



Executive
29th May 2007

**Report from the Director of
Environment and Culture**

For Action

Wards Affected:
ALL

**Local Development Framework – Development Policies
Preferred Options and Site Specific Allocations**

Forward Plan Ref: E&C-07/08-059

1.0 Summary

- 1.1 This report presents the proposed draft Development Policies Preferred Options document for consideration as part of Brent's new LDF. It will ultimately replace much of the UDP and follows on from, and reflects, the spatial strategy set out in Brent's draft Core Strategy. It also sets out the recommendations made by Planning Committee and officer comments on these. Executive is asked to agree the Development Policies document, and 4 additional Site Allocations, for Public Consultation.

2.0 Recommendations

- 2.1 That the draft Development Policies Preferred Options and the additional Site Specific Allocations be agreed for public consultation commencing on June 18th 2007 and ending on July 30th.
- 2.2 In light of Planning Committee's comments on Development Policies and further Site Specific Allocations, the Executive agree to the following to amend the parking standards as set out in paragraphs 3.41 - 3.43, agree

the other changes as set out in paragraphs 3.44 – 3.52 and to support the affordable housing threshold of 10 units.

- 2.3 That the Director of Environment & Culture is authorised to make changes to the document as indicated in the recommendations on the Sustainability Appraisal set out in Appendix 3 as well as further minor, non-material changes as necessary.

3.0 Detail

- 3.1 Members will be aware that the Council has agreed to replace the current Unitary Development Plan (UDP) with a series of new development plan documents, the first of which the Core Strategy Preferred Options was made available for public consultation in November 2006. At that time it was proposed that a further two documents, one setting out Site Specific Allocations and the other setting out detailed Development Policies, would be made available for consultation in 2007.

Timing of Consultation

- 3.2 It is proposed that the formal public consultation on both the Site Specific Allocations and the Development Policies begins on June 18th and it will last for 6 weeks until July 30th. During this time it is anticipated that at least one public workshop can be held and that presentations are made to Area Consultative Forums that coincide with the consultation period.

Additional Site Allocations

- 3.3 Executive agreed, on March 12th 2007, the draft Site Allocations document for public consultation. Since then an additional 4 sites have been identified for inclusion in the document. These are attached as Appendix 1. The additions are sites in Neasden and Harlesden town centres which have potential for redevelopment to boost the centres and were identified by consultants Urban Practitioners in a study of Neasden published in 2003 and in the Retail Need and Capacity Study undertaken on behalf of the Council by Roger Tym & Partners in 2006. It has also been proposed by land owners that the Lyon Industrial Estate within Staples Corner Strategic Employment Area should be redeveloped for mixed use including housing. The schedule gives reasons why officers consider that this site should be retained in employment use.

Development Policies Development Plan Document

- 3.4 The Development Policies Preferred Options is the third document which the Council agreed to prepare in order to replace the majority of

the UDP. It accompanies this report as Appendix 2. Once all three documents are in place the only parts of the UDP still to be replaced will be the Inset Plans for Wembley and Park Royal.

- 3.5 As with the Core Strategy and Site Specific Allocations documents the Development Policies Preferred Options have been drawn up taking into account the public consultation undertaken at the Issues and Options stage in September/October 2005. The results of this round of consultation were reported to Planning Committee in November 2005. Whilst the draft Core Strategy set out key spatial policies which established the fundamental parameters guiding development in the Borough, and included the basic principles of planning policy that will be applied to development proposals, the Development Policies document includes more detailed policies that are necessary for determining a full range of planning applications.
- 3.6 The Development Policies document is structured in much the same way as the Core Strategy, i.e. on a topic basis. There are a number of formatting issues outstanding relating to the document before it can be published, such as paragraph numbering, headings, etc. These matters will be addressed before the document goes out on formal consultation.
- 3.7 According to Government planning guidance, set out in Planning Policy Statement 12 on Local Development Frameworks, the LDF should contain "a limited suite of policies which set out the criteria against which planning applications for the development and use of land and buildings will be considered". Although the guidance uses the term "limited", the London Plan requires that a certain level of additional development policy is brought forward by the boroughs so that the LDF is in general conformity with the London Plan. The Development Policies Preferred Options also take account of proposed Further Alterations to the London Plan which will be subject to Examination in public in June. It is expected that the Alterations will be adopted early in 2008. There are also a number of local designations of land or property which require local policy to be applied to them.
- 3.8 Many of the policies in the Development Policies document have been brought forward from the UDP with very little change to them. As the UDP was adopted as recently as 2004, then much of the policy remains applicable. Policies from the UDP which have not been included are those that it was agreed should no longer be 'saved' when the schedule of policies proposed to be saved by the Secretary of State was before this Committee in January and Executive in February. Also a general rule followed has been to exclude policy which it is considered unnecessary for determining planning applications. As policy should also reflect the spatial vision and objectives set out in the Core Strategy, then changes to policies have been made or new policy introduced to reflect this.
- 3.9 No policies on determining planning applications for waste management facilities are included. This is because the borough, together with the 5 other West London Waste boroughs, are producing a joint Waste DPD dealing with waste planning matters which will

include policies for determining planning applications as well as allocating sites for waste management purposes.

- 3.10 It is a requirement, set out in Government guidance on Local Development Frameworks (PPS12), that in drawing up preferred options, a précis of the alternatives that were also considered should be included. Consequently the policies are shown in a box prefixed by the letter DP whereas another box headed 'Alternative options not included' sets out the options, if any, that have been rejected. These boxes will be in different colours in the final printed version for consultation.

Summary of Main Policy Issues

- 3.11 The following is a summary of the key policy changes from the UDP by Chapter/Section.

Urban Design Quality

- 3.12 Due to their success at appeals, and the targeted aim of significantly raising local townscape quality in Brent, the UDP urban design policies have been largely retained with updating and rationalisation of some policies e.g. for satellite dishes, advertisements and priority enhancement areas.
- 3.13 The main changes in these policies are within UD1 and UD9 (to set out how the new Design Quality Protocol set out in the Core Strategy will operate, and the requirement for completion of a Design Quality Matrix in submissions of Statements - to enable more effective delivery on higher quality design). Policy DP UD10 now includes the Housing Growth Areas and transport/local centre locations in the suburbs in accordance with the Mayor of London's sustainable suburbs initiative.
- 3.14 The more use-based conservation policies have been significantly rationalised down from 9 to 4 policies - to focus more on promoting the preservation of locally-relevant heritage concerns, such as local listed buildings, which have no statutory protection, as well as areas of Distinctive Residential Character, and views.

Towards a Sustainable Brent

- 3.15 This is a new chapter based upon the urgent need to further address climate change imperatives. Brent has been one of the leading Boroughs not only in London, but in the country, in terms of leading on sustainable design and construction issues, and their application to major proposals, with an SPG and Checklist for assessing developments.
- 3.16 However, since the adoption of the generic UDP policy BE12 on sustainability in 2004, recent innovations such as Merton's 10% renewable energy policy, (a target included in Brent's checklist, but not specified in the UDP) and other recent regional and national objectives & targets have highlighted the need to formulate more robust policies to make further progress in this area - which gives greater certainty to developers about Brent's expectations, and provides greater policy support for officers in assessing applications and negotiating with developers.
- 3.17 The other main change on this issue is the inclusion of the need for smaller-scale and householder applications to address sustainability issues. Currently, applicants submitting these smaller scale proposals may take up such measures on a voluntary basis, if they wish - but this rarely happens. The intention is to update the current guidance document 'Householder's guide to Sustainable Design & Construction' into an SPD and produce a brief and simple checklist of possible measures - from which applicants can select half of the features relevant to their extension or conversion - with support provided by Energy Solutions Northwest London for technical advice and signposting to grants and other funding sources where needed.

Environmental Protection

- 3.18 The new set of policies still covers broadly the same issues as the old Environmental Protection Chapter. There is additional text on Japanese Knotweed to highlight that this is an issue in the borough, but no policy, as it is covered by national legislation. The flooding policy reflects the new tighter guidance issued by the DLCG PPS25, and mentions that we are carrying out a Strategic Flood Risk Assessment for the borough to satisfy the requirements set out in PPS25 which will assist in assessing planning applications and future policy planning. There is also a requirement to ensure there is adequate sewerage capacity and water supply available to serve new developments, as required by London Plan policy.

Enhancing Open Space and Biodiversity

- 3.19 This section rationalises the previous UDP chapter into 9 policies, covering the protection of all different types of open space, and enhancement of open space, wildlife and biodiversity. Previously separate policies covered all different types of open space designations, and in the main, these are now all protected under one main open space protection policy. National and regional designations still apply and are assessed in accordance with National guidance and the London Plan. This also includes a new policy on the Blue Ribbon Network, which promotes all London's waterways for sport, leisure, education, waterborne transport, and as part of the wider public realm.

Meeting Housing Needs

- 3.20 Family Housing - A family unit is now defined as 'capable of providing a minimum of 3 bedrooms'. A requirement for 30% family units on 10+ units schemes if site /location is suitable has been introduced as well as a family unit requirement in conversions. Restrictions on loss of family housing and need to re-provide (policy DP H9).
- 3.21 Small Units - Restriction of proportion of one bedroom flats (including studios) to 50%, normally in 10+ unit schemes (DP H9).
- 3.22 Sustainable Housing - New policies to enhance external and internal design and lay out. (DP H6)

Connecting Places

- 3.23 The main area of change is to the parking standards that apply in the Borough. It was a recommendation of the Inspector who considered objections to the draft UDP in 2002 that, in reviewing parking standards the Borough should ensure that parking standards reflected differing levels of access to public transport so that less parking would be needed where public transport access was at its highest. Consultants Steer Davies Gleave were engaged to advise on parking standards and their recommendations have been incorporated into the new standards. They are based upon TfL PTAL (Public Transport Accessibility Level) scores which range from 1 with the poorest access to 6 with the best access.
- 3.24 In the main there is very little change from the UDP with, for example, residential parking standards remaining basically at the levels in the UDP, e.g., for areas with PTAL scores of 1-3, 1 space per 1-2 bed unit, 1.5 spaces for 3 bed units and 2 spaces for 2+ bed units. One of the biggest changes is to standards for Assembly and Leisure uses such as cinemas where the current standard is considered to be over restrictive (1 space to 60 patrons) and is to be replaced by more generous and flexible standards (maximum of 1 space per 10 seats - excluding sports facilities – for PTAL 1-4).

Business Industry and Warehousing

- 3.25 Policy DP BIW1 towards Local Employment sites, i.e. those sites not safeguarded by designation as Strategic or Borough Employment Areas, now requires that mixed use development proposals include new workplace (including managed affordable workspace).
- 3.26 Specific policies towards Business Zones are no longer deemed to be necessary. Policies directing office development (Use Class B1a) towards town centres in accordance with the sequential approach to development are included in the Core Strategy.

Town Centres and Shopping

- 3.27 A new policy DP TC1 provides an indication of retail floorspace need identified for the Borough by retail consultants and incorporates the recommendations made as to the allocation of this space to the main centres subject to the sequential approach to development being applied.
- 3.28 Policies DP TC6-7 reflects changes to the Use Classes Order since the UDP was adopted in 2004 including promoting café quarters in parts of Wembley, Queens Park and Neasden centres.
- 3.29 Policy towards non-retail uses in the Primary parts of town centres (DP TC5) has been amended slightly, on the advice of the retail consultants, to include a lower threshold for the proportion of non-retail uses allowed in primary frontages of Wembley and Kilburn (from 35% to 30%).

Culture Leisure and Tourism

- 3.30 This replaces the Tourism, Entertainment and the Arts UDP Chapter, and includes indoor built sports facilities and archaeological sites which were previously in Open Space, and the Built Environment Chapters.
- 3.31 Policy has been simplified so that it 3 key policies cover the following
 - 1) Promoting Culture, Leisure and Tourism uses and assessing new provision for uses such as hotels, entertainment facilities, theatres, galleries, museums, built sport facilities, and nightclubs.
 - 2) Protection of Brent's Cultural Assets, which include sites for the creation, performance or display of art and culture, sport provision and facilities serving more of a community function.
 - 3) Archaeological Sites and Monuments, identifying sites and monuments of archeological importance and how these should be preserved.

Enabling Community Facilities

- 3.32 This section condenses the previous UDP chapter into 3 generic policies to assess all types of community uses. This is due to all community facilities, in the main, having similar impacts and effects which can be applied to all new and existing facilities. The three

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policies cover the location and provision for new or extended community facilities, protection of existing community facilities, and the developer provision and contributions towards community facilities. The developer provision and contributions policy covers the wide range of community facility uses, such as health, sports facilities, and youth clubs, with particular emphasis on education contributions.

Proposals Map

- 3.33 Accompanying both the draft DPDs is a revised Proposals Map for the Borough. This includes designations referred to in the policies contained within the Development Policies document as well as showing all the new Site Allocations. Most of the designations are carried forward from the UDP Proposals Map with some amendments. For example, the new Strategic and Borough Employment areas designations exclude sites previously designated in the UDP. Most of these sites are now being promoted for development for mixed use development (including housing).
- 3.34 A new designation is that defining the extent of town centres, based on the recommendation of the Inspector at the UDP Public Inquiry. This helps to clarify policy directing new retail development to town centres first and then edge of centre before considering out-of-centre sites.

The new map also includes a more extensive designation of Flood Risk Zone than on the UDP map and now shows all the open space to which the policy of protection will apply rather than just public open space and Metropolitan Open Land as on the UDP map. Copies of the new Proposals Map will be available for the meeting on 9th May and will be made available for viewing at the Town Hall prior to then.

Sustainability Appraisal

- 3.35 It is a statutory requirement that a sustainability appraisal be undertaken as an integral part of drawing up the new or revised policies and proposals of the Plan. The Sustainability Appraisal, which incorporates a Strategic Environmental Assessment as required by European legislation, has been carried out by consultants Collingwood Environmental Planning to enable an independent assessment to be made of the emerging policies. At the time of writing this report the appraisal has not been finalised although, as with the preparation of the Core Strategy Preferred Options, the consultants have made recommendations as to the amendments they consider should be made to the document. These recommendations, and officers' proposed action in dealing with these, are attached as Appendix 3. Where it is indicated that a change will be made then it is intended that these should be incorporated in the Development Policies document before it is placed on formal consultation.
- 3.36 Generally the consultants have recommended relatively minor changes to policy, or are suggesting further clarification of policy or supporting text. Much of this can be taken on board. In some instances, however,

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this extends to suggesting a level of detail which officers consider may be excessive for a Development Plan Document and, in a number of instances, is more appropriately included in Supplementary Planning Documents.

- 3.37 It is intended that a further section will be added to the document before it is placed on public consultation which sets out how progress in implementing the Plan will be monitored. This will set out the indicators and targets, based on those in the 2006 Annual Monitoring Report, which measure progress in implementing policies and meeting the objectives.
- 3.38 The consultant's recommendations and the officer response to these are included in Appendix 3. Executive is asked to agree the proposed changes as indicated where officers have agreed the recommendations.

Planning Committee Recommendations

Affordable Housing

- 3.39 On October 9th 2006, Executive agreed the draft Core Strategy for public consultation. Included in the strategy is a threshold figure of 10 housing units, at or above which the Council would require a proportion of affordable housing. This was agreed primarily for two reasons; the first being that the Borough's housing needs survey showed that there is a need to substantially increase the number of new affordable homes being built and the second reason is that it would be in accordance with the London Plan alterations that are likely to be agreed. Brent's plan is required to be in general conformity with the London Plan.
- 3.40 Planning Committee agreed to recommend that the Development Policies document should include a threshold figure of 15. If Executive were to agree to revert to this threshold figure of 15 units, as currently set out in the adopted UDP, then not only would this reduce the Council's ability to achieve an adequate number of new affordable units in the Borough but it is likely that it would not be in general conformity with the London Plan and consequently, would fail the test of soundness when it comes to public Examination. It would also give confusing messages on consultation as the Council will have produced two draft planning documents which conflict with one another. Your officers' recommendation therefore is to retain the 10 unit threshold set out in the approved draft Core Strategy.

Parking Standards

- 3.41 The proposed parking standards in the document are based upon transport consultants' recommendations. The brief to the consultants was to recommend appropriate parking standards based on the existing standards as set out in the current UDP, but to also relate the standards to public transport accessibility as recommended by the Inspector who considered them at the Public Inquiry into the UDP held

in 2002. This has resulted in differing standards being proposed depending upon the level of public transport accessibility where less parking is allowed where public transport access is good.

3.42 Planning Committee has recommended a number of changes to the standards as well as asking officers to reconsider the standards for retail development.

3.43 After further consideration officers are now recommending the following:

Amend the standard for residential development in accordance with Planning Committee's wishes so that a split between the standard for 1 and 2 bed units is reinstated as follows:

PS8: Residential Development (C3)

Maximum Residential Car Parking Standards				
Housing Type	4+ Bed Units	3 Bed Units	2 Bed Units	1 Bed Units
PTAL 1 to 3	2 spaces per unit	1.5 spaces per unit	1.2 spaces per unit	1 space per unit
PTAL 4 TO 6	1.5 spaces per unit	1 space per unit	0.75 space per unit	0.75 spaces per unit

Standards have been adapted based on the accessibility of the development to public transport to take account of the variation across the borough.

Delete the sentence in para. 3.63 "Visitor parking is discouraged but may be considered in areas where public transport accessibility is low."

In further considering retail parking standards, officers are of the view that these should be amended to better reflect the current standards in the UDP as follows:

Maximum A1 Retail Parking- Major Town Centres		
Retail Land Use	Recommended Maximum Standard	Maximum Standard in draft Devt. Policies DPD
Smaller Food Store (up to 500m ² GFA)	1 space per 100m ²	1 space per 2000 m ²
Food Supermarket (up to 2,500m ² RFA/ 4000m ² GFA)	1 space per 75m ²	1 space per 150m ²
Food Superstore (over 2,500m ² RFA/ 4000m ² GFA)	1 space per 50m ²	1 space per 100m ²
Non-Food Warehouse	1 space per 60m ²	1 space per 100m ²
Garden Centre	1 space per 65m ²	1 space per 100m ²
Town Centre/ Shopping Mall	1 space per 75m ²	1 space per 150m ²

The lower provision within major town centres reflects the levels of public transport accessibility in these areas compared with the rest of the borough.

Maximum A1 Retail Parking- Borough-wide		
Retail Land Use	Recommended Maximum Standard	Maximum Standard in draft Devt. Policies DPD
Smaller Food Store (up to 500m ² GFA)	1 space per 75m ²	1 space per 150 m ²
Food Supermarket (up to 2,500m ² RFA/ 4000m ² GFA)	1 space per 40m ²	1 space per 75m ²
Food Superstore (over 2,500m ² RFA/ 4000m ² GFA)	1 space per 25m ²	1 space per 50m ²
Non-Food Warehouse	1 space per 25m ²	1 space per 50m ²
Garden Centre	1 space per 25m ²	1 space per 50m ²
Town Centre/ Shopping Mall	1 space per 50m ²	1 space per 100m ²

Other Changes Proposed by Planning Committee

- 3.44 The following are further minor changes sought by Planning Committee. These are set out below with officer comments where it is recommended that the proposed change should not be agreed.
- 3.45 It was agreed that the remains of Kilburn Priory should be added to the list of monuments in policy DP CLT5. However, it has subsequently been established that the remains of Kilburn Priory are located just over the borough boundary in Camden therefore it is recommended that this should not be added to the list.
- 3.46 Appendix TRN 2 shows heavily parked streets. It was agreed that the schedule of streets should distinguish between those that are in CPZs and those that are not.
- 3.47 Policy DP H11: Non self contained accommodation. Supporting text to be expanded to elaborate the operation of the Council's HMO registration scheme.
- 3.48 It was agreed that the reference to Protected Trees should refer to 'defined' trees in Conservation Areas because small trees outside the definition would not be protected.
- 3.49 It was requested that open spaces at Melrose Gardens and Sherbourne Gardens be added to the Open Space designation on the Proposals Map. Officers indicated at the meeting that this was acceptable but, on closer examination, it is considered that the site at Sherbourne Gardens, being of a reasonable size (over 5,000 sq metres), should be added whilst the Melrose Gardens site should not at this stage. It is quite small and similar in size to a number of other sites in the borough where open land is surrounded by roads. It is officer's opinion that further work is necessary to establish whether all of these sites should be added to the open space designation.
- 3.50 DP H3: Sub Division of Houses and Flat Conversions (a). The words "original and un-extended" be set out in bold italics and an explanatory note added to lend clarity.
- 3.51 In policy TRN 5 it was agreed to recommend the deletion of the final part of the 3rd paragraph: "...or the creation of more off-street spaces than permitted by the parking standard."
- 3.52 Delete all words after "be increased" in paragraph 3.29.

Next Steps

- 3.53 After the forthcoming round of consultation on the Site Specific Allocations and Development Policies DPDs, it has been agreed that, after taking views expressed into account, both the Core Strategy and Site Specific Allocations DPDs will be amended accordingly and then submitted to the Secretary of State in October 2007. This will allow for another statutory 6 week deposit period to be completed before the end of the year. The two documents will then be considered at an Examination in Public conducted by an independent Inspector

commencing in March or April 2008. Providing the documents are found to be 'sound' by the Inspector then it is expected that they can be adopted early in 2009.

- 3.54 It has been agreed that submission of the Development Policies document will await the outcome of the Examinations into the other two DPDs so this is scheduled for May/June 2008.

4.0 Financial Implications

- 4.1 An allowance was made in the 2007/8 budget for the costs of preparing the LDF including that for consulting upon and publishing it. Part of the funding required has been met from the Planning Delivery Grant. Government officials made it clear that the Planning Delivery Grant (PDG) should be used to meet additional resource requirements of the new development plan system. The costs of consulting upon the documents proposed in this report will be met from the Planning Service budget for 2007/8. For future years only a rough approximation of costs can be provided (see table below). There is a requirement for funding for Examination across two financial years because there will be a need now to hold two separate 'Examinations in Public' because of the different timetables for the Development Policies document and the other 2 DPDs. With a likely continuing reduction in PDG, there will be a continued need to find funding from other sources for 2008/9 and 2009/10 and this will be considered during the 2008/9 budget process.

	£		
	2007/8	2008/9	2009/10
Estimated annual costs			
Public Inquiry costs		80,000	80,000
Other Costs	80,000	85,000	50,000
Total Costs	80,000	165,000	130,000
Sources of funding			
Planning Delivery Grant	60,000	?	?
Potential growth required		165,000	130,000

5.0 Legal Implications

- 5.1 The Planning and Compulsory Purchase Act 2004 has changed the statutory basis for drawing up development plans in England and Wales. The Unitary Development Plan and Supplementary Planning Guidance will be replaced by a Local Development Framework. The Council is required to carry out pre-submission consultation by

- 5.2 The Development Policies and Site Specific Allocations Preferred Options will become a material consideration in the determination of planning applications once it is available for public consultation on June 13th 2007. However, very little weight would be attached to the policies and proposals within the documents at this stage by a Planning Inspector in the determination of an application on appeal.

6.0 Diversity Implications

- 6.1 Full statutory public consultation has been, and will continue to be, carried out in the preparation of the development plan documents, which will include seeking the views of different groups across the Borough. An Equalities Impact Assessment of the LDF process has been produced.

Background Papers

- Brent Local Development Scheme, January 2007
- Brent LDF Issues and Options Papers, September 2005
- Representations on Issues and Options Papers
- Brent Magazine LDF Questionnaire Results
- LDF Stakeholder Workshops Report, Oct 2005
- Brent Core Strategy Preferred Options
- The London Plan and draft Alterations to the London Plan, May 2006
- PPS12 and Companion Guide
- Brent Retail Need & Capacity Study, Feb. 2006
- Brent LDF Annual Monitoring Report, 2006
- Brent Employment Land Demand Study, 2006
- Draft Supplement to PPS1, Planning & Climate Change

Contact Officers

Ken Hullock,
Planning Service,
X5309,
ken.hullock@brent.gov.uk

Richard Saunders
Director of Environment & Culture

Appendices issued under separate cover:-

- **APPENDIX 1 Draft Additional Site Allocations**
- **APPENDIX 2 Draft Development Policies – Preferred Options, April 2007**
- **APPENDIX 3 Sustainability Appraisal Recommendations and Officers' Response**