

## Appendix 2

**Proposed Changes to the draft Development Management Policies Development Plan Document as a result of recommendations in relation to consultation responses as set out in Appendix 1, changes in Government planning policy, amendments to the London Plan and its associated SPGs and recognised best practice.**

**Text removed from the 2014 draft policies has been struck through. Text added in the 2015 draft policies has been underlined.**

<b>2014 Draft DMP DPD Policy</b>
No similar policy existed as proposed in 2015 version
<b>2015 Draft DMP DPD Policy</b>
<b><u>DMP 1 Development Management General Policy</u></b> <u>Subject to other policies within the development plan, development will be acceptable provided it is:</u> <u>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;</u> <u>b. satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network;</u> <u>c. provided with the necessary physical and social infrastructure;</u> <u>d. preserving or enhancing the significance of heritage assets and their settings;</u> <u>e. maintaining or enhancing sites of ecological importance;</u> <u>f. safe, secure and reduces the potential for crime;</u> <u>g. not unacceptably increasing exposure to flood risk, noise, dust, contamination, smells, waste, air quality, light, other forms of pollution and general disturbance;</u> <u>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</u> <u>i. resulting in no loss of community facilities or other land/buildings for which there is an identified need.</u>
<b>Reason for Change</b>
It is proposed to insert this policy at the beginning of the document to provide an overarching 'backstop' policy for assessing the acceptability of planning applications. It provides those with limited experience of submitting planning applications a check list of issues that will need to be resolved for a development to be acceptable. This is consistent with addressing the comments related to the 2014 document being too long. It is proposed that inclusion of this policy will reduce the repetition within policies throughout the draft Plan related to the same types of issues, e.g. each policy having a reference to satisfactory levels of parking, no adverse impact on amenity, etc. This will shorten the draft Plan and provide a focus to the policies on the unique elements that differentiate the assessment of impacts from the proposed development in addition to the more general issues that need to be addressed in all developments.

  

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 1 Supporting Strong Town Centres</b> <b>Diversity of uses</b> Main town centre uses will be acceptable within designated frontage, subject to policy DMP 2 'Non-Retail Uses', provided the following criteria are met: <u>a. The proposed use would not increase the proportion of non-retail frontage to over 40% of the</u>

<p>primary frontage;</p> <p>b. If vacancy rates exceed 10% of primary frontage <del>then changes of use to non-retail may be permitted up to a maximum of 50% of the primary frontage</del>; and</p> <p>c. The proposal provides, or maintains, an active frontage <del>within the primary frontage</del>.</p> <p><del>The council will allow unviable secondary frontage on the periphery of town centres to be redeveloped for housing, providing a satisfactory residential environment and high quality of design can be achieved.</del></p> <p><b>Retail Impact Assessments</b></p> <p><del>In order to ensure that full consideration is given to the scale of retail development and whether this would have any significant adverse impacts, proposals involving 500 sqm gross retail floorspace or above, which do not accord with the Local Plan, should be accompanied by a Retail Impact Assessment.</del></p> <p><b>Meanwhile Uses</b></p> <p><del>The use of vacant sites or buildings for occupation by temporary uses that will benefit a town centre's retail, leisure, tourism and creative offer will be supported, providing the impact on the amenity of adjoining uses is acceptable.</del></p>
<p><b>2015 Draft DMP DPD Policy</b></p> <p><b>DMP 2 Supporting Strong Centres</b></p> <p><b>Design</b></p> <p><u>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.</u></p> <p><u>Forecourt trading will be permitted where it does not cause an obstruction to pedestrians or nuisance to neighbouring residential occupiers.</u></p> <p><b>Diversity of uses</b></p> <p><u>Non-A1 or A2 uses will be permitted within town centres where:</u></p> <p>a. <u>it would not reduce the proportion of frontage in A1 and A2 use to less than 65% of the primary frontage</u>; or</p> <p>b. if vacancy rates exceed 10% of primary frontage <u>it would not reduce the proportion of frontage in A1 and A2 use to less than 50%</u>; and</p> <p>c. the proposal provides, or maintains, an active frontage.</p> <p><u>Unviable secondary frontage on the periphery of town centres will be acceptable for residential development.</u></p> <p><b>Retail Impact Assessments</b></p> <p><u>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.</u></p> <p><b>Meanwhile Uses</b></p> <p><u>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.</u></p>
<p><b>Reason for Change</b></p> <p>Consolidation of policies has resulted in the addition of Design which references shopfronts and forecourt trading in the policy. These elements have been taken from 2014 Draft DMP4 albeit made more focused in their wording. Changes to criteria a) and b) respond to Government changes in permitted development rights in 2015 which allow changes of use between A1 retail and A2. Consistent with the sequential approach to town centres development set out in NPPF, clarity has been provided that retail impact assessments are only required outside town centres. The wording on meanwhile uses has been altered to essentially provide greater flexibility and support a wider range of acceptable uses that will improve town centres.</p>

## 2014 Draft DMP DPD Policy

### DMP 2 Non-Retail Uses

### **Managing impact on amenity**

A3, A4 and A5 uses will be directed to town centres provided that they do not result in an over-concentration of such uses. Proposals will be determined taking into account the following considerations relating to their impact on local amenity:

- a. the level of parking and traffic likely to be generated, with particular regard to the impact of on-street parking and waiting at A5 takeaway uses;
- b. the effectiveness of measures to mitigate litter, undue smell, odours and noise from the premises, including the satisfactory arrangement of flues; and
- c. the likelihood of nuisance and anti-social behaviour resulting from the proposed use including any cumulative impacts.

Where appropriate, conditions will be applied to permissions to minimise any negative impacts of the proposed use.

Mini-cab offices and similar operations will only be permitted if they would not cause traffic safety problems, and sufficient off-street parking can be provided. Noise insulation will normally be necessary if there are adjoining residential properties.

### **Betting Shops, Adult Gaming Centres and Pawnbrokers**

Planning permission for betting shops, adult gaming centres and pawnbrokers will be refused where it will result in:-

- more than 4% of the town or neighbourhood centre frontage consisting of betting shops;
- more than 3% of the town or neighbourhood centre frontage consisting of adult gaming centres or pawnbrokers/payday loan shops;
- there being fewer than 4 units in an alternative use between each betting shop, adult gaming centre and pawnbrokers/payday loan shops.

### **Takeaways**

Planning permission for a takeaway will be refused where it will result in:-

- an A5 use being within 400 metres of a secondary school or further education establishment;
  - more than 6% of the units within a town or neighbourhood centre frontage consisting of A5 uses;
  - there being less than two non-A5 units between takeaways; or
  - where it would result in highway safety problems due to on-street parking in front of the premises.
- Policy WEM 26 in the Wembley Area Action Plan applies to takeaways in Wembley and Wembley Park centre.

### **Shisha Cafés**

No further Shisha Cafés will be permitted within 0.5 miles of a secondary school or further education establishment.

## **2015 Draft DMP DPD Policy**

### **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.

<b>Reason for Change</b>
Consistent with the NPPF the policy wording has been made more positive to support appropriate development. The NPPF requires a sequential approach to main town centre uses, so the uses will automatically be directed to town centres. Permitted development rights amended in 2013 and 2015 allow greater flexibility around permanent and more temporary use of A1/A2 uses to A3. In addition it is clear that shopping centres are going to have to have a higher proportion of non-A1 uses due to the changing nature of shopping patterns, so greater flexibility will have to be applied in such areas to prevent permanent loss of units/high levels of vacancy. As 2015 draft DMP1 deals with general amenity impacts of developments, which will automatically apply to all uses so this element of the 2014 policy related to A3, A4, A5 and minicab premises has been removed. Following consultation responses the distance on Shisha cafes to schools has been amended so that it is consistent with the distance for takeaways. On further analysis of the ½ mile criterion included in 2104 draft DMP3 there would have essentially been only a very small proportion of the Borough acceptable, which was therefore considered to be disproportionate and unreasonable.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 3 Neighbourhood Centres and Isolated Shop Units</b> Development resulting in the loss of A1, A2 (excluding betting shops and pawnbrokers), A3 or A4 uses in neighbourhood centres or isolated shop units outside designated town centres will <del>not</del> be permitted <del>unless</del> the centre or unit: a. is within 400 metres of equivalent alternative provision; b. <del>has been vacant for a period of more than 12 months and robust evidence is provided of efforts made to market the unit over that period at an appropriate rent;</del> or c. the proposal will provide a community facility for which there is a demonstrable need. <del>Where a loss is acceptable the most appropriate alternative use would be affordable housing, providing a satisfactory residential environment and high quality of design can be achieved.</del>
<b>2015 Draft DMP DPD Policy</b>
<b>DMP 4 Neighbourhood Centres and Isolated Shop Units</b> Loss of A1, A2, or A3 uses in neighbourhood centres or isolated shop units outside designated town centres will be permitted <u>where</u> the centre or unit: a. is within 400 metres of equivalent alternative provision; b. <u>is unviable;</u> or c. the proposal will provide a community facility for which there is a demonstrable need. <u>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.</u>
<b>Reason for Change</b>
Consistent with the NPPF the policy wording has been made more positive to support appropriate development. Viability is now dealt with in the supporting text to shorten the policy. The changes in the latter part of the policy take account of the Government's changes to permitted development rights in 2015 which allow retail uses to change to residential, subject to prior approval.






<b>2014 Draft DMP DPD Policy</b>
<b>DMP 4 Town Centre Design and Infrastructure</b> <b>1. Shopfronts</b> Shopfronts shall contribute to the attractiveness, safety and vitality of the town centre and avoid blank frontages to the street. The council will expect proposals for new shopfronts and alterations to existing shopfronts to demonstrate a high quality of design, which complements adjoining properties and the building of which it forms a part. The following considerations will be applied in determining

planning applications for new shopfronts.

- a. Shopfronts should employ materials of high quality and durability, that are compatible or complementary in colour and texture, to the surrounding area.
- b. Blinds, canopies or shutters, where acceptable in principle, must be appropriate to the character of the shopfront and its setting and allow a view into the shop during closed hours (except in the case of open-fronted shops).
- c. Illumination to shopfronts must be sited and designed so as not to cause visual intrusion from light pollution into adjoining or nearby residential properties.
- d. Shop signage should generally be limited to the strip above the main shopfront, not encroach on upper stories and not have more than one projecting sign. The council will resist proposals for further advertising additional to the name of the shop.
- e. New shopfronts must be designed to allow equal access for all users.
- f. The council will resist the removal of shopfronts of architectural or historic interest.

## **2. Extensions**

Extensions should retain adequate space for secure storage and rear servicing. Front extensions should not breach the established building line within existing shopping parades, including that on upper storeys.

## **3. Rear Servicing**

Proposals should provide, retain and, where necessary, improve facilities for rear servicing by vehicles of retail and service outlets.

## **4. Forecourts**

Planning permission for forecourt trading will be granted only where such development (including any means of enclosure that may be required by the relevant licensing authority) will not cause obstruction to pedestrians, prams, disability groups nor result in an adverse effect upon the character and appearance of the area in which it is to be located.

## **2015 Draft DMP DPD Policy**

The part of this policy on shopfronts and forecourts consolidated into draft DMP2. The other parts are general development management issues addressed in draft DMP1.

## **Reason for Change**

Government has amended permitted development rights on extensions for shops, so criterion 2 is less relevant and can be addressed in DMP1 criterion a). 3 is dealt with under draft DMP1. For the sake of brevity and increase their prominence 1. Design and 4 Forecourts have been consolidated with draft DMP2. The policy is supplemented by SPG7 Shopfronts which contains detailed design guidance.

## **2014 Draft DMP DPD Policy**

### **DMP 5 Markets and Carboot Sales**

The council will protect and promote markets by:

- a. resisting the permanent loss of existing retail markets 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 specialist, crafts and farmer's markets in town centres which help diversify provision.

When assessing planning applications for new markets and carboot sales consideration will be given to:

- a. any adverse impacts on local residents and environmental conditions;
- b. their impact on transport and pedestrian movement, including the effect on access and circulation, highways, parking and servicing;
- c. their effect on local centres and shopping provision; and
- d. recycling and refuse considerations.

Planning permission for new markets and carboot sales will be subject to a Servicing and Management Plan and Transport Statement or Assessment being agreed by the council.

#### **2015 Draft DMP DPD Policy**

##### **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.

##### **Reason for Change**

The policy has been amended for the sake of brevity considering the likely number of applications to be received as these issues can be effectively addressed in draft DMP1.

#### **2014 Draft DMP DPD Policy**

##### **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, ~~providing proposals:~~

- ~~a. do not compromise the supply of land for new homes and the council's ability to meet its housing targets;~~
- ~~b. do not adversely affect residential amenity;~~
- ~~c. do not create adverse environmental and traffic effects and provide adequate parking, road access and servicing for coaches and other vehicles undertaking setting down and picking up movements;~~
- ~~d. are in accessible areas of good public transport, walking and cycling.~~

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

Conditions will be applied to ensure visitor accommodation is not permanently occupied where relevant.

~~The council will resist developments which will result in the loss of strategically important hotel capacity.~~

#### **2015 Draft DMP DPD Policy**

##### **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.

##### **Reason for Change**

The draft policy has been amended for the sake of brevity as criteria b)-d) can be effectively addressed in draft DMP1. The criteria for requiring travel plans are dealt with in London Plan Policy 6.3. and associated TfL guidance. London Plan Policy 4.5 London Visitor Infrastructure addresses loss of strategically important hotel capacity so does not need repeating in draft DMP6.

#### **2014 Draft DMP DPD Policy**

##### **DMP 7 Urban Design**

~~Successful new developments must be designed to create integrated, inclusive, legible, attractive and safe places and will:~~

- a. create or enhance an urban pattern that is connected, permeable and legible, and is attractive and functional at a human scale
- b. ensure a clear distinction between public, semi-private and private space.
- c. respect the form and rhythms of the street of which it is a part, by reflecting or responding to the established building lines and spacing;
- d. reduce crime and fear of crime by providing natural surveillance through design;
- e. improve and prioritise movement by foot, bicycle and public transport and enable accessibility to all; and
- f. have regard to the natural context including landscape character, topography and trees and include coordinated and integrally designed landscaping as a natural setting for all buildings.

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

#### **Reason for Change**

The issue of design is covered significantly and sufficiently in London Plan Policies, including Policy 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. These have been added to by extensive guidance documents including the following SPGs, Housing, Character and Context, Sustainable Design and Construction, Play and Informal Recreation and Accessible London. In addition Brent Core Strategy includes policies CP5 Placemaking, CP6 Design and Density in Place Shaping and CP17 Protecting and Enhancing the Suburban Character of Brent. Reference to these policies and documents is made in the amended draft DMP. This policy added nothing locally specific to Brent and at a general level is dealt with in draft DMP1. Brent local distinctiveness can be addressed in the planned programme of updates of more detailed Brent specific design documents including SPG17 Designing Brent and SPG5 Residential Extensions, SPG7 Shopfronts plus other documents like conservation area design guides.

#### **2014 Draft DMP DPD Policy**

##### **DMP 8 Design Principles**

New buildings and extensions or alterations to existing buildings, will be required to be of a high standard of sustainability and architecture and sensitively contribute to the immediate context and a distinctive local character. Proposals in Brent will be expected to demonstrate the following principles:

- a. **Scale:** Consider the existing character and context and be of an appropriate and complementary scale;  
massing and height in relation to its immediate and strategic context;
- b. **Extensions and outbuildings:** In the case of an extension or outbuilding development, have regard to the quality, character and scale of the principal building, preserving its predominance as well as respecting the surrounding established context including the quality and size of gardens;
- c. **Backland:** Where development of a backland site is acceptable, respect the grain and nature of the predominant street character and be subservient to the frontage development;
- d. **Positive local design:** Respect and where appropriate refer to positive local design and Brent's historic environment;
- e. **Architectural style:** Exhibit a rigorous and well-considered application of the principles of any chosen style or architecture to make a positive contribution to the character of the area;
- f. **Tall buildings:** In the case of tall buildings, achieve exceptional design standards;
- g. **Streetscape:** Have an attractive and complimentary presence in the streetscape, with a direct relationship to the street level and a defined recognisable entrance;
- h. **Materials:** Ensure sustainable buildings through the application and use of high quality materials;
- i. **Amenity:** Maximise levels of daylight/sunlight for existing and future occupants through considered site layout and provide or maintain appropriate levels of outlook and privacy;
- j. **Building services:** Give early and appropriate consideration to the design and location of building services equipment to complement the overall design composition and protect neighbouring amenity.

**2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

**Reason for Change**

The issue of design is covered significantly and sufficiently in London Plan Policies, including Policy 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. These have been added to by extensive guidance documents including the following SPGs, Housing, Character and Context, Sustainable Design and Construction, Play and Informal Recreation and Accessible London. In addition Brent Core Strategy includes policies CP5 Placemaking, CP6 Design and Density in Place Shaping and CP17 Protecting and Enhancing the Suburban Character of Brent. Reference to these policies and documents is made in the amended draft DMP. This policy added nothing locally specific to Brent and at a general level is dealt with in draft DMP1. Brent local distinctiveness can be addressed in the planned programme of updates of more detailed Brent specific design documents including SPG17 Designing Brent and SPG5 Residential Extensions, SPG7 Shopfronts plus other documents like conservation area design guides.

**2014 Draft DMP DPD Policy****~~DMP 9 Inclusive and Accessible Design~~**

New developments and alterations to buildings and the public realm should be designed to be inclusive and accessible, free from physical and psychological barriers, enabling equitable access for all of Brent's residents to facilities, services and new developments. In particular:

- ~~a. public buildings and spaces should demonstrate that they can be accessed and used easily regardless of any disability, age, gender, ethnicity or economic circumstances;~~
- ~~b. all non-public developments should meet high standards of accessibility; and~~
- ~~c. car parking should be provided in safe and accessible locations for disabled people.~~

**2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

**Reason for Change**

The issue of design is covered significantly and sufficiently in London Plan Policies including Policy 7.2 An Inclusive Environment, plus the related Mayor's SPG: Accessible London: Achieving an Inclusive Environment. Reference to these policies and the SPG is made in the amended draft DMP. This policy added nothing locally specific to Brent and at a general level is dealt with in draft DMP1. Access will be taken into account and included in the planned programme of updates of more detailed Brent specific design documents including SPG17 Designing Brent and SPG7 Shopfronts.

**2014 Draft DMP DPD Policy****~~DMP 10 Protecting Amenity~~**

All development proposals must be designed to provide an acceptable quality and quantity of amenity for future occupiers and should protect the amenity enjoyed by existing neighbours. Development proposals should:

- ~~a. maximise daylight and sunlight for future users and maintain acceptable levels for existing neighbours;~~
- ~~b. provide acceptable levels of privacy and outlook for future users and maintain acceptable levels for existing neighbours;~~
- ~~c. prevent excessive spillage of artificial light to avoid unacceptable nuisance through light pollution;~~
- ~~d. protect and maintain the quality and appropriate quantity of amenity space;~~
- ~~e. control noise and vibration to minimise disturbance; and~~
- ~~f. not result in unacceptable levels of odour, fumes, dust or other air pollution.~~

**2015 Draft DMP DPD Policy**

None. The policy is recommended for removal/incorporation into 2015 Draft DMP1.

<b>Reason for Change</b>
This policy provided nothing locally distinctive to Brent and the elements related to protecting amenity in this generalised manner have essentially been captured in the proposed draft Policy DMP1.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 11 Urban Greening, Landscaping and Trees</b> All development should contribute to urban greening and the borough's landscaping and trees will be protected and enhanced where appropriate by: a. requiring a design which reflects and enhances the proposed use of the building and the needs of its users, the natural character of the locality and surrounding buildings including soft landscaped frontages, boundary treatments and the retention/reinstatement of features of landscape character; b. expecting the protection and retention of good quality existing trees, mature shrubs and hedges that make a significant contribution to the streetscape and requiring detailed specification for new planting, promoting native species, and including like for like or a higher quality of replacement trees; c. providing living roofs and walls; d. requiring management and/or maintenance plans; e. ensuring a coordinated and appropriate approach to landscape/street furniture to provide an amenable, safe and attractive landscape; f. requiring all hard surfacing to be good quality in its appearance, durable and be porous or have appropriate run-off; and f. the use of Tree Protection Orders.
<b>2015 Draft DMP DPD Policy</b>
None. The policy is recommended for removal.
<b>Reason for Change</b>
The issue of Urban Greening, Landscape and Trees is covered significantly and sufficiently in London Plan Policies including Policy 2.18 The Multi-functional network of green and open spaces, 5.10 Urban Greening and 7.21 Trees and Woodland plus the related Mayor's SPG: Sustainable Design and Construction. Reference to these policies is made in the amended draft DMP. Urban Greening, landscape and trees will be taken into account and included in the planned programme of updates of more detailed Brent specific design documents including SPG17 Designing Brent and SPG5 Residential Extensions.



<b>2014 Draft DMP DPD Policy</b>
<b>DMP 12 Public Realm</b> <b>Public Spaces</b> A high quality of design and materials will be required for the street environment and all publicly accessible outdoor spaces. The design and provision of all important street elements, such as soft landscaping, lighting, furniture and public art, should be coordinated and well designed and located, to make a positive contribution, avoid unnecessary clutter, and ensure a safe, informative and attractive environment. <b>Advertisements</b> Advertisements, including those on buildings as well as freestanding advertisements, are expected to be of a high quality and sensitive design. Successful proposals will: a. be in keeping with the scale and architecture of the building and/or sensitive to the character of the area in their scale and position; b. not detract from the character of a listed building, conservation area or its setting; c. not be positioned on open space or block views across it, or obscure other important views, trees or landscaping; d. not lead to advertisement clutter; e. not be located on railway embankments; f. not harm residential amenity through light pollution or noise; and

g. be located away from road junctions and pedestrian crossing points where they could cause a hazard to road users or pedestrians;

Large high level signs on buildings and freestanding advertisements are unlikely to be supported, especially in residential areas. Advertisements affecting Conservation Areas or Listed buildings will not be supported.

On the North Circular Road freestanding adverts unrelated to businesses should be of an appropriate scale, located away from residential properties and not obscuring landscaping or resulting in clutter. Adverts related to businesses should be located within the premises and of a scale that is appropriate to its context.

#### **Telecommunications**

The expansion of telecommunications networks will be supported subject to the following requirements:

h. the operator has explored the possibility of sharing an existing mast or of erecting one suitable for joint use;

i. any mast and/or equipment will be sited and designed so as to minimise their visual impact on the skyline and setting;

j. technologies to miniaturise and camouflage equipment have been fully utilised and the minimum reasonable number of pieces of apparatus are proposed;

k. the proposal includes a statement stipulating that the facility, when operational, will not exceed ICNIRP guidelines for public exposure; and

l. significant or irremediable electromagnetic interference will not arise.

Telecommunications equipment on Listed Buildings or in Conservation Areas and proposals to locate ground-based masts within Sites Of Special Scientific Interest will not normally be supported.

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

#### **Reason for Change**

The issues addressed by Public Realm are covered significantly and sufficiently in London Plan Policy including Policy 7.5 Public Realm and locally in the Brent Place Making Guide. The policies on Advertisements and Telecommunications essentially replicated NPPF and NPPG (although with some inconsistencies pointed out representations received), so essentially provided nothing locally specific that warrants a local policy. Reference to these higher level policies and the NPPF/NPPG is made in the amended draft DMP.

#### **2014 Draft DMP DPD Policy**

##### **DMP 13 Heritage**

Brent's heritage assets will be afforded a high level of protection appropriate to their historic value and their contribution to the distinctive character and diverse cultural identity of Brent. The special character of heritage assets must be protected and enhanced through sensitive proposals which preserve their character and ensure them a secure future.

Rigorous and considered supporting information must accompany all applications and should be suitable to the designation of the asset and extent of development proposed.

##### **Conservation Areas**

To protect the character of Conservation Areas the council will:

a. only approve developments which preserve and/or enhance the character or appearance of the area;

b. grant permission for demolition of a building or part of a building only where it does not positively contribute to the character or appearance of the area and will only do so where a full application has been submitted showing what is to be substituted;

c. not approve proposals which would detrimentally affect their setting, including alterations to the public realm and developments outside of the Conservation Area boundary; and

d. not accept applications for development in Conservation Areas in 'outline' form only.

##### **Listed Buildings**

To protect the character of Listed Buildings in Brent the council will:

e. resist development which will have an unsympathetic impact on the special architectural or historic

<p>interest/character of the building and/or its setting;</p> <p>f. require applications, including changes of use, which will affect the extension, future use, or appearance of a Listed Building to have special regard to the desirability of preserving its special character; and</p> <p>g. expect any physical alterations to be appropriate in terms of design, scale, detailing and materials.</p> <p><b>Sites of Archaeological Interest</b></p> <p>h. The council will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate. The council may require a desktop analysis/survey and a subsequent watching brief on sites that do not have a formal designation as a heritage asset.</p> <p><b>Registered Parks and Gardens</b></p> <p>i. Applications which affect Registered Parks and Gardens or their setting will be required to be sympathetic to the character of the heritage asset.</p> <p><b>Local Heritage Assets</b></p> <p>j. Development within Areas of Distinctive Residential Character should pay particular attention to the design, height and space between buildings in order to protect their individual qualities and character.</p> <p>k. There is a presumption against the demolition of Locally Listed buildings unless:</p> <p>i. significant community benefit can be demonstrated, and</p> <p>ii. the replacement building is of at least equal architectural quality to the building it replaces</p> <p>l. The fabric and setting of the boroughs locally designated Monuments and Earthworks will be protected.</p> <p><b>Local Views</b></p> <p>m. Applications affecting designated local views will be assessed with regard to the scale of any impact.</p>
<b>2015 Draft DMP DPD Policy</b>
<p><b>DMP 7 Brent's Heritage Assets</b></p> <p>Proposals for or concerning heritage assets should:</p> <p>a. demonstrate a clear understanding of the architectural or historic significance 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, where the loss of which would cause harm;</p> <p>d. sustain and enhance the significance of the heritage asset, its curtilage and setting, taking account of streetscene, views, vistas, street patterns, plot and planform;</p> <p>e. contribute to local distinctiveness, built form, character and scale of heritage assets by good quality contextual design and the use of appropriate materials and expertise</p>
<b>Reason for Change</b>
<p>The draft policy is recommended for substantial change in response to representations made by English Heritage and the Council's new Principal Heritage Conservation Officer. It seeks to simplify the policy, making it more focused whilst at the same time robust in relation to all heritage assets, both statutorily protected and those covered by local designations.</p>

<b>2014 Draft DMP DPD Policy</b>
<p><b>DMP 14 Protection of Open Space</b></p> <p>Development on Metropolitan Open Land (MOL) will only be allowed in very special circumstances where:</p> <p>a. development is small scale and provides essential facilities supporting outdoor open space uses; and</p> <p>b. the open character of the land is preserved.</p> <p>Development on other open space will only be allowed in exceptional circumstances including where:</p> <p>c. it provides essential facilities to ensure the function, use and enjoyment of the open space; or</p> <p>d. as part of a wider development proposal there is a net increase of open space and a higher quality</p>

<p>open space outcome is achieved. The continuity of identified green chains will be maintained and, where practical, extended. Existing sites for food growing will be protected and food growing opportunities within new developments will be encouraged. Redevelopment of existing play areas will only be considered where they are re-provided within the development site or at a more appropriate location within the same catchment and at equal or improved size, quality and accessibility.</p>
<b>2015 Draft DMP DPD Policy</b>
<p><b>DMP 8 Open Space</b> Where open space is proposed it should be:</p> <ul style="list-style-type: none"> <li>a. publicly accessible;</li> <li>b. appropriately designed to be safe, usable and integrated into the development site;</li> <li>c. enhance biodiversity and integrate into the existing green infrastructure network; and</li> <li>d. include a suitable long-term management plan.</li> </ul> <p>Existing sites for food growing will be protected and food growing opportunities within major residential developments will be encouraged.</p>
<b>Reason for Change</b>
<p>Much of the 2014 policy essentially replicated London Plan Policy 7.17 Metropolitan Open Land, 7.18 Protecting Open Space and Addressing Deficiency, plus Brent Core Strategy Policy CP18 Protection and Enhancement of Open Space, Sports and Biodiversity. It is recommended that these elements are removed, whilst policy is included to ensure new open space provision is well designed and maintained, and reference to food growing opportunities is retained.</p>

<b>2014 Draft DMP DPD Policy</b>
<p><b>DMP 15 Enhancing Biodiversity and Access to Nature</b> The council will protect species and habitats and seek improvements to access to nature:</p> <ul style="list-style-type: none"> <li>a. Developments that would adversely affect a site of recognised nature conservation value or would increase deficiencies in access to nature will not be supported.</li> <li>b. All developments will be required to protect and enhance the biodiversity value of a site and area through their design and layout, impacts on biodiversity will be considered against the London Plan and Brent's Biodiversity Action Plan</li> <li>c. Green corridors will be protected from development which would impede their use as routes for wildlife.</li> </ul>
<b>2015 Draft DMP DPD Policy</b>
None. The policy is recommended for removal.
<b>Reason for Change</b>
<p>London Plan Policy 7.19 Biodiversity and Access to Nature includes a hierarchy for decision making where a development may directly, indirectly or cumulatively affect a site of nature conservation value. 2014 DMP 15 did not provide a local dimension to policy essentially replicating elements of the London Plan policy. The 2015 draft will make reference to the policy and for the sake of brevity it is recommended that the policy is removed.</p>

<b>2014 Draft DMP DPD Policy</b>
<p><b>DMP 16 Waterside Development</b> The council will promote the enhancement and use of the Blue Ribbon network:</p> <ul style="list-style-type: none"> <li>a. Proposals for development adjacent to river and canal edges are required to provide an appropriate set-back and appropriate landscaping of the set-back which may include public open space.</li> <li>b. Development should enhance the local distinctiveness of the waterside environment.</li> <li>c. Proposals for new or improved waterway facilities will be supported where they would not conflict with other users, the navigable area of the canal or the aims of Brent's Biodiversity Action Plan.</li> <li>d. Developments should improve pedestrian/cycle access to the waterways in Brent creating or</li> </ul>

replacing routes through or around development sites.
e. Developments will be required to contribute towards restoration and naturalisation of waterways.
<b>2015 Draft DMP DPD Policy</b>
<b>DMP 9 Waterside Development</b>
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 <u>improve access to the waterways and provide an appropriate landscaped set-back</u> which may include public open space.
b. Developments <u>adjacent to the Blue Ribbon network, or with potential to negatively impact on its water quality</u> , 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.
<b>Reason for Change</b>
The London Plan has extensive decision making policy advice in relation to the blue ribbon network, including Policy 7.27 and 7.28 Blue Ribbon Network and Policy 7.30 London's Canals. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that duplication is removed. Specific reference has been included to the objectives of the Water Framework Directive in response to the consultation response from the Environment Agency.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 17 Noise &amp; Vibration</b>
Noise and/or vibration generating development will not be permitted where it would harm existing or proposed noise sensitive development in the area or where it would impact upon identified Quiet Areas.
Developments sensitive to noise and/or vibration will not be permitted in locations where noise pollution exists unless acceptable attenuation measures can be demonstrated.
<b>2015 Draft DMP DPD Policy</b>
None. The policy is recommended for removal.
<b>Reason for Change</b>
London Plan Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes addresses this issue. 2014 DMP 17 did not provide a local dimension to policy essentially replicating elements of the London Plan policy and the NPPF/NPPG. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 18 Air Quality</b>
Air quality assessments will be required for major development or any development likely to worsen air quality.
The potential impact of proposed developments on air quality will be taken into account when assessing planning applications. Where significant adverse impacts are predicted which cannot be satisfactorily mitigated, development will not be permitted.
Major development should be at least air quality neutral and not lead to a deterioration of air quality in the borough's Air Quality Management Areas.
Development likely to be used by people vulnerable to poor air quality should not be located in areas with existing very poor air quality, such as adjacent to the North Circular Road or other locations where air pollution is a recognised problem.
<b>2015 Draft DMP DPD Policy</b>
None. The policy is recommended for removal.
<b>Reason for Change</b>
London Plan Policy 7.14 Improving Air Quality addresses this issue. 2014 DMP 18 did not

provide a local dimension to policy essentially replicating elements of the London Plan policy and the NPPF/NPPG. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 19 Contaminated Land**

Where development is proposed on contaminated or potentially contaminated land, the council requires applicants to provide adequate site investigation information, prepared by a competent person. The applicant must demonstrate that the site is suitable for its new use and does not present an unacceptable risk from pollution.

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

##### **Reason for Change**

London Plan Policy 5.21 Contaminated Land addresses this issue. 2014 DMP 19 did not provide a local dimension to policy essentially replicating elements of the London Plan policy and the NPPF/NPPG. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 20 New Development in Areas of Flood Risk**

Any development that has the potential to contribute to flood risk (individually or cumulatively), will be resisted.

Development proposals in flood risk zones 2 and 3 (as identified by the Environment Agency), and all development proposals for sites of 1 ha or above in flood risk zone 1, should be accompanied by a Flood Risk Assessment.

The sequential test should be applied to development in flood risk areas (unless it is an allocated site), and the exception test will be applied where it does not meet its requirements. Following these tests, where development is still proposed in areas with residual flood risk, flood resilience should be designed into the development.

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

##### **Reason for Change**

London Plan Policy 5.12 Flood Risk addresses this issue. 2014 DMP 20 did not provide a local dimension to policy essentially replicating elements of the London Plan policy and the NPPF and extensive guidance in the NPPG. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 21 Surface Water**

All new development should utilise sustainable urban drainage systems (SuDS) wherever practical. Development proposals on sites over 0.5 hectare should meet greenfield run-off rates and should incorporate wider surface water management measures, or contribute to planned improvements where appropriate.

All other developments should aim to achieve greenfield run-off rates and ensure that management of surface water run-off is in line with the drainage hierarchy

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

##### **Reason for Change**

London Plan Policy 5.12 Flood Risk addresses this issue. It 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. 2014 DMP 21 did not provide

a local dimension to policy essentially replicating elements of the London Plan policy and the NPPF and extensive guidance in the NPPG. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 22 Renewables and Decentralised Energy**

a. All major developments and new developments for residential units will be expected to reduce their carbon emissions through the use of decentralised energy, subject to viability, according to the following hierarchy:

- i. Connection to an existing network;
- ii. Where a network is planned provision should be made to enable future connection and a contribution towards the connection cost will be required;
- iii. Where there is no existing or planned network or connection is not viable, major developments should develop a Shared Heating Network.

b. All major developments and new developments for residential units are required to maximise opportunities for incorporating on-site micro-generation.

c. Retrofitting will be supported and developments will be expected to demonstrate that all opportunities for reusing and improving the sustainability of existing buildings have been considered.

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

#### **Reason for Change**

London Plan Policy 5.2 Minimising Carbon Emissions, 5.3 Sustainable Design and Construction, 5.6 Decentralised Energy in Development Proposals and 5.7 Renewable Energy addresses this issue, along with associated GLA publications. 2014 DMP 22 did not provide a local dimension to policy essentially replicating elements of the London Plan. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 23 Overheating and Cooling**

All new developments should demonstrate how their design will minimise energy requirements for heating and cooling through passive design measures, following the cooling hierarchy. Developments should:

1. Minimise internal heat generation through energy efficient design;
2. Reduce the amount of heat entering a building in summer through orientation, shading, reflection, fenestration, insulation and green roofs and walls;
3. Manage the heat within the building through exposed internal thermal mass and high ceilings;
4. Utilise passive ventilation;

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

#### **Reason for Change**

London Plan Policy 5.3 Sustainable Design and Construction and associated Sustainable Design and Construction SPG address this issue. 2014 DMP 23 did not provide a local dimension to policy essentially replicating elements of the London Plan. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 24 Allowable Solutions**

A financial contribution to offset the remaining carbon demands will be required where developments cannot achieve the carbon emissions reductions required of them, subject to the following criteria:

- i. It being demonstrated that all feasible carbon reduction measures will be implemented on site.
- ii. The contribution will be calculated on the basis of a price per tonne of carbon to address the calculated shortfall.
- iii. The contribution will be made to Brent and will be used individually or as part of a fund to mitigate the remaining carbon demands.

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

#### **Reason for Change**

Government clarified in 2015 that the energy performance of buildings is the remit of Building Regulations and not a Planning matter. It had long been proposed that dwellings would be required to be Zero Carbon by 2016 with non-residential buildings needing to meet this standard by 2019. In July the Chancellor announced the postponement indefinitely of these targets which also included reference to allowable solutions in lieu of meeting energy efficiency targets on site. London Plan Policy 5.2 Minimising Carbon Dioxide Emissions proposed to address allowable solutions, with spending ring-fenced to Boroughs in which the development was proposed in the first instance in a proposed Minor Modification issued in 2015. This is currently submitted for examination. Given the Government's announcement on zero carbon which will mean no allowable solutions fund being generated, it remains to be seen if this amendment to London Plan policy will be successful at Examination. If it is in anticipation of the Zero Carbon being implemented at some point, then suitable policy will exist in the London Plan and Brent will not need its own. Any further detail on Brent specific allowable solutions would be contained in an update of the Planning Obligations SPD. If the proposed changes to the London Plan are not supported following Examination, then realistically the same would also be true of Brent's policy. On this basis it is recommended that the draft 2014 policy is removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 25 Transport Implications of New Development**

##### **Transport Assessment**

Developments which will have a potentially significant impact on the transport network should submit a Transport Assessment or Transport Statement, and an accompanying Travel Plan, as part of the planning application.

Where a development is likely to have a significant impact on the operation of the local highway network, public transport services or other transport facilities, and these cannot be satisfactorily mitigated, the application will be refused.

##### **Environmental Impact of Traffic**

Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated, it will be refused, including where:

- a. the anticipated level of car trip generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems;
- b. the proposal would have unacceptable environmental impacts such as noise or air quality;
- c. the development would not easily and safely be accessible to pedestrians and/or cyclists;
- d. additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists;
- e. the proposals would produce unacceptable road safety problems;
- f. the capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion, especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads.

Where transport impact is unacceptable, measures should be considered, either individually or in combination, which could acceptably mitigate this and enable the development.

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

**Reason for Change**

London Plan Policy 6.3 Assessing Effects of Development on Transport Capacity and associated guidance Transport Assessment Best Practice Guidance and Travel Plan Guidance produced by TfL address this issue. 2014 DMP 25 did not provide a local dimension to policy essentially replicating elements of the London Plan. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

**2014 Draft DMP DPD Policy**

**DMP 26 Public Transport Integration**

Development should benefit and not harm the operation of the public transport network, and should be located where public transport accessibility is sufficient to service the scale and intensity of use, in particular where:

- a. the capacity of the public transport network, within safe walking distance, is sufficient to accommodate any increase in passenger trips; and
- b. the increase of traffic generated would not cause harm to the efficiency of bus services.

Proposals should, in appropriate locations, enhance opportunities to provide interchange between public transport services.

Where there is an unacceptable impact, there may be specific public transport measures required, and developers will be required to fund these. Mitigation measures should be secured through planning obligations.

**2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

**Reason for Change**

London Plan Policy 6.3 Assessing Effects of Development on Transport Capacity and associated guidance Transport Assessment Best Practice Guidance and Travel Plan Guidance produced by TfL address this issue. 2014 DMP 26 did not provide a local dimension to policy essentially replicating elements of the London Plan and NPPF/NPPG. The 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the policy is removed.

**2014 Draft DMP DPD Policy**

**DMP 27 Cycling and Walking**

Developers should ensure that proposals are designed in accordance with best practice to ensure safe and convenient access for pedestrian and cyclists whilst considering opportunities to expand the permeability of the pedestrian and cycle network. Where necessary, the council will seek improvements from developers to ensure that the development impact is acceptable in planning terms, particularly that access and facilities follow desire lines wherever possible and minimise walking distances to local facilities. Cycle and pedestrian routes should not be isolated from other activity.

**The London Cycle Network**

Design for cycle facilities should be in accordance with London Cycling Design Standards. Major developments will be expected to contribute towards improvement in links to and on the London Cycle Network, where the need for such facilities arise directly from the need to service the development by sustainable modes.

Developments should comply with the plan's minimum Cycle Parking Standard (see appendix 2). Cycle parking should be situated in a convenient, secure and where appropriate, sheltered location. Priority will be given to improving cycle parking at stations and in town centres.

**Capital Ring**

Development on or near the route (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.
<b>2015 Draft DMP DPD Policy</b>
<b>DMP 10 Capital Ring</b> Development on or near the <u>Capital Ring</u> (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.
<b>Reason for Change</b>
London Plan Policy 6.9 Cycling and Policy 6.10 Walking addresses this issue. 2014 DMP 27 did not for the most part provide a local dimension to policy essentially replicating elements of the London Plan. Where it did on the Capital Ring, it is recommended that this is retained. Otherwise the 2015 draft will make reference to relevant higher level policy and for the sake of brevity it is recommended that the rest of the policy is removed.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 28 Managing the Highway Network</b> <b>Forming an Access Onto a Road</b> An application for the creation of an access to a highway (other than the North Circular Road) will be acceptable where: <ol style="list-style-type: none"> <li>the location of the access would be at a safe point <del>with adequate visibility</del>;</li> <li>the access and amount of off-street parking proposed would be visually acceptable (having regard to existing highway verges and trees affected <del>and policy DMP 11 'Urban Greening, Landscaping and Trees'</del>);</li> <li><del>when the street is</del> Heavily Parked, the proposal does not result in the loss of more than one on-street space, and, where there is controlled parking, does not result in the creation of more off-street spaces than permitted by the parking standard;</li> <li>new access points, or where development will result in the increased use of existing access points, along London Distributor Roads (as shown on the Policies Map), does not harm their role of distributing traffic across London, in particular bus traffic.</li> </ol> In addition applications must demonstrate the following: <ol style="list-style-type: none"> <li>new highway layouts, visibility splays and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance;</li> <li>for a site with a new road, the proposal should have efficient internal circulation as well as integrating with the existing road network in a convenient manner, including for emergency service vehicles, pedestrians, cyclists and, where appropriate, buses; or,</li> </ol> New accesses onto the North Circular Road will be resisted in all cases except where <del>replacing an existing unsafe access</del> . 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. A preliminary safety audit must be submitted with all major development proposals which abut the TLRN.
<b>Road Safety and Traffic Management</b> In assessing planning applications, priority should be given to road safety issues, particularly those affecting the convenience and safety of vulnerable road users such as pedestrians and cyclists. Where there is an impact on the highway network, and development requires work to be undertaken to make the impact acceptable, this should be sought through planning obligation or condition.
<b>2015 Draft DMP DPD Policy</b>
<b>DMP 11 Forming an Access on to a Road</b> Other than the North Circular Road, TLRN and London Distributor Roads applications for the creation of an access to a highway <u>or where development will result in the increased use of existing access points</u> will be acceptable where: <ol style="list-style-type: none"> <li>the location of the access would be at a safe point;</li> <li>the access and amount of off-street parking proposed would be visually acceptable (having regard to existing highway verges and trees affected);</li> </ol>

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.

#### **Reason for Change**

The draft 2015 policy is recommended for rewording to reduce its length and increase its clarity on locally specific issues in reflecting consultation responses. The issue of road safety is one that is addressed in draft 2015 DMP1.

### **2014 Draft DMP DPD Policy**

#### **DMP 29 Parking**

##### **Parking standards and managing the availability of car parking**

Developments should provide the ~~minimum necessary car parking provision~~. Opportunities for development to be car free should be considered in appropriate locations, ~~where there is good or better public transport access~~.

~~Where the need for car parking provision is accepted, development should not exceed the maximum standard for the area in which it is located (excluding spaces designated for disabled people).~~

~~Development should comply with the council's parking standards, as set out in appendix 2.~~

In areas of on-street parking stress where there are Controlled Parking Zones, the council will remove or limit access to on-street parking permits for future occupiers of the development other than for disabled blue badge holders.

~~Developments will also be expected to meet the council's minimum standards for cycle parking set out in appendix 2.~~

~~The council will:~~

- ~~a. strongly encourage contributions to car clubs and pool car schemes in place of private parking in new developments across the borough secured through a planning obligation; and~~
- b. seek the provision of electric charging points in keeping with the London Plan standards as part of any car parking provision.

##### **Managing the impact of parking**

~~The creation of additional car parking spaces should not have negative impacts on parking, highways or the environment, and the removal of surplus car parking spaces will be encouraged. Development will not be supported that would:~~

- ~~a. harm highway safety or hinder pedestrian movement;~~
- ~~b. provide inadequate sight lines for vehicles leaving the site;~~
- c. add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions;
- d. require detrimental amendment to existing or proposed Controlled Parking Zones;
- e. create a shortfall of public car parking, operational business parking or residents' parking;
- f. create, or add to, an area of car parking that has a harmful visual impact.

The council will require off-street parking to:

- g. preserve a building's setting and the character of the surrounding area;
- h. 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
- i. provide adequate soft landscaping, permeable surfaces (~~see DMP 21 'Surface Water'~~), 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**

Standards for parking in town centres are set out in appendix 2. When considering development proposals in town centres, regard will be had to the impact of any on-street parking generated on the operation of the centre and the availability of on and off-street public parking spaces within easy walking distance of the site.

The maximum additional amount of parking provided by individual development shall be no greater than the maximum standard for freestanding development, unless existing parking spaces are being re-located from a worse location.

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

### **2015 Draft DMP DPD Policy**

#### **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.

### **Reason for Change**

The policy has been reworded following consultation responses, generally to provide greater clarity and brevity. The provision of electric charging points will be consistent with London Plan Policy 6.13 Parking, so does not need repeating in policy. The draft 2015 Policy takes account of the potential for some town centres to either have too much parking in the wrong

place (surplus), or not enough and is recommended to be amended accordingly to positively address this issue.

#### **2014 Draft DMP DPD Policy**

##### **DMP 30 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 3, ~~and we~~ will work with developers to provide the optimum servicing and delivery arrangements for new developments. Servicing should be provided ~~within the curtilage of the site~~ wherever possible.

#### **2015 Draft DMP DPD Policy**

##### **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.

#### **Reason for Change**

It is recommended that minor changes to the policy be made in response to representations relating to greater flexibility being sought for servicing. Whilst where servicing land is still required its loss will be resisted.

#### **2014 Draft DMP DPD Policy**

##### **DMP 31 Local Employment Sites**

The council will allow the release of Local Employment Sites to non-employment uses ~~subject to the following criteria being met:~~

- ~~a. Cumulatively no more than 7.5 ha of local employment sites being lost over the plan period, in addition to the sites identified for release; and~~
- ~~b. It can be demonstrated there is no current or future demand for the site for ongoing employment use and the possibility of redeveloping the site for alternative employment uses has been fully explored; or~~
- ~~c. The redevelopment of the site for a mixed use scheme incorporating the maximum amount of employment floorspace possible would accommodate the existing employment use or, where the site is vacant, would result in employment space that meets an identified need for affordable workspace in~~

the borough, as well as demonstrable wider regeneration benefits to the community. Proposals for residential development will also be subject to a satisfactory residential environment and high quality of design being achieved. Where the loss of employment use is in a primary or secondary frontage within a town centre an active frontage is to be retained.

## **2015 Draft DMP DPD Policy**

### **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.

## **Reason for Change**

The policy has been amended due to changes in Government policy which are placing greater emphasis on Planning Authorities not unreasonably restricting loss of employment land, particularly for housing uses where the existing use is unviable. This has been amplified through greater permitted development rights for employment uses to other uses including residential, both temporary and permanent and announcements such as the Starter Homes initiative which referenced older employment sites as opportunity areas. No target has been set to restrict loss, as this is now considered to be unreasonable and it is recommended that emphasis in the Plan be placed on seeking to protect the higher order formally designated employment areas of SIL and LSIS. It is recommended that other relevant parts of draft 2014 policies on employment are consolidated so that one policy is taken forward. The draft 2015 policy reflects advice in an updated Employment Land Review on the amount of employment land that can be released for other uses. For the land that is released it is important that it is well planned development that meets wider borough objectives, rather than piecemeal loss of sites in a variety of locations, e.g. it supports Housing Zones, delivers a minimum of 50% affordable housing, or otherwise addresses issues such as the need for secondary school sites.

**2014 Draft DMP DPD Policy****DMP 32 Offices**

The council will allow development resulting in the loss of vacant office floor space where there is evidence over a period of 12 month, active marketing (at a reasonable value for that area) has been carried out; and the possibility of retaining, reusing or redeveloping the site for alternative smaller or more flexible units suitable for SMEs has been fully explored.

**2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

**Reason for Change**

The 2014 policy has essentially been overtaken by Government policy related to permitted development rights for changes of use of office (whether vacant or occupied) to residential. Government has given strong indication that this will be continued and exemptions which were permitted in some areas are also likely to be removed. Consequently it is recommended that this policy is removed.

**2014 Draft DMP DPD Policy****DMP 33 Affordable Workspace**

The council will seek through developer contributions at least 10% of the floorspace within new major commercial development schemes in SIL and LSIS to be affordable workspace for SMEs, subject to viability.

If on-site provision is not possible or appropriate, financial contributions for equivalent off-site provision will be sought.

Proposals for the redevelopment of existing affordable workspace must seek to incorporate an equivalent amount of affordable workspace that is flexible and/or workspace suitable for occupation by micro and small enterprises, unless it can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses, or that this would make the scheme unviable. Creative businesses will be supported and encouraged.

**2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

**Reason for Change**

Consultation responses raised concerns policy would discourage investment in redevelopment of SIL and LSIS. The recommendation is to remove this policy to encourage greater investment in existing business premises/business sites to meet modern business needs and also encourage speculative business space development to make Brent more attractive for business. As indicated Government housing policy and the need for housing in London is making employment sites come under increasing pressure for development for alternative uses, so increasing viability for redevelopment/regeneration for continued employment use is necessary to reduce the likelihood of site owners considering non-employment uses. It is suggested the policy focus is instead on securing affordable workspace through the redevelopment of Local Employment Sites, where mixed-use development can help support the provision of workspace at a discounted rent.

**2014 Draft DMP DPD Policy****DMP 34 Employment Uses Design and Facilities****Design**

Proposals for employment uses, including extensions to existing buildings, must:

- a. enhance the character of its surroundings, address the street and have a high standard of finish;
- b. have integrally designed landscaping which improves local amenity, and incorporate urban greening measures such as green roofs, green walls, trees and soft landscaping;
- c. be designed to be flexible and suitable to meet future needs especially to provide for the

requirements of SMEs;
d. not have an unacceptable environmental impact on adjacent uses and any nearby residential properties in terms of noise, dust, pollution, hours of use, access and servicing;
e. provide sufficient parking and operational space in accordance with council standards;
f. be accompanied by a Travel Plan if it is a major proposal involving more than 1,000m <sup>2</sup> and the council may consequently require access improvements to be secured through developer contributions.
<b>Facilities</b>
Small-scale leisure, eating and retail facilities (generally less than 200m <sup>2</sup> gross) will be permitted on employment sites providing the facility is intended primarily to meet the needs of workers in the vicinity; and it does not attract significant levels of visitor traffic into the area, or exacerbate existing traffic problems. The loss of such facilities will be resisted where this would lead to a deficiency of employee facilities within an employment site.
The council will seek planning obligations to ensure developments over 5000m <sup>2</sup> provide childcare facilities
<b>2015 Draft DMP DPD Policy</b>
None. The policy is recommended for removal.
<b>Reason for Change</b>
The policy has no local distinctiveness and therefore it is recommended that the issues can be sufficiently covered in proposed draft 2015 DMP1, plus other development plan policy related to green infrastructure, design, parking and transport assessments. Small scale facilities are now permitted development introduced in 2014 introduced by Government to encourage new business development and reduce vacant employment buildings.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 35 Work-Live Premises</b>
Proposals for Work-Live units in the borough will only be permitted provided that:
a. they are outside SIL and LSIS;
b. there is no loss of any permanent residential units;
c. there is no loss of sites in business or employment use where there is potential for that use to continue;
d. the residential element complies with standards on affordable housing, dwelling and room sizes, wheelchair accessible housing, lifetime homes and other residential amenity standards;
e. They are managed by an organisation committed to their use primarily for employment, as evidenced by a management plan.
<b>2015 Draft DMP DPD Policy</b>
Proposed inclusion in proposed policy DMP14
<b>Reason for Change</b>
The most recent Employment Land Study indicates that there is no real likely demand for Work-Live premises in Brent. Existing Brent Core Strategy Policy CP20 essentially does not allow residential development in SIL and LSIS so addresses criterion a). Realistically criterion b) is unlikely to occur due to the value of residential property compared to work-live, criterion c) is addressed in the proposed 2015 DMP14 policy on Local Employment Sites final sentence. Criterion d) is addressed by proposed draft 2015 Policy DMP18. Criterion e) is recommended for inclusion in DMP14.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 36 Affordable Housing</b>
a. All housing developments on sites capable of providing 10 or more units will be required to provide the maximum reasonable proportion of affordable housing with a target of 50%.
b. In order to meet local housing needs, 70% of new affordable housing provision should be for social rented housing or affordable rented housing and 30% for intermediate housing.

- c. Affordable housing must fully meet the objectively assessed needs of the local housing market. Affordable rented housing must meet the needs of households eligible for social housing, with eligibility determined with regard to local incomes and local house prices in line with Brent's Tenancy Strategy.
- d. Affordable housing should be required on-site. Off-site affordable housing provision and cash in lieu contributions will be considered only in exceptional circumstances and where affordable housing will be provided that better meets the borough's needs.

### **2015 Draft DMP DPD Policy**

#### **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 (EUV+) 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

#### **Reason for Change**

It is recommended that criterion a) be amended to take account of the fact that policy exists in the Brent Core Strategy and for consistency with London Plan Policy 3.12 Negotiating Affordable Housing that the maximum reasonable amount of affordable housing will be sought. Criterion c) is covered by London Plan Policy 3.10 Definition of Affordable Housing. Criterion d) on-site provision is covered by NPPF and London Plan Policy 3.12 Negotiating Affordable Housing and so is proposed for removal. It is recommended to insert criteria 1-3 to clarify from developers what is expected in association with viability assessments. The inclusion of policy on Vacant Buildings Credit seeks to provide clarity on how the Council will determine parts of the Government's policy that were not well defined. The Vacant Buildings Credit has recently been quashed as policy in the NPPG, although the Government intends to appeal this decision. Consequently it is recommended that this remains in draft 2015 DMP 15 subject to the outcome of the appeal providing clarity on whether Vacant Buildings Credit will return.

### **2014 Draft DMP DPD Policy**

#### **DMP 37 Dwelling Size Mix**

~~All developments of self-contained accommodation will be expected to make an appropriate contribution to the borough's diverse household needs by providing a mix of dwelling sizes in accordance with Brent's priority table for housing size mix.~~

~~Developments which do not have an appropriate mix will be resisted.~~

#### **2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

#### **Reason for Change**

Feedback was that the table associated with the policy was vague and would be difficult to interpret with any clarity by those determining and submitting housing applications. A preferred solution was clarity on percentage of housing sizes for different tenures, although this would have to be interpreted flexibly to reflect the circumstances of each development site. A Strategic Housing Market Assessment has been commissioned to provide suitable evidence of housing needs by dwelling size and tenure. It is recommended that rather than inclusion of a mix in policy that could become fixed and date quite quickly, e.g. as a result of changes in house prices or benefits that the SHMA and subsequent updates are used by planning and housing officers to inform housing needs consistent with London Plan Policy 3.18 Housing Choice and Brent Core Strategy CP2 which seeks at least 25% of new homes with 3 bedrooms.

#### **2014 Draft DMP DPD Policy**

##### **DMP 38 Maximising Housing Supply**

~~New housing development should be designed to realise its potential residential capacity by making the best use of its general locational and particular site opportunities. The appropriate density will be primarily assessed with reference to the London Plan residential density matrix, the character and quality of the adjacent townscape and the quality of the proposed residential accommodation.~~

~~Development should not result in the net loss of residential units unless:~~

- ~~a. sub-standard units would be brought in line with space standards;~~
- ~~b. it would consist of the de-conversion of flats to create a family size home and would result in the net loss of no more than one unit;~~
- ~~c. the location is no longer environmentally suitable for residential use;~~
- ~~d. as part of a regeneration scheme to improve the quality or mix of units or to provide essential open space; or~~
- ~~e. for a nursery or primary health care use or to extend an existing school to meet an identified local need.~~

#### **2015 Draft DMP DPD Policy**

##### **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.

#### **Reason for Change**

It is recommended to remove the first part of the 2014 draft policy as this is adequately dealt with in London Plan Policy 3.4 Optimising Housing Potential. London Plan Policy 3.14 Existing Housing stock deals with the circumstances where loss of residential dwellings would be appropriate and so it is proposed to make reference to this in the draft 2015 Policy DMP16 but keep those elements (criteria a-c) where a differentiation in approach in Brent has been identified.

#### **2014 Draft DMP DPD Policy**

##### **DMP 39 Conversions**

To maintain family size housing, conversion ~~to flats~~ will only be ~~considered~~ where the following criteria are met:

- ~~a. a minimum original floor area of 130sqm and the inclusion of a 3-bedroom unit; and~~

b. the mix of units has regard to Brent's priority dwelling mix.  
 Conversions will not be permitted where they would cause unacceptable additional on-street parking (see DMP 29 'Parking').  
 Conversions will not be acceptable where the property has direct access onto a Trunk Road (North Circular Road) or on a London Distributor Road where safe access cannot be provided.  
 Conversions must provide a good quality of accommodation for future occupants and have consideration for neighbouring residential amenity, they should:

- c. achieve appropriate residential standards and arrangement/layout (DMP 40 'Housing Standards and Quality'); and
- d. provide the replacement family size unit at ground floor with direct access to a garden.
- e. not harm the character of the property and streetscene; and
- f. cycle storage and bins meeting current requirements must be accommodated without detriment to the character and appearance of the front garden (see DMP 11 'Urban Greening, Landscaping and Trees').

### **2015 Draft DMP DPD 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.

#### **Reason for Change**

For the sake of brevity it is recommended to remove criterion b) and wording through to and including c). These issues are addressed in draft 2015 DMP 12 Parking, DMP11 Forming an access on to a Road, DMP1, DMP 18 Dwelling Size. Criterion e) is dealt with in DMP1 and f) by DMP 12 Parking and SPG5 and SPG17. An additional part of the policy is recommended to address circumstances where the existing family sized property is unlikely to provide an environment that is compatible with family living. This partly reflects the outcome of an appeal where the Council was criticised for being unreasonable of refusing a subdivision to non-3 bed dwellings.

### **2014 Draft DMP DPD Policy**

#### **DMP 40 Housing Standards and Quality**

##### **Quality of Residential Accommodation**

- a. All housing developments will need to comply with the minimum internal space standards in Table 3 'Residential Standards' as well as providing minimum room sizes and storage space in line with the current best design practise.
- b. The design and layout of units, including conversions, must meet the Lifetime Homes Standards criteria, and 10% of units in major schemes must be accessible for wheelchair users.
- c. Dwellings must be designed to provide satisfactory levels of sunlight, daylight, privacy and outlook for future occupiers.
- d. Dwellings should be designed with appropriate stacking and noise insulation to prevent noise nuisance between neighbours.
- e. Refuse and recycling storage space and facilities need to be demonstrated in accordance with current standards.
- f. Secure and covered cycle parking is required for all dwellings.
- g. Permission will not be granted for the use of outbuildings as residential accommodation.

##### **Provision of Amenity Space**

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

- i. The design of amenity space should take advantage of direct sunlight.
- j. Amenity space must be accessible and benefit from natural surveillance.
- k. Children's play facilities in schemes with a child yield of 10 or more children shall be provided at 10sqm per child, and the design of play space shall be in accordance with current best practise.

#### **2015 Draft DMP DPD Policy**

##### **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.

##### **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).

#### **Reason for Change**

It is recommended to amend draft 2014 DMP 40 to 2015 draft DMP18 as criterion a) is the same as London Plan Policy 3.5 and its associated table. Criterion b) is covered by London Plan policy 3.8 Housing Choice. Criterion c) is dealt with by draft 2015 DMP1 and the London Housing SPG. Criterion d) now falls within the remit of building control as clarified by Government in 2015, e) is dealt with in draft 2015 DMP1 and SPG 5 and SPG17, f) is dealt with by draft 2015 DMP12 Parking. So all these are recommended for removal. Criterion g) is recommended for incorporation in draft 2015 DMP18. In addition it is recommended that clarity is provided in relation to one person accommodation to discourage potential overcrowding by restricting provision of one person one bedroom properties. This was contained in the 2014 draft in the text related to dwelling sizes, but will have more weight if contained in policy.

It is recommended that a separate policy draft 2015 DMP 19 be created to cover residential amenity space as this is a separate policy issue. However, criteria i-k that are covered in the London Housing SPG and the London Play and Informal Recreation SPG and therefore are removed.

#### **2014 Draft DMP DPD Policy**

##### **DMP 41 Hostels and HMOs**

~~Proposals for housing with shared facilities will be supported where the development:~~

- ~~a. will not result in the loss of self-contained housing, use land where self-contained housing could reasonably be expected or impact on the borough's ability to achieve its housing targets;~~
- ~~b. is located in an area with good access to public transport and other amenities, including shops (normally within 400m);~~
- ~~c. is of an acceptable quality meeting appropriate current internal standards, including 10% of all bed-spaces to be wheelchair accessible;~~
- ~~d. includes management arrangements suitable to its proposed use and size;~~
- ~~e. will result in a mixed and balanced community and will not cause harm to neighbouring amenity through an over intensive use of the site or an over concentration of similar uses in the local area or become the predominant use in the area;~~
- ~~f. is not on a site considered particularly suitable for a use covered by DMP 43 'Specialist or Supported Accommodation Providing Care' where there is an identified need; and~~
- ~~g. demonstrates that there is a specific borough need for the particular use.~~

~~The loss of non self-contained accommodation will only be acceptable where:~~

- ~~h. it is demonstrated that there is no longer a borough need for the type of accommodation, or the needs of residents can be better met by other existing accommodation; or~~

i. the existing accommodation is unsatisfactory and cannot be improved to achieve current standards. ~~Where the loss of the use is acceptable, another priority housing need would be the appropriate replacement use.~~

### **2015 Draft DMP DPD Policy**

#### **DMP 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.

### **Reason for Change**

For the sake of brevity it is recommended that 2014 draft policies DMP41, DMP42 and DMP43 are essentially amalgamated as they deal with communal/non-standard residential accommodation and contained criteria that largely were replicated in each policy. In relation to criterion a) as many Hostels and HMOs are going to result from change of use of existing dwellings in reality it is unrealistic for them not to result in the loss of self-contained housing. In terms of housing needs and monitoring for London Plan purposes, communal establishments are now counted towards overall housing figures, so in most cases will result in increase overall housing provision, rather than loss. Criterion b) is recommended for retention in 2015 draft DMP20. In relation the range of communal establishments, criteria c) mobility requirements will vary according to occupants' requirements, e.g. supported housing (higher levels of mobility dwellings) compared to students (generally younger and with less requirement for mobility dwellings). Consequently it is recommended that criterion b) in draft 2015 is flexible to reflects needs of occupants. Criterion d) management is important across all the uses so is recommended to be retained. Criterion e) is covered by draft 2015 DMP1 although examples of what is considered potential for over-concentration are included in the supporting text for 2015 draft DMP20. Criterion f) is subjective as there are no site specific allocations for this type of use, so is recommended for removal. Criterion g) is retained. Criteria h and i are recommended for retention with slight rewording.

### **2014 Draft DMP DPD Policy**

#### **DMP 42 Student Housing**

~~Proposals for purpose built student accommodation will be supported providing that they:~~

- ~~a. will not result in the loss of self-contained housing, use land where self-contained housing could reasonably be expected or impact on the borough's ability to achieve its housing targets;~~
- ~~b. are of an acceptable quality and laid out appropriately to meet the needs of its intended occupants, including 10% of all bed-spaces to be wheelchair accessible;~~
- ~~c. do not consist predominantly of self-contained studio type accommodation;~~
- d. are located in an area with good access to public transport and other amenities, including shops;
- e. include management arrangements suitable to the scale of the development;
- ~~f. will add to a mixed and balanced community and will not cause harm to neighbouring amenity~~

through an over intensive use of the site or an over concentration of similar uses in the local area or become the predominant use in the area;

g. demonstrate that they serve an educational establishment in London;

The loss of student housing will only be acceptable where:

f. it is demonstrated that there is no longer a borough need for the type of accommodation, or the needs of residents can be better met by other existing accommodation; or

g. the existing accommodation is unsatisfactory and cannot be improved to achieve current standards.

Where the loss of the use is acceptable, another priority housing need would be the appropriate replacement use.

#### **2015 Draft DMP DPD Policy**

#### **Addressed in DMP 20 Accommodation with Shared Facilities or additional support**

#### **Reason for Change**

For the sake of brevity it is recommended that 2014 draft policies DMP41, DMP42 and DMP43 are essentially amalgamated as they deal with communal/non-standard residential accommodation and contained criteria that largely were replicated in each policy. The commentary for 2104 draft DMP 41 applies with the exception of DMP42 criteria c) and g). Criteria c) is recommended to be omitted from 2015 draft DMP20 following representations in order to meet market requirements. Many overseas students want and can afford purpose built self-contained accommodation. If they were not being provided with this they would be more likely to seek accommodation from mainstream housing, thus increasing demand/impacting on supply. Suitable management arrangements/S.106 agreements to restrict occupation to students deals with any potential for abuse in terms of overcrowding through mainstream letting. Criterion g) is covered in 2015 draft DMP20 criterion d) which has also been amended to take account of comments from the GLA about compatibility with the London Plan. There is extensive guidance on student housing in the London Housing SPG.

#### **2014 Draft DMP DPD Policy**

#### **DMP 43 Specialist or Supported Accommodation Providing Care**

Accommodation providing a level of care or support for an identified element of Brent's older or vulnerable population, including sheltered housing, supported or extra care housing, will be supported where the development:

- a. is in a sustainable location with access to public transport, shops, community facilities and services suitable to the identified occupant group;
- b. is of a suitable standard for its prospective residents, including wheelchair accessibility, external amenity space, appropriate communal facilities and levels of support/care;
- c. has suitable access for ambulances and/or minibuses;
- d. would result in a mixed and balanced community and the scale of the use would not be detrimental to service provision;
- e. would meet an identified borough need; and
- f. would not result in the loss of permanent self-contained accommodation other than in exceptional circumstances.

The loss of specialist or supported accommodation will only be acceptable where:

- g. it is demonstrated that there is no longer a borough need for the type of accommodation or the needs of residents can be better met by other existing accommodation; or
- h. the existing accommodation is unsatisfactory and cannot be improved to achieve current standards for this type of accommodation.

Where the loss of the use is acceptable another priority housing need would be the appropriate replacement use.

#### **2015 Draft DMP DPD Policy**

#### **Addressed in DMP 20 Accommodation with Shared Facilities or additional support**

#### **Reason for Change**

For the sake of brevity it is recommended that 2014 draft policies DMP41, DMP42 and

DMP43 are essentially amalgamated as they deal with communal/non-standard residential accommodation and contained criteria that largely were replicated in each policy. The commentary for 2014 draft DMP 41 applies with the exception of DMP43 criteria c). Criteria c) is recommended to be omitted from 2015 draft DMP20 as parking and servicing is dealt with in proposed 2015 draft DMP12 Parking.

## **2014 Draft DMP DPD Policy**

### **DMP 44 Loss of Social Infrastructure**

Loss of social infrastructure, including redundant premises and land, will only be acceptable in exceptional circumstances where:

- a. a replacement facility of at least equivalent quality and quantity is provided on the site or at a suitable alternative location; or
- b. it can be demonstrated there is no longer a need for the social infrastructure facility. Where this is the case, evidence will be required to show that the loss would not create, or add to, a shortfall in provision for the specific community use and demonstrate that there is no demand for any other suitable social infrastructure on the site.

Where the loss of social infrastructure is acceptable, the council's preferred new use will be affordable housing.

## **2015 Draft DMP DPD Policy**

### **DMP 21 Public Houses**

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

- a. 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;
- b. its continued use is not economically viable;
- c. 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
- d. the proposal does not constitute the loss of a service of particular value to the local community.

### **Reason for Change**

It is recommended to delete policy DMP 44 as this policy is sufficiently addressed in London Plan Policy 3.16 Protection and Enhancement of Social Infrastructure and Brent Core Strategy CP23 Protection of existing and provision of new Community and Cultural Facilities. DMP21 Public Houses is recommended for incorporation in the Plan to address representations made about a lack of pub retention specific policy and in acknowledgement of the increasing pressure on the boroughs public houses from housing development.

## **2014 Draft DMP DPD Policy**

### **DMP 45 Location and Design of Social Infrastructure**

New social infrastructure should be located in the first instance in town centres or, if no suitable sites are available, on the edge of centres. Where there are no suitable sites in these areas, then sites with good or very good public transport, which are easily and safely accessible by cycling and walking, are acceptable.

Alternatively, public transport accessibility should be raised to a suitable level. Proposals for community facilities serving local catchments may be located within residential areas outside centres, subject to the protection of neighbourhood amenity.

New social infrastructure, including extensions to existing infrastructure and facilities, must:

- a. provide buildings that are inclusive, accessible, where relevant flexible and which provide design and space standards which meet the needs of intended occupants;
- b. have an acceptable transport impact;
- c. be sited to maximise shared use of the facility, particularly for recreational and community uses;

and
d. complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.
<b>2015 Draft DMP DPD Policy</b>
None. The policy is recommended for removal.
<b>Reason for Change</b>
It is recommended to delete policy DMP 44 as this policy is sufficiently addressed in London Plan Policy 3.16 Protection and Enhancement of Social Infrastructure and Brent Core Strategy CP23 Protection of existing and provision of new Community and Cultural Facilities, plus 2015 draft DMP1.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 46 Schools</b>
The council will support the development of schools, or extensions to existing schools, where:
a. the proposal will meet a need for additional school places within the borough.
b. the location of schools outside of site allocations will not result in unacceptable transport impacts and will be subject to measures to reduce car use.
c. design and layout meet the relevant Department for Education standards.
d. buildings are sited to maximise the shared community use of premises and associated facilities.
Development will be permitted which complements the educational functions of the school, does not prejudice any future necessary expansion of the school and, where appropriate, allows the dual use of school facilities.
Proposals for non-educational use on parts of schools sites, which would result in those sites falling below Department for Education standards, will be refused. The dual use of education open space will be promoted, particularly where there is a deficiency of public open space.
Any planning permission granted for temporary classrooms will be time limited.
<b>2015 Draft DMP DPD Policy</b>
None. The policy is recommended for removal.
<b>Reason for Change</b>
It is recommended to delete DMP46. New school permitted development rights issued in 2015 remove the need for planning permission for many types of new schools/nurseries on non-existing school sites. Where required London Plan Policy 3.18 Education Facilities, plus other policies such as recommended 2015 draft DMP1 and DMP12 Parking address the policy criteria of 2014 draft DMP46.

<b>2014 Draft DMP DPD Policy</b>
<b>DMP 47 Playing Pitches</b>
Development on playing pitches, or of ancillary facilities and land, will only be allowed in exceptional circumstances where:-
a. the development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use; or
b. the development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting / ancillary facility on the site; or
c. the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development; or
d. the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

~~Where possible, the multi-use of sport and recreation facilities will be encouraged.~~

**2015 Draft DMP DPD Policy**

None. The policy is recommended for removal.

**Reason for Change**

It is recommended to delete policy DMP 47 as this policy is sufficiently addressed in London Plan Policy 3.19 Sports Facilities.