



**Resources and Public Realm Scrutiny  
Committee**

6 September 2016

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

For Information

**Report for Scrutiny on The Council's Planning Strategy**

**1.0 Summary**

- 1.1 Brent's Planning Strategy was last fundamentally reviewed in the late noughties. This resulted in the Core Strategy adopted in 2010 and subsequent adoption of other Local Plan documents to deliver its vision. The strategy essentially focussed on regeneration of 5 growth areas; Alperton, Church End, Colindale and Burnt Oak, South Kilburn and Wembley. More recently the London Plan identified the Old Oak and Park Royal Opportunity Areas, a substantial part of which is in Brent, as an area of significant change (25,500 additional homes and 65,000 jobs). A Mayoral Development Corporation was set up and formally gained statutory planning powers, including adopting the plan strategy for this area in 2015.
- 1.2 Brent's role as a key area for growth in London is likely to be reinforced in the future in the review of the London Plan as London's role as a leading world city is consolidated. This together with regeneration of Old Oak/Park Royal will produce opportunities and challenges that will need to be positively addressed through a major review of Brent's planning strategy.

**2.0 Recommendations**

- 2.1 The report is for comment.

**3.0 Detail**

**Background**

- 3.1 Brent has been subject to significant physical, social and economic regeneration over the last decade. This has fundamentally changed the borough for the better in many areas and brought significant benefits to its residents. The Borough's

population increased by 18% between 2001 and 2011 and since then over 5000 additional dwellings have been built. The London Plan identifies it as one of London's higher growth Boroughs in relation to additional housing and employment. Brent currently has a target of a minimum of an additional 1525 dwellings per annum until 2026.

### **National and Strategic Policy**

- 3.2 The planning strategy for the Borough is fundamentally shaped by national policy and also the higher level London Plan. Any new plan that the Borough takes forward must be in general conformity with these documents. Policies in existing adopted plans can essentially be given less weight in decision making if they are not consistent with higher level policy. The National Planning Policy Framework (NPPF) adopted by Government in April 2012 with its associated Planning Practice Guidance and the partial review of the London Plan adopted in March 2015 have had and will have substantial implications for Brent's planning strategy.

### **Brent's Current Planning Strategy**

- 3.3 Brent's current planning strategy is fundamentally based on the Core Strategy adopted in 2010. This document sets out the Strategic Vision for Brent that the planning strategy will help to deliver. This is set out in Appendix 1 to this report. It has 12 over-arching strategic objectives, these are set out in Appendix 2 to this report. To deliver these it includes strategic policies such as CP 2 Population and Housing Growth which identifies the quantum of housing to be delivered and its location. The Core Strategy focuses such change in the Growth Areas: Alperton (1600 homes); Church End (800 homes); Colindale and Burnt Oak (2500 homes); South Kilburn (2400 homes); and Wembley (11,500 homes). This has subsequently been supplemented by the Site Allocations Plan adopted in 2011. This essentially identifies the specific sites that will deliver additional homes, jobs and other facilities to meet the Core Strategy strategic policies.
- 3.4 For Wembley, the largest of the growth areas the Wembley Area Action Plan was adopted in 2015 and forms part of the Local Plan. This sets out a vision for the Wembley Growth Area and gives more detail and clarity about how development should proceed to meet the Core Strategy objectives for this area. Currently the Development Management Policies Local Plan is going through the final stages of its adoption process. This provides more detailed policies on a variety of matters that support the determination of planning applications. For example it seeks to restrict the number of non-retail premises within primary shopping frontages of town centres. Once this Plan is adopted the Council's planning strategy will have fully replaced or removed all the policies that are within the Council's last single Local Plan that covered the whole borough; the Brent Unitary Development Plan adopted in 2004. In addition the Borough is covered by the West London Waste Local Plan adopted in July 2015. A neighbourhood plan for Sudbury was adopted in September 2015.
- 3.5 Currently for the non-planning professional, the number of Local Plan documents that cover the borough is undoubtedly confusing. It is a result of the 2004 Planning and Compulsory Purchase Act which promoted the Local Development Framework approach of separate plans, with the idea that dividing them up would make them

easier to review and update. The Government now appears to promote a single document Local Plan approach for Councils to follow (with the exception of waste and neighbourhood plans).

### **Old Oak and Park Royal Development Corporation**

- 3.6 The London Plan identifies a number of Opportunity Areas across London. Two of these are Old Oak and the Park Royal Opportunity Areas. This combined area is extensive containing parts of London Boroughs of Brent, Hammersmith and Fulham and Ealing. The area will benefit in the future from improved rail accessibility provided through new HS2 and Crossrail stations. The Old Oak area in particular has a high level of public sector land ownership. The London Plan identified the potential for an additional 25,500 homes and 65,000 jobs. In recognition of the strategic importance of the development of this area to London a Mayoral Development Corporation (MDC) was announced for the area in 2014. This formally took over town planning powers in relation to determining planning applications and plan making for the two areas in April 2015. As a Development Corporation it has a number of other statutory powers that it can use to deliver the regeneration of the area, e.g. compulsory purchase. It also has greater accessibility to GLA funding and the associated political influence of the Mayor's ability to negotiate directly with the Government and Whitehall to allow a more holistic public sector approach to achieving regeneration of the area.
- 3.7 The work of the MDC is overseen by a board comprising of 13 members from a variety of organisations including the GLA, London Boroughs, the rail infrastructure providers and private sector representatives. As would be expected Brent Council takes a keen interest in the work of the MDC is undertaking to ensure that the Old Oak Park Royal regeneration works to the best advantage for Brent and its businesses and residents. Brent Council is represented on the Board by the Leader Cllr Butt. A Planning Committee also determines the more important planning applications. Brent Council is represented on the Committee by the Cllr Marquis, Chair of the Planning Committee. Council officers are in continual dialogue with MDC officers in both ad-hoc and regular meetings at a variety of levels and on a variety of matters, e.g. planning policy, transportation planning, economic development and skills and training.
- 3.8 Since it took over planning powers for the area, the MDC has consulted upon and subsequently adopted an Opportunity Area Planning Framework in November 2015. This is supplementary planning guidance to the London Plan. The document identified within Brent the potential for the redevelopment of Willesden Junction station and its surrounding hinterland with an improved station and primarily residential development, with an element of supporting commercial. For Park Royal, the emphasis is on improving its long term prospects as a business location through providing an additional 10,000 jobs, with up to 1,500 dwellings in a small number of locations.
- 3.9 The MDC is looking to provide more certainty for the long term future of the area by taking forward a single Local Plan for the area. Consultation on a first draft of the Plan took place for 8 weeks up to 31<sup>st</sup> March 2016. It was anticipated that consultation on a second draft would be likely to take place in Autumn 16, although

this is more likely to slip to early 2017. This would be followed by an Examination in Public and subsequently adoption in early 2018. The draft unsurprisingly was relatively close in terms of thoughts about scale, type and location of development to that which was in the adopted Opportunity Area Planning Framework.

- 3.10 Brent Council in its response to the consultation on both the Planning Framework and the Local Plan and in the continual dialogue with OPDC is seeking to ensure that the benefits for Brent residents and businesses are maximised, both within the OPDC area that falls within Brent, but also that it has the ability to assist with regeneration in adjacent areas, such as Harlesden. This will be through trying to integrate the development successfully into the Borough by for example providing high quality routes between the development and adjacent areas; seeking to maximise affordable housing outputs to help meet Brent's needs including associated nomination rights; and providing opportunities through improved skills training in existing businesses and through the construction opportunities that will come forward.

## **Opportunities and Challenges in taking forward Brent's Planning Strategy**

### **Meeting Housing Needs**

- 3.11 As indicated, Brent's Core Strategy was adopted in 2010. The Strategy was fundamentally based on seeking to plan for the amount of housing that was set out in the London Plan at that time. In 2015 the London Plan was subject to further alterations; increasing Brent's housing target from 1065 dwellings per year to 1525 dwellings per year. In the short term, (next 5 years) subject to no significant impacts on investment decisions related to Brexit, it is anticipated that Brent can meet its housing target. This will be achieved through acceleration of development at Wembley in particular and continued delivery within the growth areas and the wider Borough from windfall sites. Nevertheless, a review of the London Plan is now likely to commence.
- 3.12 Given the anticipated continued population growth of London seen in official population projections due to its continued expansion as a world city it is likely London's and consequently Brent's housing targets will be increased. Brent will have to positively plan to meet these new targets. It is unlikely to be allowed to adopt a Plan that does not evidence how targets can be met. If it falls behind in delivering targets Government has indicated through the Housing and Planning Act 2016 that it will intervene and take over plan making powers from local authorities, essentially commissioning someone to write a Local Plan for them. Notwithstanding this, in any case National Planning Policy has the potential to override local policy which is deemed to have become out of date where housing targets are not being met and allow development of sites that otherwise might not be allowed for housing development.
- 3.13 Brent's Strategic Housing Market Assessment 2016 (SHMA) commissioned to support the adoption of the Development Management Policies Plan identified a housing need of 1826 dwellings per year. To achieve these targets and even to get towards the current London Plan target of 1525 dwellings per annum is likely to require some radical solutions on the part of Brent. This is likely to have to be

through a mixture of updating the Local Plan for the Borough by identifying additional sites for housing and seeking to maximise outputs on sites but also through a more active role as a facilitator or developer. The Local Plan process will be supported by a Strategic Housing Land Availability Assessment (SHLAA) currently being undertaken by the GLA in association with the London Boroughs. The duty to co-operate requires Brent to show it works closely with the GLA with the aim of maximising housing delivery and the housing target for Brent. In addition to this Brent will have to undertake its own 'call for sites', which allows third parties to submit what they consider to be sites that are acceptable for housing to be allocated in any Plan.

3.14 The opportunities for additional sites for housing are likely to be found from a variety of sources for example:

- within existing growth areas, through for example increasing densities on already identified sites and identifying new sites;
- extending where appropriate existing growth areas into adjacent areas;
- more supportive policies for redevelopment/conversion of existing residential into additional dwellings;
- having a more pro-active approach to identifying sites within town centres;
- the identification of further extensive growth areas
- on a potentially more contentious note redevelopment of extensive areas of low density suburban housing where there are high public transport accessibility levels (PTAL); and
- a more flexible approach to existing non-residential allocations, the most obvious due to their scale and existing developed nature being employment sites.

3.15 Whilst the private sector is likely to be the main delivery vehicle for any additional housing, it is clear that at a national level this will not meet needs and that greater delivery from the public sector will be required. The opportunities identified above are likely to move towards smaller sites needing to be assembled to deliver more comprehensive schemes that will maximise outputs. This achieve more in terms of outputs that could be attained through a piecemeal approach.

3.16 It has become evident through work on the Housing Zones of Wembley and Alperton that where there are multiple land ownerships that delivery can be compromised, either through the process becoming protracted or sub-optimal solutions e.g. individual sites coming forward, rather than as part of a larger one which would create more housing and provide greater opportunity for meeting local infrastructure needs. It will aid the Council's planning strategy as well as its wider corporate priorities if the Council takes greater responsibility for the direct delivery of sites, through both a process of acquiring and assembling sites for either development

itself, e.g. the South Kilburn or Brent Housing Partnership model, or acquiring sites for a third party to deliver.

### **Family Housing**

- 3.17 The SHMA identified that approximately 66% of the additional homes required to meet needs were to be 3 or more bedroom properties. Brent's current target for such properties is 25% of new dwellings as set out in Policy CP2 'Population and Housing Growth' and Policy CP20 'A Balanced Housing Stock' of the Core Strategy. In the financial year 14/15 (the latest currently available) 20% of new homes were 3 bed or more, with the majority being 1 and 2 bed apartments. This is what developers are identifying as being the products that are most in demand and brings the highest returns (an important consideration as S.106 affordable housing provision is subject to viability testing).
- 3.18 National planning policy identifies that Councils should plan to meet local housing needs. It allows Councils to be more prescriptive about the extent to which they can influence the mix of affordable housing both in terms of tenure and sizes. However, it stops short of Councils being able to prescribe the mix of housing that the private sector should deliver. Attempts to change National Planning Policy to allow this in the early 2000s were met with stiff opposition from house builders, they contended that 'the market knows best'. As such whilst policies in the Local Plan can influence mix to some extent, given current market delivery any future strategy based on the Local Plan seeking to be prescriptive or significantly increasing the target of market housing of 3+ bed or more is realistically likely to meet with significant objection from developers. Given National Policy a more prescriptive approach is unlikely to be found sound at Examination.
- 3.19 If the Council were to take a more pro-active approach to delivering sites through acquisition/developing existing assets it is likely that it would be able to control dwelling size as a condition of sale rather than through planning policy. Nevertheless, as identified given current market sentiment, this might well affect the offer of developers and impact on viability/funds available to cross-subsidise other Council priorities such as 50% affordable housing at rents that can be considered truly affordable.

### **Social Infrastructure**

- 3.20 Policies within the current Local Plan and London Plan seek to support appropriate physical and social infrastructure in association with new development. They are also supportive of the provision of additional and the protection of existing social infrastructure. Examples include Core Strategy CP 23: 'Protection of Existing and the Provision of New Community and Cultural Facilities'. The requirement for additional housing, the associated higher values of housing compared to other uses, plus a range of new permitted development rights issued by Government (for example a more permissive approach to allowing pubs to be turned into homes without the need for planning permission) has and will increase the pressure on generally lower financial value land uses such as social infrastructure.

- 3.21 Members have highlighted a particular concern with regards to the loss of public houses. Scrutiny Committee of the 12<sup>th</sup> July 2016 was presented with the proposed modifications to the Development Management Plan policies including DMP21 Public Houses (see appendix 3 to this report for the amended wording of the policy as associated supporting text.) This wording was developed in association with and agreed with CAMRA prior to the Examination Hearings, so is considered to be as robust as is necessary to deal with potential applications which would potentially result in the loss of a public house. The Council is awaiting the Inspector's report on this matter, but officers are confident that the proposed policy will be regarded as sound.

### **Taking Forward the Review of the Local Plan**

- 3.22 A Local Government Association/Planning Advisory Service review of Brent's Planning service was undertaken in March 2016. Whilst generally very positive about the service the report identified the need for additional capacity within Planning Policy to support a review of the Local Plan. It considered that a review was necessary for the Council to not fall foul of Government policy and more importantly to provide clarity on a future vision for the Borough in positively planning to meet growth needs, rather than react to proposals put to it.
- 3.23 In response to this the Interim Head of Planning is taking forward a proposed restructure that includes provision for additional planning policy officers. The timing of the commencement of the Local Plan review and its scope is to a large extent reliant on the results of this and the availability of financial support for the related evidence base to justify the reviewed Plan's policies. Other factors to consider are the timing of the London Plan review and of particular importance will be the housing target that this sets for the Borough. Brent's Local Plan is unlikely to be able to progress to adoption if it is not in general conformity with the emerging/adopted London Plan's housing targets, so to reduce uncertainty in the adoption process will be reliant on an early understanding of the likely new target.
- 3.24 Whilst the adoption process will require approval from Cabinet and Full Council sign off at various stages, plus consideration by Scrutiny it is imperative that Councillors are involved in the early stages of the scoping of the Plan and throughout its adoption outside mechanisms identified in the constitution. As such it is likely that a Local Plan Working Party comprised of a representative mix of Councillors across the Borough will be set up to act as a sounding board/critical friend to assist officers in the development of the Plan.

### **Conclusion**

- 3.25 With the adoption of the Development Management Policies later in the year following receipt of the forthcoming Inspector's report, the Brent Unitary Development Plan 2004 will be replaced in its entirety. The objectives of the Core Strategy and its Local Plan documents are currently for the most part well aligned with the strategic priorities of the Council as identified in the Borough Plan and the 2020 Vision. Nevertheless, the existing Plan for the longer term does not sufficiently take account of the revised housing target set in the London Plan March 2015 and the likely direction of travel of its replacement. It also does not sufficiently address

the opportunities and challenges provided by the regeneration of Old Oak and Park Royal to be clarified in that Local Plan currently being taken forward by the MDC.

- 3.26 To plan proactively for its future and guide development in the form and location where the Council and the local community feels it is most appropriate, the Council will need to start a review of the Local Plan. Whilst it provides the opportunity to refresh the Council's approach to support current corporate priorities, it is likely to involve some potentially difficult decisions in prioritising housing delivery against other considerations, e.g. balancing affordable/family housing requirements against facilitating what will be high levels of housing delivery; the extent to which low density housing in areas with high public transport accessibility are considered sustainable in the long term; and safeguarding and providing existing infrastructure and non-residential uses against the need to meet housing targets. To meet housing needs and support timely regeneration/development, the Council is also likely to have to take a greater pro-active approach to site assembly/direct delivery than might have been the case in the past.
- 3.27 To ensure a wider elected democratic mandate a representative group of councillors will be involved in and facilitate the content and direction of the Local Plan as it makes its way through the adoption process. It is proposed that this will be through a Local Plan Working Party, for example dealing with vision and objectives and how themes, such as housing and employment can best contribute to these. The extent and timing of the review will become cleared once a restructure of Planning has been undertaken and the Development Management Policies Plan has been adopted.

#### **4.0 Financial Implications**

- 4.1 A high level project plan has been produced to assist the Interim Head of Planning in developing the restructure of the Planning Service and identifying the financial resource required to support the review of the Local Plan. Funding will have to be found within the financial parameters currently set and through opportunities surrounding additional income streams generated by the activities of the Planning Service. Where a Local Plan is not up to date, Government has indicated its intention to intervene and potentially appoint a responsible party to write a Local Plan for the Local Planning Authority and to claim back the associated expenses. Brent is not considered to be at significant risk currently due to its ability to show it can meet a five year housing target. However, it does need to take forward a review of the Local Plan soon to continue to limit this risk.

#### **5.0 Legal Implications**

- 5.1 Planning applications are to be determined in accordance with Development Plan unless there are significant material considerations that indicate otherwise. The provisions of the Development Plan are likely to hold the most weight where the Local Plan is up to date and consistent with National and London Plan policy. The Housing and Planning Act 2016 and associated regulations will be setting out what the Government considers to be an up to date Local Plan and mechanisms that will allow it to intervene to ensure that an up to date Local Plan is in place where required.



## **6.0 Diversity 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 and adopting the Local Plan. An Equalities Impact Assessment will also be undertaken at each stage of the Plan adoption process.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 As set out, a restructure of Planning is being undertaken by the Interim Head of Planning to provide more capacity and resilience in relation to Planning Policy to support the development of the Local Plan.

### **Background Papers**

[Brent Core Strategy 2010](#)

[Brent Site Specific Allocations DPD 2011](#)

[Wembley Area Action Plan 2015](#)

[Brent Development Management Policies Plan Publication Version 2015](#)

[Brent Development Management Policies Proposed Modifications June 2016](#)

[Old Oak and Park Royal Opportunity Area Planning Framework 2015](#)

[Draft Old Oak and Park Royal Local Plan February 2016](#)

[London Plan \(incorporating Further and Minor Alterations\) 2016](#)

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## **Appendix 1**

### **Brent Core Strategy Spatial Vision**

By 2026, Brent will:

Be a dynamic London Borough, with a new and iconic Wembley at its core providing new jobs, homes, retail and major leisure attractions

Retain and upgrade its industrial and manufacturing sectors by providing modern and upgraded premises in a quality environment

Be a Borough of opportunity, maximising the potential of its youthful population through new and improved educational and training facilities

Provide a range of homes that are affordable and meet the needs of its diverse communities

Be a healthy and safe place to live, benefitting from high quality urban design, attractive open spaces, first class sporting facilities and green and safe walking and cycling routes

Host inclusive community and cultural facilities which enable full participation of its diverse communities

Retain its smaller centres which provide important local services to their immediate area

Be fully integrated into the city with excellent public transport interchanges and connections to other strategic centres in London

Use energy and resources in an efficient and sustainable manner, playing its role in addressing the global challenge of climate change

## **Appendix 2**

### **Brent Core Strategy Strategic Objectives.**

- Objective 1: To promote economic performance & regeneration
- Objective 2: To meet employment needs and aid the regeneration of industry and business
- Objective 3: To enhance the vitality and viability of town centres
- Objective 4: To promote the arts and creative industries
- Objective 5: To meet social infrastructure needs
- Objective 6: To promote sports and other recreational activities
- Objective 7: To achieve housing growth and meet housing needs
- Objective 8: To reduce the need to travel and improve transport choices
- Objective 9: To protect and enhance Brent's environment
- Objective 10: To achieve sustainable development, mitigate & adapt to climate change
- Objective 11: To treat waste as a resource
- Objective 12: To promote healthy living and create a safe and secure environment

## Appendix 3

### Brent DMP 21 Public Houses

11.8 In recent times Brent has seen an increase in conversion of public houses to other uses. This is of concern to the Council as public houses can make a valuable contribution to the community by adding character to the area and providing employment and a place for social interaction. Many public houses provide space for evening classes, clubs, meetings or performances. As such, and in keeping with the NPPF, public houses are classed as social infrastructure and proposals which would result in their loss will be subject to this policy.

#### **DMP 21 Public Houses**

The Council will support the loss of public houses only where:

- a) its continued use as a pub or as an alternative community facility within the D1 use class is not economically viable as demonstrated by meeting the marketing requirements in paragraph 11.9;
- b) the proposed alternative use will not detrimentally affect the character and vitality of the area and will retain as much of the building's defining external fabric and appearance as a pub as possible;
- c) the proposal does not constitute the loss of a service of particular value to the local community; and
- d) if registered as an Asset of Community Value the premises can be shown to have been offered for sale to local community groups and no credible offer has been received from such a group at a price that is reflective of the condition of the building and its future use as a public house. The Council will treat registration as an Asset of Community Value as a material planning consideration.

11.9 Where applications for a change of use or redevelopment of a public house are received, to make an assessment against criteria in policy DMP 21, the Council will require evidence that:

- a) the public house has been marketed for 24 months as a public house and for an alternative local community facility, at a price agreed with the Council following an independent professional valuation (paid for by the developer) and there has been no interest in either the free-or lease-hold either as a public house or as a community facility falling within 'D1' use class;
- b) the public house has been offered for sale locally, and in the region, in appropriate publications and through specialised licensed trade agents;

- c) all reasonable efforts have been made to preserve the facility, including all diversification options explored – and evidence supplied to illustrate this;
- d) the CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes demonstrate that the public house is no longer economically viable;
- e) there has been public consultation to ascertain the value of the public house to with the local community;
- f) an assessment has been made of there are alternative licensed premises within easy walking distance of the public house; and
- g) any whether such alternative premises offer similar facilities and a similar community environment to the public house which is the subject of the application.