

Appendix 2

Development Management Policies Development Plan Document Submitted For Examination January 2016.

Table of minor modifications to the Publication Version of the Plan September 2015

(N.B. Modifications that were proposed on submission of the Plan for Examination are shown in red, modifications proposed as a result of the Examination Hearings are shown in blue. Modifications post the Examination being closed are shown in Purple. The existing text deleted shown as struck-through and new text inserted is underlined. Repositioned text shown in green.

Policy / paragraph / map	Amendment	Reason
Foreword	<p>This document has been produced as part of the on-going process of replacing the Unitary Development Plan. It includes the Council's Development Management Policies which are necessary for determining planning applications in the borough. This document reflects Brent's Core Strategy which aims for Brent to be a great place, a borough of opportunity and an inclusive borough. At Brent we are committed to providing a high quality and responsive Planning Service. This includes full community involvement in the preparation of important development plan documents. These contribute to delivering the aims and objectives of Brent's Community Strategy.</p> <p>I hope you will take this opportunity to participate in the process of drawing up the new plan. If we are to shape the borough the way you want to see it then we need to hear from you. Please tell us what you think.</p>	To update

Councillor Margaret McLennan, Brent's Lead Member for Housing and Development

This new Development Management Plan contains detailed policies which will guide the development of the borough.

The plan sets out Brent Council's policies towards housing, town centres, open spaces, employment, community facilities, the built environment (for example, listed buildings, historic parks and conservation areas) and transport - all of which contribute to making Brent a vibrant place to live and work.

We're working hard to improve living standards, make Brent safer, cleaner and greener, support residents to be healthier and happier, and provide more opportunities to learn and work in the borough. This plan aims to help make this happen, by giving clear guidance; such as what can be built, where, how, for what use, where restrictions apply and why.

We're committed to providing a high quality, responsive Planning Service, and realise how important it is to involve the community in helping us create a better service.

That's why this powerful plan is the result of ongoing community involvement.

Thank you to everyone who took the opportunity to participate in the process of developing these policies.

Councillor Mashari

Lead member for Regeneration, Growth, Employment and Skills

**HOW TO GIVE
YOUR VIEWS**

~~The Development Management Policies Publication Stage Document is published for comments on its soundness. Further copies of this document can be downloaded from the Brent Council website at www.brent.gov.uk/dmp.~~

~~Make your comments by the following ways: Online via the interactive web version of this document at www.brent.gov.uk/dmp~~

~~By email to ldf@brent.gov.uk~~

~~In writing addressed to: Planning Policy and Projects Team, Planning and Regeneration, London~~

<p>Borough of Brent, Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ Please reference your comments to the relevant policy or paragraph of the document. All comments must be received by 5pm on 5th November 2015. Any representations made in relation to this document will be made available to the public.</p>		
<p>The Processes So Far that the Plan went through to adoption</p> <p>1.34</p>	<p>This reflects, and builds upon, a consultation stage in June 2007 which proposed some preferred options for policy at that time. Due to significant changes in the planning system since 2007, including the publication of the National Planning Policy Framework (NPPF) in 2012, and the new challenges and opportunities for Brent, it was necessary to undertake a further consultation on revised policies between June and July 2014. <u>This resulted in publishing a version of the Plan for representations to be received and submitted for Examination to the Secretary of State in January 2016. Following Examination Hearings further modifications to the Plan were proposed, representations sought and considered by the Planning Inspector. These modifications were incorporated into the Plan which was adopted by the Council in XX 2016.</u></p>	<p>To update related to stage in the adoption process</p>
<p>1.4</p>	<p>There is now an opportunity to comment on the publication version of the Plan before it is submitted for Examination by an independent Planning Inspector. At this stage comments should relate to whether you consider that the Plan is 'sound'. To be 'sound' a plan should be positively prepared, justified, effective and consistent with national policy.</p>	<p>Update related to the stage that the Plan has met when adopted.</p>
<p>1.5</p>	<p>National & London Plan Each of the green boxes throughout the Plan will be amended where necessary to make clearer reference to the more strategic policy that has been identified which either informs or will be used in association with the policy in the Plan, or will be used in the absence of a policy in this plan e.g. NPPF, London Plan or Core Strategy.</p>	<p>Clarification sought by the Inspector sought by the Inspector during the examination hearings.</p>
<p>2.3</p>	<p>The Council aims to ensure that development complies with appropriate national and local planning policy and guidance through effective enforcement action. Enforcement action will be considered against unauthorised development and will be guided by national guidance and the priorities set out in the Brent Enforcement Plan which includes a test of expediency.</p>	<p>Clarification to identify the Council's pro-active but proportionate approach to enforcement.</p>
<p>2.7</p>	<p>Development will be expected to provide any associated infrastructure required to make it acceptable accessible from a planning perspective. This includes elements such as on or of off-site physical infrastructure for example transport improvements, water and sewerage infrastructure, or surface water drainage or social infrastructure such as additional capacity in schools or health practices.</p>	<p>Typographical corrections and amendment agreed with the Environment Agency to identify water related infrastructure.</p>
<p>3.1</p>	<p>It builds on Core Strategy Policy 16 which establishes the town centre hierarchy, by providing detailed guidance to support the development of strong town centres. It also updates the hierarchy to include</p>	<p>Minor modification for clarification as sought by the</p>

Church End as a local centre due to its function and scale, [based on the findings of the Town Centre Background Report \(2015\)](#).

Inspector at the Hearings

Town Centre Hierarchy

<u>Major</u>	<u>District</u>	<u>Local</u>
Kilburn Wembley	Burnt Oak Colindale/ The Hyde Cricklewood Ealing Road Harlesden Kenton Kingsbury Neasden Preston Road Wembley Park Willesden Green	Church End Kensal Rise Queen's Park Sudbury

3.5	Frontage will be considered peripheral where it is outside of the primary shopping area (primary and adjoining or closely related secondary frontage) and its conversion would not result in residential development between frontage in main town centre use.	Minor modification for clarification
3.12	Neighbourhood Centres Parades and Isolated Shop Units Outside of town centres, neighbourhood centres parades and isolated shop units provide convenient access to goods and services which are needed on a day to day basis.	Minor modification for clarification as identified in the Inspector's Main Issues for the ExaminationHearings
3.13	In determining applications for planning permission and retail to residential permitted development prior approval, development resulting in the loss of local retail and service provision will not be permitted unless there is alternative equivalent provision within 400 metres. This is considered a reasonable walking distance (5 minutes for the average person) to access convenience shopping and local services. Provision will be considered equivalent where it provides a similar offer which meets the same need, such as the need for fresh food or a financial service. Marketing evidence will be required demonstrating an active marketing campaign for a continuous period of at least a year whilst the premises were vacant or in 'meanwhile use', which has shown to be unsuccessful. This approach will also be applied in assessing applications for retail to residential permitted development prior approval.	Removal of repetition and for clarification
Following 4.5, Active Design, Sport England		Clarification

green national & London Plan guidance box		
Following 4.7, green national & London Plan guidance box	Easy Access to Historic Buildings, English Heritage Historic England Easy Access to Historic Landscapes, English Heritage Historic England	To update reflecting change in name.
4.15	Consistent with the approach to landscaping, the design and provision of all elements, including hard and soft landscaping, lighting, furniture and public art, should be coordinated and well located, to make a positive contribution, avoid unnecessary clutter, and ensure a safe, informative and attractive environment. This is consistent with other parts of the Plan of making areas have better accessibility and improving streets and places for walking and cycling.	Clarification
4.16	National Planning Practice Guidance (NPPG) provides advice on when this is the case and the grounds on the acceptability of advertisements should be determined on the criteria of amenity and public safety.	Clarification
4.20	Brent's statutory listed buildings, conservation areas and registered parks and gardens are all designated heritage assets. Its locally listed buildings, areas of distinctive residential character , sites of archaeological importance and archaeological priority areas are non-designated heritage assets. Non-designated heritage assets include buildings, structures, monuments, earthworks, street furniture, sculpture, shopfronts, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decision stage. Guidance on Brent's heritage assets, as set out in the local guidance box in this chapter, is available at www.brent.gov.uk/conservation. This guidance forms part of the Local Plan evidence base and will also be a material consideration in the determination of applications for development. Applicants should refer to these documents early on to ensure that their proposals are based on an understanding of the significance of heritage assets that may affected.	Clarification as the policies related to areas of distinctive residential character set out in the UDP are not proposed for retention following adoption of the DMP. The evidence base identified will also inform decision making in relation to applications that affect heritage assets.
4.21	The purpose of this policy is to provide greater clarity on the specific additional requirements applicable in Brent taking account of existing NPPF, NPPG, London Plan, and Brent Core Strategy policies and local evidence base .	Clarification
Following DMP 7, orange local	Heritage Asset Guidance Sites of Archaeological Importance and Archaeological Priority Areas Conservation Area Design Guides	Clarification to provide greater detail on supporting information in implementing

guidance box	Conservation Area Article 4 Directions Heritage at Risk Register Listed Buildings Local List	the policy.
4.22	<p>Brent's heritage assets include a wide range of architectural styles from Victorian Italianate, Gothic Revival, suburban 'Arts & Crafts', 'Tudorbethan', 'Old World', Modern and Brutalist as well as planned 'village' settlements. Furthermore, its formal public gardens, cemeteries together with the trees and gardens in the 20th century residential developments have matured contributing to setting. However, its archaeological discoveries from early prehistory are scarce, because sites have been built over and there are limited places where archaeologists could <u>can now</u> investigate. However, aArchaeological exploration records suggests that there were settlements in the area from prehistoric times. New discoveries would be significant partly because so little is known during the Palaeolithic, Mesolithic and Neolithic periods (800,000 years ago to 2500 BC).</p>	Correction
4.24	<p>4.24 The Council supports and recognises that change is necessary, but change needs to be managed in a way which does not compromise heritage significance and exploits opportunities for enhancement. Any proposal must have special regard to the desirability of preserving a heritage asset or its setting or any features of special architectural or historic interest which it possesses. When granting consent, special regard will be given to matters of detailed design, especially within main frontages, prominent elevations and roofs, and to the nature, quality and type of materials proposed to be used.</p>	Typographical correction – duplicate text removed
4.28	<p>The Council will also require the identification of non-designated heritage assets, including building or structures contained on the Local List, areas of distinctive residential character, archaeological priority areas, sites of archaeological importance and sites contained within the London Parks & Gardens Trust's Inventory of Historic Spaces at the beginning of the design process for any development, especially where this may impact on their significance.</p>	Clarification as the policies related to areas of distinctive residential character set out in the UDP are not proposed for retention following adoption of the DMP.
4.29	<p>The Council will resist significant harm to or of loss of such a heritage assets. It will assess proposals which would directly or indirectly impact on heritage assets in the light of their significance and the degree of harm or loss which would be caused. Where the harm would be less than substantial, it will be weighed against any public benefits of the proposal, including securing optimum viable use of the heritage asset and whether it would enhance or better reveal the significance of the conservation area. For demolition or alteration to be approved, there will need to be clarity about what will be put in its place within a suitable time frame. It should be noted designation as a Locally Listed building does not provide further statutory protection but it draws attention to the special qualities of the building.</p>	Correction

4.32	A Heritage Statement <u>is required where a proposal is for or affects a heritage asset. It</u> must describe and demonstrate a clear understanding of the significance of any heritage assets affected by proposals and the impact on their significance, including any contribution from their setting.	Clarification
5.2	London Plan policy 7.17 Metropolitan Open Land (MOL) is given the same level of protection as the Green Belt.	Correction
5.2	Exceptions to this are where it can be clearly shown to be surplus to requirements, equivalent local provision is made or the benefit or the development is for alternative sports and recreational provision the need for which outweighs the loss.	Correction
Following DMP 9, green nation & London Plan guidance box	Draft Thames River Basin Management Plan, Environment Agency	To update
Following DMP 9, orange local guidance box	<u>Brent Biodiversity Action Plan</u>	Clarification
5.11, first bullet point	<u>deculverting and</u> removing unnatural structures such as obsolete weirs and bank and bed reinforcements.	Clarification
5.12	Such developments should also contribute to the delivery of the Brent River Corridor Improvement Plan, produced by the Brent Catchment Partnership, <u>Brent Biodiversity Action Plan</u> , and the London Rivers Action Plan. Specific projects in the Brent catchment are identified on the interactive map on the River Restoration Centre website.	Clarification
6.11	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.	Clarification to provide greater flexibility taking account of a variety of site characteristic
6.18	A general indication of the location of historic industrial sites is provided by Map 1 below. In <u>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>	Clarification as agreed with the Environment Agency.
6.22	Additional sentence. <u>This has to take account of the latest climate change allowance as identified by</u>	Clarification sought by the

	the Environment Agency, but take a precautionary approach to reducing long term risk based on the fact that such allowances are subject to periodic review.	Inspector
6.25	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) to consider all forms of flooding . The borough Strategic Flood Risk Assessment (SFRA) sets out sustainable flood risk mitigation measures and level of detail to be included in site-based FRA dependant on the flood zone. This should form the basis of all FRA. In accordance with the SFRA all FRA should demonstrate how the development seeks to reduce flood risk.	Clarification as agreed with the Environment Agency.
6.27	Lack of capacity in our drainage network can increase flood risk, therefore developments should aim to ensure wherever feasible the separation of surface and foul water systems.	Minor modification proposed in relation to the Inspector's Main Issues Questions for the Hearings. Greater flexibility clarified in relation to concerns raised by the Inspector at the Examination Hearings on not increasing burdens on developers without flexibility if viability would be otherwise undermined.
6.29	The developer is to provide Water Quality and Biodiversity statement and cost benefits analysis for conventional and SuDS systems.	Clarification
8.4	The eCouncil has concentrated its efforts to date on improving key stations, interchanges and bus services to and between them. Investment has been made to increase capacity at the three Wembley stations. Similar investment is required at other key interchanges to enhance the usability of the network as a whole. Particular focus is needed on improving orbital links and key interchange points on them. With improved orbital bus links comes the need for bus stands and facilities, and consideration will need to be given to their location.	Clarification
8.7	Where significant impacts arise including during development construction , mitigation measures should be proposed and the residual impacts assessed.	Clarification
8.8 – second bullet point	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 or causing capacity issues to the existing network will only be acceptable when	Clarification

	significant public transport improvements are secured which are both viable and justifiable in the longer term.	
Following DMP 10, green national & London Plan guidance box	London Cycle Design Standards, TFL	Clarification of additional advice available on cycle parking and cycling facilities.
8.21	Proposals which would affect the M1 Motorway shall require consultation with the Highways Agency England .	To update flowing name change
8.27	The amount of parking provided in accordance with parking standards is a balance between a number of factors. These include seeking to reduce unnecessary car trips, promoting effective use of land, 9making development viable and not creating on street parking pressure which undermines the quality of life.	Typographical correction
8.28	TfL's Emerging Design of Car Parking guidance will also provide advice on this matter.	Correction
Following 8.31, pink evidence base box	Brent's Parking Standards (2013), Steer Davies Gleave	Correction to identify recent evidence to support the policy.
9.1	The NPPF and London Plan emphasise the importance of allowing sufficient flexibility to adapt to changing circumstances by supporting managed conversion release of surplus employment land.	Clarification
9.1	Employment uses are those within the B use class and closely related sui generis uses.	Minor modification for clarification
9.4	Alternatively, in exceptional circumstances , where redevelopment or re-use of a Local Employment Site would not give rise to a material loss of employment, a mixed-use development incorporating non-employment uses may be appropriate on part of the site . The applicant must demonstrate that redevelopment will result in: <ul style="list-style-type: none"> the maximum economically feasible amount of employment floorspace on the site; the accommodation of the existing employment use, or where the site is vacant employment floorspace, to meet development needs of businesses in Brent, particularly SMEs; delivery of wider regeneration benefits to the community; and employment floorspace with a very strong prospect of being occupied. 	Clarification

10.1	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. The Borough will continue to bring forward additional housing development capacity to supplement its housing target to meet local and strategic need.	Clarification
10.7	NPPF, NPPG and the London Plan give clarity that the amount of affordable housing expected to be provided in a development can be reduced if the development would otherwise be unviable <u>viability is a consideration when determining the maximum reasonable affordable housing.</u>	Clarification
10.8	h. priority to be accord ed to provision of affordable family housing.	Typographical correction
10.11	The Council has used this approach and will continue to do so in the future, but will take a proportionate approach to using this mechanism. It will be applied to developments where the proportion of affordable housing agreed is significantly below the 50% target, on sites of 200 dwellings or more where there is a phased approach to the development and on sites where the majority <u>substantial implementation</u> of the development is likely to be delivered beyond 18 months of the initial consent.	Clarification
Following 10.15, green box	<u>London Borough Viability Protocol, London Borough Viability Group</u>	Clarification
10.24	Exceptional circumstances may arise in Brent where a loss of residential floor space will be acceptable in order to achieve Brent's strategic priorities. Situations include regeneration <u>through</u> improving the local environment so that it proves to be a more sustainable location where current poorly designed housing which cannot be economically altered is creating wider problems, e.g. reducing the opportunity for high levels of crime or anti-social behaviour to the substantial detriment of the surrounding neighbourhood. Alternatively this could be in meeting an essential identified local need, e.g. overcoming a deficiency of local social infrastructure such as a new school, <u>open space</u> or physical infrastructure such as a significant transport improvement.	Modification following comments from the Inspector and concerns about the appropriateness of the use of 'sustainable'.
10.29	Effort should be made to provide all additional flats with amenity space. In exceptional circumstances the Council may accept the conversion of a family sized dwelling to two or more 1 or 2 bedroom dwellings. This will be appropriate where the existing dwelling is likely to be so deficient in terms of its amenity for family accommodation and it could not reasonably be changed to overcome such deficiencies. In the event that an existing family size flat does not have access to a garden, the layout and accessibility of the unit and the characteristics of accommodation in the area will be considered to assess its value as a family size dwelling. Lack of a garden/ <u>amenity space</u> will not automatically allow for the conversion of dwelling into smaller dwellings. Other amenity factors will also be taken into account	Modification sought by the Inspector to eliminate inconsistencies between the policy and supporting text

	in deciding whether an existing family sized dwelling provides or has the potential to provide a good family environment. This will included-be location and other amenity factors e.g. above a retail parade in a centre may have adverse associated impacts associated with user uses such as disturbance caused by hours of opening, noise, smells, constrained access width to upper floors, etc.	
10.32	The policy seeks to reduce the potential for overcrowding of residential properties to be controlled through means available through the planning process.	Correction
10.44	These types of uses mak eing a significant contribution to meeting local and in the case of students, London needs.	Correction
10.46	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 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. 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.	Clarification
10.48	Residential amenity means both that of the potential occupiers (Brent's private sector stock condition survey indicated the majority of HMOs are not suitable for habitation) and those adjoining the development.	Correction
10.51	Where appropriate it will seek to ensure that at least initially and in some cases subsequent for subsequent occupiers that priority for such housing is made available to people in Brent.	Correction
10.58	The London Plan anticipates that the numbers of students in London will to continue to grow and requires boroughs to ensure that both demonstrable local and strategic student housing needs are addressed. ... Refer to 3.5.3 more SHLAA targets inform the 1525 gives an assumed mix on student housing provision.	Typographical error
11.3	London Plan policy 3.16 and Brent's Core Strategy policy CP 23 protects existing community and cultural facilities that support community participation and development, and requires s mitigation for any loss. The London Plan also requires the suitability of redundant premises for other forms of social infrastructure to be assessed before alternative developments are considered.	Correction
Following 11.3, green box highlighting	<u>3.1: Ensuring Equal Life Chances for all</u> <u>4.8: Supporting a successful and diverse retail sector and related facilities and services</u>	Clarification

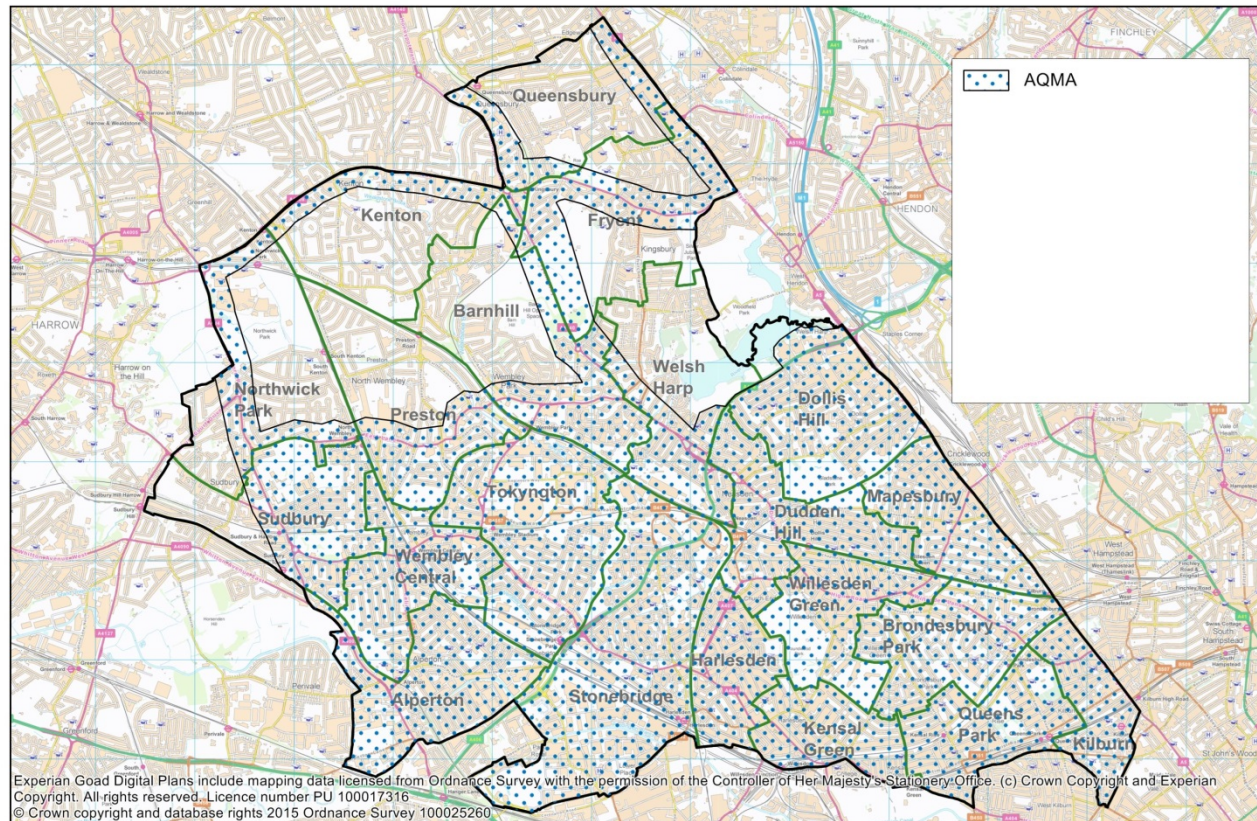
related national & London Plan guidance		
11.8	As such, and in keeping with the NPPF, public houses are classed as social infrastructure and proposals which would result in their loss will be subject to this policy. <u>In addition, due to the contribution public houses make to the borough's local character and distinctiveness, policy DMP7 Brent's Heritage Assets will normally apply.</u>	Clarification
Appendix 1	The standards for residential development reflect this pattern and the fact that where public transport is less accessible, residents will make use of their cars for essential trips more often and therefore require the facility to park a car at their property. Family homes are more likely to need car parking. Residential parking standards are maximum standards. <u>However, minimum operational parking may be required on sites depending on its circumstances, the following are examples but should not be regarded as the only situations where minimums will be sought: to cater for essential trips which cannot be made by public transport; where there are existing high levels of on-street parking pressure; or to accommodate disabled parking.</u>	No change proposed following comments by Inspector on receipt of final report.
Appendix 1	<i>Table numbers to be corrected throughout.</i>	Correction
Appendix 3	<p><u>Forecourt Trading: trading from a designated area which is connected to the frontage of a shop and either on the public footway or private land. Also known as street trading.</u></p> <p>Major Developments: 10 or more residential units (or if a number is not given, where the area is more than 0.5 hectares), or 1000 sq m (or more) gross commercial floorspace.</p> <p>Neighbourhood Centres-Parades and Isolated Shop Units: Neighbourhood Centres and isolated units are located outside of designated town centres. These shops serve a local retail need and play an important social role in the community as well as contributing to the character and function of the local area.</p> <p>Open Space: All land in Brent that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a-the broad range of types of open space, whether in public or private ownership and whether public access is unrestricted, limited or restricted.</p> <p><u>Primary Shopping Area: Area where retail development is concentrated comprising the primary and</u></p>	Correction

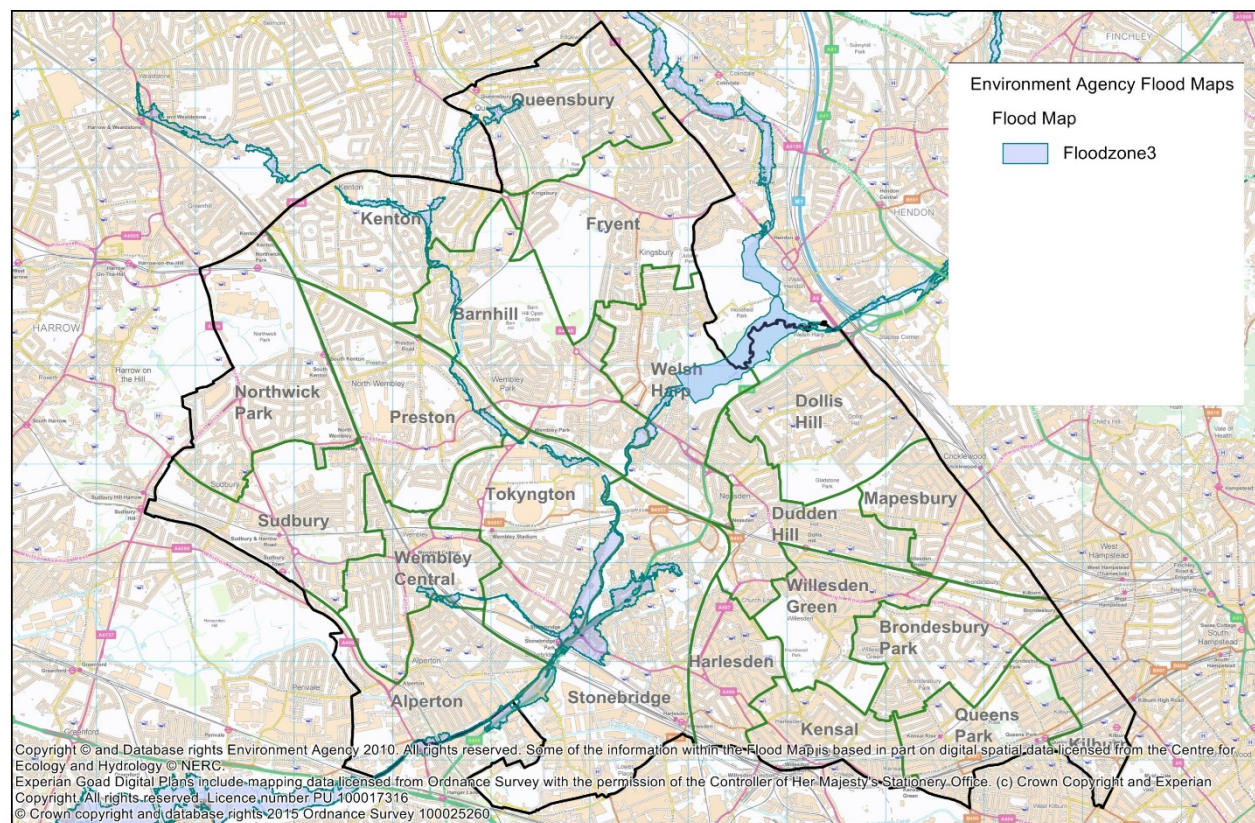
adjoining secondary frontages.

Policies Map

Additional Air Quality Management Area (AQMA) layer on policies map.

Correction





1:50000

11
December
2015

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