



Planning Committee
23 July 2015

**Report from the Director of
Regeneration and Growth**

For Action

Wards affected:
ALL

**Brent Development Management Policies Local Plan –
Publication and Submission**

1.0 Summary

- 1.1 The Development Management Policies Local Plan has been in preparation since 2005. It has previously been subject to consultation and this has shaped its current content. It is now considered appropriate to issue the draft Plan for representations consistent with the requirements set out in Planning Regulations, prior to its Submission to the Planning Inspectorate for examination.
- 1.2 This report provides a summary of the consultation responses. It explains the main changes that are being proposed to the draft Plan and recommends that this be published and made available for representations for 6 weeks. It is also recommended that it be submitted for examination subject to Full Council approval.

2.0 Recommendations

- 2.1 That Planning Committee recommend to Cabinet that the proposed responses to individual representations, as set out in the schedules attached as Appendix 1 be agreed.
- 2.2 That Planning Committee recommend to Cabinet that the draft Brent Development Management Policies Development Plan Document in Appendix 2 be agreed for publication for 6 weeks, and recommend that Full Council agree that the draft Plan be submitted to the Planning Inspectorate for Examination.

- 2.3 That the Operational Director, Planning & Development is authorised to make further editorial changes to the document prior to it being issued for publication.

3.0 Detail

- 3.1 The reasons for producing the Development Management Policies Development Plan Document derive from the need to bring Unitary Development Plan (UDP) policy first drafted in 2000 and adopted in 2004 up-to-date. It is a logical step in drawing up the folder of documents that will make up the borough's development plan and ultimately supersede the UDP.

Public Consultation

- 3.2 So far the Council has engaged in three rounds of consultation on the draft Plan. First the council sought initial views on the planning issues in September – October 2005. A preferred options stage was consulted upon in June - July 2007. After that period the Planning Inspectorate indicated that it did not support taking forward the document until the Core Strategy and Site Allocations Development Plan Documents were adopted. Consultation recommenced upon a draft Plan from 20th June and 31st July 2014. Wide publicity was given to the public consultation. It was advertised in the local press and on the website. It was made available in Brent libraries and One Stop service offices as well as online. A public meeting was held at the Town Hall.

National Planning Reform

- 3.3 When the Brent UDP was adopted in 2004 it was a lengthy document with many detailed policies. This was appropriate due to the limited guidance on what plans should contain and also the relatively high level strategic policy set out Regional Planning Guidance 3. Subsequently the London Plan has been adopted. As well as being a strategic plan, it is a lengthy document that for the majority of its policies also has a development management focus.
- 3.4 The Coalition Government sought to significantly simplify planning and increase its efficiency in delivering sustainable development. Planning policy has been a major focus of this effort as evidenced by the publication of the 2012 National Planning Policy Framework (NPPF) and subsequent Planning Practice Guidance. Local Plans should be in conformity with the NPPF and any upper tier plans (in Brent's case the London Plan). They do not need to repeat policy contained in these documents, but supplement them through providing locally specific policy. This ensures brevity and reduces confusion.
- 3.5 After thoroughly reviewing the draft Plan issued for Regulation 18 consultation against the Government's aim of simplification and also analysing the consultation responses, the opportunity to reduce the number of policies, repetition and associated commentary has been considered appropriate at this stage. A programme of reviewing existing relevant supplementary planning guidance (SPG) has commenced. SPGs (or Supplementary

Planning Documents as they are now known) are better suited to more detailed information.

Current Stage

- 3.6 It is now proposed that the Plan be amended in light of comments received. All the comments received, and the proposed council response to these, are included in the Schedule of Responses which also accompanies this report in Appendix 1. The Council will make all of the comments, and the Council's response to these, publicly available once the responses have been agreed.
- 3.7 Additionally, changes are proposed because of changing circumstances such as new planning guidance as well as to improve the clarity of the Plan.

Summary of Issues Raised

- 3.8 Length of the document: A number of respondents identified that the document was too long. This has been addressed through significant amendment, removing that which is dealt with sufficiently in NPPF, NPPG and London Plan and its associated SPGs
- 3.9 Town centres: Policies to prevent an overconcentration of takeaways, pay day loan shops, betting shop and Shish Cafes and takeaways and shisha cafes in proximity to schools received significant support from residents. However, Planware objected to the proposal to limit the number and location of takeaways on the basis they do not feel there is adequate justification for this policy. These policies have essentially been retained largely unchanged as it is considered evidence supports their retention.
- 3.10 Built environment: tall buildings, heritage policies and general comment about development trends within Brent affecting the built environment quality, e.g. loss of front gardens. Tall buildings are considered to have effective policy in the London Plan. The heritage policies have been rationalised to make them more focused and address issues raised by English Heritage. Brent specific policies, e.g. retention of 50% of front gardens has been retained, with an emphasis on providing additional locally specific guidance, e.g. conservation area appraisals and design guides to identify more clearly features of heritage significance and appropriate development responses.
- 3.11 Open Space: Comments related to the consistency of the policy with the NPPF. The Environment Agency highlighted reference to several Plans related to river catchments and their improvement. The Canal and Rivers Trust sought a policy on supporting residential moorings. The policies on open space essentially duplicated NPPF and London Plan and have been removed. Reference to the Environment Agency recommended documents has been made. Given the likely limited applications for residential moorings, it is felt that this is best addressed through other policies in the Plan.
- 3.12 Environmental Protection: The Environment Agency sought additional reference to Preliminary Risk Assessments in relation to contaminated land. Thames Water sought a policy on water and sewage infrastructure capacity. Most of the policy in this section added nothing locally distinctive for Brent

being adequately addressed in NPPF and London Plan. Consequently the policies have been removed, whilst reference to material required to support applications and locally specific studies to assist applicants in tailoring their responses to sites have been identified.

- 3.13 Sustainability: the Home Builders Federation questioned the approach on appropriateness of local allowable solutions. SEGRO, Shurgard, Macaire Enterprises, Home Builders Federation and Quintain raised concerns in relation to the impact of the policy Renewables and Decentralised Energy could have on scheme viability and how this will be considered. Greater London Authority (GLA) considered little emphasis had been given to energy efficiency. London Plan policy has evolved significantly in this area in relation to allowable solutions and with the publication of the Mayor's Sustainability SPG. It is considered that policies in the London Plan and associated SPGs are appropriate to address the policies that were in this section. Reference to appropriate local documents that assist developers in making Brent specific solutions have been made.
- 3.14 Transport: Brent Cyclists supported parts of the cycling policy, but wanted greater commitment to segregation of cycle routes. GLA wanted greater reference to cycling infrastructure such as the superhighways. GLA questioned the Council's approach to the North Circular. GLA and Quintain raised questions about the Council's parking standards and servicing requirements. Wembley wanted greater acknowledgement of event days traffic management in developments. In relation to freight GLA wanted greater reference to Transport for London (TfL) documents. Walking and cycling is considered to be sufficiently covered in the London Plan and as such policy has been refined to address the Brent specific part of the London Ring. Parking and servicing standards have been amended in relation to comments made. Reference has been made to TfL freight and construction management documents. Wembley issues are essentially covered in the Wembley Area Action Plan.
- 3.15 Employment: Costco, Segro and Shurgard objected to policy seeking 10% of floorspace in new commercial schemes on strategic employment sites to be affordable workspace for SMEs. The policy has been deleted. Affordable workspace will be sought through the redevelopment of Local Employment Sites, where the provision of uses such as residential can help subsidise the provision of affordable workspace. A significant amendment to policy is that the Council is seeking to allow release some SIL and LSIS where the site is poor quality employment land and the development would meet strategic needs, e.g. minimum 50% affordable housing or significant social infrastructure needs such as additional secondary schools.
- 3.16 Housing: With regards to Affordable Housing local people and groups raised concerns about amount and price, marketing of housing and house prices in general. GLA suggested wording for the policy around seeking the maximum provision. They questioned the 70/30 rented/intermediate split and rent setting for affordable rents. McCaire Enterprises questioned consistency with national policy on viability reassessment. The Council's property section wanted a flexible approach to on-site provision. Quintain wanted evidence

that the 50% had been viability tested. In relation to Maximising Housing Supply McCaire Developments considered that the policy did not go far enough to ensure Brent's new target would be met. On Conversions greater clarity was sought on the 130 sq.m. size requirement. On Housing Quality and Standards Quintain and McCaire Developments thought the on-site amenity standards were unjustified. Hostels and HiMOs there were concerns that a separate policy was required. Unite raised concerns about the perceived negative approach to provision of student accommodation, whilst the GLA pointed out need for greater consistency with London Plan. Dr Maguire raised concerns with the Council's approach to provision of Travellers.

- 3.17 The 50% target is already set out in the Core Strategy. There is sufficient evidence to justify the 70/30 mix from a needs and viability perspective. Reference to rent setting has been removed. On viability assessment, given rapid price changes and a desire to get sites developed the Council has amended its position. It will seek reviews for significant developments of 200 dwellings that will take more than 18 months to start, or where a phased approach to delivery will be undertaken. On site provision of affordable housing is preferred but a flexible approach for strategic landowners on a site by site basis can be taken forward if there is clarity at the beginning about what affordable housing will be achieved and where and this is consistent with other policies, e.g. mixed and balanced communities.
- 3.18 DMP38 has been removed, this is sufficiently covered in London Plan policy and Housing SPG prior to a Brent Core Strategy/Site Allocations review. The conversions policy has been amended to deal with potential loss of family housing where that accommodation can be shown to be unlikely to ever be to a standard to accommodate a family. The size criteria for conversion is considered justified based on London Plan housing sizes. The amenity standards are considered justified as Brent has been following this policy through for more than 10 years. The policies on the variety of shared/institutional residential accommodation have been amalgamated. The policy justification has been amended to more fully address the issues raised by the GLA and gives greater emphasis to the needs student housing can meet and its regeneration benefits in creating mixed and balanced communities. The approach to travellers is considered proportionate as national policy provides a presumption in favour due to the lack of a 5 year supply of pitches to meet needs.
- 3.19 Social Infrastructure: A significant number of comments on this chapter related to the need for a specific pub protection policy. Mayor's Office for Police And Crime commented that policy DMP44 is not consistent with London Plan. A pub protection policy has been introduced into the DMP, whilst general social infrastructure is addressed sufficiently well in the London Plan. In relation to the Mayor's office, the supporting text makes reference to loss of community facilities being acceptable where providers have an agreed programme of alternative social infrastructure provision.

Publication and Submission

- 3.20 Appendix 2 sets out in full the revised draft submission version of the document. Planning Committee is asked to recommend to Cabinet that this is agreed for Publication, subject to officers making further minor changes such as improving the document's legibility with better images, illustrations, etc. It is proposed that the period for representation will be for 6 weeks consistent with the regulations.
- 3.21 Those who wish to make representations at the Regulation 19 stage will have the opportunity to do so in detail to separate parts of the document via the online consultation module, and to make written submissions including by e-mail. All those making representations will be asked to indicate whether or not they consider the Plan to be sound and, if not, why not.
- 3.22 The Plan will then need to be submitted for Examination (Regulation 20). It is recommended that in order to reduce delay, Cabinet in approving the Regulation 19 stage also at the same meeting recommend that following completion of this stage Full Council subsequently submit the Plan to the Planning Inspectorate. This will be along with the representations received at that stage and any modifications considered to be required to make the Plan sound.

4.0 Financial Implications

- 4.1 The preparation and ultimate adoption of an Area Action Plan will provide a more up to date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the Plan have a good chance of receiving planning consent.
- 4.2 The costs of preparing the Plan will be met mainly from Planning & Development budget. However, additionally there has been a need for studies, such as the Strategic Housing Market and Employment Sites Assessments which provide evidence to support new policies and proposals. Much of this work has already been undertaken and funded. If further work is necessary, including the costs of consultation, then a business case for undertaking the work will be prepared. Any additional funding will be sought from existing budgets in Regeneration and Planning Department.
- 4.3 Costs associated with public consultation are likely to be no more than £2,000 for each round of the two rounds remaining and there will be a cost of Examination in 2015/16 of about £40,000. The Examination will be funded by the Departmental Projects budget.

5.0 Legal Implications

- 5.1 The preparation of the LDF, including the Wembley AAP, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once

adopted the DPD will be part of the development plan and have substantial weight in determining planning applications and will supersede the remaining 'saved' parts of the UDP.

6.0 Diversity Implications

- 6.1 Full statutory public consultation is being carried out in preparing the DPD and an Equalities Impact Assessment has been undertaken up to the current stage. The impacts have been assessed as being positive in relation to younger people, ethnic minority groups and those with a disability, specifically related to policies around limiting takeaways and shisha premises in the vicinity of schools, limiting betting shops and pay day loans and also in seeking to provide suitable affordable housing to meet needs.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

8.0 Environmental Implications

- 8.1 The DPD deals with the development of the Borough and thus will have a significant effect on controlling impacts on the environment. Sustainability is undertaken at all stages of preparing the Plan.

Background Papers

London Plan 2015

Brent Core Strategy July 2010

Brent Development Management Development Plan Document Consultation
June 2014

Contact Officers

Any person wishing to inspect the above papers should contact Paul Lewin,
Planning Policy & Projects 0208 937 6710

Andrew Donald
Strategic Director, Regeneration and Growth