

# Appendix 1

## Development Management Policies: Summary of Representations at Regulation 19 Stage

During regulation 19 publication stage representations were made by:

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

- Marine Management Organisation
- Office of Rail Regulation

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

- CAMRA
- McDonalds
- Quintain

The following organisations confirmed they had no representations:

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

## Duly made representations (those received within the period set)

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

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

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

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

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



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

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

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

				decided not to suspend the path to zero carbon homes which had been programme for 2016 onwards. Applicants, therefore, for the time being, are only required to comply with Part L of the Building Regulations.	with the requirements of the London Plan. Minor modification proposed to paragraph 7.8 and 7.13 to update reference from Allowable Solution to local carbon off-setting as set out above.
<b>Section 8: Transport</b>					
<b>Brent Friends of the Earth</b>	General	-	X	It is considered the DMP should promote a Low Emission Zone to reduce nitrogen dioxide levels from diesel vehicles.	The London Low Emission Zone was established and is reviewed by the Mayor and cannot be amended through the DMP.
<b>Royal Borough of Kensington &amp; Chelsea (RBKC)</b>	General	-	-	Reference to step-free access at underground / rail stations would benefit residents of both Brent and Kensington & Chelsea.	London Plan policy 7.2 An Inclusive Environment, which forms part of the Brent Local Plan, requires all new development in London to achieve the highest standards of accessibility and inclusive design. Therefore it is not considered specific reference to step-free access is needed in the DMP.
<b>Transport for London</b>	8.4	-	-	1. TfL requests a clarification on which investments have been made to the three Wembley stations mentioned. 2. TfL also believes that it should be noted that with improved bus services comes the need for bus stands and facilities and consideration should be given to their location.	1. The Three Stations Strategy has been implemented by TfL and the Council over a 10 year period and included refurbishment and increased capacity at Wembley Pak station, access improvements to Wembley Stadium station through the construction of White Horse Bridge and a new passenger bridge at Wembley Central. 2. A minor modification is proposed to paragraph 8.4 for clarification as follows: <u>'With improved orbital bus links comes the need for bus stands and facilities, and consideration will need to be given to their location.'</u>
<b>Transport for London</b>	8.5	-	-	TfL requests clarification that promoting an integrated transport system should not be done to the detriment of other successful public transport modes.	The Council considers paragraph 8.5 is consistent with London Plan policy 6.1 Strategic Approach, and does not suggest an integrated transport system will be promoted to the detriment of public transport.
<b>Transport for London</b>	8.7	-	-	Mitigation for impacts on the bus network during construction needs to be taken into account.	Minor modification proposed to paragraph 8.7 for clarification as follows: 'Where significant impacts arise, <u>including during development construction</u> , mitigation measures should be proposed and the residual impacts assessed.'

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

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

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

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



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

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

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

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

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

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

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

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

### Unduly made representations (those received outside the period set)

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



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

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

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

Representor	Section & Policy/Para	Legally Compliant?	Sound?	Comment	Council's response and where relevant proposed changes*
				<p>two have been purchased by community groups. It would be preferable to include reference to ACV status being a material consideration.</p> <p>3. Reference to economic viability is problematic as developers seeking a change of use will always argue the previous pub business was not viable. Therefore clear requirements in relation to viability assessment needed.</p> <p>4. The loss of public house use, given the scale of London's losses, will undoubtedly negatively impact the vitality of the area. Planning Inspectors have found that the use of a pub is the very essence of its character and have determined that heritage assets may even suffer a total loss of significance if such community use is extinguished.</p> <p>5. Regardless of the provision of alternative facilities, communities can become very attached to particular pubs and the memories they invoke; their historical links with the neighbourhood; their evolution; their presence in the community as a social anchor. It may not be acceptable to residents of the Borough to lose their local, irrespective of what might be seen as an alternative pub.</p>	<p>Diverse Retail Sector and Related Facilities and Services' is proposed as a minor modification in the National and London Plan policies reference following paragraph 11.3</p> <p>2. To address this specific issue it is proposed to make a minor modification to the policy in the criterion where it currently addresses Assets of Community Value. In addition due to concerns raised by CAMRA about the positioning of this criterion in the policy it is proposed that the policy criteria should be re-ordered so that the other criteria are read before that which relates to assets of community value. These changes can be seen in the consolidated version made in response to all CAMRAs points under point 4 below.</p> <p>3. Although reference is made to the tests sought with regards to viability is made in paragraph 11.9, it is considered appropriate to give them extra weight by ensuring that the policy makes reference to them. This is proposed as a minor modification. This change can be seen in the consolidated version made in response to all CAMRAs points under point 4 below.</p> <p>4. This is understood, to strengthen the policy a reference to character is proposed as a minor modification in both Paragraph 11.8 with an additional end sentence and also within policy DMP 21.</p> <p><u><a href="#">"In addition, due to the contribution public houses make to the borough's local character and distinctiveness, policy DMP7 Brent's Heritage</a></u></p>

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

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					<p>where the community might not feel the same. To understand better the extent to which the developer has sought to engage with and understand the importance attached by the local population to a pub, it is proposed to make a minor modification to a criterion in paragraph 11.9: "there has been <u>public consultation to ascertain the value of the public house to</u> <del>with</del> the local community;"</p>