

Our ref: KJ/BB/23453

Date: 5 December 2019

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Dear Sir / Madam

REPRESENTATION TO REGULATION 19 DRAFT BRENT LOCAL PLAN PUBLICATION STAGE CONSULTATION, DECEMBER 2019

We act on behalf of our client Stonebridge Real Estate Development Ltd, owners of the Unisys site located off Harrow Road. Stonebridge Real Estate Development Ltd is seeking to develop Strategic Site Allocation BSSA7 (Bridge Park and Unisys Buildings). We have been instructed to submit the following representation to the Regulation 19 Local Plan Publication Stage consultation. You will also be aware that Stonebridge Real Estate Development Ltd has been active in the formulation of the Plan to date having commented on the Preferred Options Local Plan in November 2018 and they welcome the opportunity to continue to influence the Plan and to work in partnership to facilitate the regeneration of the area.

We set out our comments below against the relevant thematic sections, specific Site Allocations and detailed policies. In our comments we indicate recommended modifications to ensure the Plan's soundness.

Section 4: Development Vision and Good Growth in Brent

We support the principle of 'good growth' set out within this section and note that development is to make the best use of land by prioritising development in accessible locations and deliver efficiently and intensively in Growth Areas. We also note that the strategy supports higher density development in Brent's town centres and in areas with good accessibility to public transport.

As set out in our representation to the Local Plan Preferred Options Consultation, we recommend that it should be made clearer that opportunities for growth can also be derived from an objective of overall regeneration, particularly where there are several large-scale sites that cumulatively will make a substantial positive impact in an area through effective planning and maximising opportunities through appropriate land use and scale. Such an area is focussed around Stonebridge Park where, for example, a strategic planning application has been approved at Northfields and where other draft Site Allocations such as Wembley Point and Unisys could lead to a substantial overall beneficial improvement of the local area, delivering the 'good growth' sought. The opportunity and

focus for increased densities and substantial transformative change should be emphasised in these types of locations.

Proposed Modifications: It is recommended that a further criterion 'Regeneration Opportunities' is added under the heading 'Making the Best Use of Land' (page 28) emphasising the opportunities and support for regeneration within the Growth Areas and Town Centres. This will ensure soundness through compliance with the requirements of National Planning Policy Framework (NPPF) paragraph 122 which seeks to achieve appropriate densities and that planning policies and decisions should support development that makes efficient use of land, taking into account various factors including promoting regeneration and change (criterion d).

We note that under 'Delivering Homes to Meet Brent's Needs' (page 30) criterion c) that the Council seeks to promote new family housing with at least 25% of new homes being 3 bedrooms or more. This requirement conflicts with draft London Plan Policy H12 which sets out that *'boroughs should not set prescriptive area-wide dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes'*.

However, for low cost rent *'boroughs should provide guidance on the size of units required (by number of bedrooms) to ensure affordable housing meets identified needs'*. In this respect, the quantum is not appropriately aligned to an identified social need. Furthermore, it should also be recognised that families can easily be accommodated in 2-bedroom, 4 person units and therefore a proportion of these units should be added to the definition of 'new family housing' under criterion c).

Proposed Modifications: We recommend that the reference to a specific target for new family housing under 'Delivering Homes to Meet Brent's Needs' (page 30) criterion c) should refer only to a target for low cost rent housing. This modification is required to ensure soundness and is justified through compliance with the requirements of draft London Plan Policy H12.

Policy DMP1: Development Management General Policy

We are generally supportive of this policy but recommend that modifications are made to ensure soundness.

Proposed Modifications: It is recommended that Policy DMP1 is amended to include an additional criterion as follows:

'prioritises locations or areas that are well served by public transport'.

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This will ensure consistency with national policy in the context of NPPF paragraph 123 which states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, especially in accessible locations, and ensure that developments make optimal use of the potential of each site. NPPF paragraph 123 also states that in these circumstances criterion a) requires that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible, and also that this should include the use of minimum density standards for city and town centres and other locations that are well served by public transport.

Section 5.5: South

We note the reference (page 152) to Wembley Point, Bridge Park Leisure Centre and the Unisys Building at Stonebridge Park currently presenting an unattractive gateway into the borough. This is an important reference given there are a number of sites within close proximity to Stonebridge Park station that have the scope (either individually or cumulatively) to make a dramatic transformational change to the townscape – through high quality design and enhanced permeability – and via optimised housing delivery through providing taller buildings, particularly to offset the negative aspects of the North Circular and to respond to the strong urban frontage.

Policy BP5: South

We are supportive of this policy. Whilst we note the requirement in criterion b) to positively respond to the low- rise character of the area, enhancing the local setting and having a comfortable relationship with adjacent areas, while providing a dense development pattern; criterion c) provides an opportunity for taller buildings near Wembley Point, in the intensification corridor, which includes the Unisys site.

It is noted that the policy supporting text paragraph 5.5.14 refers to the existing 21 storey Wembley Point building and the 8 storey Unisys building and recognises that both buildings are located at an important gateway to the borough and highly visible from the North Circular road and by rail. It is also noted that the supporting text considers a cluster of taller buildings could be appropriate in this location, subject to the buildings being of high-quality design which contributes to the sense of arrival to the borough successfully mediating between the taller elements and the surrounding low-rise.

It is however considered that criterion c) should not include explicit reference to potential building heights, which should be subject to detailed design, townscape and environmental assessment at application stage.

Proposed Modifications: It is recommended that criterion c) from Policy BP5 should be updated to remove the reference to buildings of 15 metres (5 storeys) to ensure that the policy is sound and does not prejudge future application proposals.

Site Allocation Policy BSSA7: Bridge Park and Unisys Building

The overall allocation of this site is strongly supported. The allocated uses should be identified as potential uses, subject to detailed feasibility and following consideration to need and demand (particularly in relation to the 'small scale commercial and community uses') at the time a development proposal is being formulated.

Proposed Modifications: It is recommended that text within the allocated uses section is revised to ensure the policy is effective, as follows:

'Allocated Use: New leisure centre, hotel, office, residential, with potential for small scale commercial and community uses.'

The indicative capacity for the site should be updated to take into account the detailed analysis of the site that has been undertaken to date, which could provide for up to 1,000 new homes.

Although we welcome that car free development will be encouraged, it is considered that the requirement that this must be subject to a Controlled Parking Zone (CPZ) being achieved is unnecessarily inflexible given that the opportunity to impose a CPZ is with the Council and not the developer and that the opportunity to promote car free or limited ('car-lite') parking development in a PTAL 4 area without an existing CPZ should reasonably be supported subject to local conditions and the relevant consideration of a Travel Plan and Transport Assessment.

Proposed Modifications: It is therefore recommended that text within the Planning Considerations section is modified as follows with additional proposed text underlined:

'With a PTAL of 4/3, the site is located within a 6-minute walk of Stonebridge Park Station, which is served by the overground and underground and within a 5-minute walk of 3 bus stops, each serviced by one bus. Car free development will be encouraged, subject to a Controlled Parking Zone being achieved or, alternatively, in the context of local conditions and subject to relevant justification through the submission of a Travel Plan and Transport Assessment'.

It is noted that the site allocation states that higher density development is appropriate, in the context of the cluster of taller buildings located on the western edge of the site, including the existing 8 storey Unisys buildings and the 21 storey Wembley Point building. For consistency, clarification is required in the allocation wording to state that the site falls within a Tall Building Zone (Policy BD2) and therefore is suitable for tall buildings.

Proposed Modifications: It is therefore recommended that text within the Design Principles section is modified as follows with additional proposed text underlined:

'A cluster of taller buildings is located on the western edge of the site, including the 8 storey Unisys buildings and, on the other side of the North Circular, the 21 storey Wembley Point building. In this context higher density development is appropriate and it is considered that this area is suitable for tall buildings, subject to being of high architectural quality, providing a high standard of amenity and respecting local character'.

It is noted that the allocation includes that the site is considered to be of sufficient size to accommodate BH3 Built to Rent and BH8 Specialist Older People's Housing policy requirements. It is considered that the wording should be clarified to indicate that the provision of Build to Rent and Specialist Older People's Housing is encouraged on the site, subject to a detailed feasibility assessment, but not mandated. This clarification is necessary to ensure that the policy is sound and consistent with national policy.

Proposed Modifications: It is recommended that text within the Planning Considerations section is modified, to make the policy sound, as follows with additional proposed text shown as underlined:

'Site is of sufficient size to consider the incorporation of BH3 Build to Rent and BH8 Specialist Older People's Housing policy requirements, subject to a detailed feasibility assessment'

In terms of cross referencing other relevant policies within the Plan, it is also supported that Policy BE9 encourages future hotel provision in the two major town centres of Wembley and Kilburn in addition to sites allocated in the Plan. The site's acceptability for visitor accommodation is recognised by the Site Allocation which includes hotel use and is therefore consistent with Policy BE9.

Section 6.1

Policy BD2: Tall Buildings in Brent

We are generally supportive of this policy in the context that the Local Plan Policies Map (Environmental Protection, Heritage, Employment and Article 4) identifies Site Allocations BSSA6 and BSSA7 both fall within a Tall Building Zone.

Policy DB2 states that Tall Building Zones heights should be consistent with the general building heights stepping down towards the Zone's edge. Although there are some exceptional site constraints, including flood risk which is in the process of being resolved, there is a significant opportunity to bring about enhanced place-making and density and height uplifts, subject to satisfactorily resolving and mitigating constraints and further feasibility work. Therefore there is likely to be significant scope to secure maximum height parameters within the location of Bridge Park and the Unisys Building as part of detailed proposals within future applications.

Proposed Modifications: It is recommended that text within BD2 is updated as underlined to ensure it is sound and consistent with other policies and allocations in the plan:

'In intensification corridors and town centres outside conservation areas developments of a general building height of 15 metres above ground level could be acceptable, with opportunities to go higher at strategic points in town centres and intensification corridors.'

Policy BH2: Priority Areas for Additional Housing Provision within Brent

This policy is generally supported aside from the fact that additional housing should also be promoted in sustainable locations with good public transport accessibility. This is noted in the justification for the policy at paragraph 6.2.33 that states in addition to the Growth Areas and Site Allocations the Plan, consistent with national and London Plan policy, town centres and areas with higher levels of public transport accessibility are priority areas for the provision of the additional homes required.

Proposed Modifications: To ensure soundness through consistency with national and London Plan Policy, we recommend that paragraph 2 of Policy BH2 is revised as follows, with additional proposed text shown as underlined and text to be omitted ~~struck through~~:

‘In addition to the Growth Areas and Site Allocations identified in this Plan, town centres, edge of town centre sites, ~~and~~ intensification corridors, and areas with higher levels of public transport accessibility will be priority locations where the provision of additional homes will be supported’

Policy BH3: Build to Rent

This policy is restrictive and *ultra vires*. Although a Development Plan can support various housing models, it cannot dictate a type of model and preclude others. This would instead be a matter for the market to decide. Therefore, whilst the support of Build to Rent is welcomed, a policy which demands that within Growth Areas (excluding South Kilburn) or on development sites of 500 dwellings or more, the provision of Build to Rent would be expected is unsuitable as a policy. This is especially the case for this site given the significant supply of Built to Rent properties that have been consent in close proximity as part of the regeneration of Wembley.

The policy is unsound and inconsistent with national policy in the context of Planning Policy Guidance (Paragraph: 001 Reference ID: 60-001-20180913) which advises that authorities should include a plan policy setting out their approach to promoting and accommodating Build to Rent. This should recognise the circumstances and locations where build to rent developments will be encouraged (our emphasis), for example as part of large sites and/or a town-centre regeneration area.

In addition, the policy should acknowledge other forms of residential accommodation which can add to the housing stock and meet local demand, such as the potential provision of co-living accommodation.

Proposed Modifications: It is recommended that the first paragraph of Policy BH3 is revised as follows:

‘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~~ encouraged unless this would:...’

As set out above, it is suggested that Policy BSSA7 is modified to indicate that the provision of Build to Rent is encouraged on the site, subject to a detailed feasibility assessment, but not mandated.

Policy BH5: Affordable Housing

The policy needs specifically to identify that a minimum provision of 35% affordable housing as set out in supporting text at paragraph 6.2.5 without the need for a viability appraisal will be acceptable.

The affordable housing approach to Build to Rent is not set out in this policy. The draft London Plan recognises (footnote 54A) that boroughs may publish guidance setting out the proportion of Discounted Market Rent (DMR) homes to be provided at different rental level to benefit from the fast track route, having regard to the relationship between the level of discount required and the viability of achieving the relevant threshold level. This should also reflect NPPF 2019 which defines affordable housing provision for rent as 'at least 20% below local market rents (including service charges where applicable). This provision is suitable for those Build to Rent operators seeking to provide accommodation for key/essential workers in London such as those people employed in the public sector.

Proposed Modifications: To ensure soundness and that the policy is justified through compliance with the requirements of draft London Plan Policy H7, it is recommended that that Policy BH5 is revised to clarify the Council's affordable housing target at 35% and what is required to comply with the fast track approach without the need for viability analysis, subject to meeting tenure split objectives and other Plan requirements.

It is also recommended that the policy is modified to clarify the Council's Build to Rent affordable component and relevant rental levels to take account of the fast track route (considering the relationship between the level of discount required and the viability of achieving the relevant threshold level).

Policy BH6: Housing Size Mix

As set out above in relation to Chapter 4, draft London Plan Policy H12 confirms that boroughs should not be prescriptive in setting dwelling size requirements. If any target is to be set, this should relate to homes for low cost rent only to ensure affordable housing meets identified needs.

Proposed Modifications: It is recommended that references in the first paragraph of the policy to a specific target for new homes as family sized dwellings should refer only to a target for low cost rent housing. This modification is required to ensure soundness and is justified through compliance with the requirements of draft London Plan Policy H12.

Policy BH8 Specialist Older Persons Housing

It is noted that to support achieving the London Plan annual benchmark monitoring provision target of 230 dwellings per annum the council will require provision of specialist older people's accommodation in defined circumstances. Within all Growth Areas except South Kilburn developers will be expected to work together to identify sites on which as a minimum 10% of all the Growth Area's additional dwellings over those which already have planning permission will be delivered as specialist older people's accommodation. Elsewhere, the policy requires specialist older people's on sites with a capacity of 500 or more dwellings.

~~As set out above, it is necessary to ensure the plan is sound to modify Policy BSSA7 to~~

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indicate that the provision of all types of Specialist Older People's Housing is encouraged on the site (including market provision), subject to a detailed feasibility assessment, but not mandated.

Policy BH13: Residential Amenity Space

This policy requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs, which is normally expected to be 20 sqm per flat and 50 sqm for family housing (including ground floor flats). The policy wording is considered particularly onerous and prescriptive particularly in the context that developments in built-up parts of London need instead to seek to optimise valuable internal amenity space, whilst developments may also provide, or be best suited to the provision of, communal amenity space or the utilisation of public amenity space in the area.

Although not set out within the policy itself, the supporting text (paragraph 6.2.100) states that where sufficient private amenity space cannot be achieved individually for each dwelling to meet the full requirement of the policy, the remainder should be supplied in the form of communal amenity space. The supporting text goes on to state that in some locations, such as town centres, in high density developments the council understands that meeting the overall minimum might be challenging. Whilst amenity space will assist in achieving the urban greening factor targets, other requirements such as renewable energy sources may compete for areas that might otherwise accommodate amenity areas, such as roofspace. As such flexibility could be allowed where it can be shown that all reasonable options for provision have been considered.

Proposed Modifications: to ensure soundness and the required flexibility set out within the policy supporting text, it is recommended that additional text is included within the Policy to set out to identify clearly the exceptions to provision of external private amenity space below the specified thresholds as follows:

'Where sufficient private amenity space cannot be achieved individually for each dwelling to meet the full requirement of the thresholds above, the remainder should be supplied in the form of communal amenity space. In some locations, such as town centres, in high density developments the council understands that meeting the overall minimum might be challenging. Whilst amenity space will assist in achieving the urban greening factor targets, other requirements such as renewable energy sources may compete for areas that might otherwise accommodate amenity areas, such as roofspace. The provision of amenity space will be considered flexibly where it can be shown that all reasonable options for provision have been considered and where it can be demonstrated that high quality communal space can be delivered to meet residents' needs'.

Policy BE9: Visitor Accommodation and Attractions

As set out above in response to Site Allocation Policy BSSA7, it is noted that this policy encourages future hotel provision in the two major town centres of Wembley and Kilburn in addition to sites allocated in the Plan. The inclusion of a reference to allocated sites within the policy wording is welcomed and the allocation text needs to be consistent with this policy.

Policy BT2: Parking and Car Free Development

The policy encourages car free development but only where an existing Controlled Parking Zone (CPZ) is in place or can be achieved. It is considered that this position is unnecessarily inflexible given that the opportunity to impose a CPZ is with the Council and not the developer and that the opportunity to promote car free or limited ('car-lite') parking development in a PTAL 4 area without an existing CPZ should reasonably be supported subject to local conditions and the relevant consideration of a Travel Plan and Transport Assessment.

Proposed Modifications: to ensure soundness and compliance with national policy to optimise the density of development in city and town centres and other locations that are well served by public transport, it is recommended that additional text is included after the first paragraph of Policy BT2 as follows:

'In appropriate locations benefiting from high levels of public transport access generally with PTAL 4 or above in areas outside an existing Controlled Parking Zone (CPZ), opportunities for car free development should be encouraged in the context of local conditions and subject to relevant justification through the submission of a Travel Plan and Transport Assessment'.

Conclusion & Recommendation

We trust the above representation to the Regulation 19 Draft Brent Local Plan Publication Stage consultation will be fully taken into consideration by the Council, including the proposed Plan modifications as set out above.

We wish to be kept informed of the progress of the Local Plan.