

JD/JA/P7598
5 December 2019

Spatial Planning
London Borough of Brent
Brent Civic Centre
Engineers Way
Wembley HA9 0FJ

Dear Sir/Madam,

**Representations to the Draft Brent Local Plan (Regulation 19)
Burnt Oak and Colindale Growth Area**

This letter has been prepared by Rolfe Judd in relation to the Draft Brent Local Plan (Draft Plan), currently on consultation. This letter seeks to make representation in relation to the Draft Plan, specifically policies within Section 5.3 North Place as they relate to the land referred to within the Draft Plan as 'Capitol Way Valley'. Rolfe Judd is involved with a number of schemes within the locality, as well as represents the interests of land owners and developers who are looking to invest and develop within the Capitol Way Valley and Burnt Oak/Colindale Growth Area, and within Brent generally.

Overall, whilst the Draft Plan is welcomed, we request the Council clarify the approach with regards to the Capitol Way Valley and specifically the anomalies within the policy BP3 North and Site allocation BNSA1, including the proposed master planning process and consequential development freeze within the Capitol Way Valley until this process has concluded. This representation requests that Council reconsider this approach, with clarification provided to other matters as detailed within this letter.

Should it be suitable to Council, we welcome any opportunity to meet with Council Officers to discuss the Draft Plan, specifically as it relates to the Burnt Oak/Colindale Growth Area and the Capitol Way Valley. Rolfe Judd are involved with a number of land owners within the locality and we consider that a meeting would be beneficial to all stakeholders both to provide clarity, as well as assist in achieving Council's desired outcomes under the Draft Plan.

Burnt Oak and Colindale Growth Area

This representation relates to the mixed use area, known as the Burnt Oak/Colindale Growth Area as contained within Core Policy 11 of the Brent Core Strategy (adopted 12 July 2010) and forms part of the Burnt Oak/Colindale Opportunity Area in the London Plan 2016 (which falls within both Barnet and Brent Boroughs). This area is generally bound by Edgware Road (A5) to the east, Carlisle Road to the north, Stag Lane to the west and Grove Park to the south.

This locality, whilst having historically accommodated a range of small scale business, retail, supermarket or light industrial employment uses is currently undergoing significant transition to a medium-high density mixed use district, with a number of large redevelopment and renewal projects currently underway or near completion. Additionally, whilst a number of retail shops and restaurants

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are located within the town centre on Burnt Oak Broadway (A5) to the north of the site, the Colindale Growth Area within Brent is also rapidly developing into an established retail destination, containing a variety of large established supermarkets, food retail tenants and homewares retailers (including ALDI, ASDA, M&S, Morrisons and Wilko).

We also refer the Council to a number of sites within the Capitol Way Valley; however which are not within the Locally Significant Industrial Site (LSIS) designation, including, however not limited to:

- The existing Mercedes-Benz automotive dealership, located at 403 Edgware Road (Mercedes site). The principal use of the site is a sui generis retail function, being a car dealership for the sale of vehicles (a Class A1 use), with ancillary servicing facilities (Class B2). This is not considered to be an industrial use.
- The existing ASDA supermarket, located at the corner of Capitol Way and Edgware Road (ASDA site). This supermarket comprises a Class A1 use and is therefore not an industrial use.
- Units 1 and 2, 24-26 Carlisle Road, located to the southern side of Carlisle Road and to the west of the Mercedes site. This building accommodates a Lexus vehicle service centre (a Class B2 use) and a general goods business premise (a Class B1 use) (Lexus site).

Where relevant, this letter makes reference to the Mercedes, ASDA and Lexus sites, including where further clarification is needed within the Draft Plan and within Site Allocation BNSA1 as to the application of policy to non-LSIS lands.

Planning Framework

The current planning framework for the site comprises the London Plan 2016, Brent's Core Strategy 2010 and Site Specific Allocations 2011.

London Plan 2016 & Draft London Plan July 2019

As detailed at Table A1.1 of London Plan 2016, the proposed site allocation BNSA1 falls within the Burnt Oak/Colindale Opportunity Area, which provides an indicative employment capacity of 2,000 jobs and a minimum of 12,500 new dwellings to 2031, noting that the London Plan 2016 does not provide definitive boundaries nor any further guidance for this precinct. Relevantly, the Opportunity area falls within the boundaries of both Brent and Barnet Boroughs, with much of this targeted growth located within Barnet.

These growth targets are generally supported by the Draft London Plan July 2019, which maintains an indicative employment capacity of 2,000 jobs (to 2041), however provides for a reduction in the indicative number of dwellings to be provided, being 7,000 dwellings (to 2041), a gross reduction of 5,000 dwellings. However, taking into account current development projects, being those either approved or under construction, which include provision for approximately 1,500 apartments, this amounts to a net reduction of approximately 3,500 residential units when considered against the indicative targets as detailed in the current London Plan 2016.

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Brent Core Strategy 2010

The Brent Core Strategy (adopted 12 July 2010, at Core Policy 1 (CP) identifies this area of Brent and specifically the Mercedes site as being within the Burnt Oak/Colindale Growth Area, whilst policy CP2 also provides housing growth targets of 1,400 dwellings (2007 to 2016) and 1,100 (2017 to 2026), being slightly below those envisaged by both the current and Draft London Plans.

Policy CP11 relates specifically to the Burnt Oak/Colindale Growth Area, which is promoted for mixed use regeneration, including provision of tall buildings on appropriate sites. CP11 provides for further differing growth projections, being 2,500 new dwellings (to 2026), however includes reference to the protection of appropriate industrial operations.

Brent Site Specific Allocations 2011

As part of Council's Spatial Planning Strategy, the Site Specific Allocations (SSAs) provide a complementary role to the Core Strategy, including additional guidance to development within the Burnt Oak/Colindale Growth Area.

Relevantly, the Mercedes and Lexus sites are specifically identified under provision B/C3 of the SSA (being grouped with adjoining properties to the south) which provides allocation for "*mixed use redevelopment for retail including bulky goods, or for car showroom, with residential development above*", and "*which should include employment/community uses suitable for a mixed use development*", with an indicative delivery of 650 homes during the period 2011 to 2022. It is noted that the majority of this growth target has already been achieved by The North Quarter (TNQ) development (Ref. 08/2823, as amended), which includes provision for 460 apartments and which is in the advanced stages of construction.

Draft Brent Local Plan

Having regard to the site context of the new draft allocation BNSA1 and the significant development targets, an analysis of the Draft Plan has been undertaken. Overall, whilst many elements of the Draft Plan are supported, we consider there is both inconsistency and ambiguity in a number of policies within the Draft Plan as it relates to the Capitol Way Valley and Burnt Oak/Colindale Growth Area. Of particular note is the grouping of LSIS and non-LSIS lands within the site allocation, with draft policies which are generic in their application and that are not considered to be relevant nor appropriate to certain key sites.

This letter aims to highlight a number of these policies which we feel warrant further clarification or refinement, as well as suggestions to assist both landowners and Council. The following representations are provided below:

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Consistency with the Draft London Plan Supported

1. The wider site area is identified at Section 5.3 of the Draft Plan as remaining within the Burnt Oak and Colindale Growth Area, which is supported. The Draft Plan provides further guidance on the role and desired outcomes of the Burnt Oak and Colindale Growth Area to 2041, with a timeline consistent with the draft London Plan. The continued and additional guidance, clarification of this timeframe and consistency with the draft London Plan is supported.

Figure 16 Unclear

2. Figure 16, provided at page 108 of the Draft Plan provides for a 'high level plan' of the northern areas of the Borough, including the Burnt Oak and Colindale Growth Area. This figure diagram is of poor quality, becoming pixelated at higher levels of zoom. Refer **Figure 1**. Further, this diagram, whilst providing an outline of the growth area and site allocations, does not provide clear identification of surrounding streets or property boundaries, making it difficult to interpret the extent of all properties affected. It is suggested that a higher quality image file be included within the final plan, and/or a separate high resolution file made available.

Clarification of Locally Significant Industrial Sites and Key Employment Sites

3. The 'vision' for the northern area of the Borough, at 5.3.22, along with various other provisions includes reference to LSIS, however these are not clearly included at Figure 16 with the LSIS designation omitted from the key, nor are they specifically identified or defined elsewhere. This is further described at 5.3.40, which provides there are three LSIS within land encompassed by this policy, incorporated within the six site allocations, however these are not clearly defined.

Figure 16 also includes references to 'Key Employment Sites', however these are also not defined, nor is the extent of their boundaries made clear. Clarification is sought as to the definition and nature of these 'Key Employment Sites' and the relationship between an LSIS and Key Employment Site (if any) should also be clarified.

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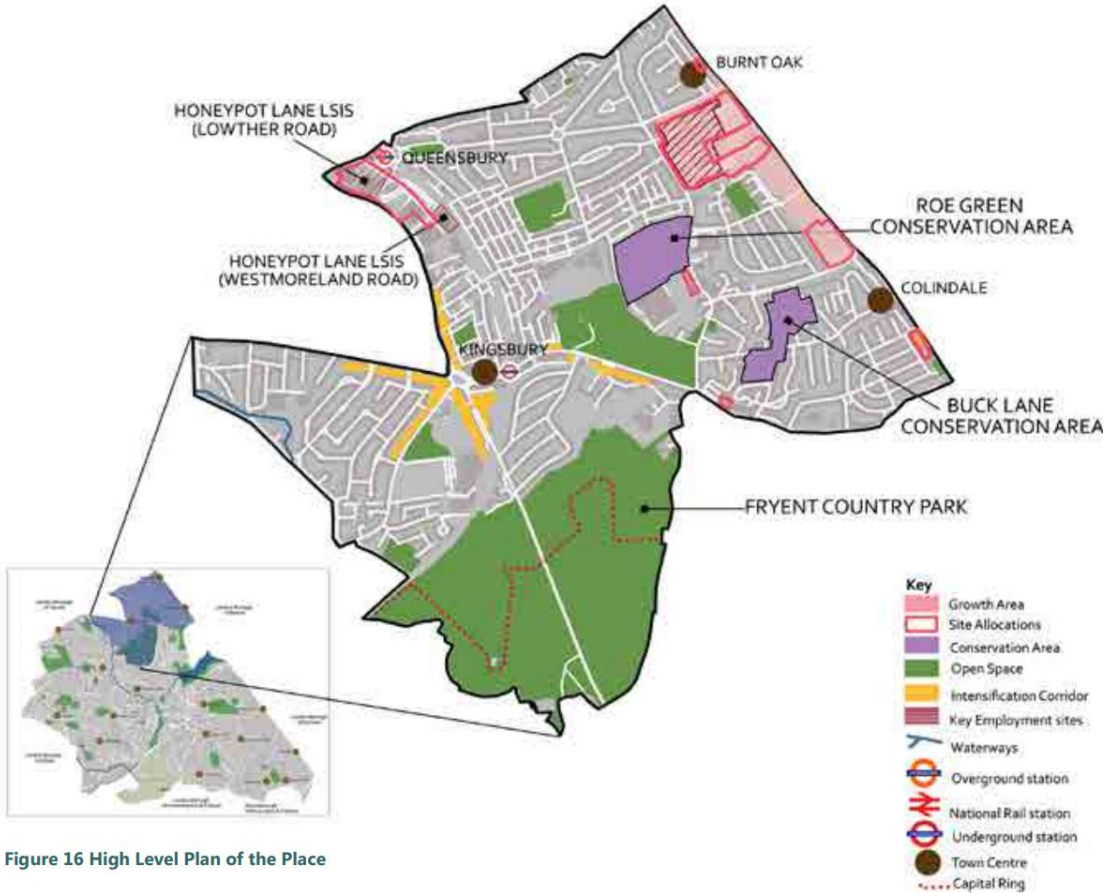


Figure 16 High Level Plan of the Place

Figure 1. Extract of Figure 16 of the Draft Brent Local Plan

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Master Planning and Development Freeze within the Capitol Way Valley

4. Notwithstanding the above, supplementary policy BNSA1 identifies the site as being within the boundaries of the 'Capitol Way Valley', which is described as being a LSIS "containing locally significant industrial site containing a range of uses, such as car repairs, car show rooms, warehouses and distribution parks". It is noted that the boundaries of the BNSA1 site allocation is irregular, with the 'TNQ' development being specifically excluded from this allocation. This makes sense given the development is near completion. Further, whilst Figure 16 details that part of this site is a 'Key Employment Site', however BNSA1 reads as though the whole site allocation comprises a LSIS, which is not the case.

Critically, BNSA1 identifies the Capitol Way Valley as being subject to a 'future master planning process', with 0-10 year housing targets of only fourteen (14) dwellings in the first five years. This is clearly an error given the approved scheme at 1-8 Capitol Way has planning permission for 414 units to optimise the site.

The current bias to wait for a masterplan results in an effective development freeze on the remaining site allocation that:

"The whole site will be subject to a masterplan process to comprehensively identify how it can increase useable employment floorspace, whilst contributing to the council's vision for the Burnt Oak and Colindale area of creating 'a mixed, vital, accessible and pleasant district'. Until a masterplan for the site has been agreed/ adopted by the council, no redevelopments (apart from 17/0837) will be permitted within this area."

This suggested approach by Council is not supported and is considered to be unreasonable and unnecessarily prohibitive. The suggestion of such a process, despite long standing published growth targets and without a clear timeline or guidelines creates significant uncertainty for land owners and developers, placing at risk the effectiveness of the Draft Plan for the locality (including nearby Town Centres) and development viability of the Burnt Oak and Colindale Growth Area overall.

Whilst the master planning of renewal or regeneration sites is considered to be best practice and is generally encouraged, this typically occurs prior to broader redevelopment occurring, with the master plan acting as a framework to guide future development, allowing land owners, developers and interested parties to comprehensively plan and integrate sites for an optimal environmental outcome whilst achieving maximum public benefit. Given the advanced stages of planning and development of the Burnt Oak and Colindale Growth Area, to do so at the present time would result in market uncertainty and compromise the ability to achieve the targets provided for within the existing and draft London Plans.

As evidenced within this letter, strategic planning and growth targets for the Burnt Oak and Colindale Growth Area have existed in planning policy since at least 2010 (in the Brent Core Strategy) and have been reinforced in both the existing and draft London Plans as well as Council's supplementary planning policies. Further, it is considered that the undertaking of any future masterplan has been inherently compromised through significant development approvals granted by Council within the locality, including both the 'TNQ' scheme (under Ref. 08/2823, as amended), as well as 1-8 Capitol Way (Ref. 17/0837, as amended). It is noted that both of these schemes have been developed in close consultation with Council and surrounding landowners, with permission granted by Council without any formal master

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planning process. There is no reason that such an approach could not be taken for any future development sites within the locality, and without the need for a formal master plan or any development freeze for an unspecified amount of time.

Overall, it is considered the proposed master plan approach for the land encompassed within Site Allocation BNSA1 is unnecessary, as there is sufficient policy in place and sites within the boundary of BNSA1 that already benefit from planning permission to enable the efficient and orderly development of the remaining land parcels within the designation without the need for a master plan. In this regard, the commissioning, undertaking and review of a masterplan by relevant authorities would incur significant additional cost and extended timeframes, resulting in uncertainty and undue delay for landowners and developers until this process has concluded and should be reconsidered by Council.

5. We acknowledge the provisions of Policy E7 of the Draft London Plan, which relates to industrial intensification, co-location and substitution. It is noted that the Draft London Plan, at E7(E), suggests that the renewal of LSIS land may be subject to a master planning process in consultation with the Greater London Authority (GLA):

“Intensification can also be used to facilitate the consolidation of an identified SIL or LSIS to support the delivery of residential and other uses, such as social infrastructure, or to contribute to town centre renewal. This process must meet the criteria set out in Part E below. This approach should only be considered as part of a plan-led process of SIL or LSIS intensification and consolidation (and the areas affected clearly defined in Development Plan policies maps) or as part of a co-ordinated masterplanning process in collaboration with the GLA and relevant borough, and not through ad hoc planning applications.”

With regard to this draft policy EN7, it is noted that the Burnt Oak and Colindale Growth Area, including land within the BNSA1 site allocation, has existed in planning policy for a significant period, thereby satisfying the requirement “to be considered as part of a plan-led process”, and that the latter option, being a further master planning process is therefore not required.

Additionally, the current wording of policies within Section 5.3, BP3 North and Site Allocation BNSA1, is generic, both grouping together and requiring a master plan for LSIS and non-LSIS land.

To encompass these sites and require such a master planning process for land which is not identified as LSIS is considered to be both unreasonable and unnecessary under the circumstances and is contradictory to the requirements and intentions of Policy E7 of the Draft London Plan.

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BNSA1: CAPITOL WAY VALLEY

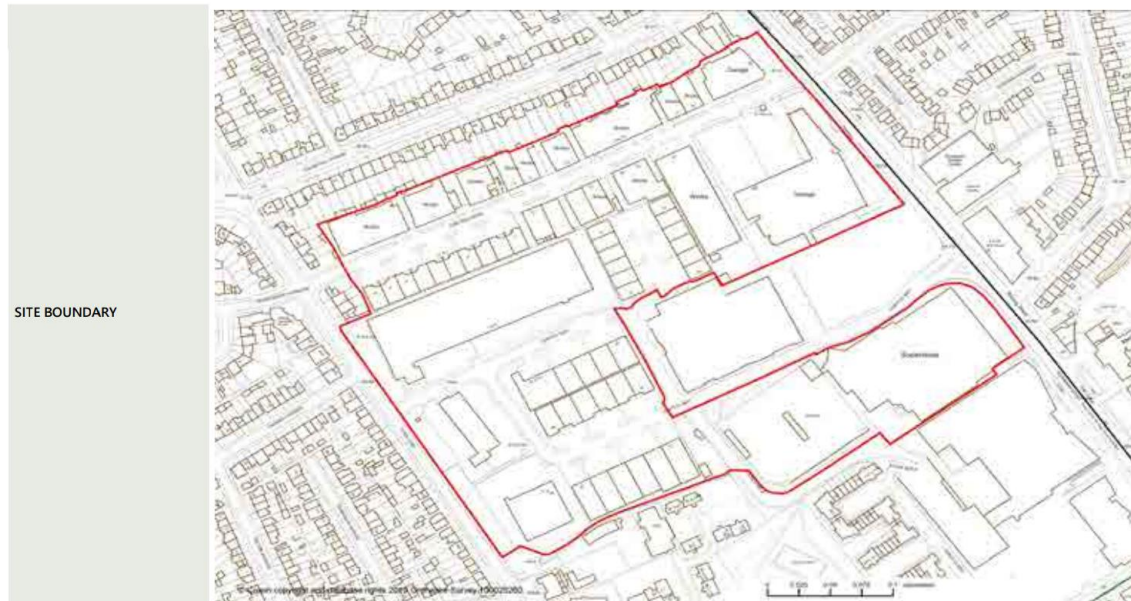


Figure 2. Extract of figure diagram within BNSA1 of the Draft Brent Local Plan

Existing Uses Not Industrial Uses

6. As detailed within this letter, the Mercedes site accommodates an existing long standing car dealership, being principally a retail use for the sale of vehicles. Fundamentally, a 'car show room' is a (Class A1) retail use and should not be characterised nor grouped as a (Class B) industrial use. The site should therefore be considered independently from existing industrial lands and the LSIS to the west.

Whilst the site presently accommodates an ancillary service component, given current market trends, increased service intervals for modern vehicles and a push towards electrified vehicles (requiring both lesser and alternate servicing methods), it is considered that the role of this present ancillary service function will lessen over time, and may also be relocated to another facility within the Mercedes-Benz dealer network. In this regard, it is considered that any future redevelopment of the dealership will maintain and enhance this principal retail function. Such circumstances would also apply to the adjoining Lexus site.

Further, the ASDA site also accommodates a long standing supermarket operation, (a Class A1 use) which is not an industrial use. Given the scale of this supermarket and increasing local catchment, it is anticipated that any future redevelopment of this site would maintain a supermarket component.

On the basis these sites are not located within the LSIS and accommodate principally retail functions, they should not be classified as industrial uses and should remain excluded from any reference to LSIS or 'Key Employment Sites' designation under Section 5.3, including draft Policies BP3, BNGA1 and BNSA1 of the Draft Plan.

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Exclusion of Identified Sites from LSIS and 'Key Employment Site' Designation

7. Having regard to the above, it is considered that the location, function and anticipated future uses of the sites falling within the site allocation BNSA1 should be clarified to ensure that the previous land designations are carried forward correctly in the new Plan.

It is not supported that the new BNSA1 boundary should generically refer to LSIS within that boundary, particularly where a significant portion of this site allocation is not classified as LSIS nor contains any industrial use.

8. We propose the following amendments to the wording of various policies to ensure the new Brent Plan provides clarity to the site allocation with regard to Section 5.3, including Policies BP3, BNGA1 and BNSA1 of the Draft Plan.

Draft Policy	Suggested Amendments
Figure 16	Figure updated to a higher resolution, including made available as a separate file as necessary. Figure and legend updated to include LSIS designations, including identification of overlap (if any) with 'Key Employment Sites'.
BP3(d)	<i>"Continued residential development within the Burnt Oak and Colindale Growth Area. The potential residential development for the extension of the Burnt Oak and Colindale Growth Area, referred to as Capitol Valley, will be determined by a masterplan, taking into account the need to intensify employment use on the site."</i>
BP3(r)	<i>"Supporting transformational change at Colindale LSIS within Capitol Way Valley to provide intensification and the creation of a new mixed use community."</i>
5.3.26	<i>"Opportunities for buildings above 10 storeys will be promoted in the Burnt Oak and Colindale Growth Area, including Capitol Way Valley."</i>
5.3.27	<i>"The Burnt Oak and Colindale Growth Area in its initial designation in the Brent Core Strategy 2010 was identified as having the capacity to deliver 2,500 homes over a 15-year period. Over one third of these homes have been delivered by 2018/19. The council has reviewed this Growth Area and have identified new sites and boundary amendments to support additional residential and employment development. This development will further contribute to the creation of a mixed, vital and accessible district. Masterplanning exercises will be undertaken for key sites within the Growth Area to determine the appropriate mix of uses, form of development, infrastructure requirements and density of development."</i>
5.3.28	Suggest deletion of this clause.
5.3.40	Suggestion that LSIS sites are clarified, including referenced within Figure 16 as detailed above.
5.3.47	<i>"An extensive area of Locally Significant Industrial Site off Capitol Way provides the opportunity to better meet Brent's longer term employment needs through investment in new premises. Consistent with London Plan employment land policies and Brent's 'provide capacity' status, this area will need to be subject to wider masterplanning to ensure effective re-provision. Subject to this process being undertaken, the area is identified as potentially acceptable for co-location to provide a more mixed use area that can also contribute towards improving the sense of place and meeting housing needs."</i>
BNSA1 (Site	Updated to include clear identification of the LSIS and its boundaries.

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Boundary)

Updated to include clear identification of 'Key Employment Lands' boundaries (refer matters relating to Figure 16 above).

In the event that LSIS and 'Key Employment Lands' comprise the same area, it is suggested this be rationalised and a single consistent description be provided.

BNSA1
(Existing Use)

~~“Locally significant Transitioning mixed use and industrial site area, including a LSIS and containing a range of uses, such as car repairs, car show rooms, warehouses and distribution parks. A large retail superstore in the south eastern corner of the site, and a petrol station, an MOT shop and large car dealership with associated car parking/ storage in the north eastern corner.”~~

BNSA1
(Indicative Capacity)

Suggest deletion of this part, as this is otherwise covered by the 'timeframe for delivery' heading below'.

BNSA1
(Timeframe For Delivery)

Updated for a more equitable distribution of housing delivery across 0-5, 5-10 and 10+ year targets.

Correction of the 0-5 year range to a total of 414 dwellings (rather than 14) as provided for under permission 17/0837.

Reinstatement of target figures for the 5-10 year range.

BNSA1
(Description of Existing Site)

~~“Capitol Way **Locally Significant Industrial Land**—**The LSIS Valley** consists of a number of industrial units that are generally no taller than two storeys in height. The majority of units **which form the LSIS** are small, with only a small number of larger units. **The majority of these larger units are located within the western part of the LSIS.** Located within the eastern part of the Capitol Way Valley is a car dealership and associated parking/ storage land. A petrol station forms the north western corner.”~~

BNSA1
(Planning Considerations)

~~“The site is included within the amended boundary of the Burnt Oak and Colindale Growth Area which has the potential to accommodate significant growth. A significant portion of the site is designated as a Locally Significant Industrial Site. **The whole site will be subject to a masterplan process to comprehensively identify how it can** Future development is required to increase useable employment floorspace, whilst contributing to the council’s vision for the Burnt Oak and Colindale area of creating ‘a mixed, vital, accessible and pleasant district’. **Until a masterplan for the site has been agreed/ adopted by the council, no redevelopments (apart from 17/0837) will be permitted within this area.**~~

To the east of the site in the London Borough of Barnet is the Burnt Oak and Colindale Opportunity Area, with a regeneration and growth programme to deliver 10,000 new homes, a new neighbourhood centre and improved public transport services. **The masterplanning process for this site Future development** should take into consideration the growth adjoining, and seek to ensure that development contributes to creating a shared sense of townscape/ landscape.

...

There is some potential for tall buildings, subject to stepping down towards the surrounding residential areas. ~~**The appropriate height, extent and location of buildings will be identified within a masterplan for the site. ...”**~~

BNSA1 (Design Principles)

~~**“Key issues for any future masterplan to include:**~~

~~Ensuring successful co-location/ intensification to allow the area to successfully retain, and enhance, its employment function. Factors to be considered include dedicated parking and services facilities.~~

~~Tall buildings on this site should respond to the height of the surrounding residential character and ensure that there is a stepping down towards 2-storey character to the~~

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north, west and part of the east.

Providing high quality public realm, which improves pedestrian and cycle movement and complements the work being undertaken in the Burnt Oak/Colindale Opportunity Area.

Access to the site to be considered carefully to ensure no conflict is created between different users.

Interface between residential and industrial uses.

Improving access to Grove Park, whilst ensuring the current green and open space on the site is maintained and enhanced. Additional green infrastructure is likely to be required to support development on site.

Creating an active frontage around the sites edges along streets and in particular along the Edgware Road frontage.

Providing tree planting along the Edgware Road frontage to address air quality/ Healthy Streets agenda.

~~The masterplan for the site~~ Any future development will also need to take into consideration the 'Burnt Oak and Colindale Placemaking Plan'."

BNSA1
(Justification)

*"This site incorporates land within the Burnt Oak and Colindale Growth Area, and land which adjoins it. This area has previously been identified as a suitable location to accommodate growth, as well as providing an opportunity to boost business and employment opportunities within the borough. Furthermore, the intensification/ colocation of the **LSIS and Capitol Way Valley with the Burnt Oak and Colindale Growth Area** will contribute to meeting the 'provide capacity' status given to Brent within the London Plan. Currently, although the vacancy rates are low, the site is not intensively used and contains a number of two storey buildings that vary in condition. The **LSIS Capitol Way Valley** also has good access to services and amenities which will support intensification/ co-location."*

Should it be suitable to Council, we welcome any opportunity to meet with Council Officers to discuss the Draft Plan, including matters within this letter. Rolfe Judd are involved with a number of land owners within the locality and we consider that a meeting would be beneficial to all stakeholders both to provide clarity, as well as assist in achieving Council's desired outcomes under the Draft Plan.

Should you require anything further, please do not hesitate to contact the undersigned.

Yours faithfully

Rolfe Judd Planning Limited