



**Cabinet**  
21 September 2015

**Report from the Strategic Director of  
Regeneration and Growth**

For Action

Wards affected:  
ALL

**Brent Development Management Policies Development  
Plan Document – Publication and Submission**

**1.0 Summary**

- 1.1 A previous draft of the Development Management Policies Development Plan Document was agreed by Executive 24<sup>th</sup> March 2014 and issued for consultation. Following consideration of the consultation responses and other factors such as changes in Government policy it is proposed that the Plan be amended and taken through its next steps in the adoption process. The amended draft Plan is shorter and consequently has a greater focus on Brent specific issues, rather than repeating general policy contained in other documents. Subject to Cabinet approval it is recommended to issue the amended draft Plan for representations consistent with the requirements set out in Planning Regulations, prior to its submission to the Planning Inspectorate for examination.
- 1.2 This report provides a summary of the consultation responses. It explains the main changes that are being proposed to the draft Plan and recommends that this be published and made available for representations for 6 weeks. It is also recommended that following the representation period it be submitted for examination subject to Full Council approval.

**2.0 Recommendations**

- 2.1 That Cabinet agrees the proposed responses to individual representations, as set out in the schedules attached as Appendix 1.
- 2.2 That Cabinet agrees that the draft Brent Development Management Policies Development Plan Document in Appendix 3 be agreed for publication for 6

weeks, and recommend that Full Council agree that the draft Plan be submitted to the Planning Inspectorate for Examination.

- 2.3 That the Strategic Director, Regeneration & Growth is authorised to make further editorial changes to the document prior to it being issued for publication.

### **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 Consistent with Planning Practice Guidance early engagement/consultation took place in preparing the Plan. Following Executive's approval on 24<sup>th</sup> March 2014 consultation upon a draft Plan was undertaken from 20<sup>th</sup> June and 31<sup>st</sup> 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 and One Stop service offices 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.

#### **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 their 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 be amended in light of comments received from the recent consultation period. Additionally, changes are recommended because of changing circumstances such as new national planning policy (e.g. outcome of Government's housing standards review) and the London Plan and associated supplementary planning guidance, e.g. updated policy guidance on student accommodation.
- 3.7 All the comments received, and the recommended council response to these, are included in the Schedule of Responses which also accompanies this report in Appendix 1. They are ordered by respondent type, with comments submitted via the Council's on-line consultation portal dealt with first by chapter/subject matter order. Comments received on questionnaires are dealt with later in the Appendix. Subject to Cabinet's confirmation, all of the comments and officers' recommended response to these will be made publicly available as part of the next stage of consultation.
- 3.8 Appendix 2 sets out the recommended changes to draft policies. This takes into account recommendations relating to consultation responses received as set out in Appendix 1, plus other factors such as changes in national policy, updates to London Plan, associated supplementary planning guidance and recognised best practice. The following paragraphs highlight the sections where there has been considerable interest/representation and also where proposed significant amendments to the draft Plan are recommended.

#### **Summary of Issues Raised and Response (more fully set out and justified in Appendix 1 and Appendix 2)**

##### **Length of the document**

- 3.9 A number of respondents identified that the document was too long. After thoroughly reviewing the draft Plan issued for consultation against higher level plans and policies, consideration of the general principle of seeking to simplify the planning process and also analysis of the consultation responses, a reduction in the number of policies, repetition and associated commentary is recommended as appropriate in the draft Plan.
- 3.10 It is recommended that this is addressed through significant amendment to the draft, removing that which is dealt with sufficiently in NPPF, NPPG, London Plan and its associated SPGs and the Brent Core Strategy. This will also reduce potential confusion about the relationship between the same or very similar policies contained in different plans in terms of which has more weight. A programme of reviewing existing relevant Brent supplementary

planning guidance (SPG) has commenced to make it more up to date. SPGs (or Supplementary Planning Documents as they are now known) are better suited to more detailed information some of which was included in policies or their associated policy justification.

### **Town centres**

#### Representations Received

- 3.11 There was significant support from residents for the policies to prevent an overconcentration of takeaways, pay day loan shops, betting shop and Shish Cafes within town centres and takeaways and shisha cafes in proximity to schools. Objections were received from Planware to the proposal to limit the number and location of takeaways on the basis they do not feel there is adequate justification for this policy.

#### Recommended Response

- 3.12 Taking account of representations the policies have essentially been retained largely unchanged as it is considered evidence supports their retention.

### **Built Environment**

#### Representations Received

- 3.13 These addressed tall buildings, heritage policies and development trends within Brent affecting the built environment quality, e.g. loss of front gardens.

#### Recommended Response

- 3.14 Officers consider that tall buildings have effective policy in the London Plan that was essentially only being repeated, so it is recommended that it be removed from the draft. It is recommended that the heritage policies are rationalised to make them more focused and address issues raised by English Heritage. Brent specific policies, e.g. 50% of front gardens should be soft landscaping are recommended for retention, with an emphasis on providing outside the draft Plan additional locally specific guidance, e.g. conservation area appraisals and design guides to identify more clearly features of heritage significance and appropriate development responses.

### **Open Space**

#### Representations Received

- 3.15 Comments related to the consistency of the policy with the NPPF. The Environment Agency highlighted reference to several Plans related to river catchments and their improvement. The Canal and Rivers Trust sought a policy on supporting residential moorings.

#### Recommended Response

- 3.16 The policies on open space essentially duplicated NPPF and London Plan and it is recommended that they are removed from the draft. Reference to the

Environment Agency recommended documents should be made. Given the likely limited applications for residential moorings, officers recommend that this can be suitably addressed through other relevant policies in the draft Plan.

## **Environmental Protection**

### **Representations Received**

- 3.17 The Environment Agency sought additional reference to Preliminary Risk Assessments in relation to contaminated land. Thames Water sought a policy on water and sewage infrastructure capacity.

### **Recommended Response**

- 3.18 Officers considered that most of the policy in this section added nothing locally distinctive for Brent, being adequately addressed in NPPF and London Plan. Consequently the recommended response is for the policies to be removed from the draft. Nevertheless, it is recommended that the section remain but that it contains reference to material required in support applications and locally specific studies to assist applicants in tailoring their responses to sites.

## **Sustainability**

### **Representations Received**

- 3.19 The Home Builders Federation questioned the approach on appropriateness of local allowable solutions. SEGRO, Shurgard, Macaire Enterprises, Home Builders Federation and Quintain raised concerns in relation to the impact that the policy relating to Renewables and Decentralised Energy could have on scheme viability and how this will be considered. Greater London Authority (GLA) considered little emphasis had been given to energy efficiency.

### **Recommended Response**

- 3.20 London Plan policy has evolved significantly in this area in relation to allowable solutions and with the publication of the Mayor's Sustainability SPG. Officers recommend that the policies in this section should be removed as a sufficiently robust policy basis exists in the London Plan and associated SPGs. Nevertheless, it is recommended that reference to appropriate local documents that assist developers in making Brent specific solutions be included.

## **Transport**

### **Representations Received**

- 3.21 Brent Cyclists supported parts of the cycling policy, but wanted greater commitment to segregation of cycle routes. GLA wanted greater reference to cycling infrastructure such as the superhighways. GLA questioned the Council's approach to the North Circular. GLA and Quintain raised questions about the Council's parking standards and servicing requirements. The National Stadium wanted greater acknowledgement of event days traffic

management in developments. In relation to freight GLA wanted greater reference to Transport for London (TfL) documents.

#### Recommended Response

- 3.22 On a general policy basis officers consider that walking and cycling are sufficiently covered in the London Plan and parking standards. As such it is recommended policy is refined to address the Brent specific part of the London Ring. Amendments to parking and servicing standards have been recommended to address comments made. It is recommended reference be made to TfL freight and construction management documents. It is recommended that Wembley related parking issues are essentially covered in the Wembley Area Action Plan and so change is required to the draft Plan.

### Employment

#### Representations Received

- 3.23 Costco, Segro and Shurgard objected to policy seeking 10% of floorspace in new commercial schemes on strategic employment sites to be affordable workspace for SMEs.

#### Recommended Response

- 3.24 The provision of affordable workspace is important; however, in viability terms, investment in new employment units is still weak apart from large B8 distribution sector. Although demand for space has increased this has not been reflected in increased rents to levels giving confidence to invest in speculative smaller scale development. Older employment sites, due to their relatively low values, are also under threat from a number of potential alternative uses that generate higher values. Against this background, to encourage investment in upgrading poorer performing employment premises on balance it is recommended that the 10% affordable floorspace policy be removed from the draft. However, the provision of affordable workspace is still considered important. As such it is recommended that 20% high-density workspace be sought where the loss of the majority of a designated employment site for non-business uses is regarded as acceptable. Alternative uses through the generation of higher values can help subsidise the provision of affordable workspace. Higher density employment will generally be provided through smaller units that encourage small firms. These require a more intensive management regime so there are savings in concentrating such units together. The greatest scope for such provision will be in growth areas such as Wembley and Alperton which should offer the critical mass to help deliver affordable workspace.
- 3.25 In recognition of evidence received through an updated Employment Land Assessment, a significant amendment to policy is recommended for inclusion within the draft which seeks to allow the specific release of some Significant Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS). This is only where the site is poor quality employment land and the development would meet strategic needs, e.g. minimum 50% affordable housing or significant social infrastructure needs such as additional secondary schools.

## Housing

### Representations Received

- 3.26 With regards to affordable housing local people and groups raised concerns about amount and price. Marketing of housing and house prices in general were also raised. GLA suggested wording for the policy around seeking the maximum provision. They questioned the 70/30 rented/intermediate split and rent setting for affordable rents. McCaire Enterprises questioned consistency with national policy on viability reassessment. Quintain wanted evidence that the 50% had been viability tested. In relation to the policy on Maximising Housing Supply McCaire Developments considered that the policy did not go far enough to ensure Brent's new target would be met.
- 3.27 On Conversions greater clarity was sought on the 130 sq.m. size requirement. On Housing Quality and Standards Quintain and McCaire Developments thought the on-site amenity standards were unjustified. Regarding hostels and Houses in Multiple Occupation (HiMOs) there were concerns that a separate policy was required. Unite raised concerns about the perceived negative approach to provision of student accommodation, whilst on this matter the GLA pointed out need for greater consistency with London Plan. Dr Maguire raised concerns with the Council's approach to provision of Travellers.

### Recommended Response

- 3.28 The 50% target is set in the Core Strategy which the policy makes reference to. There is sufficient evidence to justify the 70/30 mix from a needs and viability perspective. A Strategic Housing Market Assessment has been commissioned which will update needs information towards the end of the year. In addition it is likely that more contemporary viability assessments will be required closer to the Examination of the Plan due to changes in house prices/build costs. It is recommended that reference to rent setting is removed following this issue being resolved in the Mayor's favour against a consortium of London Boroughs in the courts. In relation to the requirement for viability assessment in association with affordable housing provision, given rapid price changes and a desire to get sites developed the Council has amended its position. It is recommended to incorporate policy to seek reviews for significant developments (200 + dwellings) that will take more than 18 months to start, or where a phased approach to delivery will be undertaken.
- 3.29 It is recommended that DMP38 'Maximising Housing Supply' be removed from the draft. It is considered that this is sufficiently covered in London Plan policy and Housing SPG prior to a Brent Core Strategy/Site Allocations review. Following an appeal decision, it is recommended that the conversions policy be amended to deal with potential loss of family housing where it can be shown to be unlikely to ever meet a standard to accommodate a family. The size criteria for conversion is considered justified based on London Plan housing standards. The amenity standards are considered justified as Brent has been following this policy through for more than 10 years and these are consistent with its largely suburban character.

- 3.30 It is recommended that the policies on the variety of shared/institutional residential accommodation be amalgamated to reduce repetition in the Plan. In addition, that the policy justification be amended to more fully address the issues raised by the GLA and also give greater emphasis to the needs student housing can meet and its regeneration benefits in creating mixed and balanced communities. The approach to travellers is considered proportionate. National guidance on assessing gypsies/travellers' needs is due for imminent amendment, so commissioning a survey in advance of this does not make sense. In advance of understanding needs, the Core Strategy provides a development management policy to assess applications submitted. If needs can be shown to not be met, national policy provides a backdrop of presumption in favour where there is a lack of a 5 year supply of pitches to meet needs.

### **Social Infrastructure**

#### **Representations Received**

- 3.31 A significant number of comments on this chapter related to the need for a specific pub protection policy. The Mayor's Office for Police And Crime commented that policy DMP44 'Loss of Social Infrastructure' is not consistent with London Plan.

#### **Recommended Response**

- 3.32 It is recommended to that a pub protection policy be added to the draft. After consideration it is recommended that general social infrastructure is addressed sufficiently well in the London Plan and Brent Core Strategy. In relation to the Mayor's office, the supporting text in the London Plan makes reference to loss of community facilities being acceptable where providers have an agreed programme of alternative social infrastructure provision.

#### **Publication and Submission**

- 3.33 Appendix 3 is the full revised draft submission version of the document. Cabinet is recommended to agree Appendix 3 for Publication (Regulation 19 stage), subject to any further minor changes such as improving the document's legibility with better images, illustrations, etc being delegated to the Strategic Director Regeneration and Growth to approve. It is proposed that the period for representation will be for 6 weeks consistent with the regulations. It will be accompanied by the Sustainability Appraisal and Consultation Statement which have also been updated for this stage of the adoption process.
- 3.34 Those who wish to make representations at the Regulation 19 stage will have the opportunity to do so in detail to separate parts of the document via the online consultation module, and to make written submissions including by e-mail. All those making representations will be asked to indicate whether or not they consider the Plan to be sound and, if not, why not.

- 3.35 The Plan will then need to be submitted for Examination (Regulation 20). It is recommended that in order to reduce delay, Cabinet in approving the Regulation 19 stage also at the same meeting recommend that following completion of this stage Full Council subsequently submit the Plan to the Planning Inspectorate. This will be along with the representations received at that stage and any modifications considered to be required to make the Plan sound.
- 3.36 In considering the recommendations, Cabinet should be aware that Planning Committee (Policy) on the 23<sup>rd</sup> July 2015 considered the representations and the Council's proposed responses (as set out in Appendix 1 of this report), together with the amended document (as set out in Appendix 3 of this report) and agreed the following:
- a) That Planning Committee recommend to Cabinet that the proposed responses to individual representations, as set out in the schedules attached as Appendix 1 be agreed.
  - b) That Planning Committee recommend to Cabinet that the draft Brent Development Management Policies Development Plan Document in Appendix 3 be agreed for publication for 6 weeks, and recommend that Full Council agree that the draft Plan be submitted to the Planning Inspectorate for Examination.
  - c) That the Strategic Director, Regeneration and Growth is authorised to make further editorial changes to the document prior to it being issued for publication.
- 3.37 In addition CAMRA made a written representation to the Planning Committee which whilst positive about the inclusion of DMP 21 Public Houses, considered it could be improved with further amendment. Officers consider that some of these suggestions can be incorporated but others require further discussion and ideally agreement with CAMRA, however limited time between the Planning Committee and Cabinet has meant it has not been possible to incorporate amendments into the draft Plan in Appendix 3. It is proposed that this issue be dealt with prior to or during the Examination and any changes be incorporated as modifications that will be recommended by the Planning Inspector in their report prior to the Plan's adoption.

#### **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 The costs of preparing the Plan will be met mainly from the Planning & Development budget. However, additionally there has been a need for

studies, such as the Strategic Housing Market and Employment Sites Assessments which provide evidence to support new policies and proposals. Much of this work has already been undertaken and funded. If further work is necessary, including the costs of consultation, then a business case for undertaking the work will be prepared. Any additional funding will be sought from existing budgets in Regeneration and Planning Department.

- 4.3 Costs associated with public consultation are likely to be no more than £2,000 for each round of the two rounds remaining and there will be a cost of Examination in 2015/16 of about £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 Full statutory public consultation is being carried out in preparing the DPD and 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 is undertaken at all stages of preparing the Plan.

## **Background Papers**

London Plan 2015

Brent Core Strategy July 2010

Brent Development Management Development Plan Document Consultation  
June 2014

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

## **Contact Officers**

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