



Cabinet
14 October 2019

**Report from the Strategic Director
of Regeneration and Environment**

**Brent Local Plan Publication and Submission for
Examination**

Wards Affected:	All, excluding parts of Harlesden, Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
Key Decision:	Yes
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two Appendix 1 Draft Local Plan (can be viewed by clicking here) Appendix 2 Local Development Scheme
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report seeks Cabinet approval for the draft Brent Local Plan to go through the next statutory stages required for its adoption. This includes publishing the Plan for consultation and subsequently after considering the consultation responses recommending to Full Council that the Local Plan is submitted for Examination by a Planning Inspector appointed by the Secretary of State. The report also seeks approval of an updated Local Development Scheme, the document that sets out a work programme for planning related documents for the next 3 years. In both cases it seeks delegation of authority to approve subsequent updates to the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning. It also seeks the revocation of the adopted Alperton Masterplan SPD July 2011 which is considered to be out of date.

2.0 Recommendations

- 2.1 Cabinet agrees that the Brent Local Plan in Appendix 1 is published for consultation.
- 2.2 Cabinet delegate authority to the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning to make proposed modifications to the Brent Local Plan prior to submission and if required through the Examination process.
- 2.3 Cabinet recommends that Full Council approve the submission of the draft Brent Local Plan with any proposed modifications, plus associated documents as set out in regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012), to the Secretary of State for Examination.
- 2.4 Cabinet approves the Brent Local Development Scheme 2019-22 as set out in Appendix 2.
- 2.5 Cabinet delegate authority to the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning to approve future Brent Local Development Schemes.
- 2.6 Cabinet revokes the Alperton Masterplan Supplementary Planning Document July 2011.

3.0 Detail

- 3.1 Cabinet considered a paper on the 13th February 2017 'Updating Brent Council's Planning Strategy (The Local Plan) that set out the process of updating the Council's statutory town planning policies. At that meeting Cabinet delegated authority to the Strategic Director Regeneration and Environment in association with the Portfolio Holder Regeneration, Growth, Employment and Skills to approve Development Plan consultation material to be issued pre-Publication (Regulation 19 of the The Town and Country Planning (Local Planning) (England) Regulations 2012) stage.
- 3.2 The draft Local Plan has been through all the necessary stages for which Cabinet delegated authority. In moving forward, the next stage is Regulation 19, or Publication of the Plan; a Cabinet decision.

Draft Brent Local Plan – stages to date

- 3.3 Since mid-2017 a significant amount of work has gone into shaping the draft Brent Local Plan. There have been three stages of engagement with the public to date:
 - Mid-August until the end of 2017: informal focussed workshops with residents and other interested parties across the borough. This sought to set out some of the challenges and opportunities related to planning for accommodating Brent's predicted population growth. It captured what people considered important about their area and where they thought there was potential for development to meet these population needs and improve Brent.

- 'Issues and Options' consultation, February-March 2018: the second stage of consultation that occurred for 6 weeks.
- 'Preferred Options' consultation, November 2018-January 2019: the third stage of consultation that took place across the borough for 8 weeks. It took into account previous consultation responses. The main issues raised are set out in a [consultation summary](#) .In addition, fuller responses to each point raised and how the Plan has been amended if necessary are [available to view](#) for those that made representations. These are in the list of background reports to this report.

3.4 Overall, the draft Plan has been well received. The wider community recognises the need to meet the existing needs of the population, particularly the need for additional affordable, family and specialist homes. There are however worries about the predicted growth of the population, and its impacts on infrastructure. Many communities are concerned about existing access to facilities, which are perceived to be inadequate or at full capacity. Whilst most welcome the investment that has come in regenerating Brent, there are also concerns about potential change in character and loss of green space. A Local Plan Members' Liaison Group consisting of 10 members from across the borough, including the Cabinet Member and Chair of Planning has met regularly throughout the Local Plan drafting process. It has acted as a sounding board/ critical friend related to the communication/ engagement process, contents and form of the draft document throughout its various stages to date.

Brent Local Plan – format and content

- 3.5 Consistent with national policy, the draft Local Plan has sought to complement higher level policy. This is the National Planning Policy Framework and the emerging draft London Plan. More emphasis has been placed on the emerging London Plan's policies rather than the existing London Plan. This is because it is likely the new one will be adopted by the time the Brent Local Plan's examination is concluded. It is a statutory requirement for Brent's Local Plan to be in general conformity with the adopted London Plan. Consistent with national policy requirements, the Brent Local Plan does not repeat higher level policy, and as such needs to be considered in association with the London Plan in particular. The draft Local Plan provides reference to London Plan policies to make it easier for users to see the relationship. It also takes account of and refers to the Sudbury and Harlesden Neighbourhood Plans which also form part of the development plan at relevant points.
- 3.6 The Plan has a vision, takes the London Plan's good growth policies and makes them locally relevant to Brent. It splits the borough up into 7 places, based on a number of factors including town centre catchments. This is to make the Plan more relevant at a local level to communities. For each of these places it outlines the challenges and opportunities, sets out a vision and related policy to deliver the vision. It has policies for specific site developments. It then also has specific theme policies consistent with those of the London Plan. As with the current Brent Local Plan, the major places of change will be Growth Areas. The Plan identifies 3 new Growth Areas at Northwick Park, Staples Corner and Neasden Station. The existing Growth Areas all have additional development opportunities identified and in some cases are extended.
- 3.7 It addresses the significant challenges that the council faces, in particular around meeting the needs of the predicted growth in the borough's population.

It seeks to meet the housing needs of Brent and wider London by planning for at least 47,300 additional homes in the period to 2041. This is the amount that can be shown to be deliverable based on known sites and reasonable estimates of 'windfall' sites. It takes account of the recommendations of the Affordable Housing Task Group Report January 2019. In doing so it takes forward the council's strategic target of 50% affordable homes, whilst accepting the Mayor's fast track approach of a lower target in the meantime as a stepping stone to reaching the 50%. The affordable housing tenure split sought is 70% London Affordable Rent (equivalent to new build council) 30% intermediate including shared ownership, discount rent and discount sale. It seeks an affordable housing contribution in lieu of on-site provision for developments of 5-9 dwellings. It seeks to ensure specialist housing and family housing are delivered.

- 3.8 The Plan seeks to ensure that existing employment areas are protected and jobs increased through intensification of wholly business floorspace, or as part of mixed use developments. Town centres are promoted as the priority location for main town centre uses, whilst flexibility is allowed to ensure that they can change and diversify to meet the challenges caused by changes in shopping habits. As is currently the case policies to limit takeaways, shisha bars, betting shops payday loans and pawn brokers are also included.
- 3.9 The priority locations for tall buildings are identified, along with indicative heights. Policies protect social infrastructure but also set out when such infrastructure will be required. Policies seek to retain the borough's best historic environments, whilst more detail is set out on addressing the National stadium's future and protecting views of its setting. The boroughs open spaces are protected, along with policies for seeking new spaces in association with development. Policies to address climate change through control of water and the energy requirements of new development and to improve air quality are also included. The Plan complements the council's transport strategy of prioritising more sustainable movement over that of the private vehicle.

Adoption of the Brent Local Plan – Next Stages

- 3.10 The draft Local Plan has been through all the necessary stages for which Cabinet delegated authority. In moving forward, the Plan will go through the following stages, as outlined below:
- 3.11 Regulation 19 Stage, or publication of the Plan: this is a Cabinet decision. The publication stage provides a 6-week consultation period in which representations are sought on whether the Plan is 'sound'. The tests of soundness are set out in the National Planning Policy Framework. They are that Plans should be:
- a) **Positively prepared**, that is as a minimum meeting all the area's identified needs;
 - b) **Justified**, being an appropriate strategy taking account of reasonable alternatives, and based on proportionate evidence;
 - c) **Effective**, being deliverable over the plan period and based on effective joint working; and
 - d) **Consistent with national policy**, enabling delivery of sustainable development.

- 3.12 After the publication period the Council will need to consider the representations made. If necessary, to address matters raised, particularly those related to soundness, there could be a need to propose modifications to the Plan. For the sake of efficiency, it is recommended that approval of any proposed modifications is delegated by Cabinet to the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning.
- 3.13 Submission Stage: following publication and our assessment of representations, the Plan will need to be submitted to the Secretary of State for examination. This will subject the Plan to statutory tests related to the processes of its production and also the test of soundness. The process including the documents to be submitted is set out in Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012. As this is the Plan that the Council wishes to adopt, the decision to submit is one that must be taken by Full Council. As such, this report recommends that Cabinet recommends that Full Council approves the submission of the publication plan, plus any modifications.
- 3.14 Examination Stage: examination of the Plan will be undertaken by an independent planning inspector appointed on the Secretary of State's behalf. Whilst the Council will submit a Plan which it considers is sound, there are likely to be outstanding objections raised in representations. Taking account of these and other issues, the Inspector may consider the Plan not to be sound, but that this could be overcome through an appropriate modification. To ensure the Plan has a greater likelihood of a positive examination, the Council can indicate that it will be willing to accept modifications it might need to propose where these would address issues of 'soundness' as recommended in the Inspector's examination report. As the examination process is relatively short, planning officers using their professional judgement will need to be able to respond at short notice, sometimes in the respective hearings sessions to make proposed modifications. Logistically, it will not be possible to engage with Full Council on each of these modifications at the time they are proposed.
- 3.15 Post examination consultation Stage: all proposed modifications will be subject to further consultation. Full Council does not meet frequently and would likely require a special meeting to be arranged to consider modifications. As such, to assist with the efficiency of the decision making process and timing of the Examination both Cabinet and Full Council will be recommended that the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning be delegated to approve any such modifications for consultation.
- 3.16 Inspector's Report and Adoption: on receipt of a positive Inspector's report, the Council will have two choices. It can either adopt the Plan, subject to any proposed modifications if recommended by the Inspector, or alternatively it can choose not to adopt the Plan. As a policy document, its adoption will be a Full Council decision. Again for the sake of efficiency, it is not proposed to bring the Plan back to Cabinet prior to its adoption.

London Plan and conformity

- 3.17 The draft London Plan contains a number of policies which the Council formally objected to. Along with other members of the West London Alliance it appeared

at a number of the Examination hearings. Significant concerns were raised about Brent's housing target and in particular assumptions for delivery from small sites. The same was true of Brent's status as a provide capacity borough for industrial floorspace and its increased waste target. In relation to these issues, the GLA has not currently proposed alterations to the final version of the draft London Plan (July 2019) it has passed on to the panel of inspectors. The Panel's report is expected September/ October 2019. Subject to the contents of the report, the GLA anticipate the adoption of the London Plan in early 2020 prior to the Mayoral elections. This assumes no substantive subsequent intervention from the Secretary of State.

- 3.18 The GLA has made representations on the draft Local Plan. The majority of issues raised as concerns with regards to general conformity have been addressed through amendments to the draft Plan, or clarification of the council's approach to a matter with the GLA. The main non-conformity issue is likely to be the draft Plan's housing target to 2028/29. This is about 1,700 below the London Plan's target of 29,150 net additional dwellings. Taking account of the NPPF's minimum 'buffer' for the need to show 5-year availability of housing sites, it is around 2,600 homes below requirements. Whilst representing less than a year's supply, it is nevertheless a substantial sum that needs to be found.
- 3.19 The Local Plan's figure is based on evidence of the likely availability/delivery of sites. The draft London Plan does not consider the impact of each of their policies in the individual chapters of the London Plan in the round. e.g. the 'provide capacity' status for employment premises was not taken account of in the GLA's Strategic Housing Land Availability Assessment. The Assessment was used to identify potential dwellings capacities on sites in boroughs. The policy effectively will require boroughs to turn off a previous form of housing land supply, e.g. non-designated employment sites such as factories or offices which might have previously been developed for housing (and in Brent has been a significant recent provider of dwellings), as well as requiring re-provision of more employment space in redevelopments of sites which will also reduce the capacity of those sites to provide housing.
- 3.20 Extensive engagement has occurred for sites to be promoted for housing development through the Local Plan process. All known and potential capacity for sites has been identified. The NPPF has a requirement to evidence past and future housing delivery on an on-going basis against adopted Local Plan targets. Failure results in Local Plan policies being considered out of date. This will lead to the presumption in favour of development, taking account of the policies of the NPPF being given greater weight than those in the Local Plan.
- 3.21 The council essentially has 3 choices on what it can do. These are:
 - a) amend the draft Plan housing target to that of the draft London Plan. As all known sites have been identified, this will be by increasing the 'windfall' allowance, moving more towards the GLA's assumptions on small site housing delivery;
 - b) delay publication and do further work in terms of engagement with site owners and developers on the basis that it might identify some more housing capacity; or
 - c) progress with publishing the draft Plan as is and subsequently submitting it for examination.

- 3.22 Option a) is not regarded as appropriate as it is considered that as much small sites capacity as can reasonably be justified is included in the draft Plan already. To set a target consistent with the draft London Plan without reasonable prospect of delivery opens the council up to the risk of failing against the NPPF's delivery tests. Ultimately this will mean that the Local Plan's status is diminished, with the risk that development may occur of a type, or in a place that the council or local communities do not support.
- 3.23 Option b) is not regarded as appropriate. It is not certain that the extension of time will result in the necessary additional capacity being identified. It will cause further delay to the Plan's adoption. This will have implications for the evidence base to support the Plan, which might become less relevant/ robust. It will also result in the existing Local Plan becoming further out of date, whilst the emerging Plan's status will have very limited weight due to the lack of a Council resolution to submit for examination.
- 3.24 Option c) is considered to be the most reasonable approach, although it is not without risk. The publication may identify additional acceptable housing sites/ capacity through representations received, although this is thought unlikely. Any new sites these can be incorporated into the Plan through proposed modifications either before submission for examination, or during the examination process. If no additional capacity is identified through publication, the council will have the opportunity to present its evidence to the Inspector. The GLA may formally object to the Plan at the examination. The Inspector may consider the council's position robust and accept the Local Plan's housing target. Alternatively based on the evidence before them, they may suggest the council considers additional sources of capacity that they think it is reasonable to assume can be delivered and that the Plan target is amended. Another alternative is that they require the council to do more work to identify additional capacity from unspecified sources if there are no other reasonable prospects in the evidence before them.
- 3.25 It is important to recognise that the Inspector is only likely to suggest modifications in their report where the council proposes them or indicates that it is likely to accept them during the examination process. There is a very remote possibility that the inspector will decide none of these routes appropriate and ultimately conclude that the Plan is incapable of being found sound. This is considered to be very unlikely as inspectors are generally pragmatic, ultimately seeking to ensure that wherever possible Plans can progress to adoption.
- 3.26 On this basis it is recommended that the council progresses with the regulation 19 publication of the Plan and following this, after considering representations received, submission to the Secretary of State for examination.

Brent Local Development Scheme

- 3.27 The Brent Local Development Scheme sets out the timetable for the production of the Development Plan/ Local Plan and any associated supplementary planning or advice documents produced by the council and Neighbourhood Plans/ Neighbourhood Development Orders by Neighbourhood Forums. It is a requirement of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) that it is updated on a regular basis. The Brent Local Development Scheme is usually for a 3-year period. The last Local

Development Scheme was approved by Cabinet in February 2017. It is due a refresh and the updated version is included in Appendix 2 of this report. The Inspector who examines the Local Plan is likely to review the Scheme to check that the Plan is consistent with the adoption timetable set out. Appendix 2 and 3 of the Scheme identify the work programme in more detail and the likely timeline of delivery. The majority of resource will go into advancement of the Local Plan, plus some supporting policy guidance to support delivery. Once the Plan is adopted, a review of the Scheme can occur.

- 3.28 It is recommended that Cabinet approve the Local Development Scheme as set out in Appendix 2 of this report. Currently adoption of the Scheme is a Cabinet decision. This is not considered to be an optimal use of Cabinet time, nor officer time when considering the associated processes required to bring an item to Cabinet for what is essentially a Spatial Planning service delivery project plan. To assist efficiency, it is recommended that Cabinet delegate authority for approval of future Local Development Schemes to the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning.

Alperton Masterplan Supplementary Planning Document July 2011

- 3.29 The Alperton Masterplan Supplementary Planning Document was adopted by the Council in July 2011. The document set out a vision for the redevelopment of Alperton Growth Area as identified in the Brent Core Strategy and the site allocations identified in the Brent Site Specific Allocations 2011. The document was reflective of and consistent of the development activity/ aspirations which were still very subdued following the financial crisis of 2008. It also was guided by London Plan policies which, compared to the current draft London Plan, set what would now be regarded as very modest housing targets for Brent.
- 3.30 The document has been helpful in terms of setting out a vision, some element of place-making and articulating key connections to and along the canal and through developments. Nevertheless, in terms of built form, the document in particular in terms of scale and density has modest ambitions. In the context of draft London Plan housing targets, current and draft London Plan design policy and planning permissions delivered more recently, it is evident that as a material consideration the guidance is becoming less relevant to current day decision making. In some cases, it has conflicted with schemes recently considered appropriate for grant of planning permission. This brings unnecessary uncertainty to the decision making process which the removal of the Supplementary Planning Document as a material planning consideration would address.
- 3.31 In moving forward, the draft Local Plan seeks a greater scale of development capacity on sites than has previously been identified. It also identifies more sites capable of redevelopment. The draft Local Plan takes forward the key positive principles of the Supplementary Planning Document in terms of improving the canal corridor, improving connections through the area, providing public open space and ensuring that new developments reduce in scale towards existing residential areas that will remain.
- 3.32 Given the scale of development set out in the Alperton Masterplan, there will in a number of cases be a clear conflict with the emerging Local Plan. As such, to reduce the potential for confusion of the extent to which the Alperton

Masterplan is a material consideration in the determination planning applications compared to the emerging Local Plan it is recommended that Cabinet formally revokes the Alperton Masterplan as a Supplementary Planning Document.

4.0 Financial Implications

4.1 In moving forward, the most significant expense associated with the adoption of the Plan will be the examination process. A fee will be payable to the Planning Inspectorate, the size of which is dependent on the examination's duration. Some additional work on the evidence base, such as viability testing or a consultant's attendance at the examination may be required. There is a remote possibility of external legal advice from Counsel being required. A small amount of funds will be required for publicity and engagement for publication, examination and adoption.

4.2 The potential costs associated with the next stages of the adoption of the Local Plan are anticipated to be within the existing Local Plan budget provision. The delivery of the projects in the Local Development Scheme is also within existing budgets.

5.0 Legal Implications

5.1 Planning documents (both statutory and non-statutory) have a clearly defined process for their adoption and revocation which will be followed. The Local Plan must be prepared in accordance with the Planning and compulsory purchase Act 2004 and Town and Country Planning (Local Planning) (England) Regulations 2012.

5.2 Planning and other applications must be determined in accordance with the Development Plan and Listed Building legislation unless significant material considerations indicate otherwise. Policies, guidance and the Local List will hold the most weight where they are up to date and consistent with national and London Plan policy.

5.3 Advice has been received from the legal department on how to best address efficiency of working when considering the provisions of the Council's constitution.

6.0 Equality Implications

6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

- 6.2 Full statutory public consultation will be carried out in the process of preparing in undertaking the work as identified in the report. Equalities Impact Assessments will be undertaken in association with each of the work streams in the Local Development Scheme.
- 6.3 The draft Local Plan has been subject to Equality Impact Assessment, with the input of the Council's equalities officer, along with Health Impact Assessment and Strategic Environmental Assessment. This is set out in the Integrated Impact Assessment. This has informed the policies, including analysis of potential alternatives, to seek to reduce adverse impacts and wherever possible improve the outcomes for those with protected characteristics and the social, economic and environmental outcomes of the Plan.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Consultation has been extensive and on-going throughout the stages of adoption. It has included leaflets delivered to every home in the borough. Public workshops in each Brent connects area at issues and options stage. Additional workshops at preferred options stage. Workshops with specific groups, e.g. developers/landowners, housing associations, youth parliament, disability groups, mothers, faith groups, utilities and meetings with adjacent London Boroughs/Old Oak Development Corporation/GLA. Drop in/information sessions in all local libraries and other locations relevant to local communities, e.g. temples.
- 7.2 Ward members have been engaged through the Local Plan Members' Liaison Group which has met regularly. All members have been invited to numerous workshops at issues and options stage and preferred options stage. The Resources and Public Realm Scrutiny Committee 15th January 2019 considered the Preferred Options consultation version of the draft Local Plan and the results of consultation. Members have been informed of progress of the Plan and events through the members' bulletin. The Cabinet member has routinely sent e-mails to all members at key stages of the engagement process.
- 7.3 Any one will be able to respond to consultation on the document for the next stages. Awareness raising will be through press-releases, members' bulletin, an article in the Brent Magazine, announcements on the website, public notices, placing documents in libraries and writing to statutory consultees and people on the council's Local Plan consultation database who might have expressed an interest in being kept informed on the Local Plan. There will be some drop in sessions where officers will be available to can discuss the Plan's contents.

Related Documents

[Updating the Council's Planning Strategy \(The Local Plan\) Brent Cabinet 14th February 2017](#)

[Brent Local Plan Issues and Options February 2018](#)

[Brent Local Plan Consultation Report November 2018](#)

[Brent Local Plan Preferred Options November 2018](#)

[Brent Local Plan Preferred Options Consultation Summary October 2019](#)

[Brent Local Plan Preferred Options Consultation Responses and Officer Comments October 2019](#)

[Brent Local Plan Integrated Impact Assessment October 2019](#)

[Draft London Plan July 2019](#)

Report sign off:

Amar Dave

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and Environment.