



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Thursday 23 July 2015 at 7.00 pm

PRESENT: Councillor Marquis (Chair), Councillor Agha (Vice-Chair) and Councillors S Choudhary, Colacicco, Ezeajughi, Mahmood, Maurice and M Patel

Also present: Councillor Miller

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

None.

2. **Brent Development Management Policies Local Plan - Publication and Submission**

Members considered a report that provided a summary of the consultation responses to the Brent Development Management Policies Local Plan together with an explanation of the main changes that were being proposed to the draft Plan. Paul Lewin, Planning Policy Manager, in introducing the report stated that the rationale for producing the Development Management Policies (DMP) Development Plan Document derived from the need to bring up-to-date, the Unitary Development Plan (UDP) policy. He then gave a summary of the issues raised.

Paul Lewin informed members that town centre policies had been largely retained and that the heritage policies on built environment had been rationalised to make them more focussed so as to address issues raised by English Heritage. He continued that Brent specific policies such as the retention of 50% of front gardens had been retained with emphasis on providing additional locally specific guidance. Paul Lewin advised members that given the likely limited applications for residential moorings, it was considered appropriate to address this issue through other policies in the Plan. In respect of transport, he informed the Committee that parking and servicing standards had been amended in relation to comments made with reference made to TfL freight and construction management documents.

In respect of housing, he continued that there was sufficient evidence to justify the 70/30 mix from a needs and viability perspective. On viability assessment, he updated members that the Council would now seek reviews for significant developments of 200 dwellings that would take more than 18 months to start, or where a phased approach to delivery would be undertaken. The Council had also reaffirmed its preference for on-site provision of affordable housing however a flexible approach for strategic landowners on a site by site basis can be agreed if was consistent with other policies. In respect of social infrastructure, Paul Lewin informed members that a pub protection policy had been introduced into the DMP, whilst general social infrastructure was addressed sufficiently well in the London Plan.

In the ensuing discussions, members referred to the appendix to the report and raised a number of questions to which the Policy Manager addressed as follows; town centre teams focussed on schemes that kept the town centres vibrant with a clear definition of primary and secondary shopping areas and a flexible approach to change of use and permitted development rights. He continued that accessible design statements would be raised and that high quality planting schemes would always be sought for major developments. On air pollution, he stated that applicants would be required to demonstrate that there would be no adverse impact on air quality resulting from their proposed development. He then outlined the process for submitting the DMP for examination and to the Planning Inspectorate.

Sujata Aurora, speaking from the Save the Queensbury Group welcomed the commitment to a pub protection policy but pointed out that Campaign for Real Ale's ("**CAMRA**") expert planning advisors felt that the draft policy fell short of its stated intent. She drew the Committee's attention to a CAMRA document which had been circulated to members and contained suggestions for amendments which would make the policy robust, and also to the pub protection policy adopted by Waltham Forest Council which is regarded as one of the best.

Ian Elliott spoke on behalf of the Save the Queensbury group and requested the draft policy be amended prior to going to Cabinet with CAMRA's advice incorporated. Councillor Miller also spoke in support of the submissions put forward on behalf of the Save the Queensbury Group.

The Committee voted in favour of the officers looking again at the pub protection policy in the light of the CAMRA submission and the Waltham Forest policy. Officers stated that they would consult with CAMRA and would attempt to revise the policy before it was submitted to Cabinet on 21 September 2015.

RESOLVED:

- (i) that Cabinet be recommended to agree the proposed responses to individual representations, as set out in the schedules attached as Appendix 1 to the report from the Director of Regeneration and Growth;
- (ii) that Cabinet be recommended to agree that the draft Brent Development Management Policies Development Plan Document in Appendix 2 for publication for 6 weeks, and recommend that Full Council agree that the draft Plan be submitted to the Planning Inspectorate for Examination;
- (iii) that the Strategic Director, Planning & Development be authorised to make further editorial changes to the document prior to it being issued for publication.

3. Vacant Buildings Credit - Definitions for its Implementation

Stephen Weeks (Head of Planning) introduced the report that explained Vacant Building Credit, introduced by the Government to encourage brownfield development by reducing the exposure of developers to affordable housing contributions. The Government policy effectively encourages brownfield regeneration of empty or redundant buildings incentivising them by potentially removing the requirement to provide affordable housing contributions which would normally be sought from qualifying developments. The report sought members' clarity through adopting local definitions in application of the Credit, namely: definitions of what is a building, how the buildings were to be measured and the period of vacancy which would contribute to quantifying the Credit that can be applied.

In reference to Government guidance, Stephen Weeks explained that apart from an abandoned building, consideration should be given as to whether the building had been made vacant deliberately for the sole purpose of redevelopment or it was covered by an extant or recently expired planning permission for the same or substantially the same development. Members heard that the Credit would apply only where the building had genuinely proved to be unlettable and not been subject to developer interest/practices as a wholly or partial housing based development.

Members asked questions about the application of the Vacant Buildings Credit in respect of the former UNISYS building at the junction of A406 and Brentfield and how officers would ensure that developers did not take undue advantage of the scheme. Stephen Weeks responded that officers would ensure a robust scrutiny of the scheme and that developments would be monitored to ensure that the site had been continuously marketed. Members heard that the scheme was consistent with the Community Infrastructure Levy (CIL) regulations.

RESOLVED:

that the definitions of a buildings floor space and the period of vacancy to be used in determining the application of the Vacant Building Credit as set out in Appendix 1 to the report be agreed.

4. Proposed programme for the review of the Local List of Buildings and Structures of Architectural or Historic Significance

The Committee considered a report that set out a structure that sought to provide a consistent and transparent approach to the identification and protection of the Borough's Locally Listed Buildings by using valuable local knowledge and agreed eligibility criteria. Paul Lewin (Planning Policy Manager) set out the eligibility criteria for inclusion as follows; architectural significance, historical significance and townscape. He emphasised the importance of the wider community involvement in the review and proposed that the southern wards of the borough be reviewed first before the northern wards.

Paul Lewin informed members about the consultation process which he added would run for a period of about eight to ten weeks. He continued that in order to ensure consistency throughout the Borough, the proposed list would be assessed using a scoring system based on the eligibility criteria as set out in the report. The Local List, which would be published on the Council's website, would form the basis of the Historic Environment Record database. He added that Article 4 Directions would, subject to future Cabinet approval, be applied where necessary.

Ian Elliott speaking on behalf of Save the Queensbury (STQ) welcomed the review but felt that buildings which were considered to be assets of community value (ACV) had not been fully dealt with in the report.

In response, Paul Lewin submitted that ACV buildings would be considered provided they met the criteria outlined above.

RESOLVED:

- i) that the programme, including consultation, for undertaking a review of additional properties and structures to be added to the Local List, as set out in Appendix 1 be approved;
- ii) that the criteria for the inclusion of buildings and structures on the Local List as set out in paragraph 3.6 of the report and the scoring system for their assessment as set out in paragraphs 3.12-3.13 be approved;
- iii) that the format of the Local List Entry document, as illustrated in Appendix 2 to the report, be approved.

5. Affordable Housing update July 2015

The Committee considered a report which provided an update on affordable housing issues in relation to the Planning process and set out how officers addressed the concerns raised by the Committee within the last year. Stephen Weeks (Head of Planning) in giving a strategic overview of the report stated that Brent's Core Strategy Policy CP2 to achieve 50% of new homes as affordable was still a target. He continued that subsequent higher level policy that had been published reflected the need to take account of development viability when determining the amount of affordable homes considered reasonable for a site to deliver.

Members heard that the adoption by the Council of the Community Infrastructure Levy (CIL) had reduced the element of discretion that the Council had in relation to infrastructure matters that previously would have been obtained via S.106 obligations. It was noted that Brent's performance in delivering affordable housing had been good and in the period 2008-2014, delivered 3446 starts (the 6th highest in London) and 3091 completions (the 8th highest in London), against a background of significant reductions in Central Government and London Mayor funding.

The Head of Planning informed members that the Council (Planning and Housing joint procurement) was in the process of commissioning Strategic Housing Market Assessments (“SHMA”) which was expected to be concluded by the end of 2015. This should assist in negotiating both affordable and market housing mixes within development proposals. Without seeking to pre-judge its outcomes, the Council's target of 50% affordable housing in new developments would be retained with a 70/30 social or affordable rent / intermediate split rather than the Mayor's 60/40 split. It was also likely to show a large increase in the need for intermediate products. As a result of price rises in the borough households with incomes between £58,000 and £73,000 would be considered appropriate for 25% shared ownership properties.

With regards to viability assessments, the Chair circulated a draft SPG from Islington Council and suggested the officers consider something similar for Brent. Stephen Weeks explained that much of the Islington Policy was lifted from the London Plan, and thus repeated existing policy. Brent Council could produce a shorter version but that would take some time and it was important that guidance should be available to developers sooner. He recommended that Brent issue a position statement/guidance that sought to ensure that as much of the information contained in viability assessments can be viewed by the public. Where the developer was adamant that commercially sensitive information which they did not want to disclose, the Council would require a document that provided as much information as possible in the public domain with an easy to understand executive summary.

The Committee was informed that officers had also been working with other London boroughs on a ‘London Borough Development Viability Protocol’ which would provide greater clarity around the variables within viability assessments, such as benchmark land values and levels of developer profit.

In welcoming the proposals, members emphasised that they would resist applications for separate entrances (“**poor doors**”) on housing developments. Stephen Weeks explained that Brent requires entrances to look the same from the outside although they might be different once you stepped inside (‘tenure blind’). Private tenants would have services, such as concierge, but Registered Housing Providers had stated social tenants would not be able to afford the same facilities due to the service charges involved. Members requested the position statement be circulated to all members of the Committee including alternate members.

Finally the Chair asked the officers to look into whether the Mayoral Concordat – which would require developers to first market their properties to Londoners rather than abroad – could be considered for future Brent developments as a planning condition or legal obligation.

RESOLVED:

- (i) that it be agreed that the publication on the website of a position statement requiring affordable housing viability assessments be provided in a form that is open to member and public scrutiny as much as possible, including an easily understandable executive summary and a wider commitment to a more comprehensible housing related advice;

- (ii) that closer work with London Boroughs on an affordable housing protocol and joint procurement of a consultants' panel be agreed in principle.

6. Any Other Urgent Business

None raised at this meeting.

The meeting closed at 9.33 pm

COUNCILLOR MARQUIS
Chair