



Full Council
18 January 2016

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

For Action

Wards affected:
ALL

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

1.0 Summary

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

2.0 Recommendations

2.1 Full Council considers the representations made at publication stage and agrees the recommended responses to individual representations, as set out in the schedules attached as Appendix 1.

2.2 Full Council agrees that the draft Brent Development Management Policies Development Plan Document in Appendix 2 together with the schedule of proposed modifications as set out in Appendix 3 be submitted to the Planning Inspectorate for Examination.

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

3.0 Detail

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

Public Consultation

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

The Plan's relationship with other Planning Policy

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

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

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

Current Stage

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

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

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

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

Local Plan Viability Assessment

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

Statements of Common Ground

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

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

4.0 Financial Implications

- 4.1 The preparation and ultimate adoption of the Development Management Policies DPD will provide a more up to date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the Plan have a good chance of receiving planning consent.
- 4.2 Assuming that the Inspector considers the evidence in support of the Plan to be robust, costs associated with the Examination and adoption process are likely to be no more than £40,000. The Examination will be funded by the Departmental Projects budget.

5.0 Legal Implications

- 5.1 The preparation of the Local Plan, including the Development Management Policies DPD, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the DPD will be part of the development plan and have substantial weight in determining planning applications and will supersede the remaining 'saved' parts of the UDP.

6.0 Diversity Implications

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

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

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

8.0 Environmental Implications

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

Background Papers

London Plan 2015

Brent Core Strategy July 2010

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

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

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

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

Contact Officers

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