



Our ref: BF/Q100415

Your ref: -

Date: 2nd December 2019

Strictly Private & Confidential
London Borough of Brent
Planning Policy Team
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

By email planningstrategy@brent.gov.uk

Dear Sir/Madam,

London Borough of Brent – Local Plan - Regulation 19 Consultation Representations submitted on behalf of DTZ Investors Colindale Retail Park, Edgware Road, NW9 0EB

Quod is instructed by DTZ Investors to submit representations to the Local Plan: Proposed Submission Document Regulation 19 Consultation (“The Regulation 19 Plan”) prepared by the London Borough of Brent (‘the LBB’).

Representations are made principally in respect of the emerging development plan policies associated with the future development of Site Allocation BNSA2: Colindale Retail Park, Multi-Storey Car Park and Southern House. DTZ Investors own Colindale Retail Park.

Engagement by DTZ Investors

DTZ Investors continues to support LBB in progressing its draft Local Plan. DTZ Investors has taken an active interest in the growth, development and success of Brent. DTZ Investors is committed to delivering long-term positive change for the community and borough and is actively reviewing its interest at Colindale Retail Park.

DTZ Investors has an established and long held interest in the land designated as Allocation BNSA2: Colindale Retail Park, Multi-Storey Car Park and Southern House.

Brent Growth Areas

Colindale Retail Park represents a major regeneration opportunity for LBB that has the capacity to deliver within the Local Plan period a significant number of homes, jobs and wider benefits, the site should therefore continue to form part of the development plan.

DTZ Investors supports LBBs approach to allocate Burnt Oak/Colindale as a Growth Area as defined within the Regulation 19 Draft Brent Local Plan Planning Policies Map 2019 – Development Areas. Growth Areas are expected to deliver 60% of the Council’s homes, and have delivered much of the Council’s growth over the last decade. There are however still employment and residential areas that are not reaching their full potential in a manner consistent with the criteria that were used in identifying the current Growth Areas.



This points to new large scale regeneration opportunities within, adjacent to, or through the creation of new Growth Areas¹. The Council seeks to encourage comprehensive planned regeneration of Brent’s existing and new Growth Areas to provide high quality mixed use environments. Chapter 4 confirms that ‘making the best use of land’ means prioritising development in new and more efficiently and intensively developed Growth Areas and continuing to deliver in those that have already been started, such as Alperton, Burnt Oak/Colindale, Church End, South Kilburn and Wembley to enhance environmental quality, and bring benefits to the community².

5.3 North Place

Section 5.3 of the Plan contains the policies which relate to North Place of Brent, including Colindale.

The A5 corridor is one of the main character area of the area and consists of Burnt Oak and Colindale town centres (District Centres) and surrounding residential areas. There are opportunities to develop the offer at Burnt Oak and Colindale town centres to appeal to existing residents, and future Growth Area occupants. There will be continued housing delivery within Burnt Oak and Colindale Growth Area, with the possibility of increasing development potential through reviewing its boundaries.

DTZ Investors support ‘The Vision’ for the Burnt Oak and Colindale Growth Area as part of the wider Burnt Oak and Colindale Opportunity Area which will develop into a mixed, pleasant and accessible district centred along a strategic transport corridor. It will be made up of a series of distinctive, characterful places which build upon the existing strengths of the area³.

Context to Representations

To assist with the consideration of our representations, we have benchmarked the Regulation 19 policies against the requirements of National Planning Policy Framework 2019 (“The Framework”).

Paragraph 11 is most relevant, namely the presumption in favour of sustainable development. It requires that “Plans and decisions should apply a presumption in favour of sustainable development”.

For plan making this means the following: -

plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change

We have also considered the Regulation 19 policies against paragraph 35 of the NPPF, and whether they can be considered sound. The NPPF considers plans to be sound if they meet the following tests.

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from

¹ Reg 19 Local Plan paragraph 3.9.

² Reg 19 Local Plan paragraph 4.37.

³ Reg 19 Local Plan paragraph 5.3.20

neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

We trust that the representations provide a constructive commentary and request that this submission is considered as part of the consultation exercise.

Representation to the Regulation 19 Plan

Below we set out our formal representations to the Regulation 19 Plan.

Policy Reference	BP3 North
	SUPPORT
NPPF Paragraph 11 – Flexibility Test	The policy does afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does meet the relevant tests.
Reason for Support	DTZ Investors supports Policy BP3 North CHARACTER, HERITAGE AND DESIGN which confirms that tall buildings of 30 metres or more will be directed to the Burnt Oak and Colindale Growth Areas.
	DTZ Investors supports Policy BP3 North HOMES which seeks continued residential development within the Burnt Oak and Colindale Growth Area.

Policy Reference	BP3 North
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the test as it is not Justified or Effective.
Proposed Modification	<p><i>n) Explore opportunities for additional secondary school provision within this place subject to objectively assessed needs.</i></p> <p><i>o) Identify opportunities to potentially meet the need for a new leisure facility that incorporates swimming pool provision subject to objectively assessed needs.</i></p> <p><i>p) Improve the quality of strategic sports hall sites within this place subject to objectively assessed needs.</i></p>


Reason for Modification	To ensure that the policy is justified.
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Policy Reference	BNGA1 BURNT OAK/ COLINDALE GROWTH AREA
	SUPPORT
NPPF Paragraph 11 – Flexibility Test	The policy does afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does meet the relevant tests.
Reason for Support	DTZ Investors supports BNGA1 BURNT OAK/ COLINDALE GROWTH AREA which promotes mixed use regeneration along the axis of Edgware Road.

Policy Reference	BNSA2: COLINDALE RETAIL PARK, MULTI-STOREY CAR PARK AND SOUTHOON HOUSE
	SUPPORT/OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests.
Allocated Use	DTZ Investors supports the site allocation for mixed use development to include residential and retail uses. The term “ <i>employment space</i> ” is not defined in the Regulation 19 plan and therefore it is unclear whether this use can be supported.
Indicative Capacity – Proposed Modification	<i>To be determined by a masterplanning process – estimated at this stage 800 500 dwellings</i>
Indicative Capacity – Reason for Modification	Whilst the indicative estimate of 500 dwellings for the 4ha site, is only indicative at this stage, it equates to a residential density of 125 dwellings/hectare, which is very low for a PTAL 3 to 4 Central/Urban location where the adopted London Plan (2016) would expect to see densities of 170 to 405 dwellings/hectare.
PTAL Rating – Proposed Modification	<i>The PTAL rating of the site varies from 2-34. The majority of the northern and southern part is within PTAL rating 2/3, with the central part achieving PTAL rating 3/4.</i>
PTAL Rating – Reason for Modification	To correctly reflect the PTAL rating of the site, as published by TFL.
Planning Considerations – Proposed Modification	<i>The site allocation seeks to introduce a residential element to this site, whilst retaining its commercial and retail elements.</i>

Planning Considerations – Reason for Modification	The site allocation proposes land uses, it does not seek to retain commercial and retail elements. In any event, it may not be appropriate, viable or in accordance with national planning policy and the London Plan to retain all or some of these uses, in particular out of centre retail uses.
Planning Considerations – Proposed Modification	<i>The site is in close proximity to Beis Yaakov Primary School and Nursery, which is a locally listed building. Development at this site should avoid having any detrimental impact on the setting of this building.</i>
Planning Considerations – Reason for Modification	The Beis Yaakov Primary School and Nursery is a non-designated heritage asset and therefore subject to NPPF test paragraph 197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The requirement to avoid having a detrimental impact on the setting of a locally listed building is not a sound policy requirement and disproportionality overstates the heritage significance of the property.
Risks – Proposed Modification	<i>Impact on the A5, and A5150 intersection as a result of introducing residential development at this site</i>
Risks – Reason for Modification	It is unclear what the actual risk is, and how residential uses could impact the A5. This should be clarified.
Infrastructure Requirements – Proposed Modification	<i>Thames Water has indicated upgrades to the wastewater network are likely to be required subject to justification.</i>
Infrastructure Requirements – Reason for Modification	Infrastructure requirements need to relate to the impacts of development, not just existing development.

Policy Reference	BD2 – Tall Buildings in Brent and Local Plan Policies Map (Environmental Protection, Heritage, Employment and Article 4)
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests.

<p>Local Plan Policies Map (Environmental Protection, Heritage, Employment and Article 4) - Proposed Modification</p>	
<p>Local Plan Policies Map (Environmental Protection, Heritage, Employment and Article 4) - Reason for Modification</p>	<p>It is felt that the delineation of the core (blue) tall building area could be expanded further within the tall building zone, to reflect the existig tall building character within the immediate locality and A5 frotnage.</p>
<p>Policy BD2 - Proposed Modification</p>	<p>In Tall Buildings Zones heights should be consistent with the general building heights shown on the policies map, stepping down towards the Zone's edge.</p>
<p>Policy BD2 - Proposed Modification</p>	<p>The proposals map does not contain general building heighths. It would be inappropriat to do so in any event as it would render the Local Plan out of date very quickly.</p>

Policy Reference	BH2 – Priority Areas for Additional Housing Provision within Brent
	OBJECT
<p>NPPF Paragraph 11 – Flexibility Test</p>	<p>The policy does not afford sufficient flexibility.</p>
<p>NPPF Paragraph 35 – Soundness Test</p>	<p>The policy does not meet the test as it is not Positively prepared; Justified; or Consistent with national policy.</p>
<p>Proposed Modification</p>	<p><i>Within town centres, edge of town centre sites and intensification corridors where existing non-residential floorspace forms part of a site proposed for residential development, the council will require support the re-provision of the same amount and use class of non-residential floorspace.</i></p> <p><i>Exceptions to this will be where it can be shown that:</i></p> <ul style="list-style-type: none"> <i>a) the site is allocated or has planning permission for an alternative use(s);</i> <i>b) a) there is no need for it or reasonable prospect of its use if provided; or</i> <i>c) b) in exceptional cases that its loss is outweighed by the benefits that its replacement with residential floorspace will bring.</i>
<p>Reason for Modification</p>	<p>The second part of the policy is not related to the first part, and does not relate to the key objective of the policy “PRIORITY AREAS FOR ADDITIONAL HOUSING PROVISION WITHIN BRENT”.</p> <p>The current policy could conflict with site allocations for previously developed sites, where the allocation is for an alternative use. Further the policy is extremely inflexible and could stymie development without amendment contrary to the tests of soundness. It would also conflict with the retail tests set out in the NPPF, which</p>

	require both impact and sequential analysis before any local “replacement test” irrespective of need or a vacancy test similar for local employment sites.
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Policy Reference	BH3 – Built to Rent
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests.
Proposed Modification	<i>To encourage increased housing delivery, within each Growth Areas (excluding South Kilburn), or development sites of 500 dwellings or more, the provision of Build to Rent properties will be expected will be supported where unless this would not:</i> <i>a) undermine the overall site’s timely development; or</i> <i>b) undermine viability to such an extent that it significantly undermines affordable housing delivery.</i>
Reason for Modification	The policy is not positively prepared or justified. The policy is onerous and places unreasonable pressure on developers (who may not have a Build to Rent business model) to deliver this alternative residential product. It is not the role of the Local Plan to dictate the delivery of Build to Rent products and should instead incentives developers to deliver this type of residential product. The Local Plan provides no evidence base to substantiate its position that Build to Rent developments would increase the delivery of new home within Brent, which as per traditional for sale housing is dictated by the market. The revised wording would still promote Build to Rent products.

Policy Reference	BH5 – Affordable Housing
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests.
Proposed Modification	<i>In Brent the strategic affordable housing target that will apply is 50% of new homes in the period to 2041. Brent Council will adopt the Threshold approach to Planning Applications.</i>
Reason for Modification	The policy is not justified or effective as it fails to adequately confirm that Brent Council is adopting the Threshold Approach to planning applications established by the London Plan Policy H6.

Policy Reference	BH13 – RESIDENTIAL AMENITY SPACE
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the test as it is not Consistent with national policy.
Proposed Modification	<i>All new dwellings will be required to have external private amenity space of a sufficient size and try to satisfy its proposed residents’ needs. This is normally expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats) unless its inclusion would fundamentally undermine the development’s delivery of other Local Plan policies.</i>
Reason for Modification	The policy requires a significant quantum of amenity space which, based upon the Council’s general approach is well in excess of being realistically achieved on high density developments within Growth Areas. It is not an achievable policy.

Summary

We trust the case set out above is clear and our representations will be considered as part of the Brent Local Plan Regulation 19 Consultation.

We would welcome the opportunity to meet with the Council to discuss our submission, and agree a statement of common ground with you pre-examination in public.

Yours sincerely,

Ben Ford

Director

Survey:

What is your name Ben Ford_____

What is your position (if applicable)___Director_____

What is your organisation (if applicable) Quod (for DTZi)_

1. Which part of the Plan are you commenting on?

Policy: Paragraph: Table: Map:

2. Do you consider the Plan is:

Legally compliant? Yes: No:

Sound? Yes: No:

3. If you believe the Plan to be unsound, is this because it is not:

Positively prepared

Justified

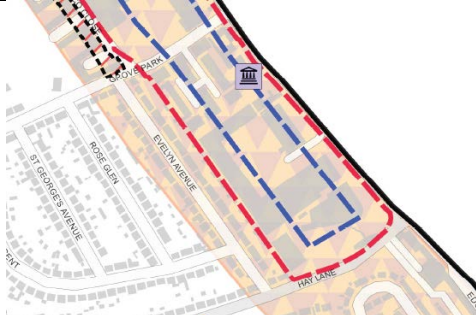
Effective

Consistent with national policy

4. Please give reasons for your objection or support:

See part 5

5. What change(s) do you consider necessary to make the Plan legally compliant or sound?

Policy Reference	BD2 – Tall Buildings in Brent and Local Plan Policies Map (Environmental Protection, Heritage, Employment and Article 4)
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests.
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Local Plan Policies Map (Environmental Protection, Heritage, Employment and Article 4) - Reason for Modification	It is felt that the delineation of the core (blue) tall building area could be expanded further within the tall building zone, to reflect the existig tall building character within the immediate locality and A5 frotnage.
Policy BD2 – Proposed Modification	In Tall Buildings Zones heights should be consistent with the general building heights shown on the policies map, stepping down towards the Zone's edge.
Policy BD2 – Proposed Modification	The proposals map does not contain general building heigths. It would be inappropriat to do so in any event as it would render the Local Plan out of date very quickly.

6. If your representation is seeking a change, do you wish to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The issues raised in the submission are of sufficient strategic importance to raised in Oral examination.

If you would like to comment on additional policies, please fix another sheet to this.

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names and addresses of those making representations can be made available and taken into account by the Inspector. The Council, its appointed Local Plan Programme Officer or the Planning Inspector appointed to undertake the Examination may also contact you regarding your response.

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Policy Reference	BH2 – Priority Areas for Additional Housing Provision within Brent
OBJECT	
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
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Proposed Modification	<p><i>Within town centres, edge of town centre sites and intensification corridors where existing non-residential floorspace forms part of a site proposed for residential development, the council will require support the re-provision of the same amount and use class of non-residential floorspace.</i></p> <p><i>Exceptions to this will be where it can be shown that:</i></p> <p><i>a) the site is allocated or has planning permission for an alternative use(s);</i></p> <p><i>b) a) there is no need for it or reasonable prospect of its use if provided; or</i></p> <p><i>c) b) in exceptional cases that its loss is outweighed by the benefits that its replacement with residential floorspace will bring.</i></p>
Reason for Modification	<p>The second part of the policy is not related to the first part, and does not relate to the key objective of the policy “PRIORITY AREAS FOR ADDITIONAL HOUSING PROVISION WITHIN BRENT”.</p> <p>The current policy could conflict with site allocations for previously developed sites, where the allocation is for an alternative use. Further the policy is extremely inflexible and could stymie development without amendment contrary to the tests of soundness. It would also conflict with the retail tests set out in the NPPF, which require both impact and sequential analysis before any local “replacement test” irrespective of need or a vacancy test similar for local employment sites.</p>

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Policy Reference	BH3 – Built to Rent
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests.
Proposed Modification	<i>To encourage increased housing delivery, within each Growth Areas (excluding South Kilburn), or development sites of 500 dwellings or more, the provision of Build to Rent properties will be expected will be supported where unless this would not:</i> <i>a) undermine the overall site’s timely development; or</i> <i>b) undermine viability to such an extent that it significantly undermines affordable housing delivery.</i>
Reason for Modification	The policy is not positively prepared or justified. The policy is onerous and places unreasonable pressure on developers (who may not have a Build to Rent business model) to deliver this alternative residential product. It is not the role of the Local Plan to dictate the delivery of Build to Rent products and should instead incentives developers to deliver this type of residential product. The Local Plan provides no evidence base to substantiate its position that Build to Rent developments would increase the delivery of new home within Brent, which as per traditional for sale housing is dictated by the market. The revised wording would still promote Build to Rent products.

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Policy Reference	BH5 – Affordable Housing
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Proposed Modification	<i>In Brent the strategic affordable housing target that will apply is 50% of new homes in the period to 2041. Brent Council will adopt the Threshold approach to Planning Applications.</i>
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Planning Considerations – Reason for Modification	The site allocation proposes land uses, it does not seek to retain commercial and retail elements. In any event, it may not be appropriate, viable or in accordance with national planning policy and the London Plan to retain all or some of these uses, in particular out of centre retail uses.
Planning Considerations – Proposed Modification	<i>The site is in close proximity to Beis Yaakov Primary School and Nursery, which is a locally listed building. Development at this site should avoid having any detrimental impact on the setting of this building.</i>
Planning Considerations – Reason for Modification	The Beis Yaakov Primary School and Nursery is a non-designated heritage asset and therefore subject to NPPF test paragraph 197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The requirement to avoid having a detrimental impact on the setting of a locally listed building is not a sound policy requirement and disproportionality overstates the heritage significance of the property.
Risks – Proposed Modification	<i>Impact on the A5, and A5150 intersection as a result of introducing residential development at this site</i>
Risks – Reason for Modification	It is unclear what the actual risk is, and how residential uses could impact the A5. This should be clarified.

Infrastructure Requirements Proposed Modification	- <i>Thames Water has indicated upgrades to the wastewater network are likely to be required subject to justification.</i>
Infrastructure Requirements Reason for Modification	- Infrastructure requirements need to relate to the impacts of development, not just existing development.

6. If your representation is seeking a change, do you wish to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The issues raised in the submission are of sufficient strategic importance to raised in Oral examination.

If you would like to comment on additional policies, please fix another sheet to this.

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names and addresses of those making representations can be made available and taken into account by the Inspector. The Council, its appointed Local Plan Programme Officer or the Planning Inspector appointed to undertake the Examination may also contact you regarding your response.

Please indicate if you wish your personal data to be used for reasons other than identifying your representation and being contacted in relation to that representation.

Survey:

What is your name Ben Ford_____

What is your position (if applicable) __Director_____

What is your organisation (if applicable) Quod _(for DTZi)_____

1. Which part of the Plan are you commenting on?

Policy: BP3
 North

Paragraph:

Table:

Map:

2. Do you consider the Plan is:

Legally compliant? Yes: No:

Sound? Yes: No:

3. If you believe the Plan to be unsound, is this because it is not:

Positively prepared

Justified

Effective

Consistent with national policy

4. Please give reasons for your objection or support:

See Section 5

5. What change(s) do you consider necessary to make the Plan legally compliant or sound?

Policy Reference	BP3 North
	OBJECT
NPPF Paragraph 11 – Flexibility Test	The policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the test as it is not Justified or Effective.
Proposed Modification	<p><i>n) Explore opportunities for additional secondary school provision within this place subject to objectively assessed needs.</i></p> <p><i>o) Identify opportunities to potentially meet the need for a new leisure facility that incorporates swimming pool provision subject to objectively assessed needs.</i></p> <p><i>p) Improve the quality of strategic sports hall sites within this place subject to objectively assessed needs.</i></p>
Reason for Modification	To ensure that the policy is justified.

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