



Planning Policy Committee

10th December 2009

Report from the Chief Planner

For Action

Wards Affected:
ALL

Report Title: The London Plan - Comments on the Consultation Draft Replacement Plan

1.0 Summary

- 1.1 This report sets out comments on the consultation draft of the Replacement London Plan. The London Plan is legally part of the council's development plan and must be taken into account when planning decisions are taken. It is therefore important to comment on the Replacement Plan that will set planning policy for the whole of London and for this borough in particular.

2.0 Recommendations

- 2.1 That the Planning Committee agrees with the comments set out in paragraphs 3.34 to 3.52 to form the council's response to the Consultation Draft of the Replacement London Plan.

3.0 Detail

Introduction

- 3.1 The Replacement London Plan was published in October 2009 for public consultation. Any comments on the draft plan must be submitted by 12 January 2010. The next stage will be an Examination in Public in summer-autumn of 2010 and the new plan being adopted probably in early 2011. This Replacement Plan is intended to replace the 2004 London Plan with the 2008 alterations. It is intended to be the framework for the development of London until 2031 integrating the Mayor's transport, economic development, housing and cultural strategies as well as addressing other social and environmental issues. It provides the policy context within which boroughs set their planning policies and the basis on which the Mayor considers strategic applications referred to him. Although the Mayor was keen to have a Replacement Plan rather than a further amendment to the existing plan, many of the key policy drivers remain. Many of the big issues,

such as sustainability, are moved forward, but the direction of travel remains fundamentally the same. This report concentrates on commenting on the key changes to policy and occasionally on the lack of change to the Replacement Plan. There is of course much to support in the Replacement Plan also and support to key policy changes is indicated.

Replacement London Plan structure

- 3.3 The proposed Replacement Plan is organised under eight chapter headings. Comments on the Replacement Plan are made under these headings. Replacement Plan Policies consist of strategic statements of Mayoral policy, planning decisions policy and LDF advice to the boroughs. This report will attempt to cover the key issues for the borough but members may wish to add others. The whole Replacement Plan can be found on the GLA's website via this link: <http://www.london.gov.uk/shaping-london/london-plan/docs/london-plan.pdf>

1 Context and Strategy-covers main issues such as population and infrastructure growth, climate change, poverty and disadvantage and the Mayor's vision and objectives

2. London's Places-covers regions, industrial land and town centres, open space networks

3. London's people-covers housing, education and health

4. London's Economy

5. Response to climate change

6. Transport

7 Living Places and Spaces-covers place shaping, protecting historic environment and open space, safety, air & noise pollution.

8. Implementation, Monitoring & Review

Context and Strategy

- 3.4 The overall strategy is to support continued population growth securing increased levels of employment and ensuring sufficient infrastructure is provided. The challenge of climate change is dealt with, even with enhanced growth. The plan's objectives are not so far removed from the previous London plan but the Mayor intends to take a more consensual approach to planning, giving the boroughs more say in many planning matters. This change in emphasis is welcomed.

London's Places

- 3.5 This section deals with the general spatial strategy for London. The Burnt Oak/Colindale plan recognises Park Royal and Wembley as Opportunity Areas and the London-Luton-Bedford growth corridor-these are unchanged from the current London Plan, although the Opportunity Area at Colindale has been extended to include the Brent side of the Edgware Road and it is now called Colindale/Burnt Oak. Policy 2.8 seeks to recognise and address the orbital transport needs

of outer London referring to Policy 2.6 in the Transport section of the Replacement Plan. However, the proposals and map within policy 2.6 demonstrate the lack of proposed investment in orbital transport proposals. The Replacement Plan needs to recognise and promote a wider range of potential proposals at the very least and make a greater commitment to orbital transport improvements.

- 3.6 Policy 2.16 identifies strategic outer London development centres which the mayor suggests bringing forward distinct business offers. Wembley is identified as having greater than regional importance for leisure/tourism. Although the Replacement Plan recognises that more work will be done through the designation of centres such as Wembley as “*opportunity areas*”, your officers are concerned that the designation is a little one dimensional. Wembley will provide a significant amount of new specialist and non-specialist retail floorspace which will complement its leisure role and this should be referred to in the table.

London’s People

- 3.7 The Replacement Plan supports the retention of existing community facilities and encourages the identification of clusters of specific groups that need cultural facilities, meeting places or places of worship. This policy is welcomed.
- 3.8 The current London Plan seeks to provide 30,500 additional homes per year and the new proposed target is 33,400 homes (table 3.1), an increase of 2,900 units per annum. This increase seeks to make up for the current shortfall in the delivery of market and affordable housing sectors owing to the current recession. However, Brent’s ten year target is 10,650 or 1,065 per annum. This is marginally lower than the current London Plan target and is welcomed as a reasonable and achievable minimum figure.
- 3.9 The density matrix of the last London Plan is proposed to be retained but with more useful qualifications that it is not the sole consideration and developments must meet other plan policies including design principles, housing choice, play provision and sustainability issues. A specific and welcomed change is the introduction of minimum space standards (table 3.3) that are above Brent’s current Design Guidance (SPG17). For example one bed flats should be a minimum of 50m² (45m² in SPG17), 3 bed 5 or 6 person units, 86-100m² (80-85m² in SPG17). Providing larger units offsets some of the impacts of higher density development and addresses the fact that we have among the smallest dwelling space standards in Europe.
- 3.10 There will be greater emphasis on the design quality of new residential development (policy 3.5), an offer to boroughs that they can introduce a presumption against development on back gardens, that large housing sites should deliver necessary infrastructure (3.7) and that a greater range of choice in housing be delivered, notably, affordable family homes (policy 3.8). These policies, which in total move the emphasis from maximising housing density to optimising it, giving more weight to the provision of family housing for example, are supported by the council.

- 3.11 Policy 3.10 and Table 3.4 requires Brent to provide an additional 20 Gypsy and Travellers pitches out of the 538 required in London. Brent's requirement is the 11th highest in London. The policy does not assist in providing resources for such provision and the Replacement Plan should make it clear that such provision comes with an allocation of resources from the Mayor or from central government that recognises the capital and revenue costs of such provision. It is also likely that the council will need to secure private sites for gypsy and travellers and will need to undertake CPO activity which requires some up-front funding commitments.
- 3.12 The 50% strategic affordable housing target is abandoned (Policy 3.12). This long-standing policy objective will be dropped and replaced with a flexible policy that 'seeks to maximise' affordable housing provision with an average target of at least 13,200 more affordable homes per year in the capital. Clarification is required on this change because it appears to set a new target of 40% i.e. 13,200 as a proportion of 33,400. It will be up to boroughs to set an overall target in terms of numbers or proportions. There is greater support for intermediate housing (Policy 3.12). This is proposed to change from the 70:30 split between social rent and intermediate tenures to 60:40. This is welcomed but recognition should be given to the problems of funding (both mortgage availability and grant availability) that may make the target difficult to achieve in the short term.
- 3.13 The Mayor wants to see a higher proportion of family housing in the social rented sector. His affordable housing SPG sets out the demand for 42% of all dwellings to be 3 bed or more. This supports Brent's own needs, but such a policy should be included in the Replacement Plan and criteria that allow some flexibility in the target should be set out, such as estate regeneration, the appropriateness of some sites for high levels of family housing and so on.
- 3.14 The Mayor supports (policy 3.17) the protection and enhancement of social infrastructure to meet the needs of its growing population, a matter which Brent supports. It is important, however, that the planning obligation and Community Infrastructure Levy (CIL) policies do not lose sight of these objectives by securing development value in support of other strategic planning objectives at the cost of provision in infrastructure.
- 3.15 The Replacement plan supports the need for new high quality healthcare and education facilities and the protection of existing facilities. Policy 3.19 makes note of the projected shortage of primary school places but offers little of a strategic nature to help secure the necessary financial assistance to bring this about. A clear reference to resourcing through planning obligations and seeking support from government for new school provision in the capital should be added. The comments on the implementation section bring this matter into sharper focus. The Mayor appears to be talking local and looking at securing S106 funding for a wider range of strategic matters that may not assist boroughs in securing necessary local infrastructure investment particularly social and community infrastructure.

London's Economy

- 3.16 This section of the plan deals with office, industrial, retail and town centre policy. In terms of offices, while there is a recognition that outer London will provide 22% of total office floorspace growth there is no mention of centres such as Wembley (recognised as one of the few suburban areas that could support new office development longer term in a GLA report on Office development) which could provide new office space in the longer term as part of mixed development. Wembley should be named as an area that can support consolidation of its stock and encouragement of new stock as part of its expanding town centre offer in the longer term. The London Council's response on this matter also make the point that the office market in outer London is diverse and the plan should not treat the whole of outer London as homogenous, unlikely to change over time.
- 3.17 While the general protection of Strategic Industrial Land (SIL) is supported, there is no reference to the current economic downturn and whether the demand analysis conceived at the height of the boom is still appropriate. The concern from Brent is the significant amount of vacant land and buildings in Park Royal and the objection to loss of a small part of the SIL that will enable development of industrial land. Policy should allow for small amounts of enabling development on the edges of SIL that support wider industrial land improvement objectives.
- 3.18 The identification of Wembley as one of London's Strategic Cultural Areas (policy 4.6 and map 4.2) is strongly supported. Either a map or reference to the role in Wembley in London's visitor policy (4.5) should also be made because of its strategic importance in outer London.
- 3.19 Policies for town centres remain much as they were in the 2004 London Plan. Policy 4.7 requires that the scale of retail, commercial and leisure development should be related to the size, role and function of the town centre, and to follow the sequential approach to development. However, there are some issues relating to the classification of centres shared with neighbouring boroughs which need to be addressed if this policy is to be applied appropriately and consistently.
- 3.20 The draft replacement London Plan shows Colindale and Kenton as District Centres whereas Brent's draft Core Strategy classifies these two centres as Local Town Centres. Although these were classified at the time of drafting to be consistent with neighbouring boroughs, Barnet now describe Colindale as a District Centre in their Area Action Plan for Colindale therefore, in the interests of consistency, Brent should accept this. However, Kenton continues to be classified as a Local Centre in Harrow's draft Core Strategy as well as Brent's therefore it is recommended that representations be made to the Mayor suggesting that it is consistent for the London Plan to also recognise this.

- 3.21 The Mayor also introduces an affordable shop units policy (Policy 4.9). Where appropriate, feasible and viable, the Mayor will seek the provision of affordable shop units when considering large retail developments (typically over 2,500 sq m). This could be used, the Mayor advises, in areas or in developments that have a shortage of such provision.

Response to Climate Change

- 3.22 The Mayor, in line with his target to reduce CO₂ emissions by 60% by 2025 (on 1990 levels), looks at a lean (reduce energy demand through design), clean (decentralised supply) and green (renewable) approach. The change in emphasis in the current London Plan from renewables to greater flexibility on tackling climate change is welcomed. Also, the targets are more ambitious than the adopted London Plan in that they provide an incremental CO₂ reduction throughout the lifetime of the London Plan, which the previous London Plan did not do. The plan proposes that 25% of the heat and power used in London should be generated through the use of local decentralised energy systems by 2025. How this will be achieved is not explained in any great detail. It is anticipated that major developments will be required to provide this. The plan sets targets to minimise carbon dioxide emissions from major developments and all new major residential developments and non-domestic buildings will have to be zero carbon after 2016 and 2019, respectively. The council welcomes a clearer approach to non-residential buildings and energy targets than has been the case hitherto.
- 3.23 There are two comments to be made on policy 5.2 and policy 5.5 (Decentralised Energy Networks). The council's experience of decentralised energy networks is that they are possible but require some significant upfront funding which is not justified by the base load needed to make them viable. The Mayor should agree to act with energy suppliers and Government principally in order to secure investment funding to bring forward and secure key decentralised networks at an early stage of the development process. The second comment is that it is by no means certain that zero carbon development will be viable by 2016 and the policy should allow for some flexibility. A new policy emphasises the importance of retrofitting, and boroughs are expected to identify opportunities to reduce CO₂ from existing stock and develop detailed policies on retrofitting. This is supported but needs a realistic assessment and identification of the resources required for such action.
- 3.24 The targets for the proportion of London's waste to be processed within London have been dropped and replaced by a less rigid policy (5.16) of managing as much of London's waste within London as practicable. This is supported, as there are likely to be opportunities to process West London's waste just beyond London's boundary whilst still meeting the objective of dealing with the waste in close proximity to the source.
- 3.25 In recognition of declining levels of municipal waste arisings, the Mayor is committed to a review of the waste arisings and, consequently, to the amount that is apportioned to boroughs for

dealing with. This work is currently underway and consultation on the revised figures is anticipated before the end of 2009. These figures will be important in assessing the amount of land needed for waste management purposes to be identified in the forthcoming joint West London Waste Development Plan Document.

Transport

- 3.26 The plan seeks financial contributions of up to £600 million towards Crossrail and other strategically important transport infrastructure from new development, subject to viability. The council has already commented on the application of the crossrail Levy and these concerns still stand. Policy 6.4 sets out the main priorities for public transport system improvements, which include cross London and orbital rail links. This would be welcomed but, as Map 6.1 shows, there are no significant orbital transport improvements connecting Brent's key centres with adjoining boroughs such as Ealing-Wembley-Brent Cross. The Mayor and TfL continue to be cool on the idea of orbital rail networks for outer London: at the very least, this matter should be in a long term strategy and at the very least, other ideas to better link town centres orbitally should be committed to. Parking standards in town centres and for office developments can be enhanced where there is a lack of public transport and a regeneration need: this would appear to be a short term expedient over the need to provide better connected town centres in the suburban boroughs.
- 3.27 The plan reiterates the Mayor's opposition to any further capacity increases at Heathrow (policy 6.6), but recognises that airport capacity serving the capital and the south east must be sufficient to sustain London's competitive position.

Living Places and Spaces

- 3.28 This chapter of the Replacement plan re-states previous plan policy to achieve worthy objectives such as building inclusive environments, protecting heritage and views, promoting biodiversity, integrating public realm and providing secured by design environments. The policy on respecting local character in terms of design is fleshed out from previous London Plan policy. Schemes need to have regard to pattern and grain of existing streets in orientation, scale, proportion and mass, human in scale and informed by the surrounding historic environment. This elaboration on existing policy is welcomed. Similarly the policy on Architecture (7.6) sets out more helpful criteria in which to judge schemes.
- 3.29 Previous Mayoral statements had suggested that the future opportunities for tall buildings in London would be extremely limited. Under this change, these will be directed to the Central Activity Zone, Opportunity Areas, Areas of Intensification and Town Centres that have good access to public transport. Policy 7.7 of the Replacement Plan suggests more opportunities for tall buildings in London than previously thought and, as it accords with Brent's approach in its Core Strategy, the policy is supported.

Implementation

- 3.30 Policy 8.2 on S106/Planning obligations emphasises that priority is to be given to securing contributions for affordable housing, Crossrail and other transport improvements. The Mayor argues that development proposals should address strategic as well as local priorities. This will be important in negotiations with the Mayor's office as he appears to seek a greater proportion of s106 payments that we currently use to mitigate the effects of development locally, as opposed to funding a London-wide infrastructure improvement. The council should object to the policy that seeks to allow for a balance without knowing what the Mayor's Strategic S106 demands are. Brent has produced its own Infrastructure and Investment Framework and the Mayor should do likewise so that boroughs can assess the level of those S106 demands and their soundness. This would allow scrutiny in the same way as happened with the Crossrail levy. Significantly, Policy 8.3 relates to the Community Infrastructure Levy and advises that this will be subject to separate guidance. The Mayor should not impose strategic priorities on the borough through the use of planning obligations and at the same time not assist more in key local infrastructure issues such as local primary school provision. The balance of determination on S106 should be with the borough - this is a proper bow to local priorities that the Mayor espouses.
- 3.31 Policy 6.5D refers to the Crossrail Planning Obligations and the Council is seeking clarification that the 'location' considered reference in the policy, is that of the 'location' of the development relative to Crossrail. This point is being raised by the Council at the Crossrail SPD Examination in Public, to ensure that Brent is not unduly affected by any Crossrail S106 requirements if there are no Crossrail stations in the borough.
- 3.32 Planning Obligations are covered in policy 8.2, with part A proposing a voluntary pooling of contributions across London. There is little benefit to the Council of it being given more weight through the London Plan. The Council will also seek clarification in 8.2L as it refers to 'contributions to the full cost of the mitigation'. It is unclear if this is a percentage contribution of the total cost, or a financial contribution equal to the full cost.
- 3.33 Annex 1 of the plan contains details of areas of Opportunity and Intensification. This list is largely unchanged from the current London Plan. Brent has been working hard to develop new areas of opportunity such as Alperton Canal side, developed through the Core Strategy and now being fleshed out in further planning guidance. This proposes a significant new neighbourhood of at least 1600 homes. This should be included as a new Opportunity Area in the Replacement Plan.

Concluding Comments

- 3.34 The change in emphasis in giving the boroughs more say in planning their own boroughs is welcomed. However, Brent is concerned that the objective to fund strategic transport and other strategic matters through planning obligations now, and latterly through CIL, indicates a change in the opposite direction.
- 3.35 The London Plan needs to offer a more comprehensive vision and commitment to the improvement of orbital public transport linking outer London town centres.
- 3.36 Wembley should be identified not only as a visitor destination but for its mixed use development including retail.
- 3.37 Brent Council supports the policy of retaining and expanding specific cultural facilities.
- 3.38 The London Plan housing target is supported by the council.
- 3.39 The minimum flat size standards are supported by the council in high density development, as is the move towards improving the design quality of new residential development and optimising rather than maximising density.
- 3.40 The council supports the aim of increasing affordable family housing but seeks a recognition that this may not be appropriate on every site.
- 3.41 The ability to stop back garden development is welcomed.
- 3.42 The council cannot deliver its Gypsy site allocation without a clear understanding of the funding avenues available to secure and develop such sites.
- 3.43 The council supports the protection and enhancement of social infrastructure but is concerned that policy requiring planning obligations pay for strategic planning requirements should not undermine this policy objective.
- 3.44 The shortage of school places requires a more rounded initiative from the Mayor with the boroughs. He needs to support development on suitable sites and to lobby for appropriate funding, including the provision of local S106 funds that will take priority over strategic requirements.
- 3.45 The London Plan should recognise areas such as Wembley that have the potential to deliver office floorspace in the longer term when retail and other facilities may make co-location more attractive.
- 3.46 The council supports the provision of decentralised energy networks but on condition that the mayor works with boroughs, government and energy providers to secure investment that allows their provision earlier in the development process. Retrofitting of existing stock is also supported but needs a realistic assessment of resources identified to undertake such work.

- 3.47 The Mayor should consider small scale enabling development on some SIL sites (on the edge of major SIL areas) where there are significant amounts of vacant land if it brings forward industrial and warehousing development.
- 3.48 The council supports the identification of Wembley as one of London's Strategic Cultural Areas.
- 3.49 The council considers that insufficient commitment is given to the expansion of orbital public transport modes that connect outer London's key town centres, even if this was in the longer term and may not include fixed rail projects.
- 3.50 The need to better protect existing areas of residential character is supported, while the tall buildings policy appears to be a reasonable way forward.
- 3.51 S106 obligations should prioritise local and not strategic projects until the Mayor has set out a comprehensive Investment and Infrastructure framework at which point the merits of local and strategic needs can be properly debated.
- 3.52 The Mayor should include other emerging areas of opportunity identified by the borough such as Alperton.

4.0 Financial Implications

- 4.1 There are no direct immediate financial implications arising directly from this report. However, the mayor is proposing policy changes that could divert S106 contributions from local infrastructure into strategic transport and other strategic matters. Although much would depend on the scope and nature of the S106 demands and soon on what is included in the Community Infrastructure Levy, it is important that local needs are given the necessary priority.

5.0 Legal Implications

- 5.1 The Mayor is required to prepare a spatial strategy (the London Plan) and keep it under review. The process for drawing up and altering the London Plan are set out in the Greater London Authority Act 1999 and Circular 1/2008. Boroughs Core Strategies and other Development Plan Documents have to be in general conformity with the London Plan.

6.0 Diversity Implications

- 6.1 One of the key objectives of the London Plan is to ensure that London is a city of diverse, strong, secure and accessible neighbourhoods.

Background Papers

Core Strategy, Proposed Submission, June 2009
Consultation Draft Replacement London Plan, October 2009

Contact Officers

Any person wishing to inspect the above papers should contact Dave Carroll,
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