Policy DMP 3 supports Brent’s Health and Well-being Strategy and is therefore consistent with the NPPF. The Council has already taken forward such a policy for Wembley in the Wembley Area Action Plan, which was found sound at examination. Furthermore, the Council has undertaken its own research which identifies a link between proximity of takeaways to schools and dietary behaviour of young people in the borough.
Paddy Power	DMP 3	-	X	Many centres across the country and in Brent are healthy, despite having a high number of betting shops, pawnbrokers and pay day loan shops. The 4% threshold for betting shops within Brent’s centres is not justified, as it is not founded on a robust and credible evidence base.	For town and neighbourhood centres to be successful it is imperative that there are a range of uses providing a breadth of products and services to encourage a diverse customer base, increased footfall and to sustain the life of the borough’s high streets. The national and local evidence summarised in the Council’s report A Fair Deal (2013) indicates that the numbers of betting shops, pawnbrokers and payday lenders are increasing significantly, and in some cases this has already led to an over-concentration of these uses in Brent’s centres. To ensure that shopping areas are diverse and balanced the Council considers it necessary for the DMP to set a limit on the proportion of town or neighbourhood centre frontage in use as a betting shop, pawnbrokers and payday lenders based on an assessment of existing levels. By setting a threshold this gives a clear indication of how a decision maker should react to a development proposal as required by the NPPF, paragraph 154.
SEGRO	DMP 6	-	-	1. The policy should include reference to Core Strategy policy CP 16 in relation to the NPPF’s sequential approach to town centre	1. The Council considers it is not necessary to reference policy CP 16 in policy DMP 6 as it is already cross-referenced elsewhere in the

				<p>uses.</p> <p>2. Whilst detailed information on disabled access can be provided for applications seeking full permission for hotel development, proposals for outline consent are not usually developed enough to warrant such a requirement.</p>	<p>chapter.</p> <p>2. Minor modification proposed to DMP 6 as follows: ‘Proposals for hotel development must be inclusive and accessible with applications for detailed permission to be accompanied by Accessibility Management Plans.’</p>
Wembley National Stadium Limited (WNSL)	DMP 6	-	-	Note that the policies around the public realm have been removed on the basis that the relevant policy is contained in the London Plan. Wish to be consulted on the emerging Designing Brent Supplementary Planning Document.	No change needed in relation to comment. WNSL have been provided with an update on the Supplementary Planning Document and will be consulted in due course.
Section 4: Built Environment					
Sport England	4.7 - 4.8	-	-	Recommend the inclusion of the Active Design concept within design policy and guidance and suggest the document is referred to as background guidance.	Minor modification proposed to include Active Design by Sport England in the list of background guidance.
Transport for London	4.15	-	-	Suggest that reference to “safe, attractive, well designed street environments for walking and cycling” is made in this section.	Minor modification proposed to paragraph 4.15 for clarity with an addition after the final sentence as follows: ‘ This is consistent with other parts of the Plan of making areas have better accessibility and improving streets and places for walking and cycling. ’
Historic England	DMP 7	-	X	<ol style="list-style-type: none"> 1. Recommend that further consideration is given to retaining much of the earlier policy DMP 17, updated to reflect the emphasis and terminology of the NPPF. 2. Recommend revisions to better link the policy to the local evidence base, including Conservation Area Appraisals and Management Plans and the local list. 3. The policy should include information on the archaeological record and the Council’s approach to planning applications affecting such assets. 4. Information needed on the Council’s approach to conserving heritage assets at risk. 5. Improve clarity to part c of DMP 7 and 	<p>A Statement of Common Ground has been agreed by both Brent Council and Historic England which addresses the objections made. In summary:</p> <ol style="list-style-type: none"> 1. The Council considers the policy retains the content of the previous policy DMP 17, albeit expressed more concisely. However, minor modifications have been agreed with Historic England both to clarify DMP7 is applicable to archaeological remains, and to reflect the terminology of the NPPF. ‘Proposals for or concerning affecting heritage assets should: <ol style="list-style-type: none"> a. demonstrate a clear understanding of the archaeological, architectural or historic significance

				<p>paragraph 4.23.</p>	<p>and its wider context;</p> <p>b. provide a detailed analysis and justification of the potential impact of the development on the heritage asset and its context as well as any public benefit;</p> <p>c. retain buildings, structures, architectural features, hard landscaping and spaces <u>and archaeological remains</u>, where their loss of which would cause harm;</p> <p>d. sustain and enhance the significance of the heritage asset, its curtilage and setting, respecting and reinforcing the streetscene, views, vistas, street patterns, building line, siting, design, height, plot and planform;</p> <p>e. contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design, and the use of appropriate materials and expertise, <u>and improving public understanding and appreciation.</u>'</p> <p>2. For clarity minor modifications are proposed to expand and be more specific with regards to the list of local guidance to include: Sites of Archaeological Importance and Archaeological Priority Areas, Conservation Area Design Guides, Conservation Area Article 4 Directions, Listed Buildings and the Local List. Minor modifications are also proposed to the supporting text to highlight the evidence base.</p> <p>3. London Plan policy 7.8 provides London wide policy on Heritage Assets and Archaeology. A minor modification is proposed to paragraph 4.25 to clarify '<u>For archaeological assets, the layout of the development, extent of basements and design of foundations may need to provide for physical preservation. If significant archaeological remains are not to be preserved in-situ then appropriate</u></p>
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					<p><u>investigation, analysis, publication and archiving will be required.</u>'</p> <p>4. As the DMP contains detailed policies to be used in determining planning applications it is considered this is not the most appropriate place to set out the Council's strategic approach to heritage at risk. However, a minor modification is proposed to paragraph 4.25 to clarify the approach in relation to planning applications. <u>'Special regard will be given to proposals near or affecting heritage assets identified as at risk on Historic England's Heritage at Risk Register. The Council will use its development management and other planning powers to secure the future viable use of the borough's heritage assets.'</u></p> <p>5. For clarity the following minor amendments are proposed to DMP7 c. 'retain buildings, structures, architectural features, hard landscaping and spaces, where their loss of which would cause harm'; and paragraph 4.23 as follows; 'Policy DMP 7 Brent's Heritage Assets, therefore, specifically seeks to protect Brent's heritage and seeks to ensure that the case for conservation and enhancement is fully considered when assessing all proposals for new development. There must also be <u>The Policy also seeks to safeguard the potential for further investigation on sites and buildings where the heritage asset's significance may hitherto be acknowledged and as archaeological sites become available be previously undiscovered. Archaeological Priority Areas and Archaeological Sites indicate where, according to existing information, there is significant known archaeological interest or particular potential for new discoveries. However, sites of archaeological importance could be discovered elsewhere in the borough.'</u></p>
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Section 5: Open Space					
Environment Agency	DMP 8	✓	✓	Strongly support this policy and its supporting text's commitment to enhancing biodiversity in line with section 11 of the NPPF. This policy is also in line with Policy 7.19 of the London Plan.	No change needed in relation to comment.
Sport England	DMP 8	-	✗	The DMP is not sound as it fails to be underpinned by an up to date and robust assessment of need for outdoor sports facilities. Recommend that the current Playing Pitch Strategy is completed prior to the finalisation of the DMP document so that the DMP document can be properly informed and set up to implement and address local provision of open space for outdoor sport.	The 2008-2021 Planning for Sport and Active Recreation Facilities Strategy informed policies within the Brent Core Strategy, specifically policy CP 18 Protection and Enhancement of Open Space and Sports, and policies CP 7 to CP 11, which identify infrastructure requirements within growth areas. The focus has been on taking forward the DMP, which set the detailed decision making policies in the borough. These policies are supported in the determination of planning applications by the evidence available at the time. Once the DMP is adopted the intention is to revisit the Core Strategy, at which point the Facilities Strategy will be reviewed accordingly. The Core Strategy is the best place to identify strategic provision, whilst the Site Specific Allocations addresses the potential to meet needs in specific locations. The Playing Pitch Assessment was due to be completed in advance of the DMP; however, there have been delays, in part to accommodate recommended changes in methodology made by Sport England. The study is now due in early 2016. It is not considered necessary or appropriate to delay the production of the DMP until the Assessment is complete.
Environment Agency	DMP 9	-	✗	<ol style="list-style-type: none"> 1. Recommend reference within the policy to the Thames River Basin Management Plan and the Biodiversity Action Plan. Suggest that the policy wording could be made clearer by referring to both the Blue Ribbon Network and also to other tributaries. 2. The policy should encourage developers to take the opportunity to open culverts where 	<ol style="list-style-type: none"> 1. Minor modification proposed to DMP 9 for clarity as follows: 'Developments adjacent to the Blue Ribbon network <u>and other tributaries</u>, or waterways with potential to negatively impact on its water quality will be required to contribute towards restoration and naturalisation of waterways, and seek to enhance water quality and biodiversity in accordance with the objectives

				<p>viable or make financial contributions to other projects to enhance or deculvert rivers.</p>	<p>of the Water Framework Directive and Thames River Basin Management Plan.' A minor modification is also proposed to include reference to the Brent Biodiversity Action Plan in paragraph 5.12 and in the local guidance box.</p> <p>2. This point is considered to be addressed by the policy's reference to development being 'required to contribute to restoration and naturalisation of waterways'. Minor modification proposed to paragraph 5.11 first bullet point for further clarification: 'Deculverting and removing unnatural structures such as obsolete weirs and bank and bed reinforcements.'</p>
Section 6: Environmental Protection					
Sport England	6.2 - 6.9	-	-	<p>Recommend including reference to recently produced Sport England guidance on Artificial Grass Pitch Acoustics.</p>	<p>The guidance is noted and will be considered in assessing planning applications where relevant.</p>
SEGRO	6.11	-	X	<p>1. Air Quality Management Areas (AQMAs) are not currently shown on the Policies Map as stated in paragraph 6.11.</p> <p>2. Object to the statement that sensitive uses will not be acceptable along the A406 due to poor air quality, as there may be circumstances where local air quality would be improved as a result of redevelopment. Therefore proposals for sensitive uses adjacent to the North Circular Road should be assessed on a case by case.</p>	<p>1. A minor modification is proposed to add the Air Quality Management Area (AQMA) layer to the policies map.</p> <p>2. Minor modification proposed to paragraph 6.11 for clarity as follows 'Air quality directly adjacent the North Circular Road is very poor, therefore sensitive uses such as housing will generally not be acceptable in this location.'</p>
Environment Agency	6.17-6.21	-	X	<p>Generally supporting of the text included in this section and the references to National Policy and our Model Procedures for Contaminated Land (CRL 11), however, feel that a specific policy on land contamination is needed to ensure remediation of previously contaminated sites. The principles of cleaning up land contamination via remediation also extend to ensuring that drainage measures on such sites are appropriate and do not contribute polluted water runoff to</p>	<p>Paragraph 120 of the NPPF requires developers and landowners to remediate contaminated sites to ensure a safe development. Furthermore, national planning practice guidance states local authorities can use planning conditions to ensure that development should not commence until the identified stages in delivering a remediation scheme have been discharged. Paragraphs 6.20 to 6.21 of the DMP sets out how Brent Council will enforce this requirement.</p>

				surface waters via the drainage network and infiltration.	<p>To clarify that development must not detrimentally impact on water quality the following minor modifications are proposed to DMP 1 part g and paragraph 6.18: ‘Subject to other policies within the development plan, development will be acceptable provided it is: g. not unacceptably increasing exposure to flood risk, noise, dust, contamination, smells, waste, air quality, light, other forms of pollution and general disturbance or <u>detrimentally impacting on air or water quality</u>;’</p> <p>6.18. ‘A general indication of the location of historic industrial sites is provided by Map 1 below. <u>In accordance with DMP 1 development will not be permitted if it would lead to the future contamination of the land or elsewhere or have a detrimental impact on water quality.</u>’</p>
SEGRO	6.29	-	X	A minor addition to improve clarity of paragraph 6.29 is requested as the exact cost benefits of SUDs systems are not usually known until post-determination stage, when detailed design has been undertaken and products have been specified. Nevertheless, estimated costs can be provided at application stage.	Minor modification proposed to paragraph 6.29 for clarity as follows: ‘The developer is to provide Water Quality and Biodiversity statement and cost benefits <u>analysis</u> for conventional and SuDS systems.’
Thames Water	6.22-6.30	-	X	<ol style="list-style-type: none"> 1. In order to ensure that the DPD is effective at ensuring that development does not result in adverse effects such as sewer flooding it is considered to be essential that policy is included in the DPD to ensure that any necessary upgrades to the sewerage network are delivered ahead of the occupation of development. 2. Policy should include a requirement for developers of any basement development to install suitable devices to prevent surcharge from the public sewer entering the basement such as by using positively pumped devices. 	<ol style="list-style-type: none"> 1. London Plan policy 5.14 Water Quality and Wastewater Infrastructure requires development to provide adequate wastewater infrastructure capacity in tandem with development. For clarity a minor modification is proposed to paragraph 6.25 as follows: ‘Development proposals in flood risk zones 2 and 3, and all development proposals for sites of 1 ha or above in flood risk zone 1, should be accompanied by a Flood Risk Assessment (FRA) <u>to consider all forms of flooding.</u>’ 2. Detailed guidance in relation to basements will be included in the forthcoming Supplementary

					Planning Document on household alterations and extensions.
Environment Agency	6.22 – 6.23	-	X	Object to there being no specific flood risk policy for the borough. State a policy is needed based on the Brent Strategic Flood Risk Assessment.	The recommendations in the Strategic Flood Risk Assessment are covered by existing policy in the NPPF, NPPG, London Plan policy 5.12 and London Plan policy 5.13. The policy proposed by the Environment Agency repeats this existing policy. Therefore it is not considered a locally specific policy is required. However, for clarity a minor modification is proposed to paragraph: ' <u>In accordance with the SFRA all FRA should demonstrate how the development seeks to reduce flood risk.</u> '
Section 7: Sustainability					
Greater London Authority	7.8 – 7.13	-	-	The Government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards. Therefore until further announcements are made, to avoid confusion, the borough should not refer to 'Allowable Solutions' (paragraphs 7.8 and 7.13), but instead refer to a local carbon offsetting fund in line with Policy 5.2 of the London Plan.	Minor modification proposed to paragraphs 7.8 and 7.13 to reflect change as follows: '7.8 Only where it is clearly demonstrated carbon reduction targets cannot be fully met on site, any shortfall may be off-set through 'Allowable Solutions' <u>local carbon offsetting</u> . 7.13 Only if the feasibility study in the Energy Assessment demonstrates that all on-site options have been considered and are not feasible, will Allowable Solutions <u>carbon offsetting</u> be considered. In accordance with emerging London Plan Policy 5.2 developers should actively seek to deliver their remaining Allowable Solutions <u>carbon savings</u> through local carbon saving projects. Brent Council will establish a price per tonne for carbon or use a nationally recognised price such as that set by the Zero Carbon Hub, and seek payment into a local fund which will be used to deliver Brent's emerging Allowable Solutions <u>carbon offsetting in the borough Strategy</u> .'
Home Builders Federation	7.8 – 7.13	-	X	The DMP can not require applicants for residential development to seek to deliver their remaining Allowable Solutions through local carbon saving projects as the Government has	The requirement to deliver carbon savings through local projects is set out in London Plan policy 5.2. To be found sound the DMP must accord with the London Plan, and therefore sets out how to accord

				decided not to suspend the path to zero carbon homes which had been programme for 2016 onwards. Applicants, therefore, for the time being, are only required to comply with Part L of the Building Regulations.	with the requirements of the London Plan. Minor modification proposed to paragraph 7.8 and 7.13 to update reference from Allowable Solution to local carbon off-setting as set out above.
Section 8: Transport					
Brent Friends of the Earth	General	-	X	It is considered the DMP should promote a Low Emission Zone to reduce nitrogen dioxide levels from diesel vehicles.	The London Low Emission Zone was established and is reviewed by the Mayor and cannot be amended through the DMP.
Royal Borough of Kensington & Chelsea (RBKC)	General	-	-	Reference to step-free access at underground / rail stations would benefit residents of both Brent and Kensington & Chelsea.	London Plan policy 7.2 An Inclusive Environment, which forms part of the Brent Local Plan, requires all new development in London to achieve the highest standards of accessibility and inclusive design. Therefore it is not considered specific reference to step-free access is needed in the DMP.
Transport for London	8.4	-	-	<ol style="list-style-type: none"> 1. TfL requests a clarification on which investments have been made to the three Wembley stations mentioned. 2. TfL also believes that it should be noted that with improved bus services comes the need for bus stands and facilities and consideration should be given to their location. 	<ol style="list-style-type: none"> 1. The Three Stations Strategy has been implemented by TfL and the Council over a 10 year period and included refurbishment and increased capacity at Wembley Pak station, access improvements to Wembley Stadium station through the construction of White Horse Bridge and a new passenger bridge at Wembley Central. 2. A minor modification is proposed to paragraph 8.4 for clarification as follows: <u>'With improved orbital bus links comes the need for bus stands and facilities, and consideration will need to be given to their location.'</u>
Transport for London	8.5	-	-	TfL requests clarification that promoting an integrated transport system should not be done to the detriment of other successful public transport modes.	The Council considers paragraph 8.5 is consistent with London Plan policy 6.1 Strategic Approach, and does not suggest an integrated transport system will be promoted to the detriment of public transport.
Transport for London	8.7	-	-	Mitigation for impacts on the bus network during construction needs to be taken into account.	Minor modification proposed to paragraph 8.7 for clarification as follows: 'Where significant impacts arise, <u>including during development construction</u> , mitigation measures should be proposed and the residual impacts assessed.'

Transport for London	8.8 - 8.10	-	-	Welcomes acknowledgement that the growth of the borough places stress on public transport capacity and infrastructure. Public transport capacity improvement should be sought when the actual additional level of trips expected would likely cause stress and capacity issues to the existing network and where local public transport services are expected to operate at or exceed capacity.	Minor modification proposed to paragraph 8.8 second bullet point as follows: 'Public transport improvements sufficient to service the scheme or to integrate it with the surrounding area. Developments attracting a significant number of trips in areas with low or moderate public transport accessibility <u>or causing capacity issues to the existing network</u> will only be acceptable when significant public transport improvements are secured which are both viable and justifiable in the longer term.'
Transport for London	8.11	-	-	The document should include a more useful reference to the London Cycle Design Standards.	Paragraph 8.11 of the DMP states in meeting the requirements of London Plan policies 6.9 Cycling 'The provision for safe and secure cycle parking in accordance with the London Cycling Design Standards is also an important consideration along with the provision of on-site showers and changing facilities.' However, a minor modification is proposed for clarification to highlight the London Cycle Design Standards as relevant guidance.
Transport for London	DMP 11	-	-	Welcomes that new accesses on North Circular Road will be generally resisted except where safety benefits may be brought and also supports that new access on London Distributors Road will only be permitted where it does not harm the road's strategic traffic distribution role and particular bus movements. However, reference to cycling and pedestrian safety should also be made to minimise conflicting risks between motor vehicles and cyclists as well as pedestrians.	The Council considers this point is covered by paragraph 8.20 which states 'in development proposals priority should be given to safety issues. This includes the convenience and safety of vulnerable road users such as pedestrians and cyclists.'
Highways England	8.21	-	-	Recommends that all reference made to the former Highways Agency are amended to reflect the new entity as of 1 April 2015 of Highways England.	Minor modification proposed to paragraph 8.21 to amend Highways Agency to Highways England.
Transport for London	DMP 12	-	-	1. The following are welcomed:- <ul style="list-style-type: none"> reference to the need for electric vehicle charging points inline with the London Plan standards. 	1. No changes are needed in relation to these comments. 2. The Council considers the car parking standards set out in the DMP, which are consistent with

				<ul style="list-style-type: none"> the inclusion of a policy that encourages car free developments in areas of good PTAL, in line with the car parking standards set out in the latest London Plan, section 6.13. measures proposed to introduce Controlled Parking Zones around future developments. the policy of securing contributions to be used towards car clubs and car pool schemes. the proposal to remove surplus car parking when it is not deemed necessary. <p>2. Ask that a more restrained approach on parking should apply on developments in the vicinity of parts of the highway network which are congested or suffer from capacity problem.</p>	the standards in the London Plan, provide a sufficiently restrained approach. In addition the promotion of Controlled Parking Zones and car free development in areas of high PTAL will assist in alleviating pressure on the highway network.
Wembley National Stadium Limited	DMP 12	-	X	<p>If planning permission is granted for a development with private parking in the vicinity of the National Stadium, the use of that parking facility as “pirate parking” has a significant adverse impact on the safe and effective movement of people and travel on event days. On that basis an amendment to DMP 12 is justified to clarify that any new development incorporating private car parking in the vicinity of Wembley Stadium should be subject to restrictions on the use of such car parking spaces by those attending events at the Stadium.</p>	Where relevant, to mitigate the potential impact of pirate parking on the highway network the Council applies a planning condition to development requiring a detailed car park management plan which must include the means by which parking spaces will be allocated, secured and enforced between the various users of the site throughout its lifetime. The condition requires the car park to be used only for the purposes set out within the approved plan and not for other purposes, such as for Wembley Stadium event parking. The condition is justified on the grounds of existing policy (specifically NPPF paragraph 32), therefore it is not considered a further policy is required.
Transport for London	8.30 - 8.31	-	-	<p>The reference to London Plan policies 6.14 and 6.15 is welcomed. Additionally, the inclusion of reference to Construction Logistics Plans (CLP) and Delivery and Servicing Plans (DSP) is welcomed.</p>	No change needed in relation to comment.

Section 9: Employment					
Snowcrest Properties Ltd	9.1	-	X	As currently drafted, the first sentence is imprecise and hence not effective. The term 'conversion' has specific connotations with the change of use of buildings, but the Chapter has a much broader application. The sentence should also make clear that the Chapter is concerned with the control over the reuse of these sites and premises for "non-employment and mixed (employment and non-employment) uses".	Minor modification proposed to paragraph 9.1 for clarity as follows: 'The NPPF and London Plan emphasise the importance of allowing sufficient flexibility to adapt to changing circumstances by supporting managed conversion <u>release</u> of surplus employment land.'
Snowcrest Properties Ltd	DMP 14 – Local Employment Sites	-	X	The policy is considered unsound for three reasons: 1. it fails to recognise the NPPF and London Plan's encouragement of mixed use development. 2. the final paragraph does not advise what "maximum amount off employment floorspace is in relation." 3. It fails to advise on the incompatibility of B2 and B8 uses in conjunction with residential use, and is hence ineffective.	1. The policy enables mixed-use development, where continued wholly employment use is unviable, or where redevelopment or re-use of a Local Employment Site would not give rise to a material loss of employment. 2. Supporting text in paragraph 9.4 provides detail on the application of the policy and clarifies this relates to the maximum economically feasible amount of employment space. 3. DMP 1 contains policy to ensure incompatible uses are not located in proximity to each other, and will be applied where relevant when assessing applications.
NEAT Developments	DMP 14	-	X	It is not clear that the evidence base behind the policy DMP 14 has changed, and the implications of this. It can be concluded that revised evidential base has resulted in a narrow and seemingly inflexible policy, which appears to be solely geared towards facilitating the regeneration of a single site (the Northfield Industrial Estate), and does not appear to allow the Council to exercise discretion on other sites within SIL and LSIS clusters to come forward for development and be considered on their own merits.	The DMP highlights the Employment Land Demand Study (ELDS) is part of the evidence base, and accordingly the study has been made publicly available on the Council's website. The need to update the study derives from the London wide industrial base line review undertaken in 2015. This detailed evidence base was not available when the 2013 study was undertaken. The 2015 review found, since the industrial baseline was last fully reviewed in 2010, employment land has been released at a rate which far exceeds the benchmarks set in the GLA Industry and Transport SPG. For example Brent has released on average 2.4ha per annum, exceeding the borough benchmark of 1.3ha per annum. The rapid

					rate of release both in Brent and London as a whole has increased demand for employment land, as evidenced by a significant reduction in vacant employment land since the 2013 study was completed. The impact has been a reduction in the quantum of employment land which can be released, if the Council is to ensure business needs are met as required by the NPPF. The release figure in the 2015 ELDS has been revised accordingly; however, the approach to release of SIL and LSIS remains the same. Both the 2013 and 2015 studies identified all SIL and LSIS should be retained in employment use with the exception of Northfields and 2.4ha of Wembley SIL (now released through the Wembley Area Action Plan). The 2015 study recommends that a criteria based approach is used to release the remaining capacity from non-designated Local Employment Sites.
SEGRO (consultants CBRE)	DMP 14	-	X	<ol style="list-style-type: none"> 1. As drafted, the requirements of criteria b) of DMP 14 do not provide sufficient flexibility in the approach to securing affordable housing as advised by the NPPF. The requirement to provide at least 50% affordable housing as part of the redevelopment of Northfields Industrial Estate is restrictive and does not reflect adopted parent policy CP2. 2. Policy DMP 14 states that for developments falling under criteria a), the development shall incorporate employment uses providing high density employment on 20% of the site. CBRE question the policy basis for the 20% site area requirement. The standard seems to be based on a recommendation set out in the Employment Land Study (p.81); however the authors of the study acknowledge that this is based on an assumption rather than a robust rationale. 	<ol style="list-style-type: none"> 1. Core Strategy policy CP 2 sets a target for affordable housing subject to viability. The Council will be providing further evidence which identifies this target is achievable, in the context of development on industrial land. Policy DMP 14 seeks to ensure viability assessment takes account of the residual land value assumed for the site as SIL, and prevent speculation on land value impacting on the delivery of affordable housing. 2. Due to the limited quantum of employment land which can be released in the borough, the release figure identified for Northfields is on the basis that there will be some re-provision of employment uses. However, as highlighted the ELDS sets 20% as a target therefore a minor modification is proposed to DMP 14 to clarify this as follows: 'For developments falling under criteria a) the development shall incorporate employment uses providing high density employment on

					<u>approximately 20% of the site area.</u>
Snowcrest Properties Ltd	9.2	-	X	This paragraph appears to relate to designated employment sites only. To ensure effectiveness, this needs to be clarified within the text.	The Employment Land Demand Study includes both designated and non-designated employment sites, therefore paragraph 9.3 is correct.
Snowcrest Properties Ltd	9.3	-	X	Evidence of marketing for 24 months is required to demonstrate a lack of demand. A lack of demand can however be demonstrated through other means e.g. via a market assessment by a suitably qualified professional, which would likely reach the same conclusion as a marketing exercise, but within a small fraction of the time.	The 24 month marketing period accords with the recommendations of the ELDS. This period is widely applied as it ensures a robust marketing exercise is undertaken and allows for changes in demand locally. It is considered the most effective mechanism to test demand in relation to a specific site, taking into account local factors.
Snowcrest Properties Ltd	9.4	-	X	<ol style="list-style-type: none"> 1. This paragraph recognises that local employment sites may be redeveloped for a mix of uses, which we support. However it is not logical that mixed use development should only come forward where it “would not give rise to a material loss of employment”. Indeed, viability analysis may demonstrate that the maximum viable amount of employment space within a proposed mixed use development may be equivalent to that which is considered to be a ‘material loss’ – that however shouldn’t preclude the development from going ahead, otherwise the paragraph is ineffective. 2. It is not clear why a mixed use redevelopment, specifically, should have to provide “wider regeneration benefits to the community.” 3. “Very strong prospect” of the employment use being occupied is an unreasonably high test. 	<ol style="list-style-type: none"> 1. As identified in the supporting Employment Land Demand Study there is limited capacity to release employment land in Brent. Therefore to mitigate the impact of redevelopment of employment sites for mixed-use development it is necessary to ensure redevelopment would not result in a loss of employment, detrimentally impacting on the economic growth of the borough. 2. It is considered mixed-use schemes should deliver wider regeneration benefits by contribution to the need for housing, including on larger schemes affordable housing, and by improving the quality of environment. 3. It is in the interests of both the developer and Council to ensure mixed-use development results in employment floorspace which has a very strong prospect of being occupied. The Council wishes to avoid the creation of employment floorspace which remains vacant. In these situations historically the outcome has generally been a subsequent application to convert these premises to residential use. Ultimately this results in a poorer quality scheme and low quality residential units.
Snowcrest	9.4	-	X	1. The first sentence envisages that for every	1. To ensure the policy does not have an adverse

Properties Ltd				<p>mixed use redevelopment of a local employment site, where there is an existing business tenant, it must be accommodated on the redeveloped site. There will be situations where the existing business tenant would not want to take space within the redevelopment proposal, and the development is speculative (hence a letter of intent/agreement cannot be provided).</p> <p>2. The second half of the paragraph sets out an approach whereby, in a situation where a mixed use redevelopment is brought forward on a site which was previously vacant, managed Affordable Workspace should be provided. It is not clear why this requirement exists only in this very particular circumstance – there is no evidence base to justify it.</p>	<p>impact by resulting in viable businesses being distinguished, this requirement is needed to ensure where a developer proposes a mixed-use scheme on an occupied site, on the grounds the redevelopment will not give rise to a material loss in employment, in the first instance the developer seeks to retain the existing business.</p> <p>2. To ensure policy DMP 14 contributes to the sustainable economic growth of the borough, and given the competing pressure on land in the borough, it is important it promotes the creation of floorspace which helps to meet a genuine borough need. The ELDS identifies a Brent specific need for higher quality managed affordable workspace. It is therefore appropriate for DMP 14 to support the delivery of such workspace in accordance with the NPPF core principle for planning to proactively drive and support economic development to deliver industrial units that meet business needs.</p>
Section 10 : Housing					
Fizzy Developments	General	-	X	<p>Reference to tenures in this section is purely in terms of 'affordable' and 'private' only. Consider reference should be included to private rented sector (PRS).</p>	<p>Core Strategy Policy CP 21 requires housing developments to contribute to meeting the borough housing need. The Brent Strategic Housing Market Assessment (SHMA) provides detailed guidance on what these needs are in terms of tenure and property size. The Council recently commissioned an updated SHMA to provide greater detail on the contribution PRS can make to meeting housing need in the borough. In accordance with CP 21 this will inform decisions regarding housing mix requirements. In light of the Core Strategy policy it is not considered a further policy on housing mix is needed within the DMP, the DMP does however cross-reference Core Strategy policy and SHMA.</p>
Royal Borough of Kensington &	General	✓	✓	<p>It is not considered there are any contradictory approaches being pursued at present regarding</p>	<p>No change needed in relation to comment.</p>

Chelsea				housing need for the purposes of the Duty to Cooperate.	
Greater London Authority	10.1	-	-	The reference to Brent's new minimum housing monitoring target set out in table 3.1 of the London Plan (2015) is welcome. In line with London Plan Policy 3.3, the supporting text should note that this is a minimum figure and the Borough will continue to bring forward additional housing development capacity to supplement its housing target to meet local and strategic need.	Minor modification proposed to paragraph 10.1 as follows: 'Further Alterations to the London Plan adopted in 2015 have subsequently increased Brent's annual housing target (including non self-contained accommodation) to a minimum of 1525 units. <u>The Borough will continue to bring forward additional housing development capacity to supplement its housing target to meet local and strategic need.</u> '
Fizzy Developments	10.3	-	X	The Build-to-Rent sector has an important role in meeting people's housing needs, increasing tenant choice and quality and supporting sustainable economic growth in balanced communities as recognised by the DCLG Build to Rent Guide for Local Authorities (March 2015). Recommend paragraph 10.3 is therefore amended to include reference to PRS.	The Council considers reference to 'a balanced housing stock' is inclusive of all tenures including PRS, therefore it is not necessary to make specific reference to all tenures.
Fizzy Developments	10.6	-	X	State the economics of PRS schemes differ from build to sale, therefore in negotiating affordable housing levels these schemes should be considered on a case by case basis.	London Plan policy 3.12 (B) requires the individual circumstances of a site to be taken into account when negotiating affordable housing levels. Therefore it is considered the viability of all schemes is assessed on a site by site basis.
Greater London Authority	DMP 15	-	-	The reference to the vacant building credit in DMP 15 and paragraph 10.14 can now be removed following its removal from the NPPG.	Reference to the vacant building credit has been removed from Planning Practice Guidance in response to a High Court ruling in July 2015. However, the government has been granted permission to appeal against the judge's decision. Therefore at this stage the Council does not propose to remove reference to vacant building credit, as there may be further changes in national guidance which arise during the Examination process.
Home Builders Federation	DMP 15	-	X	1. The CIL viability assessment is based upon an affordable housing tenure split of 70% affordable rent and 30% intermediate yet we note that the policy specifies 70% social rent or affordable rent. Because affordable rent	1. Reference to both social and affordable rent is included to allow flexibility. In terms of scheme viability, it is recognised that affordable rent provides greater values and thus viability for the majority of schemes and is likely to be the

				<p>tends to generate stronger values and this is what has been used to support the adopted CIL we are not sure the Council can specify 70% affordable and/or social rent. If the Borough demanded that the whole 70% was provided as affordable rent then this could cause viability problems.</p> <p>2. If the Mayor is able to adopt the optional technical standards of the Building Regulations for accessibility we think the Council should reconsider this as part of a new local plan viability assessment.</p>	<p>preferred type of rented accommodation of developers/Registered Providers; consequently this will be the rented tenure most likely to be delivered. Nevertheless, within the Borough there are significant estate regeneration projects where replacement of social rented properties is sought. Regeneration of these areas has been taken forward with the agreement of tenants on the basis that will be rehoused in properties of the same tenure/similar rent levels. Consequently there will still be sites where the Council will seek social rented properties through planning obligations and it will still be viable to achieve 50% affordable housing on site, e.g. South Kilburn Estate.</p> <p>2. The Minor Alterations to the London Plan being taken forward by the Mayor have been subject to a viability assessment, which concluded the introduction of the new housing standards do not represent a significant detriment in the viability and the deliverability of housing development in London. The 2011 London Plan established standards regarding access, spacing and water efficiency, therefore in the London context there have not been a significant change in requirements.</p>
SEGRO	DMP 15	-	X	<p>The requirements of Policy DMP 15 do not provide sufficient flexibility in the approach to securing affordable housing. Whilst the redevelopment of Northfields Industrial Estate might be able to achieve 50% on-site affordable housing provision, this may not be achievable on all sites in the borough. There are instances where site constraints prevent on-site provision of affordable housing. In such cases, off-site provision or a commuted payment towards affordable housing would be more appropriate.</p>	<p>The target that 50% of new homes delivered in the borough will be affordable is set out in Core Strategy policy CP 2. DMP 15 cross-references this requirement for ease of reference; it does not create new policy in this regard. The target of 50% set in the Core Strategy is subject to viability and accordingly DMP 15 sets out the requirements for viability appraisals. Nevertheless, so assist the Council has commissioned further work in relation to viability on employment sites in particular, taking account of the policies/standards sought across the development</p>

					plan. The requirement that affordable housing provision should normally be provided on-site is set out in London Plan policy 3.12 (C) rather than the DMP.
Fizzy Developments	10.8	-	X	Request an additional point to state in determining a schemes maximum reasonable amount of affordable housing contribution consideration will be given to <u>'The level of provision of PRS units provided, which may have a lower gross development value compared to private sale units.'</u>	London Plan policy 3.12 (B) requires the individual circumstances of a site to be taken into account when negotiating affordable housing levels. Therefore it is considered the viability of all schemes is assessed on a site by site basis, therefore it is considered specific reference to the gross development value of PRS is not needed to make the plan sound.
Greater London Authority	DMP 19	-	-	The level of private outdoor space set out in DMP 19 is significantly higher than the minimum standard in the London Housing SPG. The Council will need to satisfy itself that it has considered the impact of this higher requirement has on development viability and ensure that it does not significantly impact the ability to optimise housing potential as required by Policy 3.4 of the London Plan.	The London Plan SPG standards are a minimum and would include inner urban areas. Brent has limited scenarios where the very high density developments are being promoted; densities of development are generally lower. The standards proposed are essentially those identified in the Council's SPG which have been used for some time. Evidence to date indicates the standards are delivered, are not a viability issue and that generally an acceptable solution can be found on site in association with applications. These standards would have been included in the Core Strategy and CIL viability testing. Further viability testing has been commissioned in relation to DMP14 in particular and this can incorporate the inclusion of open space standards.
Home Builders Federation	DMP 19	-	X	Evidence is needed to demonstrate that this policy will not militate against housing delivery in Brent and the achievement of the housing benchmark targets set out in table 3.1 of the London Plan.	See comment above in response to the GLA on this policy.
Greater London Authority	10.46	-	-	Paragraph 10.46 suggests that there is some flexibility on the requirement for 10% of properties to be wheelchair user dwellings, further clarity could be provided on what circumstances a different figure may be	Minor modification proposed to paragraph 10.46 as follows: 'To ensure that residential accommodation meets needs over time, London Plan policy requires 10% wheelchair accessible dwellings. The accommodation covered by this policy is likely to be

				acceptable and it should be noted that for some specialist accommodation the requirement may actually be higher than 10%.	meeting needs of specific sectors of the population. On this basis the Council will be willing to depart from the minimum 10% wheelchair where evidence is compelling to indicate why it might not be appropriate-, <u>e.g. where occupants are less likely to suffer from mobility disabilities compared to the general population. In other forms of accommodation there could be a need for a higher proportion, e.g. disability orientated housing.</u> '
Greater London Authority	10.51	-	-	Requires further clarity in respect to the type of accommodation the paragraph is referring to. The London Plan is clear that boroughs should seek to reduce the gap between local and strategic housing need and supply (London Plan paragraph 3.19) and thus it may not be appropriate to restrict development to that that meets a Brent population specific need.	The Council considers paragraph 10.51 is sufficiently clear that with the exception of student accommodation meeting a London wide need, accommodation proposed must demonstrate it is to meet a Brent population specific need. This is to restrict the potential for significant pressures to be exerted on social infrastructure / public sector support within Brent which already has a higher concentration of areas that perform poorly in relation to the Indices of Multiple Deprivation.
Fizzy Developments	10.53 – 10.59	-	X	Given that student housing, hotels, HMOs and specialist accommodation for the elderly is provided for in this section, we consider that Private Rented Accommodation should also be cited, given its vital importance to the borough and its role in providing increased supply in the future.	This text is in relation to policy DMP 20 on accommodation with shared facilities or additional support. Although premises such as HMOs may be privately rented it is not considered relevant to make specific reference to this here, as the focus of the policy DMP 20 is to ensure premises are provided in appropriate locations, of a suitable standard and well managed, regardless of tenure.
Greater London Authority	10.59	-	-	The reference to the benchmarks for specialist housing for older people set out in Annex 5 of the London Plan as suggested in my previous letter is welcomed. Building on this, a more proactive approach to ensuring this need is met should be considered as part of the Local Plan review.	The DMP are detailed decision making policies to be applied in determining planning applications. The Council's strategic approach to securing specialist housing for older people is contained in Core Strategy policy CP 21, and will be revisited as part of a review of the Core Strategy and Site Specific Allocations DPD. Additional evidence of needs is being addressed in the SHMA, which will inform decision making with regards to this type of accommodation in any planning applications for general needs (the need to

					perhaps encourage greater incorporation of older persons' specialist housing) and specialist housing.
Section 11: Social Infrastructure					
Sport England	General	-	X	Sport England considers that the DMP is not sound as it fails to be underpinned by an up to date and robust assessment of need for sporting social infrastructure (utilised for outdoor sports activity) in accordance with NPPF Para 73 and fails to incorporate policies that protect, enhance or provide local sports facilities to reflect local needs. It is my understanding that the preparation of a new Playing Pitch Strategy has commenced but I am unaware of any updated work in relation to preparing a robust and up to date built facility strategy.	The 2008-2021 Planning for Sport and Active Recreation Facilities Strategy informed policies within the Brent Core Strategy, specifically policy CP 18 Protection and Enhancement of Open Space and Sports, and policies CP 7 to CP 11, which identify infrastructure requirements within growth areas. The focus has been on taking forward the DMP, which set the detailed decision making policies in the borough. These policies are supported in the determination of planning applications by the evidence available at the time. Once the DMP is adopted the intention is to revisit the Core Strategy, at which point the Facilities Strategy will be reviewed accordingly. The Core Strategy is the best place to identify strategic provision, whilst the Site Specific Allocations addresses the potential to meet needs in specific locations. The Playing Pitch Assessment was due to be completed in advance of the DMP; however, there have been delays, in part to accommodate recommended changes in methodology made by Sport England. The study is now due in early 2016. It is not considered necessary or appropriate to delay the production of the DMP until the Assessment is complete.
Appendix					
Transport for London	Appendix 1: Parking Standards	-	-	For 1-2 bedroom units in PTAL 1-3 areas, the proposed DMP states that a maximum of 1.0 spaces will be allowed per unit, TfL request that this is altered so that they are more closely aligned with the latest London Plan parking standard of 'less than' 1 car parking space per unit as a maximum. For 1-2 bedroom units in PTAL 4 areas, the DMP states that a maximum of 0.75 spaces will be allowed per unit.	The Council considers the proposed standards are consistent with those in the London Plan. The standards are maximum and wherever feasible the Council seeks less car parking, for example by promoting car free development.

Supporting Documents					
Natural England	Sustainability Appraisal	✓	✓	Natural England has no issues to highlight that would prevent this from being considered as being “legally compliant” to the degree required at examination.	No change needed in relation to comment.
Natural England	Habitats Regulations Assessment Screening	✓	✓	The findings of the screening report are in line with what Natural England would expect and the policies which are in place both locally and in surrounding boroughs should in combination help to ensure that no likely significant effects do occur at any of the identified Natura 2000 sites within the 15km study area.	No change needed in relation to comment.

Unduly made representations (those received outside the period set)

Representor	Section & Policy/Paragraph	Legally Compliant?	Sound?	Comment	Council’s response and where relevant proposed changes*
Section 3: Town Centres					
McDonalds	DMP 3	-	X	Limiting the number and location of hot food takeaways would be unsound. The NPPF provides no justification for using the development control system to seek to influence people’s dietary choices. The 400m exclusion zone is not justified.	One of the three dimensions in achieving sustainable development as set out in the NPPF is for the planning system to perform a social role by supporting ‘strong, vibrant and healthy communities.’ Consequently one of the core planning principles is to ‘take account of and support local strategies to improve health, social and cultural wellbeing for all.’ Policy DMP 3 supports Brent’s Health and Well-being Strategy and is therefore consistent with the NPPF. The Council has already taken forward such a policy for Wembley in the Wembley Area Action Plan, which was found sound at examination. Furthermore, the Council has undertaken its own research which identifies a link between proximity of takeaways to schools and dietary behaviour of young people in the borough.

Representor	Section & Policy/Para	Legally Compliant?	Sound?	Comment	Council's response and where relevant proposed changes*
Section 5: Open Space					
Quintain	DMP 8	-	X	<ol style="list-style-type: none"> 1. The requirement that proposed Open Space, as defined in the document, should be publicly accessible is not effective. It is not appropriate to use the London Plan definition of Open Space in this context. For new open space provision, the definition set out in the Adopted Wembley Area Action Plan. 2. There is a presumption implicit in the policy that publicly accessible open space will be privately maintained, and this is reinforced in supporting paragraph 5.4. CIL should be used towards the maintenance of publicly accessible Open Space where on-site provision exceeds residential amenity obligations. 	<ol style="list-style-type: none"> 1. The London Plan forms part of the borough development plan and has been tested at examination, therefore the Council considers it is appropriate to apply the same definition. 2. Where open space is developed to meet a need generated by a development, it is consistent with the NPPF to use planning obligations to secure contributions to enable the maintenance of associated open space.
Quintain	5.5	-	X	It is not clear how 'appropriate provision' of food growing opportunities will be determined. The paragraph should be removed or adjusted to evidence justification for such a requirement.	As set out in paragraph 5.5 the Council will seek to secure food growing where appropriate to meet demand. The Allotment and Management and Food Growing Provision strategy identifies locations in the borough where there is demand, but in addition major residential development will also generate additional demand.
Section 8: Transport					
Quintain	8.2	-	-	There is reference to Brent's Long Term Transport Strategy. This should be available for inspection.	Brent Long Term Transport Strategy has been subject to a separate consultation and is currently being finalised. A draft of the strategy is available on the Council website.
Quintain	8.7 - 8.8	-	X	The penultimate bullet point of paragraph 8.8 states that such highway improvements can be '...not necessarily restricted to the immediate development area...'. Whilst this may be a desire, the policy must be consistent with the three tests set out in paragraph 204 of the NPPF and Regulation 122 of the CIL regulations.	Where a scheme results in significant transport impacts, mitigation measures may be required outside of the immediate development area to make a development acceptable in planning terms. This is consistent with the tests set out in the NPPF.

Representor	Section & Policy/Para	Legally Compliant?	Sound?	Comment	Council's response and where relevant proposed changes*
Quintain	8.11	-	X	Need to ensure that all modes are balanced and that one is not prioritised to the detriment of another.	The Council considers the policies in the DMP ensure modes are balanced in accordance with the requirement of the NPPF to promote sustainable transport.
Quintain	DMP 11	-	X	The test as set out in sub paragraph (c) of the policy is too onerous. The test should not be whether the proposal results in the loss of 'more than one space' but whether the residual impact of the development on transport grounds is severe.	The policy approach applies to Heavily Parked Streets. It is considered due to the pressure on car parking on these streets the loss of further parking would have a severe impact in accumulation. However, in line with the NPPF the Council will consider any proposal by the developer which would mitigate the impact of loss of more than one parking space by reducing existing on-street parking pressure.
Quintain	DMP 13	-	X	No evidence base is shown for the standards proposed. Servicing provision should be informed by the output from the Transport Assessment having regard to the trip generation; the types of vehicles predicted; their transport distribution; their dwell time; and the operation of the specific building under consideration. The standards could lead either to inefficient use of land or to development having an inappropriate amount of servicing.	The standards are based on those in the UDP, which have been applied effectively. They provide clear guidance to developers. In exceptional circumstances, where a Transport Assessment provides evidence that an alternative solution is more effective due to site specific issues the Council has taken this into account.
Section 9: Employment					
Quintain	DMP 14	-	X	<ol style="list-style-type: none"> 1. The viability of bringing forward affordable workspace within a mixed use development should be considered in a viability appraisal when concluding the viable level of affordable housing, combined with other obligations. 2. It is not clear where the justification sits for the cap on lost Employment Sites of 11.5 ha to 2029. 3. The requirement for 'at least 50% affordable housing' and 20% high density employment should be subject to viability testing in order to ensure 	<ol style="list-style-type: none"> 1. Paragraph 9.4 bullet point one clarifies maximum economically feasible amount of employment floorspace. 2. The cap on release on employment sites is justified by the Employment Land Demand Study (2015), which is an evidence base document to the DMP. Reference to the study as supporting evidence is included in the chapter. 3. See response to SEGRO's comments regarding

Representor	Section & Policy/Para	Legally Compliant?	Sound?	Comment	Council's response and where relevant proposed changes*
				<p>viable and sustainable development as prescribed by the NPPF.</p> <p>4. In particular, this paragraph contradicts the GPD provisions for the conversion of offices to residential accommodation.</p>	<p>DMP 14.</p> <p>4. The policy will only apply where planning permission is required, therefore it does not impact on permitted development rights.</p>
Quintain	DMP 15	-	X	<p>1. DMP 15 should be adjusted to reference the 60:40 split set out in the adopted Wembley Area Action Plan (2015).</p> <p>2. There is reference to EUV+ as the primary basis for determining benchmark land value in viability appraisals and it is acknowledged that the GLA advocates the use of EUV+ in its interim Housing SPG (2015). The flexibility is welcomed at the start of point 3 where it states "in most circumstances..." A more flexible approach to benchmark Site Value should be adopted, whereby a range of methods are used to ascertain a market value – particularly in cases of under-utilised land, where EUV+ will not be appropriate.</p> <p>3. The Council should provide evidence that the cumulative impact of the additional requirements set out in the draft DMP have been tested alongside existing policy requirements including CIL to demonstrate that the Local Plan as a whole will be deliverable.</p>	<p>1. Specific guidance for Wembley is set out in the Wembley Area Action Plan and does not need to be repeated in the DMP.</p> <p>2. As stated the approach to using EUV+ in most circumstances is consistent with the Mayor's Interim Housing SPG.</p> <p>3. For the purposes of clarity the DMP highlights affordable housing targets which have been set in the Core Strategy. Both the Core Strategy and CIL charging schedule have been found sound at examination, therefore a further viability assessment is not required.</p>
Section 11: Social Infrastructure					
CAMRA	DMP 21	-	-	<p>1. London Plan policy 3.1B, 4.8 (and supporting 4.48A) and 7.1 have successfully been used by Boroughs to defend pubs and stood up on appeal and could be referenced.</p> <p>2. Asset of Community Value (ACV) registration is important, as a material planning consideration, but of over 80 London pubs so far listed as ACV, only</p>	<p>The Council and CAMRA have agreed a Statement of Common Ground to address objections in relation to DMP 21. In summary:</p> <p>1. Taking account of this information addition of policy 3.1 Ensuring Equal Life Chances for All and policy 4.8 'Supporting a Successful and</p>

Representor	Section & Policy/Para	Legally Compliant?	Sound?	Comment	Council's response and where relevant proposed changes*
				<p>two have been purchased by community groups. It would be preferable to include reference to ACV status being a material consideration.</p> <ol style="list-style-type: none"> 3. Reference to economic viability is problematic as developers seeking a change of use will always argue the previous pub business was not viable. Therefore clear requirements in relation to viability assessment needed. 4. The loss of public house use, given the scale of London's losses, will undoubtedly negatively impact the vitality of the area. Planning Inspectors have found that the use of a pub is the very essence of its character and have determined that heritage assets may even suffer a total loss of significance if such community use is extinguished. 5. Regardless of the provision of alternative facilities, communities can become very attached to particular pubs and the memories they invoke; their historical links with the neighbourhood; their evolution; their presence in the community as a social anchor. It may not be acceptable to residents of the Borough to lose their local, irrespective of what might be seen as an alternative pub. 	<p>Diverse Retail Sector and Related Facilities and Services' is proposed as a minor modification in the National and London Plan policies reference following paragraph 11.3</p> <ol style="list-style-type: none"> 2. To address this specific issue it is proposed to make a minor modification to the policy in the criterion where it currently addresses Assets of Community Value. In addition due to concerns raised by CAMRA about the positioning of this criterion in the policy it is proposed that the policy criteria should be re-ordered so that the other criteria are read before that which relates to assets of community value. These changes can be seen in the consolidated version made in response to all CAMRAs points under point 4 below. 3. Although reference is made to the tests sought with regards to viability is made in paragraph 11.9, it is considered appropriate to give them extra weight by ensuring that the policy makes reference to them. This is proposed as a minor modification. This change can be seen in the consolidated version made in response to all CAMRAs points under point 4 below. 4. This is understood, to strengthen the policy a reference to character is proposed as a minor modification in both Paragraph 11.8 with an additional end sentence and also within policy DMP 21. <p><u>"In addition, due to the contribution public houses make to the borough's local character and distinctiveness, policy DMP7 Brent's Heritage</u></p>

Representor	Section & Policy/Para	Legally Compliant?	Sound?	Comment	Council's response and where relevant proposed changes*
					<p><u>Assets will normally apply.</u></p> <p>DMP 21 Public Houses</p> <p>The Council will support the loss of public houses <u>only</u> where:</p> <p><u>a</u>) its continued use is not economically viable <u>as demonstrated by meeting the marketing requirements in paragraph 11.9;</u></p> <p><u>b</u>) the proposed alternative use will not detrimentally affect the <u>character and</u> vitality of the area and <u>will</u> retain as much of the building's defining external fabric and appearance as a pub as possible; <u>and</u></p> <p><u>c</u>) the proposal does not constitute the loss of a service of particular value to the local community; <u>and</u></p> <p><u>d</u>) if registered as an Asset of Community Value the premises can be shown to have been offered for sale to local community groups and no credible offer has been received from such a group at a price that is reflective of the condition of the building and its future use as a public house. <u>The Council will treat registration as an Asset of Community Value as a material planning consideration."</u></p> <p>5. It is understandable that a community may feel this way, but there might also be occasions</p>

Representor	Section & Policy/Para	Legally Compliant?	Sound?	Comment	Council's response and where relevant proposed changes*
					<p>where the community might not feel the same. To understand better the extent to which the developer has sought to engage with and understand the importance attached by the local population to a pub, it is proposed to make a minor modification to a criterion in paragraph 11.9: "there has been <u>public consultation to ascertain the value of the public house to</u> with the local community;"</p>

Appendix 2

DRAFT DEVELOPMENT MANAGEMENT POLICIES



LONDON BOROUGH OF BRENT LOCAL PLAN
PUBLICATION VERSION SEPTEMBER 2015



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Foreword

This document has been produced as part of the on-going process of replacing the Unitary Development Plan. It includes the Council's Development Management Policies which are necessary for determining planning applications in the borough. This document reflects Brent's Core Strategy which aims for Brent to be a great place, a borough of opportunity and an inclusive borough.

At Brent we are committed to providing a high quality and responsive Planning Service. This includes full community involvement in the preparation of important development plan documents. These contribute to delivering the aims and objectives of Brent's Community Strategy.

I hope you will take this opportunity to participate in the process of drawing up the new plan. If we are to shape the borough the way you want to see it then we need to hear from you. Please tell us what you think.



Councillor Margaret McLennan, Brent's Lead Member for Housing and Development

HOW TO GIVE YOUR VIEWS

The Development Management Policies Publication Stage Document is published for comments on its soundness. Further copies of this document can be downloaded from the Brent Council website at www.brent.gov.uk/dmp.

Make your comments by the following ways:

- Online via the interactive web version of this document at www.brent.gov.uk/dmp
- By email to ldf@brent.gov.uk
- In writing addressed to: Planning Policy and Projects Team, Planning and Regeneration, London Borough of Brent, Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ

Please reference your comments to the relevant policy or paragraph of the document.

All comments must be received by **5pm on 5th November 2015**.

Any representations made in relation to this document will be made available to the public.

For any further information regarding this document please contact the Planning Service on the address provided above or by calling 020 8937 5230.

1 Introduction

Purpose of the Development Management Policies Document

1.1 This Development Management Policies document. It sets out the Council's policies which along with other policies within the Development Plan will be used for the determination of planning applications for development in the borough. It will complete Brent's new Local Plan (previously known as the Local Development Framework), and will replace Brent's remaining saved UDP policies.

1.2 The Council is required to prepare the Local Plan by the Planning and Compulsory Purchase Act 2004 (as amended). The Local Plan is made up of a number of documents. This includes this Development Management Policies document, as well as the Core Strategy, Site Specific Allocations Development Plan Document, the Wembley Area Action Plan and the joint West London Waste Plan. The Local Plan will also be supplemented by more detailed guidance in the form of Supplementary Planning Documents. The documents that make up the Local Plan are illustrated in Figure 1. Alongside the London Plan these documents provide the planning framework for the borough, guiding change to 2029 and beyond.

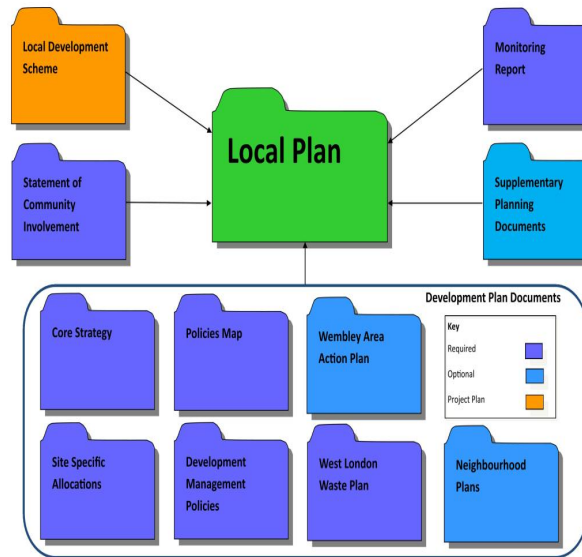


Figure 1 : Documents that form the Local Plan

The Process so Far

1.3 This document reflects, and builds upon, a consultation stage in June 2007 which proposed some preferred options for policy at that time. Due to significant changes in the planning system since 2007, including the publication of the National Planning Policy Framework (NPPF) in 2012, and the new challenges and opportunities for Brent, it was

necessary to undertake a further consultation on revised policies between June and July 2014.

1.4 There is now an opportunity to comment on the publication version of the Plan before it is submitted for Examination by an independent Planning Inspector. At this stage comments should relate to whether you consider that the Plan is 'sound'. To be 'sound' a plan should be positively prepared, justified, effective and consistent with national policy.

Structure of the Development Management Policies

1.5 The draft policies and their supporting text are set out on a topic basis. They relate to the objectives and strategic policies included in the Core Strategy and the London Plan. Each chapter includes a brief introduction setting out the purpose of the development management policy, and the role it plays in responding to and building on the Core Strategy and London Plan. Where a locally specific policy is not required, relevant policy in the NPPF, London Plan and Core Strategy is cross-referenced.

DMP X**Policy Name**

Policy text is shown in a purple box. Each policy has a reference number beginning DMP. The policy generally sets out one or more key development management principles along with any supporting criteria that are required.

submitted as part of a planning application in order to show how the proposal addresses policy requirements. Key information *is shown in italics*.

Evidence Base

Relevant evidence base documents are highlighted at the end of each chapter in a pink box.

National & London Plan

Green boxes highlight related national and London Plan policy and guidance.

1.7 Chapter 11 ‘Delivery and Monitoring’ shows the relationship between the objectives and policies and includes a set of indicators by which progress towards meeting the objectives is to be assessed.

Brent Council

Orange boxes highlight related local policy and guidance.

1.6 Policy and guidance is followed by explanatory text, providing more information on how policy will be applied and explaining any technical terms. This text sets out any supporting material that should generally be

2 General Development Management Policy

2.1 The Council has a positive attitude towards development and the potential benefits that it can provide to residents, businesses and visitors. Brent seeks to support the presumption in favour of sustainable development within the NPPF and Development Plan documents consistent with this including the London Plan and Brent Core Strategy. To reduce the potential for repetition within policies within the Brent Local Plan a General Development Management Policy is included. This also gives a broad overview of issues that developments should address and seek to satisfactorily resolve prior to a planning application being submitted and subsequently being approved.

DMP 1

Development Management General Policy

Subject to other policies within the development plan, development will be acceptable provided it is:

- a. of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality;
- b. satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network;
- c. provided with the necessary physical and social infrastructure;
- d. preserving or enhancing the significance of heritage assets and their settings;
- e. maintaining or enhancing sites of ecological importance;
- f. safe, secure and reduces the potential for crime;
- g. not unacceptably increasing exposure to flood risk, noise, dust, contamination, smells, waste, air quality, light, other forms of pollution and general disturbance;
- h. retaining existing blue and green infrastructure including water ways, open space, high amenity trees and landscape features or providing

- i. appropriate additions or enhancements; and
- i. resulting in no loss of community facilities or other land/buildings for which there is an identified need.

2.2 In considering the appropriateness of developments a number of factors as outlined in the policy may be applicable, whilst for some, relatively few will apply. A number of the criteria are inter-related. For each criterion there is also likely to be more specific policy considerations in the NPPF and associated Planning Practice Guidance, the London Plan and the Brent Local Plan and associated Supplementary Planning Documents.

2.3 Where approved, the impact of the majority of developments is likely to be controlled through approving a set of plans, along with a limited number of associated conditions. For larger scale developments the number of conditions is likely to be larger with potential additional information needing to be supplied prior to commencement or occupation of the development. In a small number of cases legal agreements between the developer and the Council (and others) might be required

to ensure that certain actions or payments are undertaken to ensure that a development is acceptable.

2.4 Some uses have specific policy that prioritises their direction towards certain locations, e.g. main town centre uses within town centres; others in principle might be appropriate in a wider variety of locations, e.g. residential. Whilst an individual development of a particular use might be acceptable, a concentration of the same or similar uses might not be, for example if giving rise to potential increases in anti-social behaviour, or exacerbating an adverse environmental issue.

2.5 In relation to the siting, layout, scale, type, density, materials, detailing and design of a development, the surroundings of the site will be an important consideration and in particular, the quality of the development and how it would relate to existing buildings and spaces together with its impact on neighbouring occupiers. In areas with a set of consistent characteristics that create a sense of place this does not necessarily mean a slavish reproduction of existing styles or architecture. Modern interpretations based on a demonstrable appreciation of local context can add variety and interest to complement rather

than detract from the attributes of recognised high quality areas. For those in the development and neighbours it is important that the development creates a high quality environment, addressing issues like spaces between buildings, privacy, outlook, daylighting, shadowing, micro-climates and amenity space.

2.6 The accessibility of a development is a fundamental component of its success. From an equalities perspective development should be as accessible as possible to individuals whatever their characteristics. In addition movements by walking, cycling and public transport should be maximised and functioning of existing movement networks not undermined. Where buildings need to be served by parking and require accessibility for servicing this needs to be fit for purpose in terms of amount and layout.

2.7 Development will be expected to provide any associated infrastructure required to make it accessible from a planning perspective. This includes elements such as on of off-site physical infrastructure for example transport improvements or surface water drainage or social infrastructure such as additional capacity in schools or health practices.

2.8 Heritage assets include a wide variety of statutorily designated and non-designated features. Some are protected by law and cannot be materially altered without consent, e.g. listed buildings and scheduled monuments. This statutory protection also places a legal duty on the Council to seek to preserve or enhance the significant of such assets and their settings. As such development affecting a heritage asset will be required to show that it seeks to preserve or enhance its significance and its setting.

2.9 Similarly with ecological sites, some have statutory designations, e.g. Sites of Special Scientific Interest whilst for ecology in general other legislation statutorily protects flora and fauna such as bats and nesting birds. The emphasis is on protecting and ideally enhancing these types of features. Extensive archaeological priority areas of Brent are identified and similarly in such areas developments should seek to identify potential assets and avoid their harm.

2.10 Developments should be safe and not expose users or those in neighbouring areas to an unacceptable risk of danger. In seeking to limit the potential for crime the preference is through good design related to factors such as

the layout, use, building orientation and materials, as well as security deterrents such as locks, fences, alarms and CCTV.

2.11 Developments should ensure that they do not create unacceptable exposure to adverse environmental factors to users/occupiers and those in surrounding areas. National policy seeks to steer development away from areas of flood risk (from rivers and others sources), unless exceptions can be justified. Developments should also control water output to ensure flood risk to other areas is not unacceptably increased. Similarly, this approach applies to a range of other potential environmental factors which will have to be controlled by, for example, location away from receptors, or physical measures to bring potential impacts to acceptable levels. In the case of a takeaway introduced into a shopping parade with residential properties above, this could require filters and positioning of extraction fans/flues to reduce the impact of noise, smells and diminished air quality, whilst limits on opening hours might be required to regulate general disturbance from patrons at night.

2.12 Environmental assets such as blue and green infrastructure enhance the appearance, quality and bio-diversity of Brent, provide a

recreational resource, improve air quality and reduce the potential impacts of climate change. As such wherever possible and in particular where they are of high quality they should be retained. In addition to this developments are encouraged to take every opportunity to provide additional features or where adjacent provide extensions to or enhance the setting of such features.

2.13 Brent's predicted increase in population size, along with its continuing trend for increased diversity will put pressure on the capacity of supporting community facilities. This allied to the need to provide new homes and employment opportunities means that community facilities which have a low value may be under-pressure for redevelopment for higher value uses. Communities have the potential to identify Assets of Community Value, in addition to this in Brent emphasis will be placed on ensuring that such community facilities are not lost where they meet or could meet a potential need.

3 Town Centres

3.1 This chapter seeks to ensure Brent's town centres provide customer choice and a diverse retail offer as required by the NPPF and London Plan. It builds on Core Strategy Policy 16 which establishes the town centre hierarchy, by providing detailed guidance to support the development of strong town centres. It also updates the hierarchy to include Church End as a local centre due to its function and scale.

Supporting Strong Centres design review

3.2 Policy DMP 2 'Supporting Strong Centres' seeks to ensure Brent's town centres provide customer choice and a diverse retail offer as required by the NPPF and London Plan. It sets a locally appropriate threshold for retail impact assessments.

DMP 2

Supporting Strong Centres

Design

Proposals for shop fronts and forecourts will be required to retain shop fronts of architectural or historic merit, demonstrate a high quality of design, complementing the building and adjoining properties. Forecourt trading will be permitted where it does not cause an obstruction to pedestrians or nuisance to neighbouring residential occupiers.

Diversity of uses

Non-A1 or A2 uses will be permitted within town centres where:

- a. it would not reduce the proportion of frontage in A1 and A2 use to less than 65% of the primary frontage; or
- b. if vacancy rates exceed 10% of primary frontage it would not reduce the proportion of frontage in A1 and A2 use to less than 50%; and
- c. the proposal provides, or maintains, an active frontage.

Unviable secondary frontage on the periphery of town centres will be acceptable for residential development.

Retail Impact Assessments

Proposals involving 500 sqm gross retail floorspace or above, which are outside of town centres and do not accord with the Local Plan, should be accompanied by a Retail Impact Assessment.

Meanwhile Uses

The use of vacant sites or buildings for occupation by temporary uses that will benefit a town centre's viability and vitality will be permitted.

National & London Plan

[2.15: Town Centres](#)

[Town Centre Supplementary Planning Guidance \(2015\), GLA](#)

Brent Council

[Core Strategy Policy CP 16: Town Centres and the Sequential Approach to Development](#)

Emerging Brent Shopfront Supplementary Planning Document

3.3 The policy approach will also be applied in assessing permitted development prior approval applications for retail to residential and retail to a restaurant or café. *The proportion of frontage is to be calculated based on the length of the primary frontage in metres in the centre as a whole.*

3.4 Main town centre uses, as defined in the NPPF, will be considered acceptable in designated frontage subject to meeting other policy requirements. As an exception the conversion of peripheral secondary frontage to residential development will be permitted where this will not impact on the vitality and viability of the town centre.

3.5 Frontage will be considered peripheral where it is outside of the primary shopping area (primary and adjoining or closely related secondary frontage) and its conversion would not result in residential development between frontage in main town centre use.

3.6 Developers will be required to demonstrate that the frontage is unviable by providing evidence that the unit has been vacant for a year despite an active marketing campaign, or that vacancy levels are such that uses could reasonably be relocated elsewhere in the centre. Marketing must be through a

commercial agent at a price that genuinely reflects the market value in relation to use, condition, quality and location of floorspace. A professional valuation of the asking price and/or rent will be required from at least three agents to confirm that this is reasonable.

3.7 A 'meanwhile use' is the temporary use of vacant buildings or land for a socially beneficial purpose until such a time that they can be brought back into commercial use again. A 'meanwhile use' is not the same as a normal temporary lease or license because it recognises that the search for a commercial use is ongoing.

Non-Retail Uses

3.8 To ensure there is not an over-concentration of particular uses within any single length of frontage the policy seeks to prevent adult gaming centres, pawnbrokers, betting shops and takeaways locating in close proximity to a unit in the same use.

3.9 The NPPF states planning policy is to take account of and support local strategies to improve health, social and cultural wellbeing. Local studies have found that takeaways and shisha cafés are impacting negatively on the health of Brent residents, particularly young people. Accordingly, to support local health

strategies, this policy sets a limit on the proximity of these uses to secondary schools and further education establishments.

DMP 3

Non-Retail Uses

Betting Shops, Adult Gaming Centres and Pawnbrokers

Betting shops, adult gaming centres and pawnbrokers will be permitted where it will result in:-

- no more than 4% of the town or neighbourhood centre frontage consisting of betting shops;
- no more than 3% of the town or neighbourhood centre frontage consisting of adult gaming centres or pawnbrokers/payday loan shops;
- a minimum of 4 units in an alternative use in-between.

Takeaways

Subject to other policies within the development plan, takeaways will be approved except where it would result in:-

- an A5 use within 400 metres of a secondary school or further education establishment;
- more than 6% of the units within a town or neighbourhood centre frontage in A5 uses;
- less than two non-A5 units between takeaways; or
- on-street parking in front of the premises creating highway safety problems.

Policy WEM 26 in the Wembley Area Action Plan applies to takeaways in Wembley and Wembley Park centre.

Shisha Cafés

Shisha Cafés will only be permitted outside 400 metres of a secondary school or further education establishment.

3.10 Brent's town centre health checks indicate in the borough pawnbrokers often also provide a payday loan service, and these uses are often indistinguishable from each other, therefore for the purposes of this policy the term pawnbrokers is inclusive of payday loan companies.

3.11 Further education establishments are those which deliver post-compulsory education for people over 16. The hot food takeaway policy applies to all town centres with the exception of Wembley and Wembley Park, which are covered by policy WEM 26 in the Wembley Area Action Plan.

Neighbourhood Centres and Isolated Shop Units

3.12 Outside of town centres, neighbourhood centres and isolated shop units provide convenient access to goods and services which are needed on a day to day basis. To promote sustainable communities the loss of retail and services will be resisted in under-served areas.

DMP 4

Neighbourhood Centres and Isolated Shop Units

Loss of A1, A2, or A3 uses in neighbourhood centres or isolated shop units outside designated town centres will be permitted where the centre or unit:

- a. is within 400 metres of equivalent alternative provision;

- b. is unviable; or
- c. the proposal will provide a community facility for which there is a demonstrable need.

Where permitted sympathetic retention of any existing shop front will be required unless a high quality alternative more sympathetic to the building's qualities or street scene will be delivered.

3.13 In determining applications for planning permission and retail to residential permitted development prior approval, development resulting in the loss of local retail and service provision will not be permitted unless there is alternative equivalent provision within 400 metres. This is considered a reasonable walking distance (5 minutes for the average person) to access convenience shopping and local services. Provision will be considered equivalent where it provides a similar offer which meets the same need, such as the need for fresh food or a financial service. Marketing evidence will be required demonstrating an active marketing campaign for a continuous period of at least a year whilst the premises were vacant or in 'meanwhile use', which has shown to be unsuccessful. This approach will also be applied in assessing applications for

retail to residential permitted development prior approval. A change of use to a community facility such as a community centre will be permitted where it can be demonstrated there is a need for such provision. Demonstration of need must include evidence of consultation with service providers and the local community and an audit of existing provision within the local area.

3.14 Where a loss of retail or local service is allowed, the most appropriate alternative use would be housing. In considering applications for alternative uses, particular regard will be given to the possible effect on the amenity of adjoining residential properties. The Council's Shopfront SPD provides further guidance on sympathetically converting shops to residential units.

Markets and Carboot Sales

3.15 Markets can make an important contribution to the vitality of town centres and therefore are to be retained and enhanced. However, if poorly designed or managed, markets and carboot sales can cause harm to surrounding areas. This policy establishes the factors the Council will consider when determining an application for such uses.

DMP 5

Markets and Carboot Sales

The Council will protect and promote markets by:

- a. resisting the permanent loss of existing retail market sites unless comparable provision is made or there is no demand for continued market use;
- b. supporting the improvement of existing retail markets, including storage and preparation space for traders to meet public health requirements; and
- c. giving favourable consideration to proposals for new markets in town centres which help diversify provision.

Planning permission for new markets and carboot sales will be subject to a Management Plan being agreed by the Council.

3.16 Applications for markets and carboot sales must be accompanied by site layout plans and Management Plans. For carboot

sales the layout plan should indicate vehicle trading areas, maximum number of vehicles, spacing and aisle widths. Management Plans must include details of time and duration of the sale, arrangements for marshaling access, parking, servicing, safety measures and signage, with arrangements for the display and/or collection of sellers' details.

3.17 Management Plans for the operation of such sales should satisfactorily address the following considerations:

- a. The proposal should include adequate arrangements for the storage and/or collection of waste during the sales, as well as its disposal afterwards;
- b. The scale of activity, in terms of the number of pitches, is not excessive in relation to the scale of the centre;
- c. Any additional traffic generated by the sales would not cause unacceptable impact on the existing road network nor constitute a safety hazard;
- d. The access and parking arrangements for both trading and customer vehicles would not cause noise disturbance to nearby residents at unsociable hours; and
- e. In the case of carboot sales that provision for the parking of all trading vehicles is made on-site.

3.18 Any permission granted for carboot sales would be for a limited period only (normally 18 months) and subject to a condition waiving an appropriate proportion of permitted development rights on the cessation of the planning permission. In all cases, permission will be made personal to a named person or persons, to ensure the responsibility and arrangements for the operation of the sale do not change without the knowledge and express consent of the planning authority.

3.19 In addition to planning controls, the Council manages proposals for new markets through its role in determining applications for street trading licenses.

Visitor Accommodation and Attractions

3.20 Core Strategy Policy CP 23 provides guidance on protecting existing cultural facilities, whilst the Wembley Area Action Plan encourages leisure, tourism and cultural uses within the Wembley Strategic Cultural Area. In accordance with London Plan policy 4.5 this chapter includes detailed policy to ensure visitor accommodation provides inclusive access, and is not occupied by permanent residents.

DMP 6

Visitor Accommodation and Attractions

Visitor accommodation and attractions will be encouraged in Wembley Strategic Cultural Area and in town centres in accordance with the sequential approach, and permitted when not compromising the supply of land for new homes on allocated housing sites and the Council’s ability to meet its housing targets.

Proposals for hotel development must be inclusive and accessible and are to be accompanied by Accessibility Management Plans.

Conditions will be applied to ensure visitor accommodation is not occupied by permanent residents.

National & London Plan

[4.5: London’s Visitor Infrastructure](#)

[Town Centre Supplementary Planning Guidance, GLA](#)

Brent Council

[Core Strategy Policy CP 23: Protection of existing and provision of new Community and Cultural Facilities](#)

3.21 In addition to hotels visitor accommodation includes aparthotels, guesthouses, bed and breakfast accommodation, self-catering facilities and youth hostels. Conditions will be applied to ensure visitor accommodation is managed appropriately as short term accommodation and rooms are not occupied for periods of 90 days or more. It will be relevant to apply conditions to premises such as aparthotels, self-catering facilities and youth hostels to ensure they are not occupied on a more permanent basis.

3.22 Design and Access Statements are to be sufficiently detailed to demonstrate that inclusive access is integral to the design and, in the case of hotels, an adequate choice of accessible room types is provided to all customers. Applications for hotel development are required to be accompanied by an Accessibility Management Plan (AMP) to demonstrate that the management and

operation of accessible rooms is considered from the outset of the design. An AMP is distinct from a Design and Access Statement as its purpose is to ensure accessibility and inclusion are monitored and maintained throughout the life of the development. Both are to be prepared to be in keeping with the criteria set out in the Mayor's Town Centres SPG.

Evidence Base

Brent Young Persons Cigarette and Shisha Audit (2012), London Borough of Brent and NHS Brent

Retail Impact Assessments Background Report (2013), London Borough of Brent

A Fair Deal: Betting Shops, Adult Gaming Centres and Pawnbrokers in Brent (2013), London Borough of Brent

Takeaway Policy Background Report (2013), London Borough of Brent

Town Centre Background Report (2015), London Borough of Brent

4 Built Environment

4.1 The London Borough of Brent forms part of London's urban/suburban fringe. The River Brent, which gives the borough its name, provides a natural division between Willesden (mostly built up by the end of the 19 Century) and the uplands of Wembley and Kingsbury (only made suburban between the wars). The areas on either side of the river are now quite distinct in architecture. Typical of much of London there is a multi-centred structure from amalgamated villages. Main roads well-defined by densely developed frontages link the centres to each other and the wider north/west London area.

4.2 Brent's development has tended to reflect its accessibility from London. The British Rail lines and the Metropolitan Railway enabled suburban 'Metroland' development. This was boosted by the British Empire Exhibition in Wembley Park in 1924/25. Much of the architecture of Brent reflects the styles of these times. This has been added to by new cultural groups who have introduced new architectural styles, an example of which is the Swaminarayan temple in Neasden.

4.3 Within Brent the scale of development associated with meeting housing, employment, social infrastructure needs means there are undoubtedly the opportunities to create new and distinctive areas. However, there is also a necessity to respect the characteristics of those high quality areas that exist and where possible supplement positive attributes such as landscape features.

Achieving Design Quality

4.4 A challenge for Brent is to ensure that all development is of a high design quality. This is consistent with the Brent Core Strategy and London Plan aim of delivering sustainable places as a key aspect of sustainable development. The Core Strategy sets out Brent's strategic approach in areas where identified high levels of growth are anticipated and in seeking to protect Brent's distinctive character from inappropriate development. Outside these areas a high standard of design of buildings and spaces will need to be achieved. This will be through the incorporation of effective urban design measures and the introduction of landscape improvements and enhanced biodiversity.

4.5 London Plan policies provide both strategic and decision making criteria against which proposals affecting the built environment

will be measured. Additional documents such as the Housing SPG add further detail which applicants will need to address.

National & London Plan

[7.3: Designing out Crime](#)

[7.4: Local Character](#)

[7.5: Public Realm](#)

[7.6: Architecture](#)

[7.7: Location and Design of Tall and Large Buildings](#)

Brent Council

[Core Strategy Policy CP 5: Placemaking](#)

[Core Strategy Policy CP 6: Design and Density in Place Shaping](#)

[Core Strategy Policy CP 17: Protecting and Enhancing the Suburban Character of Brent](#)

Emerging Residential Extensions
Supplementary Planning Document

Emerging Designing Brent Supplementary
Planning Document

4.6 Brent uses independent Design Review panels to support the achievement of high quality design. These provide independent and constructive advice to inform design and decision making. In addition the Council's emerging Residential Extensions SPD and 17 Designing Brent SPD provide more detailed guidance on locally specific design matters.

Inclusive and Accessible Design

4.7 The London Plan highlights the need for developments to be designed and located to be inclusive and accessible. This is further supported by the concepts of Lifetime Neighbourhoods and the Mayor's SPG: Accessible London: Achieving an Inclusive Environment and DFT Guidance on Inclusive Mobility.

National & London Plan

[7.2: An Inclusive Environment](#)

[Easy Access to Historic Buildings, English Heritage](#)

[Easy Access to Historic Landscapes, English Heritage](#)

[Inclusive Mobility, DFT](#)

4.8 Consideration must be given to access at the start of the design process of new developments. It needs to ensure that public buildings and spaces are fully accessible in their location, physical design and in terms of overall legibility. Design & Access statements are the appropriate place in an application submission to demonstrate how this is achieved by a proposal and how it will continue to be managed.

4.9 For heritage assets such as listed buildings, conservation areas and historic parks and gardens access requirements of people with restricted mobility will have to be balanced against impacts of changes. Guidance by Historic England (formerly known as English Heritage) gives helpful advice on how to sensitively deal with this issue.

Landscaping and Trees

4.10 The London Plan supports and promotes urban greening. An element of urban greening is sought from all new development including extensions and alterations as well as developments affecting public spaces. It seeks a range of site specific appropriate solutions including tree planting, green roofs and walls, soft landscaping, gardens, communal open areas, spaces between buildings and wildlife habitats. Aligned with the promotion of additional greening is the retention of existing trees of value, replacement of any trees lost and additional trees where possible.

National & London Plan

[2.18: Green infrastructure: the multi-functional network of green and open spaces](#)

[5.10: Urban greening](#)

[7.21: Trees and woodlands](#)

4.11 These policies are applicable to all landscaping proposals included through development. The Council will place emphasis on designs which reflect and enhance the

proposed use of the building or space and the needs of its users, the natural character of the locality and surrounding buildings. This will include soft landscaped frontages, boundary treatments and the retention/reinstatement of features of landscape character.

4.12 As well as trees, mature shrubs and hedges that make a significant contribution to the streetscape should be kept. This will require appropriate space and conditions to allow their long term health to be maintained. Detailed specification for new planting, promoting native species, and including like for like or a higher quality of replacement trees will be sought in support of applications. In addition, a coordinated and appropriate approach to landscape, surfaces and outdoor furniture to provide an amenable, safe and attractive landscape will be required.

4.13 If a scheme is unable to make sufficient landscape improvements within its own land then the Council will seek planning obligations to provide enhanced off site provision, for example, street trees, where necessary to make the scheme acceptable in planning terms.

Public Realm

4.14 The 'public realm', as distinct from the private domain, refers to all the physically and visually accessible space such as; forecourts, streets, pavements, squares, parks, open spaces and the facades of the buildings, or other structures, that define them. It is, as the main setting for human interaction, arguably, the most important part of the built-environment.

4.15 London Plan policy 7.5 addresses public realm. A high quality of design and materials will be required for the public realm. Consistent with the approach to landscaping, the design and provision of all elements, including hard and soft landscaping, lighting, furniture and public art, should be coordinated and well located, to make a positive contribution, avoid unnecessary clutter, and ensure a safe, informative and attractive environment.

National & London Plan

[7.5: Public Realm](#)

Brent Council

[Brent Placemaking Guide](#)

Advertisements

4.16 Some advertisements benefit from deemed consent. This means that advertisement consent from the Local Planning Authority is not required. NPPG provides advice on when this is the case and the grounds on the acceptability of advertisements should be determined on the criteria of amenity and public safety.

4.17 For shop advertisements and signs the Shopfront SPD provides additional advice on what the Council is likely to regard as acceptable.

National & London Plan

[National Planning Policy Framework \(2012\), Paragraph 67](#)

[National Planning Practice Guide: Advertisements](#)

Brent Council

Emerging Brent Shopfront Supplementary Planning Document

Telecommunications

4.18 Telecommunications are an essential component of modern economic infrastructure and their design and siting can impact on the public realm. Some telecommunications equipment will not require planning permission. Where permission is required proposals will be considered against national policy and advice. This seeks to reduce adverse impact by limiting the number of new masts, promoting sympathetic design and using camouflage where appropriate. It also seeks to address safety aspects through ensuring exposure to radiation is within guidelines and that interference with other forms of communication does not occur.

National & London Plan

[National Planning Policy Framework \(2012\), Paragraphs 42-46](#)

Brent's Heritage Assets

4.19 Brent's heritage assets make a substantial contribution to the borough's local character and distinctiveness. They are a unique and irreplaceable resource which justifies protection, conservation and enhancement in a manner appropriate to their significance. The Council recognises and identifies both designated and non-designated assets through the plan-making or planning application process. It is acknowledged that they hold value to society at many levels and identification allows protection and consideration in planning decisions.

4.20 Brent's statutory listed buildings, conservation areas and registered parks and gardens are all designated heritage assets. Its locally listed buildings, areas of distinctive residential character, sites of archaeological importance and archaeological priority areas are non-designated heritage assets. Non-designated heritage assets include buildings, structures, monuments, earthworks, street furniture, sculpture, shopfronts, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decision stage.

4.21 The purpose of this policy is to provide greater clarity on the specific additional requirements applicable in Brent taking account of existing NPPF, NPPG, London Plan and Brent Core Strategy policies.

DMP 7

Brent's Heritage Assets

Proposals for or concerning heritage assets should:

- a. demonstrate a clear understanding of the architectural or historic significance and its wider context;
- b. provide a detailed analysis and justification of the potential impact of the development on the heritage asset and its context as well as any public benefit;
- c. retain buildings, structures, architectural features, hard landscaping and spaces, where the loss of which would cause harm;
- d. sustain and enhance the significance of the heritage asset, its curtilage and setting, respecting and reinforcing the streetscene, views, vistas, street

- patterns, building line, siting, design, height, plot and planform;
- e. contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design and the use of appropriate materials and expertise.

National & London Plan

[7.8: Heritage Assets and Archaeology](#)

[7.9: Heritage-led regeneration](#)

[Historic England Guidance](#)

[Greater London Archaeology Advisory Service](#)

Brent Council

[Core Strategy Policy CP 17: Protecting and Enhancing the Suburban Character of Brent](#)

[Heritage Asset Guidance](#)

4.22 Brent's heritage assets include a wide range of architectural styles from Victorian Italianate, Gothic Revival, suburban 'Arts & Crafts', 'Tudorbethan', 'Old World', Modern and Brutalist as well as planned 'village' settlements. Furthermore, its formal public gardens, cemeteries together with the trees and gardens in the 20th century residential developments have matured contributing to setting. However, its archaeological discoveries from early prehistory are scarce, because sites have been built over and there are limited places where archaeologists can now investigate. Archaeological exploration suggests that there were settlements in the area during the Palaeolithic, Mesolithic and Neolithic periods (800,000 years ago to 2500 BC).

4.23 Heritage assets are valued by the public as established and tangible evidence of the past culture, providing a sense of permanence and belonging. Once lost or detrimentally altered, heritage assets cannot easily be reinstated and it is important that the most valuable are not needlessly or inadvertently destroyed. Policy DMP 7 'Brent's Heritage Assets', therefore, specifically seek to protect Brent's heritage seeks to ensure that the case for conservation and enhancement is fully considered when assessing all proposals for

new development. There must also be potential for further investigation on sites and buildings where significance may hitherto be acknowledged and as archaeological sites become available.

4.24 The Council supports and recognises that change is necessary, but change needs to be managed in a way which does not compromise heritage significance and exploits opportunities for enhancement. Any proposal must have special regard to the desirability of preserving a heritage asset or its setting or any features of special architectural or historic interest which it possesses. When granting consent, special regard will be given to matters of detailed design, especially within main frontages, prominent elevations and roofs, and to the nature, quality and type of materials proposed to be used.

4.25 The Council supports and recognises that change is necessary, but change needs to be managed in a way which does not compromise heritage significance and exploits opportunities for enhancement. Any proposal must have special regard to the desirability of preserving a heritage asset or its setting or any features of special architectural or historic interest which it possesses. When granting consent, special regard will be given to matters

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of detailed design, especially within main frontages, prominent elevations and roofs, and to the nature, quality and type of materials proposed to be used. This is because some forms of development, including extensions, roof extensions, dormers and outbuildings may not be subordinate (overly dominating) a property, harming its character, integrity and appearance. It is also important to be mindful that even the most minor changes or incremental alterations such as window replacement and the loss of original fittings and features can harm the significance of a property and a heritage asset.

4.26 When considering any planning application (including demolition) that affects a conservation area the Council will require the retention of all buildings and structures which make a positive contribution to the significance of a conservation area. Similarly new proposals must pay special attention to the desirability of sustaining or enhancing the character or appearance of that area. This can be achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say sustained. Development located within, adjacent to, or otherwise affecting the setting of a conservation

area, will be permitted where the visual and functional impact of the proposals can be demonstrated to preserve or enhance:

- the distinctive characteristics of the area, including important views into and out of the area;
- the general design and layout of the area, including the relationship between its buildings, structures, trees and characteristic open spaces; and
- the character and setting of the buildings and other elements which make a positive contribution to the appearance and special character of the area.

4.27 Development involving demolition in a conservation area will only be supported if a befittingly-designed replacement has been granted planning permission with appropriate mitigation measures in place to ensure the replacement is constructed.

4.28 The Council will also require the identification of non-designated heritage assets, including building or structures contained on the Local List, areas of distinctive residential character, archaeological priority areas, sites of archaeological importance and sites contained within the London Parks & Gardens Trust's Inventory of Historic Spaces

at the beginning of the design process for any development, especially where this may impact on their significance.

4.29 The Council will resist significant harm of loss of such a heritage asset. It will assess proposals which would directly or indirectly impact on heritage assets in the light of their significance and the degree of harm or loss which would be caused. Where the harm would be less than substantial, it will be weighed against any public benefits of the proposal, including securing optimum viable use of the heritage asset and whether it would enhance or better reveal the significance of the conservation area. For demolition or alteration to be approved, there will need to be clarity about what will be put in its place within a suitable time frame. It should be noted designation as a Locally Listed building does not provide further statutory protection but it draws attention to the special qualities of the building

4.30 Application Requirements

4.31 *Outline planning applications are not acceptable in conservation areas as full details of the proposed development are required to make a decision.*

4.32 A Heritage Statement must describe and demonstrate a clear understanding of the significance of any heritage assets affected by proposals and the impact on their significance, including any contribution from their setting. The level of detail must reflect the importance of the asset and clearly identify the potential impact of the proposal. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, developers must submit an appropriate desk-based assessment and, where necessary, a field evaluation.

5 Open Space

5.1 The provision of open space is important for sustainable communities, contributing to health and well-being. Brent's areas of open space, including Metropolitan Open Land, open space of local value, green chains and wildlife corridors, are shown on the Policies Map.

Open Space

5.2 Core Strategy policy CP18 protects all open space from inappropriate development. It also seeks improved provision in areas of deficiency and where additional pressure will be placed on open space. London Plan policy 7.17 Metropolitan Open Land (MOL) is given the same level of protection as the Green Belt. Essential ancillary facilities will only be acceptable on MOL where they maintain its openness. Paragraph 74 of the NPPF applies to open space, sports and recreational buildings and land, including playing fields, outside of MOL. This protects existing open space, sports and recreational buildings and land, including playing fields. Exceptions to this are where it can be clearly shown to be surplus to requirements, equivalent local provision is made or the benefit or the development is for alternative sports and recreational provision the need for which outweighs the loss. Policy

DMP 8 'Open Space' builds on this by setting local requirements for the creation of new open space, areas for food growing, and the protection of wildlife corridors.

DMP 8

Open Space

Where open space is proposed it should be:

- a. publicly accessible;
- b. appropriately designed to be safe, usable and integrated into the development site;
- c. enhance biodiversity and integrate into the existing green infrastructure network; and
- d. include a suitable long-term management plan.

Existing sites for food growing will be protected and food growing opportunities within major residential developments will be encouraged.

Green chains and wildlife corridors will be protected from development which would compromise its biodiversity or recreational function.

National & London Plan

[2.18: Green infrastructure: The multi functional network of green and open spaces](#)

[7.17: Metropolitan Open Land](#)

[7.18: Protecting open space and addressing deficiency](#)

[7.19: Biodiversity and access to nature](#)

[7.21: Trees and woodland](#)

Brent Council

[Core Strategy Policy CP 18: Protection and enhancement of open space, sports and biodiversity](#)

[Brent Biodiversity Action Plan](#)

[Food Growing and Allotment Strategy](#)[Review of Sites of Importance for Nature Conservation, EPR](#)

5.3 To meet the requirements of policy DMP 8 'Open Space' open space, whether new or replacement provision, is to be designed in consultation with the Council's Parks Team, and will be expected to address the following:

- Location and security – easily accessible by non-car means. Contribute to a sense of security by applying the principals of London Plan policy 7.3 Designing Out Crime;
- Long-term management plan – to ensure the space will be managed in the long term to ensure its continuation as a well used high quality space;
- Layout and design –usable and practical spaces, well suited for a variety of users. Good linkages and permeability will encourage movement within the site;
- Habitat Creation –which assist in achieving Brent Biodiversity Action Plan targets. balancing undisturbed habitat zones and areas that people can enjoy and relax in;

- Integration –with proposed and existing green routes including green corridors and the All London Green Grid;
- Ownership – Preferably local community input into the design of the open space to meet needs, promote a sense of ownership, respect, territorial responsibility and community;

5.4 Management and maintenance is to be considered from the outset. Transfer of land to the Council will be subject to agreement of the Parks Team and a suitable commuted sum for on-going maintenance being secured in a planning obligation.

5.5 Brent Council's Allotment Management and Food Growing Provision Strategy identifies a need for allotments, particularly in the south of the borough, as well as opportunities for temporary food growing. The Council will encourage temporary options for food growing as 'meanwhile' uses. It will also seek the integration of food growing opportunities into new major residential developments where appropriate to meet demand.

5.6 All development is required to make a positive contribution to biodiversity, and contribute to the targets of the Brent and London Biodiversity Action Plan wherever

possible. Developments should be designed with an understanding of their wider ecological context. The promotion of nature conservation is regarded as integral to the scheme not as an 'add on'.

5.7 London Plan policy 7.19 includes a hierarchy for decision making where a development may directly, indirectly or cumulatively affect a site of nature conservation value. Designated sites in Brent are identified on the Policies Map and include Welsh Harp, which is designated as a Site of Special Scientific Interest (SSSI) of national importance; Fryent Country Park and London Canals which are Sites of Metropolitan Importance. In addition Sites of Importance for Nature Conservation (SINC) are important wildlife habitats at the borough level. The Brent Sites of Importance and Nature Conservation Study (2014) identifies the biodiversity resources present in these sites. It also makes site specific recommendations to enhance their biodiversity. Development with potential to impact on a SINC will be expected to have regard to the Study and contribute to delivering its recommendations.

5.8 Green chains and wildlife corridors are linked or more continuous areas of open space which allow for the movement of plants and

animals and may provide an extension of the habitats they join. In Brent green corridors include areas such as railway embankments and the Blue Ribbon network and are identified on Brent's Policies Map. These routes will be protected from development which would impede movement. In exceptional circumstances it may be appropriate to provide an alternative route, providing it can be robustly demonstrated this will continue to support movement.

Waterside Development

Brent's Blue Ribbon Network includes the River Brent, Grand Union Canal and Welsh Harp Reservoir. Other tributaries such as Wealdstone Brook, Brent Feeder Canal and Dollis Brook, also play an important role in Brent's network of waterways. Waterways offer amenity, opportunities for recreation and improved biodiversity. London Plan policy 7.28 requires developments to enhance the Blue Ribbon Network. DMP 9 'Waterside Development' builds on this policy by setting out the local approach to how enhancements are to be achieved.

DMP 9

Waterside Development

The Council will promote the enhancement and use of the Blue Ribbon network:

- a. Proposals for development adjacent to river and canal edges are required to improve access to the waterways and provide an appropriate landscaped set-back which may include public open space.
- b. Developments adjacent to the Blue Ribbon network, or with potential to negatively impact on its water quality, will be required to contribute towards restoration and naturalisation of waterways, and seek to enhance water quality and biodiversity in accordance with the objectives of the Water Framework Directive.

National & London Plan

[7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use](#)

[7.28: Restoration of the blue ribbon network](#)

[7.30 London's Canals and Other Rivers and Waterspaces](#)

[Under Lock and Quay: Reducing Criminal Opportunity By Design, British Waterways](#)

[The London Rivers Action Plan and UK Projects Map, The River Restoration Centre](#)

[Draft Thames River Basin Management Plan, Environment Agency](#)

Brent Council

[Brent River Corridor Improvement Plan, Brent River Catchment Partnership](#)

5.10 Development adjacent to a main river or its tributaries is required by the Environment Agency to have a minimum set back of 8m for a number of reasons. It enables ease of general waterway maintenance, protects their open character and protects and allow the enhancement of habitats for wildlife. It also enables opportunity for sustainable and cost

effective flood risk management options. The appropriate set back for developments adjacent to the canal will be established by an assessment of the character and context. This will also need to balance the protection and enhancement of biodiversity and the multiple needs of the users of canal and towpath. In Brent development adjacent to the Grand Union Canal in particular provides an opportunity to create new towpaths, public open spaces and access points.

5.11 The Water Framework Directive is a European Union Directive which commits all member states to achieving 'good status' for all water bodies. In the Brent Riverside Catchment Grand Union Canal, Lower River Brent and Wealdstone Brook are not achieving good status. This is due primarily to pollution and physical modification from urban development, transport and the water industry. In Brent waterside developments and other developments which could negatively impact on water quality, such as those where connecting to a combined sewer is unavoidable, will be expected to mitigate impacts by contributing to the delivery of the emerging Thames River Basin Management Plan. The Plan sets out the following measures to enhance the Brent catchment:-

- removing unnatural structures such as obsolete weirs and bank and bed reinforcements.
- bypassing barriers to fish passage, such as weirs.
- improving native aquatic plants and wildlife presence by restoring or creating new and enhanced natural physical and wetland habitats throughout the river corridor.
- control and management, of invasive non-native species.

5.12 Such developments should also contribute to the delivery of the Brent River Corridor Improvement Plan, produced by the Brent Catchment Partnership, and the London Rivers Action Plan. Specific projects in the Brent catchment are identified on the interactive map on the River Restoration Centre website.

6 Environmental Protection

6.1 The NPPF requires local planning authorities to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. The planning system also has an important role in contributing to addressing public health issues linked to poor air quality and noise pollution. This chapter covers land-use policies which protect specific features of the environment, such as air and water quality.

Noise and Vibration

6.2 London Plan policy 7.15 requires development to mitigate and minimise the existing and potential adverse impacts of noise and vibration. This relates to impacts on the development itself from existing sources, or that which it might generate either on or off site, directly or indirectly that could have an adverse impact on those in the vicinity. The London Plan also requires boroughs to designate and protect Quiet Areas.

6.3 Sources of noise pollution in the borough are numerous. They include ambient noise, which is long-term ‘background’ noise. This might be from transport and industry. This ambient noise can be supplemented by more periodic local (or neighbour) noise such as construction, roadworks, late night venues, public events, street activities, and ventilator/ extractor units.

6.4 Areas adjacent to the North Circular Road in Brent have been identified as amongst the most affected by traffic noise in the UK. In addition development at Wembley can be impacted by noise on events days at the National Stadium.

National & London Plan

[National Planning Practice Guide: Noise](#)

[7.15: Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes](#)

6.5 In light of the guidance contained in the Noise Action Plan: Agglomerations, published by DEFRA in January 2015 the Council has identified Quiet Areas. These are areas of

tranquillity, usually open spaces and green network areas, which have remained relatively undisturbed by noise and have recreational and amenity value for this reason. The borough's Quiet Areas, as shown on the Policies Map, are considered to be Fryent Country Park, open space on the north side of The Welsh Harp, Roundwood Park/Willesden New Cemetery, Paddington Cemetery and Alperton Cemetery.

6.6 In order to reduce potential disruption to residents and neighbours caused by major construction schemes we require developers to sign up to the Considerate Constructors Scheme.

6.7 Information in support of applications

6.8 Noise and vibration assessments undertaken in accordance with the appropriate British Standards are required for residential developments located close to significant noise sources such as railway, industry and busy roads. Internal resting conditions must be consistent with the standards prescribed within the British Standards.

6.9 Noise assessments are also required for the installation of plant or uses that generate excessive noise. The assessment shall include mitigation measures to minimise the potential for nuisance.

Air Quality

6.10 London Plan policy 7.14 requires boroughs to seek reductions in levels of air pollutants and states that major development should be at least air quality neutral and not lead to further deterioration of existing poor air quality. Development proposals are to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality.

National & London Plan

[National Planning Practice Guide: Air Quality](#)

[7.14: Improving Air Quality](#)

[Sustainable Design and Construction Supplementary Planning Guidance \(2014\), GLA](#)

Brent Council

[Brent's Air Quality Action Plan, London Borough of Brent](#)

6.11 Brent's Air Quality Action Plan identifies Nitrogen Dioxide and Particulate Matter as the pollutants of most concern in the borough. An Air Quality Management Area (AQMA) covering areas of the borough where EU limit values are not, or are unlikely to be, met has been declared. AQMAs are shown on the Policies Map. Air quality adjacent the North Circular Road is very poor, therefore sensitive uses such as housing will not be acceptable in this location.

6.12 For major development to be 'air quality neutral' it must meet the building emissions benchmarks set out in appendix 5 and 6 of the Mayor's Sustainable Design and Construction SPG. Proposals should demonstrate how air quality targets will be met through an Air Quality Impact Assessment. This is to be produced in accordance with guidance in the Mayor's SPG.

6.13 Where an Air Quality Impact Assessment cannot be made at the application stage, for example if the final technology decisions have not been made, it will be required by condition.

6.14 Information in support of applications

6.15 An Air Quality Impact Assessment by a suitably qualified person, is required for all major developments and installations of CHPs/large communal boilers. The assessment will address baseline local air quality; whether the proposed development could significantly change air quality during the construction and operational phases; and/or whether there is likely to be a significant increase in the number of people exposed to poor air quality. It will also include mitigation measures proposed to create an acceptable development. Mitigation measures will be site specific but could include for example urban greening or promoting the use of sustainable modes of transport.

6.16 Post-completion stack emission monitoring may be required, to demonstrate that any approved energy plant meets the emission standards specified in the Impact Assessment.

Contaminated Land

6.17 Brent has a significant amount of industrial land or former industrial land that could be contaminated. Contaminated land presents a potential hazard to people, ecological systems, animals and buildings. London Plan policy 5.21 requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination.

6.18 A general indication of the location of historic industrial sites is provided by Map 1 below.

National & London Plan

[National Planning Practice Guide: Land Affected by Contamination](#)

[5.21: Contaminated Land](#)

[CLR11: Model Procedures for the Management of Land Contamination, Defra](#)

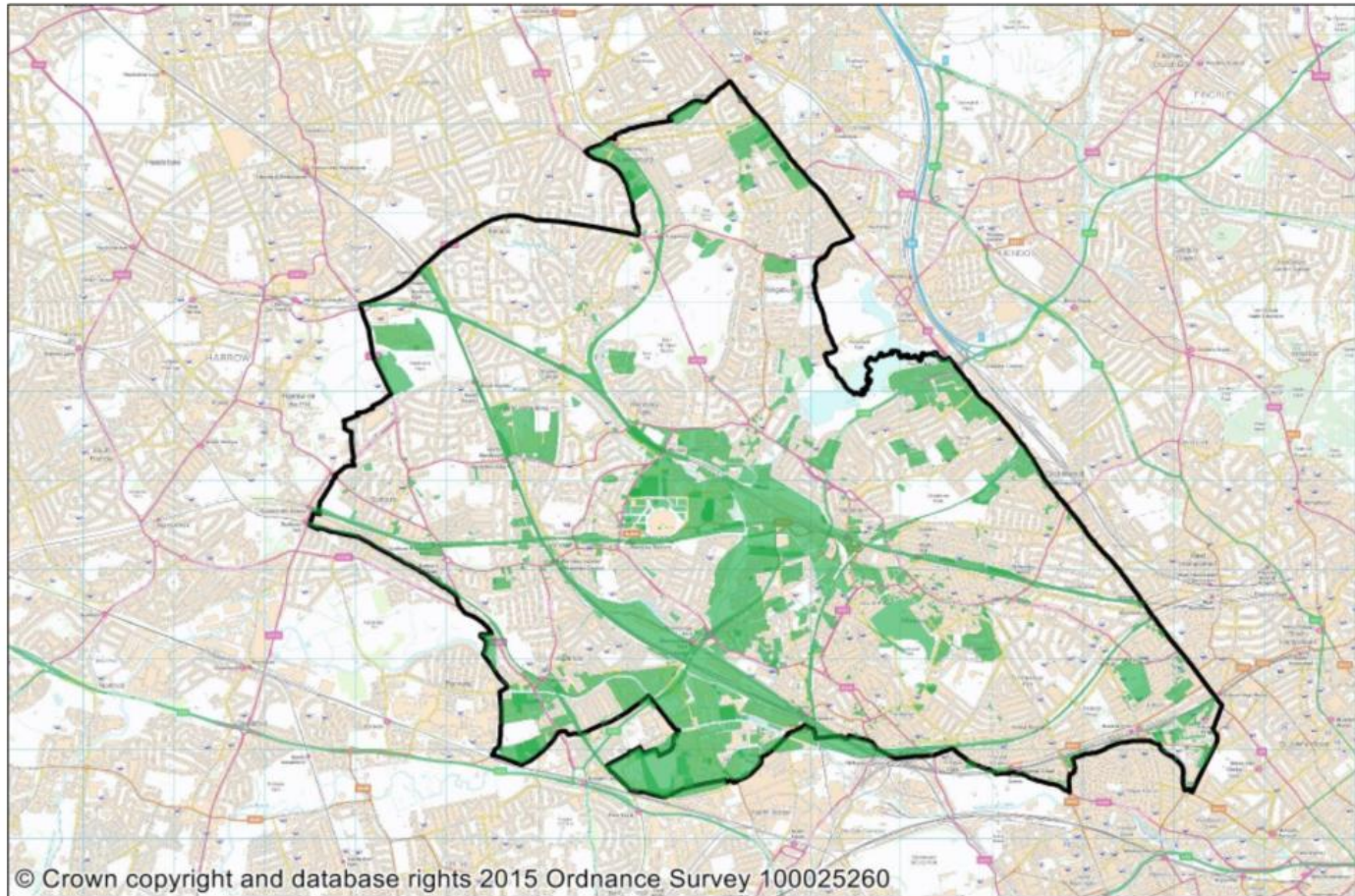
[Guidance for the Safe Development of Housing on Land Affected by Contamination, R&D66; NHBC, Environment Agency and CIEH](#)

6.19 Information in support of applications

6.20 *For development on contaminated or potentially contaminated land a Preliminary Risk Assessment (PRA) undertaken by a suitably qualified person is required.* This will include information on past and current uses and a Conceptual Site Model of potential

pollutants, pathways and receptors. An intrusive site investigation may be required should a plausible pollutant linkage exist.

6.21 Site investigations and associated risk assessments must be undertaken by competent persons in accordance with the appropriate British Standards and guidance. *Remediation is required where unacceptable risks are identified. After remediation land must be suitable for use, and as a minimum, should not be classified as contaminated under Part IIA of the Environmental Protection Act 1990.* All remediation will require in-situ verification reporting to demonstrate that the required standards have been achieved.



Picture 1 Historic Industrial Sites

Flood Risk

6.22 Consistent with national and London Plan policy development in Brent will not be allowed that unacceptably increases the risk of flooding. Development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development. In accordance with national policy the sequential test will be applied to ensure development is sited to areas with the lowest probability of flooding. Where suitable sites of lower flood risk are not available, the Exceptions Test is a method to demonstrate and help ensure flood risk to people and property will be managed satisfactorily. Developments which are required to pass the Exceptions Test will need to address flood resilient design and emergency planning in accordance with London Plan policy 5.12.

National & London Plan

[National Planning Practice Guide: Flood Risk and Coastal Change](#)

[5.12: Flood risk management](#)

Brent Council

[Brent Strategic Flood Risk Assessment, Jacobs](#)

6.23 Zone 3 flood zones are shown on the Policies Map. However, flood risk zones are shown on maps produced by the Environment Agency, available on their website and updated annually.

6.24 Information in support of applications

6.25 Development proposals in flood risk zones 2 and 3, and all development proposals for sites of 1 ha or above in flood risk zone 1, should be accompanied by a Flood Risk Assessment (FRA). The borough Strategic Flood Risk Assessment (SFRA) sets out sustainable flood risk mitigation measures and level of detail to be included in site-based FRA dependant on the flood zone. This should form the basis of all FRA.

6.26 Surface Water

6.27 On 6 April 2015 it became a national requirement for all major development and all developments in areas of flood risk to utilise

sustainable urban drainage systems (SuDS), unless demonstrated to be inappropriate. London Plan policy 5.13 requires development to aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in accordance with the drainage hierarchy. Brent Council will assess applications involving SuDS in its role as lead local flood authority.

National & London Plan

[5.13: Sustainable drainage](#)

[Sustainable Design and Construction Supplementary Planning Guidance \(2014\), GLA](#)

Brent Council

[Brent Surface Water Management Plan, Hyder](#)

6.28 Information in support of applications

6.29 The developer is to provide Water Quality and Biodiversity statement and cost benefits for conventional and SuDS system. It must also be demonstrated SuDS have been designed in a way which contributes to the delivery of Brent's Surface Water Management Plan and other policy objectives, including enhancements to biodiversity and water quality

6.30 Evidence will be required alongside planning applications to demonstrate that the proposed standards of operation are appropriate and clear arrangements are in place for ongoing maintenance.

7 Sustainability

7.1 The NPPF promotes sustainable development and the transition to a low carbon future, through the delivery of renewable and low carbon energy. Brent's Core Strategy policy CP19 sets out the targets which all major developments in Brent should achieve to contribute towards achieving sustainable development, including climate change mitigation and adaptation.

Sustainable Design

7.2 The Mayor's Sustainable Design and Construction SPG provides detailed guidance on how to achieve environmental sustainability policy objectives in the London Plan effectively. This includes London Plan policy 5.3 on Sustainable Design and Construction and policy 5.15 on minimising water use. London Plan policy 5.9 sets out a cooling hierarchy which applies to major developments. Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design.

7.3 Core Strategy Policy CP19 requires major non-residential development to achieve a rating of BREEAM excellent.

National & London Plan

[5.3: Sustainable Design and Construction](#)

[5.9: Overheating and Cooling](#)

[5.15: Water Use and Supplies](#)

[Sustainable Design and Construction Supplementary Planning Guidance, GLA](#)

Brent Council

[Core Strategy Policy CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures](#)

7.4 Information in support of applications

7.5 Core Strategy Policy CP 19 requires major developments and proposals for sensitive uses (education, health and housing) in Air Quality Management Areas, to be accompanied by a Sustainability Statement demonstrating at the design stage, how sustainable design and construction measures will mitigate and adapt to climate change over the intended lifetime of a development. The

statement must demonstrate the scheme has incorporated the advice set out in the Mayor's Sustainable Design and Construction SPG and meets the requirements of London Plan policy.

7.6 For major non-residential development a Design Stage BRE interim certificate of compliance and a Post Construction Certificate will be required to demonstrate achievement of a BREEAM rating of Excellent.

7.7 For residential development a Water Efficiency Assessment will be required providing evidence the development will meet the target of 105 litres or less per head per day, excluding an allowance of 5 litres or less per head per day for external water use.

Energy

7.8 London Plan policy 5.2 requires development proposals to minimise carbon dioxide emissions in accordance with the energy hierarchy – use less energy, supply energy efficiently and use renewable energy. Major developments are required to achieve carbon emissions reduction targets leading to zero carbon. The carbon reduction targets should be met on-site. Only where it is clearly demonstrated carbon reduction targets cannot be fully met on site, any shortfall may be off-set through 'Allowable Solutions'.

7.9 The Mayor prioritises the development of decentralised heating and cooling networks. London Plan policy 5.6 requires major development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems. Major development proposals should select energy systems in accordance with the hierarchy: 1. Connect to existing heating and cooling networks; 2. Site wide CHP network; 3. Communal heating and cooling. Where future network opportunities are identified proposals should be designed to connect to these networks. Brent actively promotes decentralised energy systems. The Wembley Area Action Plan, informed by an energy masterplan, requires developments within Wembley growth area to connect to, provide or contribute towards, a decentralised energy system, whilst plans for a system are also being advanced in South Kilburn. The Council will maintain a record of constructed/approved developments which have been designed to allow connection to a network.

7.10 The incorporation of on-site renewable energy generation makes a valuable contribution to the reduction of a site's carbon emissions and the London Plan has a presumption that developments should achieve a 20% reduction through the use of on-site renewables. London Plan policy 5.7 requires

major developments to provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. Minor developments will be encouraged to maximise opportunities for on-site renewable energy generation, where feasible.

7.11 While sustainability standards are rising for new build developments, improvements to the energy efficiency of Brent's existing building stock will be necessary to achieve carbon reduction targets. Improvements to the sustainability of the existing building stock will be supported.

National & London Plan

[5.2: Minimising carbon dioxide emissions](#)

[5.3 Sustainable design and construction](#)

[5.6: Decentralised in development proposals](#)

[5.7: Renewable energy](#)

[The London Heat Network Manual \(2014\), GLA](#)

[Sustainable Design and Construction Supplementary Planning Guidance \(2014\), GLA](#)

7.12 Information in support of applications

7.13 An Energy Assessment will be required to demonstrate that major developments will be constructed to achieve energy targets in accordance with London Plan policy 5.2. Energy Assessments are to be prepared in accordance with the guidance in Appendix D of the Sustainable Design and Construction SPG. An Energy Assessment Review will be required no later than two months after completions confirming whether the development achieved the energy targets. Only if the feasibility study in the Energy Assessment demonstrates that all on-site options have been considered and are not feasible, will Allowable Solutions be considered. In accordance with emerging London Plan Policy 5.2 developers should actively seek to deliver their remaining Allowable Solutions through local carbon saving projects. Brent Council will establish a price per tonne for carbon or use a nationally recognised price such as that set by the Zero

Carbon Hub, and seek payment into a local fund which will be used to deliver Brent's emerging Allowable Solutions Strategy.

7.14 The Heat Network Manual (2014) sets out the issues which are to be considered in viability and feasibility assessments for CHP. Where connection to an existing or future heat network is feasible and viable, a commitment to connection may be secured via a legal agreement; this may include provision for a financial payment to Brent Council to enable connection. Planning conditions may also be used to ensure the connection is implemented. If a planned network is not operational within 5 years of the permission being issued (or other agreed timescale as informed by the energy masterplan) the connection charge, required on commencement of the planning permission, will be used by Brent to achieve similar carbon savings or the development should install a CHP.

7.15 In complex schemes or in the event of a dispute the applicant will be required to pay for an impartial consultant to assess Energy Assessments and/or viability and feasibility assessments on behalf of the Council.

8 Transport

8.1 Policies contained in this chapter are concerned with those aspects of transport planning which affect the determination of planning applications. They seek to supplement existing policy in the NPPF, London Plan, Core Strategy and Wembley Area Action Plan. They consider issues around integration of land use planning and transport planning. This will help to meet Objective 8 of the Core Strategy, which is to reduce the need to travel and improve transport choices.

8.2 This will ensure consistency with Brent's Long Term Transport Strategy and Local Implementation Plan.

8.3 Overall Brent has generally good transport links. It is the joint top borough for the number of rail and underground stations in London. It has many bus routes serving town centres within and outside the borough. Its roads however have experienced increasing levels of congestion at key hotspots and an 8% volume increase from 1997 to 2008. Road access to orbital and radial routes, especially the Strategic Road Network is good. These routes do however become congested, particularly at peak times. Historically, as with London as a whole, car ownership and car use

in the borough has increased. Nevertheless the 2011 Census indicated increases in car ownership had slowed substantially.

8.4 The council has concentrated its efforts to date on improving key stations, interchanges and bus services to and between them. Investment has been made to increase capacity at the three Wembley stations. Similar investment is required at other key interchanges to enhance the usability of the network as a whole. Particular focus is needed on improving orbital links and key interchange points on them. Good pedestrian and cycle access will be an important feature in facilitating delivery of improved usability of the public transport network.

8.5 The Council seeks to promote an integrated transport system by shaping patterns of development in terms of its location, scale, density and mix of land uses. It looks to further the London Plan Policy 6.1 through its actions in Brent.

Transport Implications of New Development

8.6 London Plan Policy 6.3 sets out the need for developments to appropriately address impacts on the movement network in order to

gain consent. It also identifies the need for transport assessments and associated travel plans to be submitted in association with major developments.

8.7 Where significant impacts arise, mitigation measures should be proposed and the residual impacts assessed. This includes mitigation on small scale schemes where issues are not caused by levels of generated traffic, but by poor design. Planning obligations may be sought to fund mitigation measures or conditions may be imposed on a planning permission to restrict impacts. These measures will be related to the specific development, but it is unlikely that every development proposal can be made acceptable in transport terms.

8.8 The range of mitigation for which planning obligations may be sought includes, but is not restricted to, the following. These have been selected as examples as they either encourage use of sustainable modes or manage those trips which need to be made by car on the highway network:

- Travel Plans.
- Public transport improvements sufficient to service the scheme or to integrate it with the surrounding area. Developments attracting a significant number of trips in

areas with low or moderate public transport accessibility will only be acceptable when significant public transport improvements are secured which are both viable and justifiable in the longer term.

- The extension or bringing forward of on-street parking controls or waiting restrictions due to an unacceptable impact on road safety, emergency vehicle access or traffic management.
- Improvements to pedestrian and/or cycle facilities.
- Traffic calming measures.
- Acceptable road safety and essential highway improvements, not necessarily restricted to the immediate development area.
- Programmes to reduce car usage (car pooling, car clubs).

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[6.3: Assessing Effects of Development on Transport Capacity](#)

[Transport Assessment Best Practice Guidance, TFL](#)

[Travel Plan Guidance, TFL](#)

Public Transport Integration

8.9 Development should benefit from and not harm the operation of the public transport network. It should be located where public transport accessibility is sufficient to service the scale and intensity of use. Development in appropriate locations should enhance opportunities to provide interchange between public transport services. Brent's Local Implementation Plan has highlighted the following interchanges which are in urgent need of major improvement: Queen's Park, Stonebridge Park, First Central (Park Royal), Kenton and ongoing improvements at Wembley Central.

8.10 Developments at public transport interchanges should contribute towards the improvement of that interchange and access to and from the site.

National & London Plan

[6.2: Providing Public Transport Capacity and Safeguarding Land for Transport](#)

Cycling and Walking

8.11 The promotion of cycling and walking has long been a priority of the Council and is considered essential in order to support growth whilst reducing the environmental impact of travel. Provision for cycling and walking are also promoted by the London Plan in policies 6.9 and 6.10. Brent's Cycling and Walking strategies will ensure an integrated approach to greater promotion of these forms of movement. Developments will be expected to play their part in maximising these forms of movement to and from their site. Brent's Cycling Plan aims to encourage cyclists to become actively involved in the design of schemes contributing to make the cycling environment safer and more convenient. Particular emphasis will be placed on cycle routes and lanes not ending abruptly in unsafe or inconvenient locations and on improving designs of junctions and roundabouts. The provision for safe and secure cycle parking in accordance with the London Cycling Design Standards is also an important consideration along with the provision of on-site showers and changing facilities. A 'walkable' development should offer safe, convenient and direct routes for pedestrians, and take account of existing

desire lines, as well as improving the quality of the pedestrian environment generally and pedestrian legibility specifically.

8.12 The Capital Ring

8.13 The Capital ring is a strategic London wide walking route, some of which passes through Brent. This policy seeks to ensure that its role, form and function is maintained and where possible enhanced by new development.

[Pedestrian Comfort Guidance for London, TFL](#)

Brent Council
 Emerging Brent Walking Strategy
 Emerging Brent Cycling Strategy

character of the road and its role within the road hierarchy. Where new development requires access to the road network, account needs to be taken of these factors and ensure no adverse highway safety impact.

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DMP 10

Capital Ring

Development on or near the Capital Ring (as shown on the Policies Map) will be expected to take full account of the need to protect its character and, where appropriate, contribute towards its improvement.

National & London Plan

[6.9: Cycling](#)

[6.10 Walking](#)

8.14 The policy seeks to ensure that development positively addresses the network, this will be thorough for instance appropriate proximity, scale and orientation of buildings, active frontage, or landscaping, improving access to and from it, or seeking its potential upgrade to enhance its potential use by occupiers of the development.

The Highway Network

8.15 The priority to promote sustainable modes of transport will help to reduce pressure on the existing highway network. Nevertheless, it is also important that the network should operate efficiently and safely for all users. There is a requirement for a balance to be achieved between different road users' needs. This will depend to a large extent upon the

DMP 11

Forming an Access on to a Road

Other than the North Circular Road, TLRN and London Distributor Roads applications for the creation of an access to a highway or where development will result in the increased use of existing access points will be acceptable where:

- a. the location of the access would be at a safe point;
- b. the access and amount of off-street parking proposed would be visually acceptable (having regard to existing highway verges and trees affected);
- c. on Heavily Parked Streets, the proposal does not result in the loss of more than one on-street car parking space, and where there is controlled parking does not

result in the creation of more off-street spaces than set out in the parking standards;

On the North Circular Road new accesses will be resisted in all cases except where offering improved road safety for all users. Similarly, new accesses on TLRN and London Distributor Roads should be resisted where alternative access is available to the side or rear and turning facilities should be provided where possible.

On London Distributor Roads (as shown on the Policies Map) increased use of existing safe access points will be allowed where it does not harm the road's strategic traffic distribution role and particularly that of bus movement.

A preliminary safety audit must be submitted with all major development proposals which about the TLRN.

8.16 The North Circular Road is an important route for Brent. It forms a Corridor Link between Brent Cross and Ealing (two major interchange points by public transport as well as by road). It provides a parallel option for through traffic

which can help take pressure off the Brent Cross to Wembley and Wembley to Ealing routes which will carry more locally based traffic.

8.17 The North Circular Road is a Transport for London Route Network (TLRN) road. It is one where Brent is keen to see more of a balanced approach with emphasis on other modes, rather than the needs of car users dominating. The road forms a key element in the London road network in channelling essential traffic, especially freight, away from inner London. To this end there is a general presumption against locating new accesses on to the route. Nevertheless, it is recognised that sometimes additional access is necessary to facilitate regeneration, or that safety improvements could be made thorough alternative provision. For other strategic movement corridors a similar approach to ensuring its function is not unacceptably impacted upon by the development is sought either through capacity or safety issues.

8.18 Heavily Parked Streets have been identified across the borough. This has been done for two reasons: To help manage new residential development parking without detrimental impact on highway safety; and so

that any new access created would not result in an excessive loss of on-street parking spaces where there is a current shortage.

8.19 Brent is keen to maintain and enhance the street scene through the provision of green infrastructure. It has an extensive programme of street tree planting. Loss of street trees, or potential space for them through the provision of off street car parking has occurred, something which the Council wishes to avoid in the future.

Road Safety and Traffic Management

8.20 In relation to transport matters in development proposals priority should be given to safety issues. This includes the convenience and safety of vulnerable road users such as pedestrians and cyclists.

8.21 TFL has a strategic management function in minimising congestion on its Strategic Road Network. It requires consultation on proposals which would affect this network, which includes Edgware Road and Harrow/Watford Road corridors. Proposals which would affect the M1 Motorway shall require consultation with the Highways Agency.

National & London Plan[6.7: Better Streets and Surface Transport](#)[6.11: Smoothing Traffic Flow and Tackling Congestion](#)[6.12: Road Network Capacity](#)

8.22 Brent's London Distributor Roads generally have to provide access to adjacent land uses, but their primary function must be to act as part of the network for through traffic.

8.23 Improvements to road safety should follow recognised guidance, including for example the Road Safety Action Plan (TFL). This advises that a preliminary safety audit should be submitted with all major development proposals and associated transport changes on the Transport for London Road Network (TLRN/GLA).

8.24 Where a developer is required to undertake works to the highway to make their access acceptable, this will be expected via a section 278 agreement (see Glossary).

Parking

8.25 London Plan policy 6.13 addresses parking and has associated parking standards. Brent has characteristics associated with both Inner and Outer London. Brent's standards do not significantly deviate from those in the London Plan. Managing the impact of parking covers the role of car free development. It also ensures that requests for additional parking meet a number of conditions which mean that the local area is not negatively impacted upon by parking. This policy is supported by the parking standards which are set out in Appendix 1. Parking in town centres deals with existing parking and additions to or losses of parking. The requirements for electric charging points and cycle parking must be consistent with London Plan policy 6.13. Preference is for electrical charging points to be provided within the highway, or publicly accessible to encourage greater use.

8.26 The policy seeks to support the Council to ensure that parking levels do not encourage unnecessary traffic generation. It seeks to ensure that car parking impacts positively on its environment. It also seeks to maintain the viability and vitality of our town centres.

DMP 12**Parking****Parking standards and managing the availability of car parking**

Developments should provide parking consistent with parking standards in Appendix 1. In appropriate locations benefiting from high levels of public transport access, generally with PTAL 4 or above, opportunities for car free development should be considered.

In areas with Controlled Parking Zones access to on-street parking permits for future development occupiers other than for disabled blue badge holders will be removed or limited.

Contributions secured through a planning obligation to car clubs and pool car schemes will be strongly encouraged in place of private parking in developments.

Managing the impact of parking

Additional parking provision should not have negative impacts on existing parking, highways, other forms of movement or the

environment. The removal of surplus parking spaces will be encouraged. Development will be supported where it does not:

a. add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on-street parking conditions;

b. require detrimental amendment to existing or proposed Controlled Parking Zones;

c. create a shortfall of public car parking, operational business parking or residents' parking;

The Council will require off-street parking to:

d. preserve a building's setting and the character of the surrounding area;

e. preserve any means of enclosure, trees or other features of a forecourt or garden that make a significant contribution to the visual appearance of the area; and

f. provide adequate soft landscaping (in the case of front gardens 50% coverage), permeable surfaces, boundary treatment and other treatments to offset adverse visual impacts and increases in surface run-off.

Public off-street parking will be permitted only where it is supported by a transport assessment and is shown to meet a need that cannot be met by public transport.

Parking in Town Centres

The Council will accept the loss of short-term publicly available parking only where this would not lead to under-provision.

In town centres where there is a deficiency of short term public car parking, subject to development viability, the Council will seek additional provision within major developments.

National & London Plan

[6.13: Parking](#)

Emerging Design of Car Parking, TFL

Brent Council

[Heavily Parked Street](#)

8.27 The amount of parking provided in accordance parking standards is a balance between a number of factors. These include seeking to reduce unnecessary car trips, promoting effective use of land, make development viable and not creating on street parking pressure which undermines the quality of life. The standards promote fewer spaces in locations better served by alternative transport. The emphasis is on not trying to provide spaces where they are unnecessary. Opportunities for car free development might include locations close to public transport interchanges where space for parking is constrained. Other areas within Controlled Parking Zones that are easily accessible by public transport may also be suitable for car free development. Where development is car free, or there is a limit on the number of occupiers able to park on-street, legal agreements or conditions will be used to ensure that future occupants are aware they may not be entitled to on-street parking permits. Reductions in parking provision can also be delivered through car clubs and pool cars which promote more efficient use of spaces.

8.28 The design of car parking should be consistent with supporting other objectives for Brent. These include improving design quality and a sense of place, green infrastructure provision, bio-diversity and sustainable drainage. TfL's Emerging Design of Car Parking will also provide advice on this matter.

8.29 For the most part town centres require some form of customer parking to support their vitality and viability. Whilst some centres have the right amount, others do not or their placement and quality means that their role is diminished. The Council will seek the retention of short term publically available parking spaces where they are needed to support centre vitality and viability. In order to support town centres, support sustainable provision and promote efficient land use, the Council will seek public use of car parking where car parking is required for new developments in town centres. New public off-street parking will be subject to a legal agreement to control the layout of the parking spaces, the nature of the users and the pricing structure. Where parking is created or reallocated, Brent will encourage the allocation of spaces for low emission vehicles, car clubs, pool cars, cycle hire and parking, and electric vehicle charging equipment.

Movement of Goods and Materials

8.30 The London Plan policies 6.14 and 6.15 relate to freight. Policy 6.14 states that existing and new sites should be safeguarded to enable the transfer of freight to rail and water. Under 6.15, the need for rail freight interchanges are emphasised which must deliver modal shift from road to rail. Brent's Core Strategy (CP20) supports maximising opportunities to move freight by non-road means (such as water and rail). It also seeks to minimise the impact of industrial and employment use on the road network.

DMP 13

Movement of Goods and Materials

Provision and protection of freight facilities

Development that would generate significant movement of goods or materials, both during construction and in operation, should minimise the movement of goods and materials by road. The use of more sustainable alternatives, i.e. by rail and canal, is encouraged.

For longer distance movements, the provision of sidings within suitable new developments adjoining railway lines is supported. Warehousing development, adjoining rail lines where rail access can be provided, should include sidings.

Existing sidings will be protected where these are adaptable to serve anticipated needs.

Servicing in new developments

The provision of servicing facilities is required in all development covered by the Plan's standards in Appendix 2. The Council will work with developers to provide the optimum servicing and delivery arrangements for new developments. Wherever possible servicing should be provided off the highway.

Loss of existing servicing will be resisted where it is still required to meet operational needs.

National & London Plan

[6.3: Assessing Effects of Development](#)

[6.14: Freight](#)

[London Freight Plan, TFL](#)

8.31 London Plan policy 6.3 identifies that Construction Logistics Plans and Delivery and Service Plans should be secured in line with the London Freight Plan. Efficient handling and transport of freight is crucial for the regeneration of the industrial areas of the borough. Rail and water are much more sustainable means of transporting freight over longer distances than by road and can be more economic. Even where movement by road is necessary for part of the journey, transshipment to rail/water for the remainder is to be preferred. There are opportunities for rail freight related development within the Park Royal and Wembley Strategic Employment Areas. The railway sidings and Grand Union Canal within and adjacent to the Old Oak Opportunity Area also provide an opportunity to reduce road movements in its regeneration.

8.32 Optimum servicing of development is an important consideration. The Council balances up the need to achieve efficient use of land, maintain capacity of transportation networks and not undermine the amenity of

adjoining occupiers. The Council has standards for the servicing of new developments as set out in Appendix 2.

Evidence Base

[Brent's Local Implementation Plan](#)

9 Employment

9.1 The NPPF and London Plan emphasise the importance of allowing sufficient flexibility to adapt to changing circumstances by supporting managed conversion of surplus employment land. An unmanaged approach to the loss of employment land will affect the availability of business accommodation, and impact on economic growth within the borough. Core Strategy policy CP20 safeguards Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS) for employment uses. This policy builds on CP20 by setting criteria to determine where the conversion of surplus employment land, both SIL, LSIS and non-designated Local Employment Sites, to non-employment uses will be acceptable based on the findings of the Brent Employment Land Demand Study. It also sets out the Council's policy approach to facilitate genuine Work-Live development.

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DMP 14

Employment Sites

To encourage appropriate mixed use environments and local employment generation the Council will support the

continued provision of employment sites. It will seek to limit their loss to approximately 11.5 ha in the period to 2029.

Employment Land within SIL and LSIS

In recognition of the weight attached to retaining SIL and LSIS allocations in policies elsewhere in the Development Plan SIL and LSIS will only be released where:

- a. it is a low quality employment site identified as suitable for release in the Employment Land Demand Study; and
- b. it can be shown to be integral to and delivered as part of a wider comprehensive housing-led regeneration scheme with substantial benefits to Brent, providing at least 50% affordable housing, and consistent with the wider objectives of the Development Plan and/ or is of strategic significance to London; or
- c. when it delivers social and physical infrastructure of a substantial scale, for example secondary schools, for which there is a significant identified Brent need and which cannot

reasonably be provided on other sites in the Borough.

For developments falling under criteria a) the development shall incorporate employment uses providing high density employment on 20% of the site.

The Council will expect the existing restrictive allocation of the site as SIL or LSIS to be recognised in the residual land value assumed for the site.

Local Employment Sites

The Council will allow the release of Local Employment Sites to non-employment uses where:

- a. continued wholly employment use is unviable; or
- b. significant benefits consistent with the wider objectives of the Development Plan are achieved.

Where non-employment uses are proposed the site shall incorporate the maximum amount of existing floorspace type possible or if unviable employment space that meets an identified need in the borough.

Work-Live

Work-Live units will be acceptable where they are managed by an organisation committed to their use primarily for employment, as evidenced by a management plan.

National & London Plan

[CP 17: Strategic Industrial Locations](#)

Brent Council

[Core Strategy Policy CP 20: Strategic Industrial Locations and Locally Significant Industrial Sites](#)

[Employment Land Demand Study, URS](#)

9.2 To help retain an appropriate balance of supply and demand of industrial land over the planning period the Brent Employment Land Demand Study identifies low quality employment sites, where a more flexible approach to changes of use away from industrial uses could be appropriate. This will

be taken into account in identifying which sites are suitable for release, alongside the need to achieve the strategic objectives in the Development Plan, to achieve at least 50% affordable housing on sites and to meet an identified need for secondary schools. Sites within SIL and LSIS which scored highly in the qualitative assessment and remain suitable for employment uses will be retained.

9.3 To demonstrate there is no demand for a Local Employment Site for ongoing employment use the applicant must submit evidence that the site is vacant and a thorough marketing exercise at realistic prices for the area has been sustained over a 24 month period. Marketing must be through a commercial agent at a price that genuinely reflects the market value in relation to use, condition, quality and location of floorspace. A professional valuation of the asking price and/or rent will be required from at least three agents to confirm that this is reasonable. It must be demonstrated that consideration has been given to alternative layouts and business uses, including smaller premises with short term flexible leases appropriate for SMEs.

9.4 Where redevelopment or re-use of a Local Employment Site would not give rise to a material loss of employment, a mixed-use

development incorporating non-employment uses may be appropriate on part of the site. The applicant must demonstrate that redevelopment will result in:

- the maximum economically feasible amount of employment floorspace on the site;
- the accommodation of the existing employment use, or where the site is vacant employment floorspace, to meet development needs of businesses in Brent, particularly SMEs;
- delivery of wider regeneration benefits to the community; and
- employment floorspace with a very strong prospect of being occupied.

9.5 As evidence the employment space will be occupied the Council will require a letter of agreement from the current employment use operating from the site stating their intent to occupy the proposed floorspace. Alternatively, where the site is vacant employment floorspace should comprise affordable workspace for start up companies or 'move on' space for SMEs to meet the identified need for these forms of employment space in the borough. To demonstrate the units are affordable the applicant should submit evidence of agreement to lease the space to an approved Managed

Workspace Provider at no more than 50% of comparable local market rate for at least 10 years. This will be secured via a s106 planning obligation. The fit out of the workspace should be to ready to occupy level, to a specification agreed with the Managed Workspace Provider.

9.6 Work-Live is the combination of living accommodation (Use Class C3) with workspace (Use Class B1, but not B2 or B8) within a single self contained unit. Applications for Work-Live development must be supported by a management plan agreed by the Council which demonstrates the units will be managed by an organisation committed to their long term management primarily for employment. An indicative ratio of 70:30 in favour of the work element will be sought.

10 Housing

10.1 The London Plan reiterates the importance of identifying and planning for local housing needs with particular emphasis on providing affordable family housing. Further Alterations to the London Plan adopted in 2015 have subsequently increased Brent's annual housing target (including non self-contained accommodation) to a minimum of 1525 units.

10.2 The London Plan contains not only strategic housing policy, but also relatively detailed information on what to consider when determining planning applications (development management policies). To support these policies the Mayor of London has also adopted more detailed guidance for private, affordable and specialised housing such as the Housing Supplementary Planning Guidance (SPG).

10.3 Brent's Core Strategy identifies: the necessity to maintain and provide a balanced housing stock that meets a range of housing needs, the affordable housing percentage sought from qualifying housing developments, an emphasis on providing family housing and mixed and balanced communities. Together the London Plan and Core Strategy provide the majority of relevant policy on what decision

makers are likely to require from housing developments in order for them to be given planning permission. Annex 1 Summary of Quality and Design Standards within the Mayor of London Housing SPG provides a good reference point for checking the issues that need to be addressed when assessing Housing development. For extensions to existing residential properties the Council has provided specific guidance in the emerging Residential Extensions SPD and Designing Brent SPD.

10.4 The size of properties across tenure types that are most likely to meet needs are identified in Brent's Strategic Housing Market Assessment (SHMA). The SHMA will be updated periodically. This document will inform the Council's position in relation to housing size mix for both market and affordable dwellings whilst taking account of Brent Core Strategy Policy CP2 of seeking 25% of new dwellings in the Borough to be 3 bed dwellings or more.

10.5 Additional housing or its loss is likely to occur in the borough through a variety of sources: redevelopment/new build of existing residential or non-residential sites, conversion of existing residential or non-residential buildings or change of use. These situations will be addressed by other policies within the London Plan and Brent's development plan.

This chapter seeks to supplement these other policies by dealing with additional Brent specific issues. This is through providing greater clarity on: the affordable mix sought, priority for residential size; situations where loss of housing will be allowed; where conversions of family sized dwellings will be appropriate; internal layout of single person accommodation; where accommodation with shared facilities/supported housing will be allowed.

National & London Plan

[3.3: Increasing Housing Supply](#)

[3.4: Optimising Housing Potential](#)

[3.5: Quality and Design of Housing Developments](#)

[3.9: Mixed & Balanced Communities](#)

[Housing Supplementary Planning Guidance, GLA](#)

Brent Council

[Core Strategy Policy CP2: Population and Housing Growth](#)

[Core Strategy Policy CP21: A Balanced Housing Stock](#)

Emerging Residential Extensions
Supplementary Planning Document

Emerging Design Guidance
Supplementary Planning Document

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Affordable Housing

10.6 The London Plan requires the Council to set an overall target for the amount of affordable housing provision and separate targets for social/affordable rented and intermediate housing. This purpose of this policy is to address tenure mix and provide greater detail of approach than is set out in the London Plan and Housing SPG related to affordable housing.

DMP 15

Affordable Housing

- a. Brent’s Core Strategy policy CP2 sets the target that 50% of new homes delivered in the borough will be affordable. The maximum reasonable amount of affordable housing will be sought on individual residential and mixed use developments on sites with the capacity to provide 10 or more homes.
- b. 70% of new affordable housing provision should be social/affordable rented housing and 30% intermediate housing at affordability levels meeting local needs.

Where a reduction to affordable housing obligations is sought on economic viability grounds, developers should provide a development appraisal to demonstrate that schemes are maximising affordable housing output. The Council will rigorously evaluate such appraisals and:

- 1. the developer will be required to underwrite the reasonable costs of a

- Council commissioned economic viability assessment
- 2. on major phased development sites or major sites where housing development commences 18 months after consent is issued, appropriate provisions to re-appraise scheme viability will be sought at agreed stages in S106 agreements to secure contingent obligations
- 3. in most circumstances the Existing Use Value plus a premium (EUUV+) approach to assessing benchmark land value in development appraisals and viability assessments should form the primary basis for determining the benchmark land value.

Vacant Building Credit will only be applicable to:

- 1. the Gross Internal Area of buildings (buildings as defined in the Community Infrastructure Regulations)
- 2. buildings that have been in lawful use for a continuous period of less than six months in the three years before which planning permission first permits the chargeable development

10.7 Affordable housing is particularly important in Brent in meeting local housing needs. The London Plan policies along with the Mayor of London Housing SPG give extensive policy and guidance on affordable housing. The 50% affordable housing target has already been set in Brent's Core Strategy policy CP2. The policy clarifies that on qualifying sites (consistent with London Plan Policy 3.13 thresholds) that the Council will seek to negotiate the maximum reasonable amount to contribute to that target. The policy is applicable to all developments of self contained residential accommodation including that specifically for older people and falling within the C2 Use Class. NPPF, NPPG and the London Plan give clarity that the amount of affordable housing expected to be provided in a development can be reduced if the development would otherwise be unviable.

10.8 Consistent with the London Plan, the Council, in determining a scheme's ability to provide the maximum reasonable amount of affordable housing contribution, will have regard to the:

- a. Current and future requirements for affordable housing
- b. Core Strategy affordable housing targets

- c. need to encourage residential development
- d. need to promote mixed and balanced communities
- e. size and type of affordable housing needed in particular locations
- f. specific circumstances of individual sites.
- g. availability and level of public subsidy
- h. priority to be accord to provision of affordable family housing.

10.9 The predominant Brent affordable housing need is for social/affordable rented accommodation, as such the tenure mix target ratio for affordable housing is set at 70:30 rent to intermediate housing. Whilst in terms of meeting needs this is the appropriate ratio for the borough, site specific viability considerations, site and area characteristics may result in a different appropriate mix, such exceptions could include:

- a. A different type of affordable housing mix is required to satisfy a regeneration objective.
- b. Where there is a need to secure a more balanced mix of tenures in line with London Plan policy 3.9.

10.10 Where viability is being used as a reason for reducing affordable provision, applicants will be required to submit a development appraisal. This should be in a format agreed with the Council prior to submission of any application. The applicants will be required to underwrite the Council's reasonable costs in commissioning an impartial consultant to undertake an economic viability assessment of the scheme and the applicant's development appraisal. This will assess the ability of the scheme to ensure the maximum reasonable amount of affordable housing is secured to contribute towards the borough's affordable housing targets.

10.11 London Plan Policy 3.12 criterion B identifies that provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations') might be required when dealing with affordable housing provision. The Council has used this approach and continue to do so in the future, but will take a proportionate approach to using this mechanism. It will be applied to developments where the proportion of affordable housing agreed is significantly below the 50% target, on sites of 200 dwellings or more where there is a phased approach to the development and

on sites where the majority of the development is likely to be delivered beyond 18 months of the initial consent.

10.12 Within viability assessments there are many variables that can impact on the results. To provide consistency across London, Brent works with other Councils in seeking to have a standard approach to assumptions for viability modelling. One significant variable that impacts on viability is the assumed benchmark land value against which the residual land value of the viability modelling is tested.

10.13 A development is typically deemed to be viable if the 'residual land value' is equal to or higher than the benchmark land value. At this level it is considered that the landowner has received a 'competitive return' and will release the land for development. Planning policy and other guidance offers differing approaches to assessing the benchmark land value in development appraisals. The Existing Use Value plus a premium (EUV+) approach is based on the current or Existing Use Value of a site, plus a landowner premium to reflect the incentive needed to release the site for development. The EUV+ approach clearly identifies the uplift in value arising from the grant of planning permission and enables that to be properly considered as a part of the

planning process. The Council consider that the EUV+ approach is most conducive to achieving the goals of the planning system and should form the primary basis for determining the benchmark land value in most circumstances. This approach is consistent with recommendations in the Mayor of London Housing SPG.

10.14 NPPG provides some guidance on Vacant Building Credit. However, further clarity is needed to define qualifying buildings, floorspace measures and vacancy. The Community Infrastructure Levy (CIL) regulations clearly define what a building is. As it is likely an assessment of existing floorspace will be used to reduce CIL liability it is sensible for the same measure to be used. The same is true of building measurements, which use gross internal area. CIL regulations also set out a timescale related to minimum time of occupation to gain exemptions to CIL liability. There is a logic in using an approach to identify the qualifying periods for vacancy that is consistent with this approach. NPPG sets out where the credit will not apply. In support of applications, as well as proof of vacancy for the time period, evidence of concerted marketing activity at appropriate rents levels will be required.

10.15 Development Plan Policies/advice of particular relevance

National & London Plan

[3.10: Definition of Affordable Housing](#)

[3.11: Affordable Housing Targets](#)

[3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes](#)

[3.13: Affordable Housing Thresholds](#)

[Housing Supplementary Planning Guidance, GLA](#)

Brent Council

[Core Strategy Policy CP2: Population and Housing Growth](#)

[Core Strategy Policy CP21: A Balanced Housing Stock](#)

10.16 Application Information

10.17 Design and access statement to clarify how the preferred size and tenure mix was taken into account in the initial design of the scheme and subsequent amendments.

10.18 An affordable housing schedule that provides information and justification on the tenure mix and size of dwellings included within the development. Ideally this should identify the Registered Provider who will own/manage the affordable dwellings.

10.19 Viability assessment if this is used as a reason for departure from the preferred affordable tenure/size mix, or for the residential mix for market housing.

10.20 For Vacant Buildings Credit evidence of length of vacancy, gross internal floorspace measurements and marketing at suitable rents undertaken and responses received.

Resisting Housing Loss

10.21 The housing targets for Brent will be challenging to achieve. Loss of existing housing to make way for other forms of development would exacerbate this. London Plan Policy 3.14 and the Housing SPG deal with potential loss due to a variety of reasons. Examples include regeneration of poorer performing estates. Brent seeks to supplement

this policy by providing greater clarity on locally specific circumstances it is likely to consider such loss appropriate.

DMP 16

Resisting Housing Loss

In addition to circumstances identified in London Plan Policy 3.14 development resulting in the net loss of residential units will be supported where:

- a. sub-standard units would be brought in line with space standards;
- b. de-conversion of flats would create a family size home resulting in the net loss of no more than one dwelling;
- c. providing social or physical infrastructure to meet an identified local need.

National & London Plan

[3.5: Quality and design of housing developments](#)

[3.14: Existing Housing](#)

Brent Council

[Core Strategy Policy CP2: Population and Housing Growth](#)

10.22 Some of Brent's housing stock does not meet national housing space standards and has poor standards of occupier amenity. This is particularly the case for dwellings created without planning permission but now established. In these situations their loss and replacement with fewer dwellings achieving standards would be supported.

10.23 As identified in the SHMA and as a priority provision in Brent Core Strategy Policy CP 2 provision of family accommodation to meet Brent's needs is a priority. Consequently, the de-conversion of flats into a family size dwelling will be supported where it results in the net loss of no more than one dwelling of 2 bedrooms or less.

10.24 Exceptional circumstances may arise in Brent where a loss of residential floor space will be acceptable in order to achieve Brent's strategic priorities. Situations include regeneration improving the local environment so that it proves to be a more sustainable location, e.g. reducing the opportunity for crime

or the provision of a new open space. Alternatively this could be in meeting an essential identified local need, e.g. overcoming a deficiency of local social infrastructure such as a new school, or physical infrastructure such as a significant transport improvement.

10.25 Application Information

10.26 Supporting evidence showing conformity with the policy, e.g. comparison of existing accommodation with that proposed in meeting current policy requirements around space and amenity, or justification for exceptional loss of residential accommodation to meet wider community benefits.

10.26 Conversions of Existing Family Housing

10.27 Conversion of existing housing stock into smaller dwellings provides many additional homes across London and Brent. Nevertheless, family housing to meet local needs is also a Brent priority. In recognition of this priority it is therefore appropriate to identify circumstances when loss of family housing is likely to be acceptable. Residential conversion in other cases is addressed by London Plan policies, the contents of the Housing SPG and Policy DMP1 General Development Management Policy.

DMP 17

Conversion of Family Sized Dwellings

To maintain family size housing conversion of a family sized home to other dwellings will only be allowed where the following criteria are met:

- a. the existing home is 130 sq.m. or more and
- b. it results in at least a 3-bedroom dwelling with access to a garden.

Exceptions to this will only be allowed where the amenity of the existing family sized home is so deficient that family occupation is unlikely and it could not reasonably be changed to overcome such deficiencies.

National & London Plan

[3.5: Quality and Design of Housing Developments](#)

[Housing Supplementary Planning Guidance, GLA](#)

10.28 The policy seeks to ensure continued provision of houses or flats suitable for occupation by families to meet Brent's housing needs. Consequently where larger properties are suitable for conversion, schemes should include a 3-bed dwelling suitable for at least 4 people. This will normally be at ground floor to maintain the quality and accessibility of existing family housing. In larger properties consideration should be given to the provision of 4-bed units for at least 5 people. Individual solutions, including modest extensions, may be appropriate to accommodate the required family size units.

10.29 Effort should be made to provide all additional flats with amenity space. In the event that an existing family size flat does not have access to a garden, the layout and accessibility of the unit and the characteristics of accommodation in the area will be considered to assess its value as a family size dwelling. Lack of a garden will not automatically allow for the conversion of dwelling into smaller dwellings. Other amenity factors will also be taken into account in deciding whether an existing family sized dwelling provides or has the potential to provide a good family environment. This will included be location and other amenity factors e.g. above a retail parade in a centre may have

adverse impact associated with user uses such as hours of opening, noise, smells, constrained access width to upper floors, etc.

10.30 Application Information

10.31 Supporting evidence showing conformity with the policy, e.g. comparison of existing accommodation with that proposed in meeting current policy requirements around space and amenity, or justification for exceptional loss of family accommodation.

Housing Standards and Quality

10.32 The policy seeks reduce the potential for overcrowding of residential properties to be controlled through means available through the planning process. In particular it clarifies the standard for one person dwellings and seeks to reduce the potential addition or use of outbuildings to increase the capacity of a dwelling's occupation.

DMP 18

Dwelling Size and Residential Outbuildings

The size of dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Development.

In order to prevent the potential for overcrowding planning permission will only be granted where dwellings intended for occupation by one person is internally laid out as studio accommodation

Planning permission will only be granted for outbuildings that will not be residential accommodation or do not support the increased occupation of a dwelling.

National & London Plan

[3.5: Quality and Design of Housing Developments](#)

10.33 London Plan Policy 3.5 and also the Housing SPG give significant direction on the standards and quality that residential development is expected to achieve. In Brent all new housing should comply with the Housing SPG standards. Brent has a high proportion of overcrowded dwellings. It also has some very poor quality private rented accommodation. The Council is taking measures through its statutory roles related to housing in improving the quality of residential accommodation in the Borough and the reducing the incidences of poor properties. Planning has a complementary role to play in reducing the opportunities for overcrowding to occur.

10.34 The policy identifies that the provision of smaller dwellings will only be acceptable where it makes good use of space when a two person dwelling cannot be accommodated. A property designed as a one person one bed home through the provision of a separate bedroom provides a greater opportunity for over-occupation. Its layout as a studio reduces this potential. It gives an indication to occupiers (including potential renters) that the property has essentially been designed for occupation by one person. Consequently dwellings smaller than 50 sq.m. will be expected to be laid out as a studio.

10.35 ‘Beds in sheds’ are a prevalent issue in Brent. These are buildings or structures in gardens either used as self-contained accommodation or for ‘primary’ living accommodation (eg. kitchens, bathrooms, bedrooms and living spaces) ancillary to the main dwelling. Often this accommodation is built without planning consent and if detected a retrospective application sought for its retention. Brent’s experience means the Council considers that such development is unlikely to provide satisfactory residential accommodation for its occupants, or if ancillary for those in the main house, and often adversely impacts on neighbours.

10.36 Application Information

10.37 For dwellings for occupation by one person, a drawing showing an internal layout as a studio

10.38 For buildings ancillary to residential accommodation, clarity on the purpose of the building and agreement to a planning condition restricting use of the building to not include sleeping accommodation, bathrooms, laundry rooms or kitchens.

Residential Amenity Space

10.39 The policy seeks to ensure a suitable level of provision of amenity space in association with residential development. It identifies for Brent a locally distinctive target reflective of historic approach to provision of amenity space, rather than the minimum standards set in the London Housing SPG Provision of Amenity Space.

DMP 19

Residential Amenity Space

All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents’ needs. This is normally expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats).

National & London Plan

[Housing Supplementary Planning Guidance, GLA](#)

10.40 The London Plan Housing SPG sets out a baseline minimum standard amount for the provision of amenity space in new developments and the characteristics it is expected to have. It also deals with children’s play space. Brent has historically sought and often delivered within higher density schemes higher levels of amenity space based on its own standard which it considers should be maintained.

10.41 New developments should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be supplied in the form of communal amenity space. The calculation of amenity space does not include any parking, cycle or refuse and recycling storage areas.

Accommodation with Shared Facilities

10.42 The Core Strategy identifies a wide range of specific and special housing needs for different groups to be met within Brent. The majority will be met through self-contained residential accommodation. However, some of the needs will be met through non-self

contained accommodation with shared facilities (such as Houses In Multiple Occupation or purpose built student accommodation). It might also be more institutional in its form as self contained or non-self contained accommodation that shares facilities or requires additional on site support for residents. (such as hostels, or Extracare facilities). The policy seeks to provide greater clarity on how the Council will support development proposals for these uses through the planning process.

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MP 20
Accommodation with Shared Facilities
or additional support

Proposals for non-self contained or self-contained residential accommodation with shared facilities or on site support/care to assist residents in their daily lives will be supported where the development is:

- a. located in an area with good access to public transport and other amenities, including shops (normally within 400m);
- b. is of an acceptable quality meeting appropriate standards for the needs of its occupants, including external

amenity space, appropriate communal facilities, levels of support/care and mobility;

- c. includes management arrangements suitable to its proposed use and size;
- d. demonstrates that there is a specific Brent, or in the case of education a London, need for the particular use which are secured by planning agreement relating to use of the land or to its occupation by members of specified educational institutions;

The loss of accommodation will only be acceptable where:

- a. demonstration of no Brent need for the accommodation type, or residents' needs can be better met by other existing accommodation; or
- b. unsatisfactory existing accommodation cannot be improved to achieve current standards.

National & London Plan
[3.8: Housing Choice](#)
[3.9: Mixed and Balanced Communities](#)

[Housing Design and Supplementary Planning Guidance, GLA](#)

Brent Council
[Core Strategy Policy CP21: A Balanced Housing Stock](#)

10.43 For the purposes of this policy shared housing includes houses in multiple occupation (HMOs), bed-sits, hostels, housing for older people, supported housing for those with special needs and specialist student accommodation. It also includes accommodation providing any level of care, whether non self-contained or self contained units with a small amount of communal facilities. The policy seeks to protect the amenity of existing areas and create a good standard of accommodation in locations that are likely to be more suited to meeting occupier's needs.

10.44 Changes in demographics, welfare and lifestyle choices mean that there will be increased demand for these types of accommodation. These types of uses making a significant contribution to meeting local and

in the case of students, London needs. They can also assist in developments through increasing viability and vitality and more balanced communities.

10.45 The developments are likely to be aimed at people with limited accessibility to personal transport. Consequently there is a need for them to be located close to public transport and other amenities.

10.46 The developments could potentially be for people with specialised needs but with lower levels of income. This however should not diminish the quality of the accommodation provided. Where self-contained rooms are proposed they will be assessed against London Housing Design standards. External amenity space will be required as will appropriate communal facilities to support residents (e.g. meetings rooms to stop residents congregating outside in the vicinity of the development). Where levels of care or support are high provision of staff residential accommodation may be required. Conditions or legal agreements may be used to require that uses have appropriate and permanent management arrangements. To ensure that residential accommodation meets needs over time, London Plan policy requires 10% wheelchair accessible dwellings. The accommodation

covered by this policy is likely to be meeting needs of specific sectors of the population. On this basis the Council will be willing to depart from the minimum 10% wheelchair where evidence is compelling to indicate why it might not be appropriate.

10.47 Affordable Housing requirements will be applicable to qualifying proposals for accommodation classified as C3 under this policy.

10.48 There are also scenarios where these forms of accommodation can particularly impact on residential amenity, character and housing mix of an area. Residential amenity means both that of the potential occupiers (Brent's private sector stock condition survey indicated the majority of HMOs not suitable for habitation) and those adjoining the development. Adverse impacts are more likely where there are concentrations of one or more of these types of accommodation in an area. Common issues can include: noise and disturbance associated with intensification of the residential use and/or occupant lifestyles; on-street parking pressure; transient populations replacing settled family occupants; social cohesion impacts; changes in supporting community infrastructure such as shops; external alterations undermining clear local character; and poor waste management.

10.49 Harmful concentrations are likely to arise when the types of issues identified cumulatively result in detrimental effects on the qualities and characteristics of a place or where housing choice is reduced to not provide for differing community needs. For example a concentration of accommodation for older or vulnerable people may have implications for local services such as GP's. Where the existence of similar uses in an area means this is identified as a concern, it should be demonstrated that local services have capacity or planned capacity to meet the needs of future occupants. Where this is not the case, and no other mitigation is agreed, the proposal may be unacceptable. Wembley Area Action Plan identifies 20% of the population as students as an appropriate limit in that area.

10.50 All of the forms of accommodation addressed by the policy will require information on their intended management to meet residents' needs to reduce the potential for adverse impact on amenity of those surrounding.

10.51 Brent is an area with lower property values than some parts of London, particularly inner London. Pressure created by welfare reform and support agency budgets to reduce costs might provide drivers for relocation to

Brent. For the reasons identified in relation to potential adverse factors identified above in relation to concentration, Brent is reluctant to encourage such a move. Consequently it will seek to ensure that with the exception of students, that the accommodation proposed is addressing a Brent population specific need. Where appropriate it will seek to ensure that at least initially and in some cases subsequent for subsequent occupiers that priority for such housing is made available to people in Brent.

10.52 Consistent with London Plan principles of creating long term sustainable buildings, emphasis should be placed on construction methods to assist future conversion to self contained residential accommodation. This may include allowing future rearrangement of internal walls, or a design based on permanent residential layout standards.

10.53 HMOs

10.54 HMOs must meet the standards of Brent's HMO licensing scheme, including minimum room sizes. These sizes have been developed in accordance with the Housing Act 2004. The landlords will be expected to register properties in conformity with the Council's licensing scheme.

10.55 Hostels

10.56 Hostels must be designed with a layout to satisfactorily meet the needs of their intended occupants, with suitable communal spaces and rooms to meet any other associated needs.

10.57 Specialist Student Accommodation

10.58 The London Plan anticipates that the numbers of students in London will continue to grow and requires boroughs to ensure that both demonstrable local and strategic student housing needs are addressed. There has been a substantial increase in the amount of large scale purpose built specialist student accommodation from national providers in Brent recently, particularly in the Wembley area. This has been provided as either self-contained accommodation or rooms with shared facilities. It is good quality and has high levels of on site management. Continued additional provision particularly as part of a balanced mix of housing types within regeneration areas including Wembley as set out in the Wembley Area Action Plan is supported. Refer to 3.5.3 more SHLAA targets inform the 1525 gives an assumed mix on student housing provision.

10.59 Older Persons Specialist Accommodation

10.60 The SHMA identified a need for more specialist accommodation to meet the needs of the growing numbers of older people. The London Plan 2014 sets an annual specialist housing for older people target for Brent of 175 dwellings. Broken down by tenure these are 105 private and 35 intermediate sale/rent and 35 affordable rent.

Losses of Accommodation

10.61 Other than in exceptional circumstances proposals should not result in the loss of permanent self-contained accommodation. Accommodation which provides care will be protected unless it is no longer needed in the borough or it is unsatisfactory and cannot be brought up to current standards.

10.62 Application Information

10.63 Within the Planning Statement how the application addresses evidenced local needs or in the case of student accommodation London's needs.

10.64 To assess impacts on local amenity, the identification of other uses covered by this policy within a 50 metre radius of the property. For uses that accommodate more than 10 occupants the detail of impact on social infrastructure (such as GPs) and whether this can be accommodated or if sufficient capacity is not available currently how this will be addressed.

10.65 Details and mechanisms of how the Council can be assured that the accommodation will be:

used by the people in the need identified to support the application, and

managed long term to minimise the potential for adverse impacts on the surrounding area

10.66 For example through suggested conditions related to restricting type of occupants and an agreed management plan. Where loss is proposed, the justification as to why either the need for the accommodation is no longer required, or the accommodation is no longer fit for purpose and could not reasonably be made to be.

Gypsy and Traveller Accommodation

10.67 Brent currently has 30 pitches of accommodation located on the Lynton Road site. The most recent locally specific needs assessment is the London Gypsy & Traveller Accommodation Needs Assessment' (GLA, 2008). This identified the need for up to a further 24 pitches within Brent. NPPF and associated guidance Planning Policy for Travellers Sites requires local authorities to quantify accommodation needs and identify appropriate sites for their provision. It has similar provisions to general housing in needing to show a 5 year deliverable supply. A Site Specific Allocations Document is the most appropriate route for identifying sites required to meet needs. Until the Site Specific document this is prepared the Core Strategy policy CP22 in association with NPPF provides suitable decision making criteria for proposals for new pitches.

Evidence Base

[Flat Conversions Background Report \(2013\), London Borough of Brent](#)

[Dwelling Size Background Report \(2013\), London Borough of Brent](#)

[Affordable Rent and Social Rent Background Report \(2013\), London Borough of Brent](#)

[West London Strategic Housing Market Assessment \(2010\), West London Housing Partnership](#)

[Draft Housing Strategy 2013-18 \(2013\), London Borough of Brent](#)

[Brent Council Tenancy Strategy 2012-2013 \(2012\), London Borough of Brent](#)

[2003 Private Sector Stock Condition Survey \(2004\), Fordham Research](#)

[Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance \(2012\), GLA](#)

11 Social Infrastructure

11.1 Social infrastructure (also referred to as community and cultural facilities) plays a vital role in supporting Brent's diverse community, reducing inequality and helping to promote social inclusion and cultural wellbeing. The Council defines social infrastructure as a wide variety of services that are essential to the sustainability and wellbeing of a community. This could include the following:

- Educational facilities including early years education, primary education, secondary education, further education and adult learning;
- Health services including primary and secondary health;
- Sports and leisure facilities including swimming pools, sports halls and outdoor sports spaces;
- Libraries;
- Places of worship;
- Theatres and galleries;
- Community space, meeting rooms and halls;
- Fire stations, policing and other criminal justice or community safety facilities; and
- Public houses

11.2 This list is not exhaustive and other facilities can be included as social infrastructure.

Protection of Social Infrastructure

11.3 London Plan policy 3.16 and Brent's Core Strategy policy CP 23 protects existing community and cultural facilities that support community participation and development, and requires mitigation for any loss. The London Plan also requires the suitability of redundant premises for other forms of social infrastructure to be assessed before alternative developments are considered.

National & London Plan

[3.16: Protection and Enhancement of Social Infrastructure](#)

[3.17: Health and Social Care Facilities](#)

[3.18: Education Facilities](#)

[3.19: Sports Facilities](#)

Brent Council

[Core Strategy Policy CP 23: Protection of existing and provision of new Community and Cultural Facilities](#)

11.4 The following text provides detailed guidance on how London Plan and Core Strategy will be applied. This approach applies to all social infrastructure with the exception of playing fields, where applications will be assessed against relevant criteria in the NPPF, and public houses where policy [DMP Public Houses](#) applies. If it is considered that social infrastructure is no longer needed this is to be demonstrated through the following:-

- consultation with service providers and the local community;
- details of alternative social infrastructure in the locality which meets the need in a different way or in a convenient alternative location;
- vacancy and marketing data indicating that there is no demand despite continuous marketing at a reasonable rate for a period of 24 months; and
- the potential of re-using or redeveloping the existing site for the same or an

alternative social infrastructure use, particularly for educational uses, has been fully considered; or

- redevelopment is part of an agreed programme of social infrastructure re-provision to ensure continued delivery of social infrastructure and related services, as evidenced through a service delivery strategy.

11.5 To justify the loss of land or premises for social infrastructure it must be demonstrated to the Council's satisfaction that all of the above have been explored. A convenient alternative location is considered to be 400m, a 5 minute walking distance for an able bodied person. Where a replacement facility is proposed to mitigate the loss it must be demonstrated it will meet the end users needs in terms of both quality of provision and quantity of floorspace.

11.6 The introduction of the Localism Act 2011 provided a new right for residents to nominate certain local public or privately owned buildings or land for recognition as being an Asset of Community Value. Assets of Community Value are designated where it can be demonstrated the asset has furthered the social wellbeing or social interests of the community, and can continue to do so. [Further information on the criteria and process is](#)

[available on the Brent Council website.](#) *The Council will give significant weight to the protection of designated Assets of Community Value.*

11.7 In accordance with London Plan policy 3.16, wherever possible, the multiple use of premises will be encouraged. Where relevant, Community Use Agreements (CUA) will be secured to ensure dual use through s106 planning obligations. The development and implementation of CUAs can help support well-managed and safe community access to facilities on educational sites. As well as widening access to facilities and providing clarity on their use CUAs can help to enhance links between educational establishments and sports clubs.

Public Houses

11.8 In recent times Brent has seen an increase in conversion of public houses to other uses. This is of concern to the Council as public houses can make a valuable contribution to the community by adding character to the area and providing employment and a place for social interaction. Many public houses provide space for evening classes, clubs, meetings or performances. As such, and in keeping with

the NPPF, public houses are classed as social infrastructure and proposals which would result in their loss will be subject to this policy.

DMP 21

Public Houses

The Council will only support the loss of public houses where:

- if registered as an Asset of Community Value the premises can be shown to have been offered for sale to local community groups and no credible offer has been received from such a group at a price that is reflective of condition of the building and its future use as a public house;
- its continued use is not economically viable;
- the proposed alternative use will not detrimentally affect the vitality of the area and retain as much of the building's defining external fabric and appearance as a pub as possible; and
- the proposal does not constitute the loss of a service of particular value to the local community.

Development Management Policies Publication Stage

11.9 Where applications for a change of use or redevelopment of a public house are received, the Council will require evidence that:

- the public house has been marketed for 24 months as a public house and for an alternative local community facility, at a price agreed with the Council following an independent professional valuation (paid for by the developer) and there has been no interest in either the free-or lease-hold either as a public house or as a community facility falling within 'D1' use class;
- the public house has been offered for sale locally, and in the region, in appropriate publications and through specialised licensed trade agents;
- all reasonable efforts have been made to preserve the facility, including all diversification options explored – and evidence supplied to illustrate this;
- the CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes demonstrate that the public house is no longer economically viable;
- there has been consultation with the local community;
- there are alternative licensed premises within easy walking distance of the public house; and
- any such alternative premises offer similar facilities and a similar community environment to the public house which is the subject of the application.

12 Delivery and Monitoring

Monitoring is an important part of the continuous planning process. A set of key indicators and targets have been developed so that the effectiveness of policies in achieving the objectives can be assessed. Additional key indicators are contained in the Core Strategy. Where objectives are not being met, appropriate action may be taken which can adjust the outcome or, in some circumstances, a review of policy may be necessary. The targets have been summarised in the tables below, highlighting the relationship between the policies, indicators and targets.

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Performance Measure	Target	Specific policy to be monitored
Proportion of primary frontage in A1 and A2 use.	Proportion of primary frontage in A1 and A2 use not to fall below 65%, or 50% if vacancy rates exceed 10%.	DMP 2 'Supporting Strong Centres'

Performance Measure	Target	Specific policy to be monitored
Concentration of betting shops, adult gaming centres and pawnbrokers.	Proportion of frontage in use as betting shops not to exceed 4%, and proportion in use as adult gaming centres or pawnbrokers not to exceed 3%.	DMP 3 'Non-Retail Uses'
Concentration of takeaways and proximity of takeaways to secondary schools and further education establishments.	Proportion of units in use as takeaways in town centres not to exceed 6%, and no further takeaways within 400 metres of a secondary school or	DMP 3 'Non-Retail Uses'

Performance Measure	Target	Specific policy to be monitored
	further education establishment.	
Proximity of shisha cafes to secondary schools and further education establishments.	No further shisha cafes consented within 400 metres of a secondary school or further education establishment.	DMP 3 'Non-Retail Uses'
Protection of Employment Sites.	Cumulatively no more than approximately 11.5 ha of employment land lost.	DMP 14 'Employment Sites'

Table 1

Appendix 1 - Parking Standards

A separate set of standards has been developed for the Wembley regeneration area. These are set out in the Wembley Area Action Plan.

Employment Use Classes

The employment areas in LB Brent have significant variations in levels of access to public transport and other individual characteristics.

Where parking is proposed, the following standards, as detailed in table 1 below, should be applied. The proposed standards fall within the London Plan range of standards for B1 but should be applied to all employment uses. A distinction is made between areas of the borough to the north and the south of the Dudding Hill railway line as this broadly reflects variations in public transport provision.

The provision of parking in new developments below the standards set out in the table is encouraged (see car free/car capped section). The provision of parking at a higher level than provided by these standards, but in accordance with the London Plan, would need to be justified through a Transport Assessment, and recognise future PTAL ratings.

Location	Definition	Maximum Parking Standard
Inner Brent	South-east of Dudding Hill railway line	1 space per 800m ² gross floor space
Outer Brent	North-west of Dudding Hill rail line	1 space per 200m ² gross floor space
Regeneration exception*	Opportunity and growth areas	1 space per 100m ² gross floor space

Table 2 - Employment Maximum Parking Standards

The regeneration exception will be subject to a transport assessment verification. Developments in the growth areas and Park Royal Opportunity Area may be permitted more parking to encourage the sustained regeneration of these areas. Developments in these areas will be permitted to use the regeneration exception standard for outer London Boroughs, so long as this is justified through a transport assessment.

More generous parking than that set out in the table above could be acceptable provided that all of the following criteria can be demonstrated:

- Ensuring that there are no significant adverse impacts on congestion or air quality
- A lack of existing on or off-street parking spaces
- A commitment by the developer to provide space for electric and car club vehicles, bicycles and parking for disabled people above the minimum thresholds; and
- A binding commitment via a Travel Plan to reduce more generous provision over time.

The parking standards for employment to be applied in Wembley are contained in the Wembley Area Action Plan.

Retail Parking Standards

The London Plan is most prescriptive when dealing with retail parking standards. Standards should be consistent across town centre areas to avoid variations in parking over small areas.

The provision of public parking in town centre areas needs to be balanced with the need to deter unnecessary car trips. More restrictive standards away from town centres are

designed to reduce the trend for "out of town" developments that are often heavily reliant on the private car for access.

For town centres in the area of the borough classified in Inner London, more restrictive standards are applied to A1 retail parking provision. This is because these areas have good public transport provision relative to elsewhere in the borough. Additional parking would only be acceptable if it assisted in providing public parking for general town centre use where required to assist viability of the town centre and is charged for in line with on and off street parking charges. Parking standards for the Major Town Centres are shown in Table 2 below.

Retail Use	Maximum Standard
Food - up to 500m ²	1 space per 200m ² gross floor space
Food - up to 2,500m ²	1 space per 120m ² gross floor space
Food - over 2,500m ²	1 space per 60m ² gross floor space
Non Food	1 space per 100m ² gross floor space

Retail Use	Maximum Standard
Garden Centre	1 space per 100m ² gross floor space
Town Centre/Shopping Mall/Department Store	1 space per 100m ² gross floor space

Table 3 - Maximum A1 Retail Parking - Major Town Centres

There are a number of smaller town centres across the borough, which range in accessibility to public transport. It is important that these centres are maintained and encouraged to develop to provide local services and amenities for Brent residents. Parking standards for the rest of the borough are shown in Table 3.

Retail Use	Maximum Standard
Food - up to 500m ²	1 space per 100m ² gross floor space
Food - up to 2,500m ²	1 space per 60m ² gross floor space

Retail Use	Maximum Standard
Food - over 2,500m ²	1 space per 30m ² gross floor space
Non Food	1 space per 50m ² gross floor space
Garden Centre	1 space per 50m ² gross floor space
Town Centre/Shopping Mall/Department Store	1 space per 50m ² gross floor space

Table 4 - Maximum A1 Retail Parking - Rest of the Borough

For Wembley, the retail parking standards are split between more accessible, and less accessible areas and are shown in the Wembley Area Action Plan:

Residential Parking Provision

Analysis has highlighted that there is a clear correlation in the borough between deprived areas, public transport accessibility and reduced car ownership. The wards in the north of the borough show higher levels of car ownership, lower levels of deprivation and

lower levels of public transport accessibility. The standards for residential development reflect this pattern and the fact that where public transport is less accessible, residents will make use of their cars for essential trips more often and therefore require the facility to park a car at their property. Family homes are more likely to need car parking. Residential parking standards are maximum standards.

	Housing Type		
PTAL	4+ beds	3 beds	1-2 beds
Page 3 148	2.0 spaces per unit	1.5 spaces per unit	1.0 spaces per unit
4 - 6	1.2 spaces per unit	1.2 spaces per unit	0.75 spaces per unit

Table 5 - Residential Car Parking Standards - Brent

Parking standards for Wembley have been defined in a way which gives an average of 0.50 spaces per unit. The residential standards for Wembley are shown in the Wembley Area Action Plan.

Parking for Hotels

The following standards will be applied to hotels:

- PTAL 4-6: Operational and disabled parking provision only, with minor exceptions where warranted
- PTAL 1-3: Additional parking allowable up to 1 space per 5 bedrooms if justified by a transport assessment
- One coach parking space should be provided for every 50 bedrooms.

Only operational and disabled parking should be provided for new hotels in the Major Town Centres of Wembley and Kilburn.

Parking for Residential Institutions

Hospitals

For hospitals, these should be assessed individually due to the differing nature of the parking demands depending on the range of treatments offered. There will be a higher level of operational parking required than for other large institutions. A Travel Plan should be developed to ensure that visitor and employee parking is managed. Where existing hospitals are subject to developments or refurbishment,

the existing levels of parking should be the starting point, with any additional requirements justified through a transport assessment.

C2 (Other Residential Institutions)

Other residential institutions such as care homes, homeless hostels, halls of residence and residential schools and colleges should base the parking provision on the number of bedrooms. It is proposed that a maximum standard of one space per 10 beds is applied. Further visitor parking may be acceptable provided adequate justification is provided through a Transport Assessment.

Where the development is for the provision of student halls of residence, in line with recent consented schemes, we will seek car free schemes, due to the low levels of car ownership amongst students.

Parking for non-residential institutions (D1)

This category covers places of worship, health centres, nurseries and museums, all with varying parking requirements. For all D1 uses, 1 car parking space should be provided per 10 users/visitors on site at any one time. However, for developments situated in high

PTAL locations, parking provision should be justified by a transport assessment. Longer stay visitor parking should be deterred.

A separate standard applies for schools:

- PTAL 1-3: one car parking space per 5 staff; and
- PTAL 4-6: operational and disabled provision only, unless otherwise justified through a transport assessment

Parking for Assembly and Leisure

This category covers cinemas, bingo halls and theatres along with leisure centres, swimming pools and gymnasiums.

In locations with PTALs of 4-6, on-site provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing. In locations with PTAL of 1-3, provision should be consistent with objectives to reduce congestion and traffic levels and to avoid undermining walking, cycling or public transport.

Applicants are encouraged to make use of existing publicly available parking spaces before making on-site provision. Where on-site provision is required, it is proposed that up to 1 car parking space is provided per 10

users/visitors on site at any time. Where venues provide a total capacity over 500 patrons, it is proposed that the level of parking is determined on an individual basis, subject to a detailed transport assessment.

Disabled Parking

For new residential development, a minimum of 10% of parking spaces provided for private units should be dedicated to disabled use. For all other uses, a minimum of 5% parking spaces should be dedicated to disabled use.

Cycle Parking

Cycle parking standards as set out in the [London Plan](#) apply in Brent.

Appendix 2 - Servicing Standards

A1 Retail

For A1 retail units less than 500m² gross floor area, one transit sized bay for service vehicles should be provided. Food retail units of over 500m² should provide 12m bays for servicing. For larger A1 retail units over 2000m², one full size lorry bay per 2000m² for service vehicles should be provided.

If the development forms part of a group of smaller units, the total floor area of the entire group of units should be used to determine the number of service vehicle bays. Existing service facilities should also be taken into account.

A3 Food and Drink Establishments

Standards should be provided on a site specific basis, depending on the size of service vehicles and each location.

B1 Business

B1 Business use developments should provide service space only for 8m rigid service vehicles, as opposed to maximum sized (i.e. 10m) rigid vehicles at each location.

B2 General Industry and B8 Warehouse

Units under 300m² should provide a loading bay that can accommodate an 8m rigid vehicle. Units between 300m² and 1000m² should provide a loading bay for full-sized (10m) rigid vehicles. Beyond 1000m², there should be provision of full sized loading bays.

C1 Hotels

In addition to the coach parking provision standards, new hotel developments should also provide a loading bay for at least one 8m sized rigid vehicle. Any specific sites with alternative requirements should be reviewed separately.

Appendix 3 - Glossary

Accessibility Management Plan: A plan which sets out how accessibility and inclusion will be monitored and maintained throughout the life of a development.

Adult Gaming Centre: An adult gaming centre is a place of gambling where access is restricted to persons over 18.

Air Quality Management Area (AQMA): An area which a local authority has designated for action, based upon a prediction that Air Quality Objectives will be exceeded.

Betting Shop: A store where the primary activity on the premises is betting services. Each premises is permitted to have up to four gaming machines, known as fixed odds betting terminals.

Decentralised Energy Network: the local generation of electricity and where appropriate, the recovery of the surplus heat (combined heat and power – CHP) for purposes such as building space heating and domestic hot water production.

Greenfield Run-off Rates: The rate of run-off that would occur from the site in its undeveloped and therefore undisturbed state.

Green roof: A green roof, also known as an eco roof, living roof, or vegetated roof, is one that is either partially or completely covered in vegetation on top of the human-made roofing structure.

Heavily Parked Street: Streets where the percentage of cars parked on-street exceeds 80%, the safe and legal maximum level of parking.

Live-Work Premises: Purpose-built premises, or purposely converted units, comprising a mix of residential and business uses which cannot be classified under a single class within the Use Classes Order.

Local Employment Sites: Sites, outside of Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS), which provide, or are capable of providing, local employment opportunities. These sites include those on the fringes of SIL and LSIS, scattered large sites and smaller sites dispersed throughout the borough including those in residential areas.

Locally Significant Industrial Sites (LSIS): Employment sites identified in the Core Strategy as being of significance to Brent's

economy. Occupancy within these sites is generally similar to that within SIL, but is more varied and may include office or trade uses.

Lifetime Neighbourhood: Places where, in view of an ageing society, transport, basic amenities, green spaces, decent toilets, and places to meet and relax, are consciously planned for people of all ages and conditions in mind within easy reach of homes, accessible to all and planned into proposals at the outset.

Major Developments: 10 or more residential units (or if a number is not given, where the area is more than 0.5 hectares), or 1000 sq m (or more) gross commercial floorspace.

Meanwhile Uses: The temporary use of vacant buildings or land for a socially beneficial purpose until such a time that they can be brought back into commercial use again.

Metropolitan Open Land: MOL are strategically important open spaces to London. MOL performs 3 valuable functions: 1) to provide a clear break in the urban fabric and contribute to the green character of London; 2) to serve the needs of Londoners outside their local area; and 3) contains a feature or landscape of national or regional significance. MOL is afforded the same level of protection

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as the Green Belt and the London Plan stresses that there should be a presumption against development in these areas.

Neighbourhood Centres and Isolated Shop Units:

Neighbourhood Centres and isolated units are located outside of designated town centres. These shops serve a local retail need and play an important social role in the community as well as contributing to the character and function of the local area.

Open Space: All land in Brent that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a broad range of types of open space, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

Opportunity Areas: Areas designated in the London Plan as London's principal opportunities for accommodating large scale development to provide substantial numbers of new employment and housing.

Pawnbroker: A store which offers loans in exchange for personal property as equivalent collateral. In Brent many of these stores also provide a payday loan service.

Payday loan shops: A company that lends customers small amounts of money at high interest rates, on the agreement that the loan will be repaid when the borrower receives their next wages.

Playing Field: A playing field is an area containing at least one playing pitch (0.2 ha or more, including run-offs), irrespective of ownership.

Playing Pitches: A playing pitch means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010).

Primary Frontages: Frontages comprising a high proportion of retail uses which may include food, drinks, clothing and household goods. Primary frontage is shown on the Polices Map.

Primary Shopping Area: Area where retail development is concentrated comprising the primary and adjoining secondary frontages.

Public Transport Accessibility Level (PTAL):

A detailed and accurate measure of the accessibility of a point to the public transport network, taking into account walk access time and service availability.

Quiet Areas: The Environmental Noise (England) Regulations 2006 (as amended) require that Noise Action Plans for agglomerations (including much of Greater London) include provisions that aim to protect any formally identified 'Quiet Areas' from an increase in road, railway, aircraft and industrial noise.

Secondary Frontages: That part of a shopping centre outside the primary frontage, usually on the fringe, where units provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses. Secondary frontage is shown on the Polices Map.

Section 278 Agreement: A legally binding agreement between the Local Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

Small and Medium Enterprises (SMEs):

Defined in EU law as enterprises which employ fewer than 250 people and which have an annual turnover not exceeding €50m, and/or an annual balance sheet total not exceeding €43m.

Social Infrastructure: A wide variety of services that are essential to the sustainability and wellbeing of a community such as education facilities, places of worship, health provision, community, cultural, recreation and sports facilities.

Strategic Industrial Location (SIL): These comprise Preferred Industrial Locations (PILs) and Industrial Business Parks and exist to ensure that London provides sufficient quality sites, in appropriate locations, to meet the needs of industrial and related sectors including general and light Industrial uses, logistics, waste management and environmental Industries (such as renewable energy generation), utilities, wholesale markets and some transport functions.

Studio Flat: Also known as a studio apartment, a small apartment which combines living room, bedroom, and kitchenette into a single room.

Sustainable Urban Drainage System (SuDS):

An alternative approach from the traditional ways of managing runoff from buildings and hardstanding. They can reduce the total amount, flow and rate of surface water that runs directly to rivers through stormwater systems.

Tall Buildings: Buildings or structures that are more than 30m in height or significantly taller than surrounding development.

Transport for London Route Network (TLRN)

Road: The Transport for London Route Network is made up of roads that are owned and maintained by Transport for London (TfL). They are the key routes or major arterial roads in London.

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Appendix 4 - UDP Policies to be Superseded

When it is adopted the Development Management Policies will replace the remaining saved UDP policies as follows:

Saved UDP Policy	To be superseded by
STR 20 Affordable Housing Threshold	DMP 15
STR 25 Protection of Local Employment sites	DMP 14
STR29 Town Centre Vitality & Viability. Supporting Wembley & Kilburn	DMP 2
BE24 Locally listed Buildings	DMP 7
BE25-28 Conservation Area Development Issues	DMP 7
BE31 Archaeological sites	DMP 7
H4 Off-Site Affordable Housing	DMP 15

Saved UDP Policy	To be superseded by
H6 Protection of Existing Affordable Housing	DMP 16
H17 Flat Conversions	DMP 17
H18a-j, I Flat Conversion Standards	DMP 17
H19 Flat Conversions; Access & Parking	DMP 17
H22 Protection Of Residential Amenity	DMP 1
H23b-c Supported Housing; New Build	DMP 20
H24 Supported Housing; Conversions/Extensions	DMP 20
TRN15 Forming an Access to a Road	DMP 11
TRN22 Parking Standards: non residential	DMP 12
TRN23 Parking Standards: residential	DMP 12

Saved UDP Policy	To be superseded by
TRN24 On-Street Parking	DMP 12
TRN25 Parking in Town Centres	DMP 12
TRN27 Retention of Essential Off-Street Parking	DMP 12
TRN28 Restrictions on Off-Street Public Parking & Contract Parking	DMP 12
TRN34 Servicing in New Development	DMP 13
EMP2 Small and medium sized enterprises	DMP 14
EMP9 Development of local employment sites	DMP 14
EMP10 The environmental impact of employment development	DMP 1
EMP13 Bad-neighbour uses	DMP 14
EMP14 Design of business developments	DMP 14

Saved UDP Policy	To be superseded by
EMP17 Reuse of redundant offices	DMP 14
EMP18 General industrial developments	DMP 14
EMP19 Warehouse developments	DMP 14
EMP20 Creative industry proposals	DMP 14
EMP21 Work-live development	DMP 14
SH6-7 Non-Retail Uses, Changes of Use,	DMP 3
SH9 Secondary Shopping Frontages	DMP 2
SH10-11 Food & Drink (A3) Uses	DMP 1 & DMP 2
SH13 Amusement centres	DMP 1 & DMP 2
SH14 Minicab Offices	DMP 1 & DMP 2

Saved UDP Policy	To be superseded by
SH17-18 Isolated Shops & Other Parades	DMP 4
SH19 Rear Servicing	DMP 13
SH21-24 Shopfronts, Forecourts & Extensions	DMP 2
SH26-27 Existing/New Retail Markets	DMP 5
SH28-29 Car-Boot Sales	DMP 5
TEA6-7 Hotel Development	DMP 6
OS14 Wildlife Corridors	DMP 8

Table 6

The following policies are now covered by national and London Plan policy and therefore will not be taken forward in the Development Management Policies Document.

Policies which will not be taken forward in the Development Management Policies Document
STR3 Development on previously developed urban land, STR5 Reducing the need to travel, STR6 Parking Controls and Standards, STR9 GLA Roads and London Distributor Roads, STR12 Protection of Public Health and Safety, STR13 Environmentally Sensitive forms of Development, STR14-15 Urban Design Strategy, STR30 Distribution of shopping facilities, STR36 Protection & enhancement of sites of nature conservation importance, BE1-12 Urban Design Quality & Sustainable Construction, BE13-15 Priority Areas for Townscape & Public Realm Enhancement, BE17 Building Services Equipment, BE19 Telecommunications, BE20-21 Advertisements, BE29 Distinctive Residential Character Areas, BE30 Enabling Development, BE32 Monuments / Earthworks, BE33 Tree Preservation Orders, BE34 Views/Landmarks, EP2 Noise & Vibration, EP3 Local Air Quality Management, EP4 Potentially Polluting Development, EP5 Development affecting existing potentially polluting development, EP6 Contaminated land, EP8 Notifiable Installations, EP10 Protection of Surface Water, EP12 Flood Prevention, EP15

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Policies which will not be taken forward in the Development Management Policies Document

Infrastructure, H5 Key Worker Housing, H11 Housing on Brownfield Sites, H12 Residential Quality; Layout Considerations, H13 Residential Density, H14 Minimum Residential Density, H15 Backland Developments, H20 Flats Over Shops, TRN1-4 Transport Assessment/ Impact, TRN6 Intensive Development at Transport Interchanges, TRN8 New Rail Stations – Design Considerations, TRN9 Bus Priority, TRN10 Walkable Environments, TRN11 London Cycle Network, TRN12 Road Safety & Traffic Mgt, TRN13 Traffic Calming, TRN14 Highway Design, TRN16 London Road Network, TRN17 Restrictions on New Roads, TRN18 North Circular Road, TRN20 London Distributor Roads, TRN29 Station Car Parks, TRN30 Coaches and Taxis, TRN31 Design & Land Take of Car Parks, TRN32 Provision & Protection of Rail & Water Freight facilities, TRN35 Transport Access for Disabled People, EMP3 Childcare facilities in employment developments, EMP6 Employee facilities in strategic employment areas, EMP14 Design of business developments, EMP16 Business, EMP22 Home-working, SH2 Town Centres Network & Major Town

Policies which will not be taken forward in the Development Management Policies Document

Centres, SH15 Loss of Residential above Shops, SH16 Local Centres, SH31-32 Ealing Road, SH33-35 Design Improvements & Servicing Harlesden, TEA1-2 Location of Tourist, Visitor and ACE uses, TEA4 Public Art, OS1-3 Metropolitan Open Land, OS5 Green Chains, OS9 Dual Use of open space, OS12-13 SSSIs and Sites of Important Nature Conservation, OS14 Wildlife Corridors, OS15 Species Protection, OS16 Welsh Harp & Fryent Country Park, OS17 New Wildlife Habitats, OS18 Childrens Play Areas, OS19 Location of Sports Facilities, OS20 Site Specific Sport Proposals OS21 Metropolitan Walks, OS23 Cemeteries and Crematoria, CF1-2 Location of Community Facilities, CF4 Community Facilities Capable of holding Functions, CF6 School places, CF7-9 School buildings, CF10 Development within school grounds, CF11 Day nurseries, CF13 Health care facilities, CF14 Places of worship, W3 New Waste Management/ Manufacturing Proposals – Environmental and Access, W4-W6 Safeguarding Waste Management Facilities, W8-W9 Construction/ Demolition/ Commercial Waste, W10 Incinerators, W11 Waste Transfer

Policies which will not be taken forward in the Development Management Policies Document

Facilities/ Waste to Landfill, W12 Aggregate Extraction, PR1 Major Developments In Park Royal, PR3 Public Realm Improvements in Park Royal, PR4 The Grand Union Canal in Park Royal

Table 7

Appendix 3

Development Management Policies Development Plan Document: Proposed Submission (December 2015)

Table of minor modifications

(N.B. Existing text deleted shown as struck-through, new text shown in red and underlined, repositioned text shown in green and underlined.)

Policy / paragraph / map	Amendment	Reason
Foreword	<p>I hope you will take this opportunity to participate in the process of drawing up the new plan. If we are to shape the borough the way you want to see it then we need to hear from you. Please tell us what you think.</p> <p>HOW TO GIVE YOUR VIEWS The Development Management Policies Publication Stage Document is published for comments on its soundness. Further copies of this document can be downloaded from the Brent Council website at www.brent.gov.uk/dmp. Make your comments by the following ways: Online via the interactive web version of this document at www.brent.gov.uk/dmp By email to ldf@brent.gov.uk In writing addressed to: Planning Policy and Projects Team, Planning and Regeneration, London Borough of Brent, Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ Please reference your comments to the relevant policy or paragraph of the document. All comments must be received by 5pm on 5th November 2015. Any representations made in relation to this document will be made available to the public.</p>	To update
1.1	This Development Management Policies document. It sets out the Council's policies which along with other policies within the Development Plan will be used for the determination of planning applications for development in the borough.	Correction
1.4	There is now an opportunity to comment on the publication version of the Plan before it is submitted for Examination by an independent Planning Inspector. At this stage comments should relate to whether you consider that the Plan is 'sound'. To be 'sound' a plan should be positively prepared, justified, effective and consistent with national policy.	To update
DMP 1	Subject to other policies within the development plan, development will be acceptable provided it is: a. of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high	Clarification

	<p>levels of internal and external amenity and complements the locality;</p> <p>b. satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network;</p> <p>c. provided with the necessary physical and social infrastructure;</p> <p>d. preserving <u>conserving</u> or enhancing the significance of heritage assets and their settings;</p> <p>e. <u>sustainable</u>, and maintaining or enhancing sites of ecological importance;</p> <p>f. safe, secure and reduces the potential for crime;</p> <p>g. not unacceptably increasing exposure to flood risk, noise, dust, contamination, smells, waste, air quality, light, other forms of pollution and general disturbance or <u>detrimentally impacting on air or water quality</u>;</p> <p>h. retaining existing blue and green infrastructure including water ways, open space, high amenity trees and landscape features or providing appropriate additions or enhancements; and</p> <p>i. resulting in no loss of community facilities or other land/buildings for which there is an identified need.</p>	
2.3	<u>The Council aims to ensure that development complies with appropriate national and local planning policy and guidance through effective enforcement action. Enforcement action will be considered against unauthorised development and will be guided by national guidance and the priorities set out in the Brent Enforcement Plan which includes a test of expediency.</u>	Clarification
2.7	Development will be expected to provide any associated infrastructure required to make it <u>acceptable</u> accessible from a planning perspective. This includes elements such as on or off-site physical infrastructure for example transport improvements, <u>water and sewerage infrastructure</u> , or surface water drainage or social infrastructure such as additional capacity in schools or health practices.	Clarification & Correction
2.8	This statutory protection also places a legal duty on the Council to seek to preserve or enhance the significance of of such assets and their settings.	Correction
3.5	Frontage will be considered peripheral where it is outside of the primary shopping area (primary and adjoining or closely related secondary frontage) and its conversion would not result in residential development between frontage in main town centre use.	Correction
DMP 4	Loss of A1, A2, or A3 uses in neighbourhood centres or isolated shop units outside designated town centres will be permitted where the centre or unit: <ul style="list-style-type: none"> a. is within 400 metres of equivalent alternative provision; <u>and</u> b. <u>a.</u> is unviable; or c. <u>b.</u> the proposal will provide a community facility for which there is a demonstrable need. 	Clarification
DMP 6	Proposals for hotel development must be inclusive and accessible with applications for <u>detailed planning permission</u> to be accompanied by Accessibility Management Plans.	Clarification
Following	<u>Active Design, Sport England</u>	Clarification

4.5, green national & London Plan guidance box		
Following 4.7, green national & London Plan guidance box	Easy Access to Historic Buildings, English Heritage Historic England Easy Access to Historic Landscapes, English Heritage Historic England	To update
4.15	Consistent with the approach to landscaping, the design and provision of all elements, including hard and soft landscaping, lighting, furniture and public art, should be coordinated and well located, to make a positive contribution, avoid unnecessary clutter, and ensure a safe, informative and attractive environment. This is consistent with other parts of the Plan of making areas have better accessibility and improving streets and places for walking and cycling.	Clarification
4.16	National Planning Practice Guidance (NPPG) provides advice on when this is the case and the grounds on the acceptability of advertisements should be determined on the criteria of amenity and public safety.	Clarification
4.20	Brent's statutory listed buildings, conservation areas and registered parks and gardens are all designated heritage assets. Its locally listed buildings, areas of distinctive residential character, sites of archaeological importance and archaeological priority areas are non-designated heritage assets. Non-designated heritage assets include buildings, structures, monuments, earthworks, street furniture, sculpture, shopfronts, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decision stage. Guidance on Brent's heritage assets, as set out in the local guidance box in this chapter, is available at www.brent.gov.uk/conservation. This guidance forms part of the Local Plan evidence base and will also be a material consideration in the determination of applications for development. Applicants should refer to these documents early on to ensure that their proposals are based on an understanding of the significance of heritage assets that may affected.	Clarification
4.21	The purpose of this policy is to provide greater clarity on the specific additional requirements applicable in Brent taking account of existing NPPF, NPPG, London Plan, and Brent Core Strategy policies and local evidence base .	Clarification
DMP 7	Proposals for or concerning affecting heritage assets should: a. demonstrate a clear understanding of the archaeological , architectural or historic significance and its wider context; b. provide a detailed analysis and justification of the potential impact of the development on the heritage asset and its context as well as any public benefit; c. retain buildings, structures, architectural features, hard landscaping and spaces and archaeological remains , where their	Clarification

	<p>loss of which would cause harm;</p> <p>d. sustain and enhance the significance of the heritage asset, its curtilage and setting, respecting and reinforcing the streetscene, views, vistas, street patterns, building line, siting, design, height, plot and planform;</p> <p>e. contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design, and the use of appropriate materials and expertise, <u>and improving public understanding and appreciation.</u></p>	
Following DMP 7, orange local guidance box	<p>Heritage Asset Guidance</p> <p>Sites of Archaeological Importance and Archaeological Priority Areas</p> <p>Conservation Area Design Guides</p> <p>Conservation Area Article 4 Directions</p> <p>Heritage at Risk Register</p> <p>Listed Buildings</p> <p>Local List</p>	Clarification
4.22	<p>Brent's heritage assets include a wide range of architectural styles from Victorian Italianate, Gothic Revival, suburban 'Arts & Crafts', 'Tudorbethan', 'Old World', Modern and Brutalist as well as planned 'village' settlements. Furthermore, its formal public gardens, cemeteries together with the trees and gardens in the 20th century residential developments have matured contributing to setting. However, its archaeological discoveries from early prehistory are scarce, because sites have been built over and there are limited places where archaeologists could <u>can now</u> investigate. <u>However, a</u>Archaeological exploration <u>records</u> suggests that there were settlements in the area <u>from prehistoric times. New discoveries would be significant partly because so little is known</u> during the Palaeolithic, Mesolithic and Neolithic periods (800,000 years ago to 2500 BC).</p>	Correction
4.23	<p>Heritage assets are valued by the public as established and tangible evidence of the past culture, providing a sense of permanence and belonging. Once lost or detrimentally altered, heritage assets cannot easily be reinstated and it is important that the most valuable are not needlessly or inadvertently destroyed. Policy DMP 7 Brent's Heritage Assets, therefore, specifically seeks to protect Brent's heritage <u>and</u> seeks to ensure that the case for conservation and enhancement is fully considered when assessing all proposals for new development. There must also be <u>The Policy also seeks to safeguard the</u> potential for further investigation on sites and buildings where the <u>heritage asset's</u> significance may hitherto be acknowledged and as archaeological sites become available <u>be previously undiscovered. Archaeological Priority Areas and Archaeological Sites indicate where, according to existing information, there is significant known archaeological interest or particular potential for new discoveries. However, sites of archaeological importance could be discovered elsewhere in the borough.</u></p>	Clarification
4.24	<p>4.24 The Council supports and recognises that change is necessary, but change needs to be managed in a way which does not compromise heritage significance and exploits opportunities for enhancement. Any proposal must have special regard</p>	Correction – duplicate

	to the desirability of preserving a heritage asset or its setting or any features of special architectural or historic interest which it possesses. When granting consent, special regard will be given to matters of detailed design, especially within main frontages, prominent elevations and roofs, and to the nature, quality and type of materials proposed to be used.	text
4.25	The Council supports and recognises that change is necessary, but change needs to be managed in a way which does not compromise heritage significance and exploits opportunities for enhancement. Any proposal must have special regard to the desirability of preserving a heritage asset or its setting or any features of special archaeological , architectural or historic interest which it possesses. When granting consent, special regard will be given to matters of detailed design, especially within main frontages, prominent elevations and roofs, and to the nature, quality and type of materials proposed to be used. This is because some forms of development, including extensions, roof extensions, dormers and outbuildings may not be subordinate (overly dominating) a property, harming its character, integrity and appearance. It is also important to be mindful that even the most minor changes or incremental alterations such as window replacement and the loss of original fittings and features can harm the significance of a property and a heritage asset. Special regard will be given to proposals near or affecting heritage assets identified as at risk on Historic England's Heritage at Risk Register. The Council will use its development management and other planning powers to secure the future viable use of the borough's heritage assets. For archaeological assets, the layout of the development, extent of basements and design of foundations may need to provide for physical preservation. If significant archaeological remains are not to be preserved in-situ then appropriate investigation, analysis, publication and archiving will be required.	Clarification
4.29	The Council will resist significant harm to or of loss of such a heritage assets. It will assess proposals which would directly or indirectly impact on heritage assets in the light of their significance and the degree of harm or loss which would be caused. Where the harm would be less than substantial, it will be weighed against any public benefits of the proposal, including securing optimum viable use of the heritage asset and whether it would enhance or better reveal the significance of the conservation area. For demolition or alteration to be approved, there will need to be clarity about what will be put in its place within a suitable time frame. It should be noted designation as a Locally Listed building does not provide further statutory protection but it draws attention to the special qualities of the building.	Correction
4.32	A Heritage Statement is required where a proposal is for or affects a heritage asset. It must describe and demonstrate a clear understanding of the significance of any heritage assets affected by proposals and the impact on their significance, including any contribution from their setting.	Clarification
DMP 9	Developments adjacent to the Blue Ribbon network and other tributaries , or waterways with potential to negatively impact on its water quality will be required to contribute towards restoration and naturalisation of waterways, and seek to enhance water quality and biodiversity in accordance with the objectives of the Water Framework Directive and Thames River Basin Management Plan .	Clarification
5.2	London Plan policy 7.17 Metropolitan Open Land (MOL) is given the same level of protection as the Green Belt.	Correction
5.2	Exceptions to this are where it can be clearly shown to be surplus to requirements, equivalent local provision is made or the	Correction

	benefit or the development is for alternative sports and recreational provision the need for which outweighs the loss.	
Following DMP 9, green nation & London Plan guidance box	Draft-Thames River Basin Management Plan, Environment Agency	To update
Following DMP 9, orange local guidance box	Brent Biodiversity Action Plan	Clarification
5.11, first bullet point	deculverting and removing unnatural structures such as obsolete weirs and bank and bed reinforcements.	Clarification
5.12	Such developments should also contribute to the delivery of the Brent River Corridor Improvement Plan, produced by the Brent Catchment Partnership, Brent Biodiversity Action Plan , and the London Rivers Action Plan. Specific projects in the Brent catchment are identified on the interactive map on the River Restoration Centre website.	Clarification
6.2	The borough's Quiet Areas, as shown on the Policies Map , are considered to be Fryent Country Park, open space on The Welsh Harp, Roundwood Park/Willesden New Cemetery, Paddington cemetery an Alperton Cemetery.	Correction
6.11	Air quality directly adjacent the North Circular Road is very poor, therefore sensitive uses such as housing will generally not be acceptable in this location.	Clarification
6.18	A general indication of the location of historic industrial sites is provided by Map 1 below. In accordance with DMP 1 development will not be permitted if it would lead to the future contamination of the land or elsewhere or have a detrimental impact on water quality.	Clarification
6.25	Development proposals in flood risk zones 2 and 3, and all development proposals for sites of 1 ha or above in flood risk zone 1, should be accompanied by a Flood Risk Assessment (FRA) to consider all forms of flooding . The borough Strategic Flood Risk Assessment (SFRA) sets out sustainable flood risk mitigation measures and level of detail to be included in site-based FRA dependant on the flood zone. This should form the basis of all FRA. In accordance with the SFRA all FRA should demonstrate how the development seeks to reduce flood risk.	Clarification
6.26	6.26 Surface Water	Clarification

	6.26 Lack of capacity in our drainage network can increase flood risk, therefore developments should aim to ensure the separation of surface and foul water systems.	
6.29	The developer is to provide Water Quality and Biodiversity statement and cost benefits analysis for conventional and SuDS systems.	Clarification
7.8	Only where it is clearly demonstrated carbon reduction targets cannot be fully met on site, any shortfall may be off-set through 'Allowable Solutions' local carbon offsetting .	Correction
7.13	Only if the feasibility study in the Energy Assessment demonstrates that all on-site options have been considered and are not feasible, will Allowable Solutions carbon offsetting be considered. In accordance with emerging London Plan Policy 5.2 developers should actively seek to deliver their remaining Allowable Solutions carbon savings through local carbon saving projects. Brent Council will establish a price per tonne for carbon or use a nationally recognised price such as that set by the Zero Carbon Hub, and seek payment into a local fund which will be used to deliver Brent's emerging Allowable Solutions carbon offsetting in the borough Strategy.	Correction
8.4	The e Council has concentrated its efforts to date on improving key stations, interchanges and bus services to and between them. Investment has been made to increase capacity at the three Wembley stations. Similar investment is required at other key interchanges to enhance the usability of the network as a whole. Particular focus is needed on improving orbital links and key interchange points on them. With improved orbital bus links comes the need for bus stands and facilities, and consideration will need to be given to their location.	Clarification
8.7	Where significant impacts arise including during development construction , mitigation measures should be proposed and the residual impacts assessed.	Clarification
8.8 – second bullet point	Public transport improvements sufficient to service the scheme or to integrate it with the surrounding area. Developments attracting a significant number of trips in areas with low or moderate public transport accessibility or causing capacity issues to the existing network will only be acceptable when significant public transport improvements are secured which are both viable and justifiable in the longer term.	Clarification
Following DMP 10, green national & London Plan guidance box	London Cycle Design Standards, TFL	
8.21	Proposals which would affect the M1 Motorway shall require consultation with the Highways Agency England .	To update

8.27	The amount of parking provided in accordance <u>with</u> parking standards is a balance between a number of factors. These include seeking to reduce unnecessary car trips, promoting effective use of land, making development viable and not creating on street parking pressure which undermines the quality of life.	Correction
8.28	TfL's Emerging Design of Car Parking <u>guidance</u> will also provide advice on this matter.	Correction
Following 8.31, pink evidence base box	<u>Brent's Parking Standards (2013), Steer Davies Gleave</u>	Correction
9.1	The NPPF and London Plan emphasise the importance of allowing sufficient flexibility to adapt to changing circumstances by supporting managed conversion <u>release</u> of surplus employment land.	Clarification
DMP 14	For developments falling under criteria a) the development shall incorporate employment uses providing high density employment on <u>approximately</u> 20% of the site <u>area</u> .	Clarification
9.4	<u>Alternatively, in exceptional circumstances</u> , where redevelopment or re-use of a Local Employment Site would not give rise to a material loss of employment, a mixed-use development incorporating non-employment uses may be appropriate on part of the site . The applicant must demonstrate that redevelopment will result in: <ul style="list-style-type: none"> • the maximum economically feasible amount of employment floorspace on the site; • the accommodation of the existing employment use, or where the site is vacant employment floorspace, to meet development needs of businesses in Brent, particularly SMEs; • delivery of wider regeneration benefits to the community; and • employment floorspace with a very strong prospect of being occupied. 	Clarification
10.1	Further Alterations to the London Plan adopted in 2015 have subsequently increased Brent's annual housing target (including non self-contained accommodation) to a minimum of 1525 units. <u>The Borough will continue to bring forward additional housing development capacity to supplement its housing target to meet local and strategic need.</u>	Clarification
10.7	NPPF, NPPG and the London Plan give clarity that the amount of affordable housing expected to be provided in a development can be reduced if the development would otherwise be unviable <u>viability is a consideration when determining the maximum reasonable affordable housing.</u>	Clarification
10.8	h. priority to be accord <u>ed</u> to provision of affordable family housing.	Correction
10.11	The Council has used this approach and <u>will</u> continue to do so in the future, but will take a proportionate approach to using this mechanism. It will be applied to developments where the proportion of affordable housing agreed is significantly below the 50% target, on sites of 200 dwellings or more where there is a phased approach to the development and on sites where the majority <u>substantial implementation</u> of the development is likely to be delivered beyond 18 months of the initial consent.	Clarification

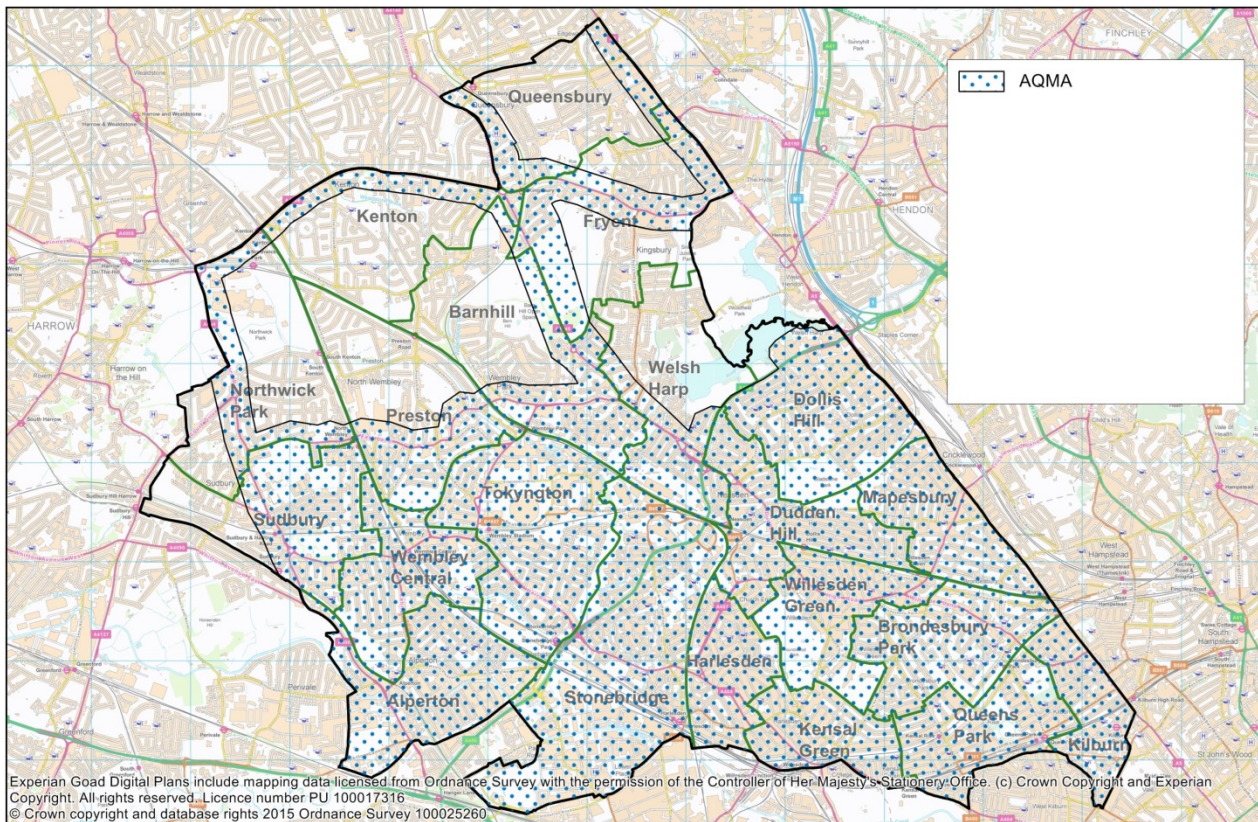
10.29	Other amenity factors will also be taken into account in deciding whether an existing family sized dwelling provides or has the potential to provide a good family environment. This will included be location and other amenity factors.	Correction
10.32	The policy seeks <u>to</u> reduce the potential for overcrowding of residential properties to be controlled through means available through the planning process.	Correction
DMP20	<p>Proposals for <u>student accommodation</u>, non-self contained or self contained residential accommodation with shared facilities or on site support/care to assist residents in their daily lives will be supported where the development is:</p> <ul style="list-style-type: none"> a) located in an area with good access to public transport and other amenities, including shops (normally within 400m); b) is of an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/care and mobility; c) includes management arrangements suitable for its proposed use and size; d) demonstrates that there is a specific Brent, or in the case of education a London, need for the particular use which are secured by planning agreement related to use of the land or to its occupation by members of specified educational institutions. <p>The loss of accommodation will only be acceptable where:</p> <ul style="list-style-type: none"> a) demonstration of no Brent need for the accommodation type, or residents' needs can be better met by other existing accommodation; or b) unsatisfactory existing accommodation cannot be improved to achieve current standards 	Clarification
	These types of uses making a significant contribution to meeting local and in the case of students, London needs.	Correction
10.46	To ensure that residential accommodation meets needs over time, London Plan policy requires 10% wheelchair accessible dwellings. The accommodation covered by this policy is likely to be meeting needs of specific sectors of the population. On this basis the Council will be willing to depart from the minimum 10% wheelchair where evidence is compelling to indicate why it might not be appropriate-, <u>e.g. where occupants are less likely to suffer from mobility disabilities compared to the general population. In other forms of accommodation there could be a need for a higher proportion, e.g. disability orientated housing.</u>	Clarification
10.48	Residential amenity means both that of the potential occupiers (Brent's private sector stock condition survey indicated the majority of HMOs <u>are</u> not suitable for habitation) and those adjoining the development.	Correction
10.51	Where appropriate it will seek to ensure that at least initially and in some cases subsequent for subsequent occupiers that priority for such housing is made available to people in Brent.	Correction
10.58	The London Plan anticipates that the numbers of students in London will to continue to grow and requires boroughs to ensure that both demonstrable local and strategic student housing needs are addressed... Refer to 3.5.3 more SHLAA targets inform the 1525 gives an assumed mix on student housing provision.	Correction

11.3	London Plan policy 3.16 and Brent's Core Strategy policy CP 23 protects existing community and cultural facilities that support community participation and development, and requires mitigation for any loss. The London Plan also requires the suitability of redundant premises for other forms of social infrastructure to be assessed before alternative developments are considered.	Correction
Following 11.3, green box highlighting related national & London Plan guidance	<p>3.1: Ensuring Equal Life Chances for all</p> <p>4.8: Supporting a successful and diverse retail sector and related facilities and services</p>	Clarification
11.8	As such, and in keeping with the NPPF, public houses are classed as social infrastructure and proposals which would result in their loss will be subject to this policy. In addition, due to the contribution public houses make to the borough's local character and distinctiveness, policy DMP7 Brent's Heritage Assets will normally apply.	Clarification
DMP 21	<p>The Council will support the loss of public houses only where:</p> <p>ba) its continued use is not economically viable as demonstrated by meeting the marketing requirements in paragraph 11.9;</p> <p>eb) the proposed alternative use will not detrimentally affect the character and vitality of the area and will retain as much of the building's defining external fabric and appearance as a pub as possible; and</p> <p>dc) the proposal does not constitute the loss of a service of particular value to the local community; and</p> <p>ad) if registered as an Asset of Community Value the premises can be shown to have been offered for sale to local community groups and no credible offer has been received from such a group at a price that is reflective of the condition of the building and its future use as a public house. The Council will treat registration as an Asset of Community Value as a material planning consideration.</p>	Clarification
11.9, fifth bullet point	there has been public consultation to ascertain the value of the public house to with the local community;	Clarification
Appendix 1	<i>Table numbers to be corrected throughout.</i>	Correction

Appendix 3 Major Developments: 10 or more residential units (or if a number is not given, where the area is more than 0.5 hectares), or Correction
1000 sq m (or more) gross commercial floorspace.

Open Space: All land in Brent that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a the broad range of types of open space, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

Primary Shopping Area: Area where retail development is concentrated comprising the primary and adjoining secondary frontages.

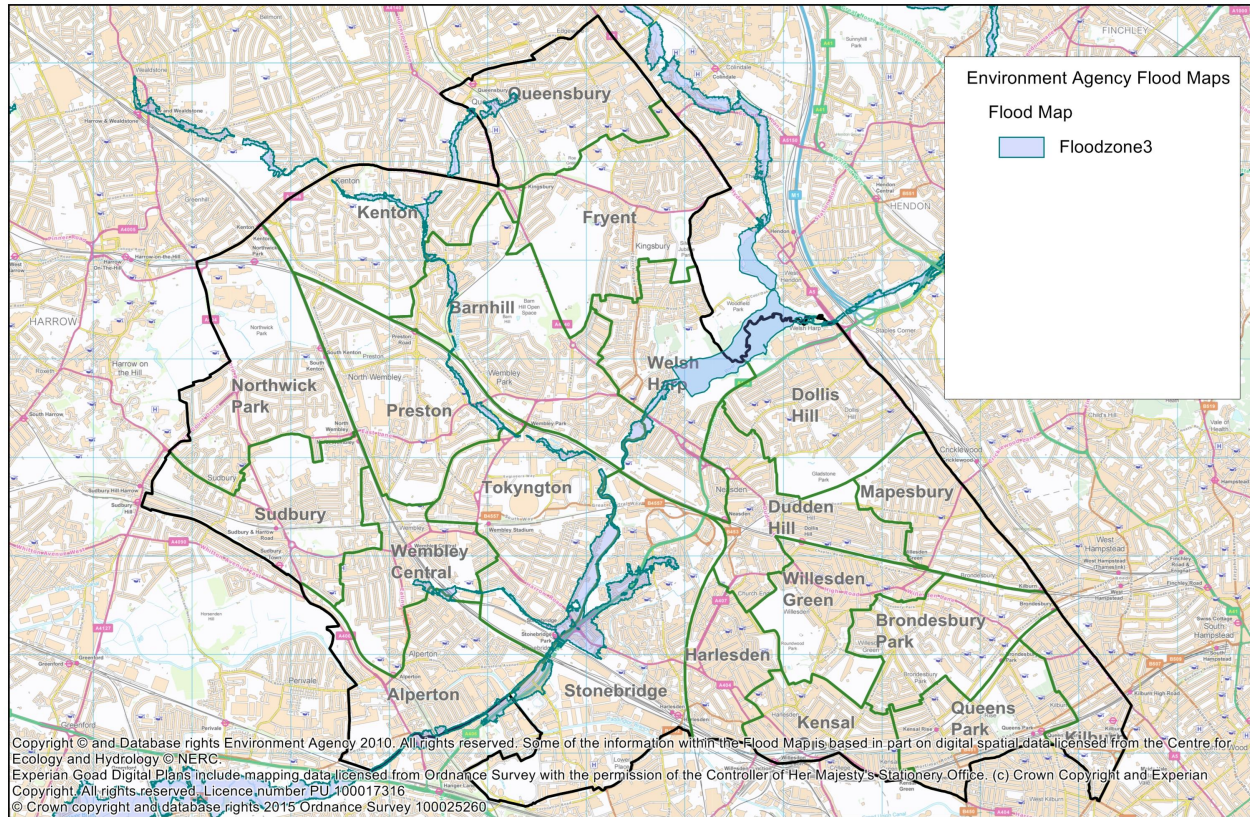


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