

London Borough of Brent

Examination of the Brent Local Plan

Matters, Issues and Questions for the Examination

Response of the Council: Matter 5 – Housing

Matter 5 – Housing

Main Issues: Are the policies for housing growth justified, deliverable and consistent with national policy and the London Plan?

Is the level of housing required deliverable? Is the housing target and the proposed distribution of new housing justified?

Will the Plan provide an ongoing five-year supply of deliverable housing sites?

Is the overall target for affordable housing and the type of tenure justified?

Are all identified housing needs addressed effectively and justified within the Plan and its policies?

[Policies BH1, BH2, BH3, BH4, BH5, BH6, BH7, BH8, BH9, BH10, BH11, BH12 and BH13]

Questions

Housing requirement

- 5.1 *The overall housing requirement target for the Borough identified in appendix 3 of the Plan (page 392) for the Plan period – 2019 to 2041 is 45,554 dwellings. This equates to an average annual delivery of 2,070 dwellings over the Plan period. Is this correct? For clarification, what is the housing requirement for the Plan period? How has this been identified? Is it reasonable and deliverable?*
- 5.1.1 The Regulation 19 draft Local Plan was issued for consultation prior to receipt of the London Plan Examination Panel report. At that time, the draft London Plan had a target of 29,150 dwellings for the period 2018/19-2028/29. The Council did not consider that draft London Plan target to be justified. This was principally due to the Mayor’s projections for small site delivery. Nevertheless, in seeking to be in general conformity, the Council worked to identify the maximum amount of deliverable housing for that period to get as close to that target as it could. This was 27,480 homes for that period. Through the remainder of the period of the Plan, 2029/30-2040/41, the Plan identified delivery of 18,074 homes.
- 5.1.2 The Panel report recommended an amendment to the 2019/20-2028/29 borough housing targets. The Mayor accepted this in his Intend to Publish London Plan. The Secretary of State although identifying disappointment with the housing targets has decided not to amend them. This has reduced Brent’s requirement to 23,250 dwellings.
- 5.1.3 In July 2019, the Planning Practice Guidance was updated on assessing the 5 year housing land supply. The Council had not fully appreciated the implications of this advice at the time it published the draft Local Plan. In particular, it had not factored in the need for a buffer (variable at between 5-20% based on performance against the Housing Delivery Test). In addition, the tests on whether a site is regarded deliverable are much more stringent than previously, which was becoming clearer in subsequent appeal decisions and consideration at Local Plan examinations. Whilst a recent decision in the

courts has extended the scope of what can be considered deliverable, the bar is still set high.

- 5.1.4 Consistent with national planning practice guidance Reference ID: 2a-013-20190220, on the assumption that the London Plan will be published before the Brent Local Plan is adopted, the Council would now like to propose a modification to BH1 as set out in Appendix A. This will replace MM239 in Core_04 Schedule of Proposed Modifications. This will make the 10-year minimum requirement for 2019/20-2028/29 to 23,250. This reflects the planning practice guidance that local planning authorities should use the local housing need figure in the published spatial development strategy. (Paragraph: 013 Reference ID: 2a-013-20190220)
- 5.1.5 For the period beyond, the Council will plan to meet as a minimum the difference between the London Plan minimum target 2019/20-2028/29 and the remainder identified within the housing trajectory. This produces a minimum requirement for the remainder of the period of 22,800. For the whole plan period, this gives a total requirement of a minimum 46,050 dwellings. This is maximum deliverable capacity, rather than the need.
- 5.1.6 The Council has sought to maximise the amount of dwellings that can be delivered within the Local Plan. It is a main Council priority to meet local housing needs and at a national level, it is clear that policies to increase housing provision will continue.
- 5.1.7 It believes the requirement it has identified reasonable options of capacity on sites available to it as a local planning authority. Based on planning permissions, site allocations and windfalls set out in the housing trajectory that supports the Plan, the requirement is seen as deliverable.
- 5.1.8 In relation to the issue of what housing requirement should the Brent Local Plan deliver over the whole of the Plan period taking account of upper tier policy and annual local housing need figures, the issue is not straightforward.
- 5.1.9 The draft London Plan in paragraph 4.1.12 identifies that the targets needed beyond the 10-year period should draw on the findings of the SHLAA and other reasonable assumptions on potential capacity, including rolling forward small housing capacity assumptions set out in the London Plan. This paragraph has not been subject to directions by the Secretary of State. The SHLAA results plus small site capacity assumptions would give a Brent 2019/20-2040/41 requirement of 37,852 (28,326 for large sites capacity and 9,526 for small sites).
- 5.1.10 The national planning policy framework works on the basis that the starting point for the housing requirement should be consistent with the national local housing needs figure methodology. For Brent, the minimum annual local housing need figure is the London Plan's 2,325 target increased by 40% to 3,255 dwellings per annum. For the remaining 12 years of the Plan, this is 39,060, which when added to the London Plan's first 10 years would give a requirement of 62,310 dwellings.

- 5.1.11 The 2018 Brent SHMA follows the former national best practice methodology for assessing OAHN. Arguably, its identified requirement relates more closely to Brent population's actual housing needs. It identifies a need of 1,920 dwellings per annum, which would equate to 42,240 dwellings for the whole Local Plan period.
- 5.1.12 For the most critical period, the first 10 years, sufficient sites have now been identified within the most up to date housing trajectory to allow at least a 20% buffer over the minimum London Plan requirement.
- 5.1.13 For the 15 year 2019/20-2033/34 period it delivers 39,190 dwellings. For the alternative London Plan requirement of the 2017 SHLAA+ of 32,289, this would create a buffer of 21%. For the London Plan + national OAHN requirement of 39,525 there would be a deficit of 335 dwellings. For the Brent SHMA OAHN requirement of 28,800 there would be a buffer of 36%.
- 5.1.14 Across the whole of the Plan period it delivers 46,050 dwellings. For the alternative London Plan requirement of the 2017 SHLAA+ of 37,852, this would create a buffer of just under 22%. For the London Plan + national OAHN requirement of 62,310 there would be a deficit of 16,260 dwellings. For the Brent SHMA OAHN requirement of 42,240 there would be a buffer of 9%.
- 5.2 *Paragraph 6.2.6 of the Plan refers to the Brent Strategic Housing Market Assessment 2018 (SHMA) (EB_H_01) which identifies a need for 48,000 dwellings in LB Brent between 2016-41 – 1,920 dwellings per year. Is this the starting point for identifying the Objectively Assessed Housing Need (OAHN) for the Borough for the Plan period? If so, why? Is this correct? How does this assessment relate to the housing requirement set out for the Borough in the draft London Plan for the period 2019-29?*
- 5.2.1 When commissioned, the 2018 Brent SHMA was consistent with national guidance on needs assessments at that time. It has been used for more locally specific findings on affordable housing amounts, tenure types, dwelling sizes and more specialised forms of housing need. Paragraph 6.2.6 presents background evidence of this local need however, it is recognised that the SHMA overall needs numbers are inconsistent with the London Plan annual requirement and the Government's standard methodology on annual local housing needs. As identified above, the Council recognises that housing requirements are a product of at least initially meeting London Plan targets and then seeking to provide as much capacity possible to meet the nationally defined method of meeting local needs.
- 5.3 *Paragraphs 3.21 – 3.23 (section 3) and section 6.4 of the Plan set out the context, challenges and aims of its strategy in relation to economic growth over the Plan period. How does the housing requirement set out in the Plan cater for the homes needed to meet this level of economic growth?*

- 5.4 *What is the relationship between the level of economic growth anticipated in the Plan and the proposed housing requirement? What evidence is there to support this and is the approach taken reasonable, justified and effective?*
- 5.4.1 As part of Greater London, Brent's housing needs and its economy do not work in isolation from that wider area. The evidence base that supports the London Plan and Local Plan, such as the retail and leisure needs and the West London Industrial Land review use a mixture of demographic and capacity trend based projections to identify land/floorspace requirements for different sectors of the economy. The population for both the economic and housing needs are generally derived from the same source. This is GLA population projections. These are commonly regarded as being the best estimates for London, rather than national projections. They can also take into account proposed development and its impacts on population. The use of these figures, for example in the London SHMA, was accepted through the London Plan examination process.
- 5.4.2 The Plan in terms of number of homes as a minimum address Brent's predicted population needs derived from GLA household projections as set out in the Brent SHMA. As such, it is generally consistent with the population projections used within the economy supporting evidence base, which take account of predicted population growth taking into account predicted development (London Plan SHMA), so the two sets of needs, housing and economy should be relatively consistent with each other. In terms of the industrial needs, the Plan has sought at the very least to retain the existing level of industrial floorspace and ideally provide for additional space, although this is reliant on the market. For the retail and leisure needs, the Plan will through proposed modifications identified for each place related to Matter 6 question 6.14, set out the Retail and Leisure Needs Study (EB_E_01-07). Whilst some sites have been identified to meet those needs, if there is developer appetite to deliver, the majority are expected to come forward on sites not yet identified consistent with the sequential test.
- 5.4.3 For office floorspace, the Council has used the London Office Policy Review 2017¹ to identify needs. This identifies a range of potential need in the borough (with no distinction between LB Brent and OPDC area) of between 15,100 sqm (employment based low) and 60,000 sqm (trend projection) and a composite (mixture of different projection sources) need of 44,000 sqm in its Appendix Seven. It does however caveat potential needs might not translate into delivery "In the absence of large scale public investment or direct support (such as moving government offices) it is hard to escape the conclusion that promoting large-scale office development in most other centres is running counter to structural changes" (page xi) and that "values are insufficient to enable new development to become viable. The policy recommendation for these areas is to retain offices in viable locations to accommodate growth in employment." (page 189)
- 5.4.4 The Council has introduced Article 4 Directions across the borough to prevent prior approval changes of use to residential, with a view to seeking to retain

¹ Greater London Authority London Policy Office Review 2017 CAG Consultants & Ramidus

existing stock. It has allocated two sites for office BCSA15 Site W10 Wembley Masterplan and BCSA16 Site NW04 Wembley Masterplan that could deliver up to 30,000 sqm office floorspace.

5.4.5 A site at Wembley Park was recently completed for about 15,000 sqm office. Nevertheless, this build wasn't specifically to address a pent up demand for high specification space, but primarily to enable Quintain to gain control of a site currently used as offices to deliver a new campus for the College of North-west London. The remainder has remained mostly unlet. The trend within Brent has been significant office floorspace loss associated with prior approvals for residential development. Despite this creating an apparent shortage of low cost office floorspace, particularly around Wembley, BNP Paribas indicate that rents recently achieved are well below those which make new office only development viable. As can be seen in the Local Plan viability assessment (Core_Gen_01), new build purely office schemes generate benchmark land values well below industrial levels, or existing office levels. This gives little confidence that office can realistically compete in town centre or other sequentially preferable sites. As such, apart from where there appears to be a willing developer (such as Quintain at Wembley Park, and based on experience so far it is unclear if they will remain committed to delivering these uses) the Council has not pursued identifying sites as realistically there is little prospect of delivery.

5.5 *Is the identified OAHN for the Borough reasonable, justified and deliverable and is it consistent with the London Plan? What is the evidence to support this?*

5.5.1 The Council considers the 2018 SHMA robust in identifying the characteristics of Brent's housing needs. It follows the methodology set out in practice guidance and has been undertaken by renowned specialists ORS. The number of homes to meet London Plan requirements are deliverable. The mix of dwelling sizes (defined by bedroom numbers) identified by the SHMA is unlikely to be delivered for the reasons identified above, particularly in relation to larger family dwellings. The reasons for the amount and what is likely to be delivered is considered to be reasonable and justified by the responses set out as a whole in the response to the Housing Matters questions.

Housing strategy

5.6 *The Plan's housing development strategy is set out in policy BH1 and section 6.2. This provides principles to guide the location of development through the Plan period. Is this an appropriate, positively prepared, justified and effective development strategy?*

5.6.1 The Council considers that the strategy is appropriate, positively prepared, justified and effective development strategy. It effectively builds on the foundations laid by the Brent Core Strategy and subsequent associated development plan documents. This has started to deliver (107% Housing

Delivery Test 2019 Measurement²) and more recently go beyond housing requirements as set out in the existing London Plan, which were themselves a step change from requirements set out in the previous London Plan.

- 5.6.2 The focus on Growth Areas for a majority of the homes creates a scale of development that allows more comprehensive development to occur over a wider area. This creates the potential for new character areas that can maximise the development potential of sites. The location of these Growth Areas in areas with good public transport links, or the potential to improve public transport to create good levels of service will improve transport choice and reduce reliance on the private car. It also allows for better planning for social infrastructure such as new schools or health facilities, rather than incrementally adding requirements to existing facilities that may not be in a suitable position to easily expand. In addition, it also provides for the potential of new population to deliver supporting commercial uses, such as small scale retail and leisure, or assist in supporting those of larger centres, for example Wembley.
- 5.6.3 Where appropriate, review has identified an increase in the existing capacity of the previous Growth Areas. This reflects improved viability of these locations, increased developer confidence in them following on from their initial stages of development and greater experience of higher density delivery. The Council has sought to identify the potential to extend these areas. This incorporates land that given its location and characteristics could be more intensively used, both primarily for dwellings, but also other uses, either on their own or in association with new dwellings.
- 5.6.4 Where possible it has sought to provide clarity on where additional dwellings will be delivered through site allocations. In terms of volume of homes, these focus in Growth Areas, town centres and areas where there is, or the potential for good access to public transport and local facilities. Where it has not been able to identify sites to deliver, it has sought to support through small site (<0.25 hectares) windfalls by identifying priority locations where taller buildings and therefore more dense development should be.
- 5.6.5 In recognising that it is unlikely that housing needs will drop substantially over the next few decades, the Council has sought to be pro-active by identifying a longer plan period than the minimum required in national policy. This is so it is better prepared to meet needs in the longer term. This brings a risk, as the London Plan does not identify housing requirements beyond 2028/29. This means the national planning policy framework standard methodology for this period, which is a very challenging target, is the starting point for housing need. Longer-term targets usually mean more difficulty in identifying specific levels of delivery on sites.
- 5.6.6 Much land in Brent is already in use and occupied by development. The regeneration of larger areas usually takes time to do comprehensively and well. The Council has sought to identify these longer term opportunities now,

² [Housing Delivery Test 2019 Measurement February 2019 MHCLG](#)

even though they may be delivering some homes post 2041. It has given itself, site owners/developers and local communities, the time to consider the best solutions through future masterplanning, e.g. Staples Corner Growth Area in advance of identified delivery.

- 5.6.7 The lower levels of delivery in the latter years of the Plan are associated with a lack of identification of sites. This is also apparent in the London Plan SHLAA 2017. In this, for latter periods capacity is generally derived from applying windfall rates to overall capacity on a range of identified site use typologies. Future reviews of the Brent Local Plan will provide more certainty by identifying sites as allocations with an associated increase in targets. Consistent with national planning guidance, the targets in the Local Plan will reflect London Plan targets; themselves derived from an assessment of what is deliverable when taking account of standard housing needs methodologies as defined in national policy.
- 5.7 *Is the Plan's multi-centred spatial strategy (Growth Areas) selected for the distribution of housing growth justified compared to reasonable alternatives?*
- 5.7.1 This approach is considered justified. As indicated, it builds on the existing strategy by finding additional capacity whilst adding other areas that are considered deliverable. The size of the sites allows for new character areas to be created, allowing for higher density development/efficient use of land and infrastructure to be delivered. The approach reduces risk to delivery by not being so reliant on one or two very large areas/ developments, serving different markets and not being heavily reliant on particular pieces of infrastructure being in place before delivery can commence/ continue.
- 5.7.2 The approach in the Plan does however support development in a variety of other locations, particularly for windfall development that can assist in delivering additional homes. The theoretical capacity of these areas is significant, nevertheless a cautious approach to their delivery capacity has been assumed based on the small sites evidence available to the Council.
- 5.8 *Does the Council consider that it has explored all reasonable alternatives to meet the London Plan housing delivery target for the Borough for the period 2018/19–2028/29, as set out in the Plan? If so, how?*
- 5.8.1 Yes, it has explored all reasonable alternatives and pursued options that may not be universally popular, e.g. identifying significant sized areas where tall buildings are considered in principle acceptable. The Council undertook a call for sites and in the issues and options asked for suggestions/ gave some alternatives for providing more dwellings. This did not generate a significant number of new sites not previously identified in the SHLAA or sources of housing. No reasonable other alternatives that would deliver significantly more homes were proposed to those that had been identified by the Council in the Issues and Options document.
- 5.8.2 The main other option considered, due to the emerging London Plan's emphasis on outer London suburban intensification and papers such as

'Transforming Suburbia'³ was accommodating more dwellings in residential areas. This in terms of land space has potential for significant capacity, due to relatively low residential densities currently. Within Brent however, many such areas have very low levels of public transport accessibility. This option within those lower levels of accessibility was not considered appropriate, principally due to the likely adverse impact on the transportation network and air quality through greater numbers of people becoming more reliant on the private car for travel. It would however be appropriate in those areas where public transport accessibility is higher. On reflection, the emphasis on prioritising higher PTAL areas for development needs to be better reflected in this policy. To remedy this the Council is proposing main modification MM240.

5.8.3 Through its housing trajectory the Council considers that it has identified reasonable rates of delivery, with the vast majority being from a wide range of identified sites, rather than windfalls, on which it has taken a more cautious approach in the early years, than the assumptions set out in the London Plan. For the London Plan period there are no sites known to be dependent on delivery of infrastructure, the lack of which would be a significant restriction on delivery. The anticipated delivery exceeds the draft London Plan housing requirement, with a relatively healthy buffer.

5.9 *Policy BH1 says that opportunities to provide additional homes in the Plan period will be focused principally within Growth Areas and policy BH2 states that site allocations, town centres, edge of town centres and intensification corridors will be priority locations where additional housing will be supported. However, the Plan strategy does not appear to quantify the spatial distribution of new housing across the Plan area. Therefore;*

- *What is the spatial distribution of new housing proposed through the Plan? Should it be clearer in this regard? Does the Key Diagram on page 29 of the Plan provide a sufficient and clear illustration of the broad distribution of new housing across the Plan area?*
- *What level or proportion of new housing is directed towards the town centres and to other parts of the Plan area?*
- *How has this spatial distribution been arrived at and what is the justification for it?*
- *Is the spatial distribution of housing supported by the IIA and will it lead to the most sustainable pattern of housing growth?*
- *Have any other constraints influenced the spatial distribution of housing in the Borough? If so, how and what are they?*
- *Overall, is the spatial distribution of housing justified, effective and is the Plan consistent with national policy and the London Plan and sound in this regard?*

5.9.1 Across the Places the spatial distribution of net additional homes is:

- 13,694 in Central
- 5407 in East
- 2898 in North
- 3318 in North West

³ [Transforming Suburbia Supurbia Semi-Permissive HTA PTE NLP Savills 2015](#)

- 4982 in South
- 5107 in South East and
- 10,644 in South West.

5.9.2 The split for Growth Areas is:

- 6877 in Alperton
- 2093 in Burnt Oak/Colindale
- 682 in Church End
- 2010 in Neasden Stations
- 2600 in Northwick Park
- 1106 in South Kilburn,
- 2219 in Staples Corner and
- 15,880 in Wembley.

5.9.3 Across the Town Centres the spatial distribution of homes is

- 88 in Burnt Oak,
- 211 in Church End,
- 8 in Colindale,
- 289 in Cricklewood,
- 32 in Ealing Road,
- 717 in Harlesden,
- 24 in Kensal Rise,
- 267 in Kenton,
- 447 in Kilburn,
- 8 in Kingsbury,
- 91 in Neasden,
- 24 in Preston Road,
- 190 in Queens Park,
- 30 in Sudbury,
- 5087 in Wembley,
- 2118 in Wembley Park,
- 279 in Willesden Green, and
- 36,141 outside of a town centre boundary.

5.9.4 A high-level analysis has been undertaken of the potential spatial distribution of homes delivered in intensification corridors. Assuming an annual small sites growth rate of 0.3%⁴, equating to a total growth rate of 0.56 over the plan period, and assuming that the schemes delivered are of a high density, the estimated spatial distribution of homes within intensification corridors by place could be:

- 1941 in Central,
- 942 in East,
- 963 in North,
- 668 in North West,
- 669 in South,
- 1150 in South East and
- 2506 in South West.

⁴ [Report of the Examination in Public of the London Plan 2019](#)

It should be noted that these are not additional homes to the overall anticipated housing delivery of the plan period and have been accounted for within the estimated windfall delivery noted in the housing trajectory.

- 5.9.5 The approach to the spatial distribution is set out in 5.6.2-5.6.4. The IIA was used at preferred options stage to compare the preferred options and reasonable alternatives. The preferred option of BH2 spatial distribution as eventually followed through into the submitted Plan scored well in relation to IIA objectives, with some uncertainty of impacts in relation to some objectives, typically associated with higher density environments (Core_Gen_018 page 86). It had few negative impacts. The alternative of moving towards identifying capacity in more general suburban environments had fewer positive impacts and more negative impacts (Core_Gen_018 page 88). Overall, taking account of the IIA it is considered that it will lead to the most sustainable pattern of housing growth.
- 5.9.6 The Council has sought to concentrate on the opportunities for sustainable development through focus on those areas where previously developed (brownfield) land is being used inefficiently relative to the potential economic, environmental and social outcomes it could be achieving compared to national, London and local planning priorities and policies. Generally those areas with the largest environmental policy constraints are those that are greenfield and undeveloped, e.g. floodplain, parks and open spaces, which have been avoided. The Council did in the early stages of the Plan consultation ask the question whether residents would consider loss of poorer quality open space, if for example, funds generated from its development were spent on improving the quality of the remaining space. The feedback was that such losses were not acceptable and the Council should invest in that space to overcome its deficiencies. Floodplain development is dealt with elsewhere in the MIQs.
- 5.10 *A number of representors have put the case that policy BH2 is too onerous and places unreasonable pressure and inflexibility on developers who may not have an appropriate business model to deliver the required housing. In light of this, are policies BH2 (Priority Areas) and BH3 (Build to Rent) in the Plan sufficiently flexible in their purposes and are they justified and effective? Are these policies consistent with the London Plan and the National Planning Policy Framework (the Framework)? What evidence is there to support these policies?*
- 5.10.1 In relation to BH2, the emphasis on the replacement of existing uses is not considered too onerous. It addresses the concern that residential development because of the value it generates has the potential to displace many types of non-residential uses, even if those uses are themselves viable and are occupied, or could be occupied if made available. The Council considers that the policy and policy justification set out sufficient flexibility and clarity on when re-provision might not be required.
- 5.10.2 It is considered that the policy is necessary so that existing uses which may be beneficial to place-making, local communities/ businesses in meeting needs and vitality/viability of town centres are not totally displaced by

residential uses. The policy justification identifies how the Council will consider the issue where a developer might feel that replacement is not justified on the basis of lack of need/reasonable prospect of use, or other exceptional matters.

- 5.10.3 In terms of the representations received, it is accepted that where a site has been subject to an allocation, or has planning permission for a use that any development should reflect this sets out the framework for what is the acceptable use, rather than this being reconsidered against this policy. As such, MM241 as set out in Core_04 proposes a main modification to the policy.
- 5.10.4 In relation to BH3, the rationale for the policy is to gain greater opportunity for the built to rent sector to be able to attain sites for development. The British Property Federation (BPF) has previously identified the inability of the sector to compete on an equal footing for sites compared to mainstream housing⁵. This was due to its funding models not being able to generate similar land values. It sought a proactive approach from Councils to address this matter. The Council has sought to provide greater opportunity for the sector in Brent through the Local Plan.
- 5.10.5 The Council considers the build to rent sector important for two reasons. The first is the general quality of the homes and the service provided by institutional landlords. Brent has a significant proportion of its homes in the private rented sector. Whilst most are provided by good quality landlords, a significant minority are not. It has introduced licensing to improve quality through regulation. In addition, it views the potential increase in high quality stock from build to rent as competition to help push up quality of provision and ideally help reduce prices also.
- 5.10.6 The second is that the build to rent sector has also been identified as another form of diversification of delivery of homes. Build to rent was considered by both the BPF and the Letwin Review⁶ as necessary to improve the speed of delivery of homes. This is as it is not so dependent on waiting for sales of properties to encourage the building of new homes. More recent delivery of the Wembley Park development as principally build to rent has shown this potential. It has significantly increased outputs over what was previously achieved via the traditional method of build for sale.
- 5.10.7 Within the UK, the Build to Rent sector is newly emerging, with growing interest from institutional investors. As a new model, the way build to rent works is likely to change quickly. Both the property sector and local councils will have to adapt and show flexibility. The delivery of build to rent at a national level is growing at a large pace. Increasingly, the sector is working more closely with mainstream house builders. These see the potential that bulk sales to institutional investors in the sector can bring in increasing turnover and reducing risk. The Council regards Policy BH3 as a proportionate

⁵ BPF Unlocking the benefits and potential of build to rent February 2017 Savills and LSE

⁶ Sir Oliver Letwin Independent Review of Build Out October 2018 MHCLG

response to encouraging the sector and supporting greater speed of delivery and type of dwellings meet housing needs.

- 5.10.8 The policy focuses on the key housing delivery locations: Growth Areas and also on larger development sites. Within Growth Areas whilst these areas will be subject to many proposed developments, delivered by different developers, for the most part they do have some substantial single ownership/ developer sites. The policy also identifies sites of 500 dwellings or more outside growth areas. This threshold of sites is considered appropriate. This size of site is likely to have phased delivery over a number of years. They also are of sufficient scale for the minimum London Plan definition of a build to rent operator (50 dwellings) to be accommodated as part of the tenure mix.
- 5.10.9 The policy provides sufficient flexibility as it provides the opportunity for sites of the scale identified to come forward without build to rent. Criterion a) relates to impacts on delay of delivery timing. This might be for example if the developer cannot find an appropriate build to rent developer to work with, or the timing of the delivery of the build to rent is not consistent with the estimated delivery of the site, significantly slowing down delivery overall. As indicated, it would appear that as build to rent matures, it is likely to be more likely to be accommodated within developments in any case. This will be particularly so on larger sites where it can assist in viability through economic cycles when demand for market housing to purchase might drop.

Housing supply

Overall supply

- 5.11 *Does the Plan do all it can to significantly boost the supply of housing, as set out in paragraph 59 of the Framework? If so, how?*
- 5.11.1 Yes, within the scope of what the Council considers to be sustainable development it believes that the Plan does all it can to significantly boost the supply of housing. It produces a substantial uplift in housing delivery compared to that set out in the 2010 Core Strategy and 2011 Site Allocations. It does this by identifying a large number of sites in Growth Areas/ site allocations and other priority development locations that offer a very wide range of opportunity for development. These will meet the wide range of housing needs.
- 5.11.2 In addition, it has policies that support windfall development in priority locations and the wider existing suburban areas. Whilst the capacity in these areas is potentially large and could support additional delivery over that identified, as windfall delivery rates are untested the Council has considered relatively modest levels compared to those identified in the initial draft London Plan. This has meant it has had to focus on identifying specific sites. These will allow timely decision making in relation to planning applications received to boost housing delivery consistent with requirements, perpetuating the trend of the Council delivering against housing delivery test.

- 5.11.3 The policy requirements for these sites are relatively consistent with the delivery of homes more recently, or reflect emerging wider London Plan policies that developers are becoming more accustomed to.
- 5.12 *In accordance with paragraph 67 of the Framework, has the Council produced a Strategic Housing Land Availability Assessment (SHLAA) specifically for LB Brent which identifies suitable sites within the Borough to deliver the level of housing proposed in the Plan? If not, why?*
- 5.13 *Has the Council followed the methodology set out by the PPG in this regard? If not, is the Council's approach consistent with national policy and guidance?*
- 5.13.1 The Council has not produced a separate SHLAA for larger sites (>0.25 hectares) in addition to that undertaken by the Mayor for the draft London Plan. The London SHLAA was undertaken in accordance with national guidance and was considered to be robust in examining sources of supply, capacity on sites and assumed delivery rates. It was undertaken in the period prior to the consideration of Local Plan Issues and Options, taking account of emerging London Plan policies so provides a robust and up to date evidence base. It has been relied upon by the Panel considering the draft London Plan, and regarded by them as appropriate in identifying the borough's housing requirement. The London SHLAA sought to meet the London Plan SHMA OAHN target of 66,000 dwellings per annum. Whilst not quite the level that would be consistent with the new standard methodology, this was significantly above the existing London Plan requirement of 42,000. As such the GLA sought to maximise identifiable capacity within boroughs and provided significant challenge on appropriate sites and density. This in effect tested all reasonable options that would be compliant with emerging London Plan policy.
- 5.13.2 In association with other West London boroughs, the Council did some capacity work on small sites. This is set out in West London Small Sites SHLAA November 2018 (evidence base EB_H_07-09).
- 5.13.3 These two sources have been the principal mechanisms for initially identifying appropriate sites and their capacities. Where the Brent Local Plan deviates from the assumptions within the London SHLAA is the assumed capacity provided by existing industrial sites for new homes and their timing. The appropriateness of this approach is dealt with elsewhere in the MIQs. The London Plan SHLAA has been supplemented by information provided by site promoters, plus other evidence such as pre-application discussions or planning permissions on adjacent sites to those identified, to give an updated understanding of capacity. The outcomes of this work were set out in the preferred options Local Plan site allocations and followed through into the submission version that sets out site capacity, delivery phases, opportunities/constraints and potential risks to delivery and the associated housing trajectory that supports the Plan. This provides clear, transparent evidence in accordance with national guidance in testing options and identifying the sources of housing supply.

The housing trajectory

Paragraph 67 of the Framework says that planning policies should identify a sufficient supply of specific deliverable sites for years 1-5 of the Plan and then specific developable sites or broad areas for growth beyond that. Based on the Housing Trajectory, for years 1-5 of the Plan (2019-2024), the housing figure is 14,906 dwellings. From the evidence, there are inconsistencies relating to which sites are deliverable and when. For example, the Plan identifies that site BCSA4 will deliver up to 700 units in total with 200 in years 1-5 of the Plan period. In the Housing Trajectory, the site is identified for up to 500 units with 450 delivered in years 1-5 of the Plan period. However, no planning permission has been granted to date. In addition, there is some inconsistency between the overall delivery figures provided in the Housing Trajectory (EB_H_06) and appendix 3 of the Plan. As such, the Council is requested to reproduce EB_H_06:

- At a scale printable at A4 size;
- Provide totals for the delivery figures provided on a year by year basis;
- Provide an explanation for the colour coding of certain sites;
- Cross check references to confirm that these correlate with the site allocation references within the Plan;
- Provide confirmation that the figures within the main table tally with the summary provided at the top of page 1. If not, a clear explanation as to the nature of any differences is requested.

1) An updated Housing Trajectory has been provided, in two formats. The figures no longer tally with figures provided with the Local Plan due to the fact that the trajectory provides an updated schedule that reflects our current understanding based on the most recent conversations with developers / site owners. The figures within the main tables of both formats tally with each other, and tally with the summary provided at the top of page 1 of the Format 2 version of the housing trajectory.

Format 1 (EB_H_06_Format 1)

2) Format 1 provides an updated version of the trajectory at a scale printable at A4 size and includes total delivery figures on a year by year basis (found at the bottom of the table). Site allocation references correlate with site allocation references within the plan. Each row shows the corresponding amount of delivery expected from each site allocation. Where a site allocation is broken up into multiple planning applications, these have not been shown separately within this table – rather, each row shows the total amount of delivery for each site allocation. This version does not include any colour coding.

Format 2 (EB_H_06_Format 2)

3) Format 2 provides an updated version of the trajectory in the same format as the trajectory provided at submission stage, except this version now includes a column ('Note to Inspectors') which explains any differences between this version of the trajectory and the submission-stage version. Totals have been included at the bottom to show that the numbers tally with the summary table at the top of the document. This version does not include any colour coding and also provides yearly delivery totals at the bottom of the table. Site allocation

references correlate with the site allocation references in the plan, however, unlike Format 1, site allocations which have been subject to planning applications on different parts of each site have been split into separate rows.

5.14 *There appears to be a discrepancy in the housing figures provided in appendix 3 of the Plan (page 392) and those set out within the Housing Trajectory. A further difference is evident in the total housing figure provided by the Council in its letter to us (dated 5 May 2020) responding to our initial comments and queries. Therefore, could the Council explain why there are differences in these submitted figures and clarify which of the figures provided are to be regarded as correct in meeting the OAHN for the Plan?*

5.14.1 The housing trajectory has been updated and this will be used to support updated housing targets in the Local Plan.

5.15 *The Housing Trajectory states that in the first 10 years of the Plan period (2019-29) 27,136 dwellings will be delivered. Does this figure include a buffer? If so, what is it and where is the justification for the amount applied? Where is the evidence to support this?*

5.15.1 The issue has been addressed in response to matter 5.1. The housing trajectory identifies at least a 10% buffer to the London Plan housing target. This is considered to give sufficient flexibility to ensure delivery. The Council has achieved the housing delivery test, so this percentage is considered appropriate for the initial 10 year period.

Five year supply

5.16 *Having undertaken the above, does the Plan provide an ongoing five-year supply of deliverable housing sites for the Plan period?*

5.16.1 The Plan provides for more capacity than required to meet a requirement that would be consistent with the London Plan advice of setting future years' target on the basis of the 2017 London SHLAA target and the Brent SHMA requirement. It however falls well short of the standard method target. To be consistent with providing a buffer for the whole plan period, the housing requirement for Brent's Local Plan will need to be set at an appropriate level between 5-20% of the capacity identified in the trajectory.

5.17 *Are all sites relied upon in the Plan for the supply of housing in years 1 to 5 of the Plan period clearly identified as available, suitable, developable and deliverable in accordance with paragraph 67 of the Framework?*

5.17.1 Yes. This information has been provided in association with the updated trajectory.

5.18 *Is there adequate flexibility within the Housing Trajectory and the site allocations for housing to accommodate unexpected delays in delivery whilst maintaining an adequate housing supply?*

- 5.18.1 Yes, see the response to 5.1 which sets out the buffer range for various parts of the Plan period against the potential housing requirements, depending on how the requirement is set.

Small sites

- 5.19 *What size threshold has been set in identifying sites for allocation – some sites within the Housing Trajectory appear to be very small (e.g. BSSA13: Learie Constantine Centre – 0.03ha; BSSA15: Harlesden Station Junction: 128 Acton Lane – 0.07ha and BSESA32: 45-55 Cricklewood Broadway – 0.08ha)? What evidence is there that this approach is realistic?*
- 5.19.1 Given the scale of the housing requirement, for the most part, the allocations have focussed on sites of 0.25 hectares or above, or sites slightly smaller than this that will be above 50+ dwellings, which will be denser than typical suburban areas. These sites are likely to benefit from the clarity provided by policy, e.g. principle of development or other information such as indicative capacity, which might assist in delivery. In the South East and South West Places however, it is accepted that this protocol has not been followed. Some of the sites, such as Learie Constantine do have community facilities which policy requirements clarify needs to be re-provided. Nevertheless, it is accepted that for some sites, given the positive policy context provided by the small sites policy that their inclusion provides an unnecessary level of detail that could, if this is considered necessary/appropriate by the Inspectors, be removed.
- 5.20 *Are the assumptions and analysis regarding site suitability, availability, achievability and development capacity in the Council's supporting evidence, including the West London Small Sites SHLAA 2017 (EB_H_07; EB_H_08 and EB_H_09), reasonable, realistic and justified? Is this assessment sufficiently detailed and rigorous? How has this assessment contributed to the site selection process for the Plan?*
- 5.20.1 The larger site allocations have more for the most part been available for comment for a minimum of two rounds of consultation on the Local Plan. This has provided a suitable framework for representations to be received on the assumptions. This could be by both the site owners/ interested parties related to those sites and others who might consider the site inappropriate. This relates to the capacity identified, timescales and policy requirements. For the sites with earlier delivery schedules associated with the five-year housing land supply, the Council has again recently been in contact. This is to confirm dwelling numbers, timing and any potential impediments to delivery.
- 5.20.2 There are clearly some sites with outstanding unresolved representations. With the exception of the Mayor, the capacity on sites that the Plan has identified is likely to be regarded on any disputed sites as under-representing delivery. The Mayor is likely to regard delivery on SIL as over-representing capacity. Other than these sites the suitability, availability, achievability and development capacity is seen as reasonable, realistic and justified.

- 5.20.3 The Small Sites SHLAA was a very rigorous evidence studying the opportunity that small site development provides in Brent. It has given credible reasons why the original GLA assumptions were not appropriate. It undertook a detailed assessment of potential capacity based on the evidence of available stock, development trends and the need to step up in terms of target. This approach is considered by the Council to be a more reliable way of identifying the potential capacity from small sites. The London Plan Panel took account of its content and were persuaded that the Mayor's assumptions were not robust. Nevertheless, they had to produce a methodology that could be applied across the whole of London.
- 5.20.4 The Council considers as the Small Sites SHLAA is grounded in local evidence that it is more robust than the revised London Plan capacity as identified by the Panel. The reduction of the small site capacity is not an attempt by the Council to seek to justify an overall lower housing requirement than that set out in the draft London Plan. The result of this is that the Council has to identify more deliverable capacity on larger sites for the first 10 years of the Plan.
- 5.21 *In terms of housing supply and delivery on small sites, the draft London Plan says that an annual target of 1,023 units are to be provided in the Borough for the period 2019-29. However, the London Plan Panel Report indicates a revision to that figure for Brent, reducing it to 433 per annum for that period. The Plan indicates (paragraph 6.2.39) it will deliver 370 units annually. As a result, the Council therefore proposes to deliver a deficit of dwellings on small sites of 653 per annum based on the draft London Plan target and a deficit of 63 dwellings per annum based on the figure identified in the London Plan Panel Report 2019. Is this correct?*
- 5.21.1 The Plan is not proposing to deliver a deficit. The 360 dwellings per year is an estimate of the capacity that is likely to be delivered taking account of the lead in time of London Plan policy H2 and the Council's own policy on small sites. It will take some time to step up delivery as the market reacts to the new policy framework. Ultimately, by the end of the Plan period, in the housing trajectory it is estimated that small sites will be delivering 469 dwellings per annum, thus above the London Plan annual monitoring target. Nevertheless, existing delivery is well below this level. The trajectory taking account of the lower starting point and higher end point averages over the first 10 years of the Plan 360 dwellings per annum.
- 5.22 *If the above is correct, is the Council's approach to the delivery of dwellings on small housing sites set out in policy BH4 adequate, appropriate, justified and effective? How does the Council intend to address the proposed shortfall in housing supply on small sites?*
- 5.22.1 The Council has identified sufficient sites across all forms of capacity (large and small sites) to meet London Plan policy requirements for the first 10 years of the Plan. Analysis of trends resulting from changes in small sites policy will allow a better understanding of what can be achieved over a sustained period in the early years of the Plan. This will allow for a better estimation of small site capacity in future London Plan/ Local Plan reviews.

- 5.22.2 Ultimately, if the Inspectors consider that the West London SHLAA is not an appropriate method of predicting capacity, then the Council will be content to accept and revert to the London Plan's figures.
- 5.23 *What evidence is there to support the Council's approach to omitting criterion A2 of London Plan Policy H2A from its assessment of small site development (policy BH4) and its overall position regarding housing delivery on small sites?*
- 5.23.1 Because of the Panel's recommendations, there have been extensive changes to the draft London Plan small sites policies. The Council has updated its own small sites policy to reflect the loss of policy H2A and updated policy H2.
- 5.23.2 The Council has also reconsidered sites outside town centres and areas with relatively good public transport (PTAL 3-6). It currently is approving small site development in these locations. Realistically it is unlikely to harden its approach to these sites due to the increased housing targets. It therefore accepts that these sites will provide some capacity for new homes. Nevertheless, they are not considered priority locations where it is assumed a significant volume of new homes will be delivered. Taking account of their more likely limited access to public transport and other facilities, the amount of acceptable development is likely to be more limited. The volume will be dependent on accessibility, facilities and impact on character.
- 5.24 *How is the overall supply of housing sites to be effectively monitored and managed? Does the Plan contain a robust housing implementation strategy or other suitable monitoring framework?*
- 5.24.1 As a backstop the housing delivery test and the 5 year deliverable housing supply provide a suitable monitoring system. Ultimately the need for Action Plans, suitable buffers and the Framework's presumption in favour of sustainable development will provide opportunity to increase supply where it is found wanting. Obviously, the Council does not want to have to rely on these forms of intervention, which move away from a pro-active approach to planning, to a reactive one.
- 5.24.2 Providing additional homes is a Council corporate priority as identified in the Council's Borough Plan⁷. The Council has a multi-faceted approach at a corporate level to ensuring increased delivery. This is as an investor in an arm's length organisation that procures development and buys new housing stock for low cost private rent, as a housing provider on Council estates and other Council land holdings or land it buys, working in partnership with GLA housing and registered landlords and as a planning authority. As such at a wider corporate level it monitors performance and is putting into place mechanisms to ensure better levels of housing delivery in a more integrated manner that will be meet needs in the future.

⁷ Brent Borough Plan 2019-2023 LB Brent 2019

Windfall

- 5.25 *What evidence is there to support the Council's approach to windfall housing sites? What is the justification for the variable approach, ranging from 140 to 469 units per year of windfall allowance across the plan period, as set out in the Housing Trajectory?*
- 5.25.1 This approach is consistent with the capacity identified in small sites SLHAA as set out in response to 5.20 onwards set out above. The small sites developments that are between 10-25 dwellings set out in the trajectory have been discounted from the small sites SHLAA target for that year to provide the residual. This is to simplify the trajectory rather than include all small site permissions.
- 5.26 *Does the approach to windfall accord with paragraph 70 of the Framework? Where is the evidence to indicate that such units will provide a reliable source of housing supply? Is the Council's approach realistic and does it have regard to the SHLAA, historic windfall rates and expected future trends?*
- 5.26.1 Yes, the West London SHLAA sets out a methodology that took account of national policy/ guidance in relation to expectations from windfall sites. It analysed historic delivery rates and took account of potential capacity factoring in the permissive approach set out in the emerging London Plan.

Other housing supply

- 5.27 *The Housing Trajectory includes an allowance for the 'reoccupation of vacant units' at 56 units per year for the first 5 years of the plan period. What does this mean? Where is the evidence to justify this and how has the figure been calculated?*
- 5.27.1 The Council included this figure as this had historically been included in the AMR and also was included in the MHCLG housing returns that supported residential monitoring/new homes bonus. It is essentially those properties that for whatever reason, for example either an absentee homeowner or probate issues, mean that a property that was long-term vacant has been brought back into active use. The Council has a programme to support this through grants whereby the premises are rented to people on the Council's waiting list.
- 5.27.2 It is noted that this type of capacity source is not identified in the MHCLG's housing delivery test assessments, which are based on housing flow reconciliations data. On this basis, the Council proposes to remove this source of capacity from the trajectory.
- 5.28 *The Annual Monitoring Report 2018-19 (AMR) (Core_Gen_013) advises that in 2018/19 there were 1731 net new dwellings completed against a target for the Borough of 1525. Furthermore, 119 reoccupied vacant dwellings were brought back into use. Therefore, a net total of 1850 is shown for the year. The AMR uses a 'units completed' figure. Please could the Council clarify and*

confirm how the units have been accounted for in terms of calculating housing supply (i.e. 'new dwellings completed' vs. 'dwellings brought back into use').

- 5.28.1 As with the answer to 5.27 this approach to monitoring is something that the Council has done on a long term basis. It is now recognised that this information is not counted in the housing delivery test and therefore the Council will not include it in the AMR from now on. The official MHCLG housing delivery test figures identify a net addition of 1728 dwellings for Brent for 2018/19.
- 5.29 *Is the approach taken towards Vacant Building Credit in the Plan consistent with that set out in Policy H9 of the London Plan and in national policy?*
- 5.29.1 The Council references Vacant Building Credit in existing policy DMP15 Affordable Housing in the Development Management Policies Local Plan 2016. The draft Local Plan makes no reference to Vacant Building Credit as prior to October 2019 this matter was considered to be suitably dealt with in emerging London Plan policy. The Intend to Publish London Plan now makes no mention of the credit in response to Policy H9 being recommended for removal by the Panel.
- 5.29.2 The Council considers that the existing Policy DMP15 on this matter with associated supporting text is useful in providing clarity on how qualification for the credit will be assessed. Notwithstanding its removal from the London Plan, this matter is still addressed in the London Housing SPG and may well be in the future to ensure consistency in relation to viability assessment across London. If the Inspectors feel that it is appropriate for this level of clarity to be added, this could be done as main and minor modifications to the affordable housing policies in the draft Local Plan.
- 5.30 *In the AMR (page 12) there is reference to the provision for self-build units. Are such matters provided for within the policy framework of the Plan? Does the Council have a specific policy relating to self-build homes? If not, why? Is the potential lack of such a policy within the Plan consistent with national policy?*
- 5.30.1 The Council has no specific policies on self-build in the Plan. In the context of overall needs, the number of registered self-builders in Brent is low. The list mostly comprises individual households seeking development of a single dwelling, rather than as groups looking for larger sites or communal development. The Council has considered how best it could deal with this matter given the Local Plan's overall housing requirement and the likely densities associated with delivery of site-specific allocations. Allocations are predominantly in higher public transport accessible areas which almost wholly now results in a focus on flats/maisonettes. Very few, if any townhouses are now built in allocated sites. The best opportunities for these types of development come up on the smaller infill sites that are not subject to allocations. The AMR indicates that in 18/19 around 200 serviced plots received planning permission compared to 24 new individual self-build registrations.

- 5.30.2 As a landowner, the Council has some limited in-fill sites that are likely to require a small scale bespoke solution and might prove to be unviable for mainstream affordable housing. These could provide some supply, but as the Council's own affordable housing programme increases, there is less likelihood that these sites will now be released for non-affordable homes.
- 5.30.3 The Council considers that the small sites policy provides the best opportunity for the needs of self-builders to be met. The London Plan and Local Plan small sites policies are likely to increase their supply too. The Council updates the brownfield register at least annually with all extant small sites planning permissions and informs self-builders of this source for sites.

Affordable housing

- 5.31 *The Brent Strategic Housing Market Assessment (SHMA) Update (EB_H_01, paragraph 4.114, page 56) advises that the affordable housing need between 2016-2041 will be 22,100 dwellings (884 dwellings per year) How do these figures relate to the Plan period as a whole? What is the identified affordable housing need over the Plan period? Where is this set out within the Plan?*
- 5.31.1 Paragraph 6.2.6 of the draft Plan identifies that of the 1,920 dwellings annual requirement related to Brent's housing needs, 46% are for affordable homes (which equates to 884 dwellings per annum on a rolling basis). Over the Plan period this would result in 19,448 dwellings. This could be more clearly set out in a minor modification to paragraph 6.2.6.
- 5.31.2 The mix of needs related to dwelling size is set out in Figure 33. It should be noted that the Plan also has a housing requirement consistent with the draft London Plan for the first 10 years, which is above that identified to purely meet local needs. Table 13 of the London SHMA⁸ identifies an overall London need of 42,841 affordable dwellings per annum over the same period as the Brent SHMA. This is equivalent to 65% of needs (47% low cost rent and 18% intermediate). If the Brent split applied to the 1,920 and a London split applied to the London needs associated with the wider requirement, then the overall need would be 49% of the requirement.
- 5.32 *Is the overall approach to affordable housing in the Plan based on evidence that is robust and is the Plan sound in this regard? Are the definitions used for affordable housing within the Plan consistent with annex 2 of the Framework?*
- 5.32.1 The Council considers the approach is suitably based on evidence that is robust. The Brent SHMA is consistent with best practice guidance related to identifying the needs of particular groups. It has been undertaken by recognised experts in housing needs assessments, who have a track record of producing evidence regarded as sound for the purposes of plan examinations. The London Plan SHMA has been subject to examination and the 50% affordable housing strategic needs target that it supports in the draft London Plan has not been subject to direction from the Secretary of State.

⁸ The 2017 London Strategic Housing Market Assessment Mayor of London 2017

- 5.32.2 The policies in the Brent Local Plan support the strategic policies set out in the emerging London Plan. The affordable housing tenure split (70% London Affordable Rent/social rent and 30% intermediate tenures) in relation to non-build for rent developments sought is consistent with identified local needs (Figure 3 of the Brent SHMA which are predominantly more affordable than intermediate tenures). This has to be balanced against the Mayor's strategic affordable requirements set out in draft London Plan policy H7 Affordable Housing Tenure (minimum 30% of London Affordable Rent or Social Rent and minimum 30% intermediate). The viability of this mix in association with for market sale housing development is supported by appropriately robust viability evidence.
- 5.32.3 In relation to the build to rent tenure mix the Council has set a requirement based on the Mayor's preferred approach set out in H13 Build to Rent criterion A of 100% London Living Rent. The Council considers this appropriate, based on likely rent levels associated with this tenure type, local and London needs and the amount of build to rent development that is likely to occur. Again, this is supported by appropriately robust viability evidence.
- 5.32.4 The definitions of affordable housing set out for the preferred tenure mixes are consistent with Annex 2 definitions. Social rent or London Affordable rent related to the 70% preferred affordable tenures associated with build for sale schemes are within the definition of a) affordable housing for rent. For the 30% preferred intermediate affordable tenures, London Living Rent is consistent with the definition of 'below at least 80% of market rents', indeed it is likely to be significantly below this. Shared ownership properties (part of the 30% intermediate) are covered by criterion d).
- 5.33 *The AMR states for the year 2018/19 that 442 of the 1850 units completed, were affordable (24%). In light of this, and paragraph 6.2.44 of the Plan which acknowledges viability concerns in relation to the 50% target, where is the evidence to support the Plan's policy target of 50% of all new homes in the Borough being affordable units, as set out in policy BH5? Is this a positively prepared, realistic, justified and deliverable target?*
- 5.33.1 The 50% target set out in BH5 is consistent with the draft London Plan's Policy H4 and reflects the identified affordable housing needs of the borough. Policy H4 identifies the mechanisms at a London level, which will be sought to achieve this aim. It is not expected to be delivered solely through planning obligations, but through a number of means, including the Council's build programme, its arms-length housing organisation and working with other public bodies such as the One Public Estate, the Mayor and registered providers to support increases in provision. As a challenging strategic target, it gives an indication of the priority that the Council places on building new affordable homes. The Council has committed to deliver 5000 new affordable homes over 5 years in its Borough Plan⁹ (page 15).

⁹ Brent Borough Plan 2019-2023 LB Brent 2019

- 5.33.2 The Council's policy does not go beyond those set out in the London Plan. This includes Policy H5, the threshold approach which in some cases allows development to proceed with 35% affordable dwellings, or if the threshold cannot be achieved the maximum viable possible.
- 5.33.3 The policy is positively prepared and justified in that it is actively seeking to address an identified need. In terms of its realism and deliverability, clearly this is subject to a wide range of inputs, the most significant of which are overall development viability where no public subsidy is assumed, and public finances where these are relied upon. The Mayor has received large increases in Government funding for the affordable homes programme, something that given recent events the Government has indicated it will increase. Nevertheless, long-term future commitments are unknown. Changes to the Council's ability to fund building of new homes will result in short term activity, but will need to be enhanced to increase longer-term delivery.
- 5.34 *Will the overall housing requirement proposed in the Plan ensure that the need for affordable housing will be met? If not, how will any shortfall in affordable housing be addressed?*
- 5.34.1 Affordable housing delivery has consistently been below identified needs for a very long period. There have been some recent positive changes to national planning policy, funding of affordable housing and mechanisms for Councils to build more affordable homes. This could lead to increases of provision over the levels achieved on average since 2010, over a longer period. Nevertheless, the scale of need is substantial and realistically based on previous experiences may well not be achieved. Provision of a substantial increase in new homes could result in drops in prices, making homes more affordable overall, but there is not necessarily a causal relationship due to investor activity. In addition, as part of a wider London housing market, prices and supply will be affected by other borough's abilities to meet the affordable and market housing requirements.
- 5.34.2 In terms of remedying any shortfall, as Brent is part of a wider London housing market, there may well be opportunities for residents to find alternative dwellings in adjoining London boroughs or the Old Oak and Park Royal Opportunity area. This however is not relied upon. The Council has also been active in purchasing new stock through its arms-length company to provide affordable homes for people in temporary accommodation and key workers. This might provide an alternative route to providing additional affordable stock.
- 5.35 *Has the Council considered increasing the total housing figure in order to help deliver the required number of affordable homes in accordance with the PPG?*
- 5.35.1 The Council considers that it has sought to maximise provision of additional homes in the Local Plan. It has gone beyond the initial draft London Plan housing requirement. The main issue is likely availability of sites to deliver additional homes on. In terms of large allocations, the Council is not aware of any other realistic opportunities that exist or that it can reasonably show as being deliverable. Small sites capacity in the plan's priority locations and

across the rest of the borough provides potential for significant levels of additional stock. The Council will view applications on such sites positively where it increases dwelling numbers. Nevertheless, due to a variety of reasons many of which are set out in the West London SHLAA, the significant uplifts in small sites housing delivery as anticipated in the earlier version of the draft London Plan are not considered realistic in the short to medium term.

- 5.36 *In relation to concerns raised by Transport for London Commercial Development, does the requirement within policy BH5 for 100% of 'Build to Rent' developments to be at the London Living Rent (LLR) level result in a significant restriction in the range of genuinely affordable rents available in the Borough? Does the policy, as submitted, limit the affordable housing mix and balance in the Borough? Is policy BH5 in accordance with the London Plan in this regard?*
- 5.37 *Would amending policy BH5, for example by reducing the proportion of affordable 'Build to Rent' units at the LLR level to 30%, ensure that a greater range of genuinely affordable homes would be secured in Brent than the policy would achieve as submitted? If so, how? Where is the evidence to support this?*
- 5.37.1 Policy BH5 is in accordance with the London Plan, as Policy H11 criterion a) states: "the affordable housing offer can be solely Discounted Market Rent (DMR) at a genuinely affordable rent, preferably London Living Rent level." The extent to which it is regarded as a significant restriction in the range of genuinely affordable rents is debatable as it is unclear how active build to rent will become within the borough above existing consents. In addition, this is the policy requirement for the fast track approach. Where a scheme is subject to viability testing, the supporting text recognises in 6.2.48 that there is likely to be a negotiation around tenure mix and associated percentage of affordable. These schemes could therefore deliver homes with an element (up to 30% of the affordable) as alternative intermediate rents. The policy does not stop developers offering more accommodation at rental levels closer to social rents, or outside the minimum 35% offering other ranges of affordable rents above London Living Rent.
- 5.37.2 In relation to limiting London Living Rent to 30% to provide for a wider range of needs (cheaper and more expensive). As identified in the SHMA, it could be argued that provision of more dwellings at social rent/ London affordable rent levels will better meet identified needs. Nevertheless, the level of subsidy required by the development is likely to require intermediate rents to rise well above London Living Rent to be in accordance with the fast track approach. The needs assessment indicates that an even smaller proportion of this type of affordable accommodation is required. As such, it is likely that this type of accommodation will be rented to those that technically do not need subsidised rent. The London Living Rent provides greater flexibility than this other more expensive affordability. Its rents are low enough to be below Local Housing Allowance rates and therefore can be accessed by those on housing benefits. It also meets the Mayor's desire to encourage better access to potential home ownership through those tenants who not on benefits being

able to better save a deposit. On balance it is considered that the approach set out in policy is appropriate.

- 5.38 *Is policy BH5 in the Plan sufficiently clear about when off-site provision of payment in lieu of affordable housing will be accepted? Will the approach to phasing of large sites be effective in this regard?*
- 5.38.1 The draft London Plan H4 policy criterion B, supporting text and paragraph 4.4.10 and the Mayor's Affordable Housing and Viability Supplementary Planning Guidance¹⁰ is considered to appropriately deal with payments in-lieu. Consistent with national policy, the expectation is that affordable housing will be expected to be provided on site.
- 5.38.2 The viability testing approach does however also require viability review processes. In early stage reviews it is expected that potential additional affordable housing be accommodated on site. In later stage reviews it is anticipated that contributions in lieu will be generated. Again the Mayor's SPG deals with this matter in more detail in the review mechanisms and latter parts of Section 3 from paragraph 3.53. If the Inspectors consider it would be helpful for this to be clarified in the plan's policy justification then the Council would be willing to suggest a minor modification along these lines.

Housing mix and other housing matters

- 5.39 *Is the housing mix sought by the Plan in terms of type and tenure justified? Will policy BH6 be effective in delivering the identified proportions of housing types and tenures?*
- 5.39.1 The housing mix shown in Figure 33 is reflective of the needs identified in the Brent SHMA and is therefore justified. The need for larger family homes is not just a phenomenon in Brent, but also in many outer London boroughs. Developer preference and the delivery of market homes within the borough has for a long time been skewed towards one and two bedroom properties, which make a better return on investment. In order to better meet needs, particularly as development densities increase, the Council has set out a minimum requirement for family sized homes in developments. This quantifies minimum larger family housing requirements. It has a desire to create mixed and balanced communities across all locations in the borough. Nevertheless, it accepts for market developments, that the vast majority of new homes provided will not meet the mix set out in the table.
- 5.39.2 For affordable rented homes, the mix is likely to better reflect needs, as larger family sized homes although fewer in number and costly in terms of subsidy are given a high priority, as the needs of occupiers are generally more acute. For shared ownership properties, notwithstanding identified needs for larger properties, the Council is aware that sometimes (particularly flatted developments) these properties can be difficult for registered providers to sell, so their numbers are also likely to be lower than identified.

¹⁰ Affordable Housing and Viability Supplementary Planning Guidance Mayor of London 2017

- 5.40 *Given the high preponderance of flatted development anticipated, particularly in town centres, how is the target for more family housing (i.e. 25% of all new housing to be 3 bedroom-plus dwellings) in policy BH6 to be achieved? Is this target reasonable, justified and effective? What evidence is there to support it? Does this approach accord with the London Plan?*
- 5.41 *Given that the Plan's policy target is for 25% of all new housing units to have at least 3 bedrooms, the supporting viability assessment work focused on 40% of new housing units having at least 3 bedrooms. What is the reasoning for this and how has the 25% target been arrived at?*
- 5.41.1 The Council has had a similar policy in place for many years, although previously it had a focus on major developments. Usually it delivers at or close to the minimum 25% family housing in the range of developments permitted across the borough, including high density ones. On occasions where the target is not achieved, this has usually been associated with a negotiation on affordable housing provision resulting from the need for a viability assessment.
- 5.41.2 The Council considers the move towards flatted development and increases in densities should not be to the detriment of balanced and mixed communities, as this type of development will become the norm, rather than the exception for new homes. It is appropriate for the Council to at least go some way to ensuring that needs are met, rather than families having to migrate out of the area, or live in over-crowded conditions. In addition, Brent is very diverse in terms of its population and it is likely that a proportion will have experience of and be comfortable with the prospect of living with larger family groups in higher density flatted development. A similar acceptance has occurred in relation to living in taller buildings over the last decade or so.
- 5.41.3 Related to needs, viability and its ability to be accommodated in developments, the policy is regarded as reasonable. It shows sufficient flexibility in the exceptions criteria that it sets out to allow for a deviation from the 25% where justified. In relation to the viability testing, it is accepted that the development scenarios have been based on a higher proportion of larger dwellings and can support compliant development in relation to other policies, e.g. affordable housing. In theory, this supports a policy that on the basis of needs and viability could seek a higher provision. Nevertheless, it is accepted that there might be a seemingly greater developer risk related to the level of supply compared to perceived demand lowering prices further for larger units, or increasing costs related to length of time to sell. On this basis, the Council still considers the 25% a reasonable balance between supporting mixed communities related to housing size and also tenure mix.
- 5.41.4 In terms of its consistency with draft London Plan policies, recommended changes by the panel by removing Policy H10 criteria C and the Secretary of State direction in relation to criterion B 9) indicate support for boroughs to seek family sized accommodation to meet needs.
- 5.42 *Does the evidence within the ORS Reports, the submitted Plan and its policies adequately, reasonably and effectively address issues regarding accessible*

and adaptable housing? How does the Council anticipate dealing with such matters?

- 5.42.1 The precise number of people in Brent with a mobility inhibiting disability and therefore a potential need for accessible or adaptable housing is not very clear from available data. It is not specifically addressed on the ORS report. The Census 2011 indicated that around 14% of Brent's population had a long-term health problem or disability that limited their day-to-day-activities in some way. The prevalence increases with age, with only 3% falling within this category of the under 16s, rising for 55% for those aged 65 or over.¹¹ This is consistent with London's population. There are however, no specific details on the particular disabilities within Brent. At a national level, the Family Response Survey ¹²provides some data on the impairment types reported by disabled people. 68% of disabled people have a mobility impairment. It is reasonable to assume that the levels in Brent are similar, so about 10% of the population has a mobility impairment disability that might be better addressed by living in an accessible or adaptable dwelling.
- 5.42.2 The accessibility required in association with new dwellings in Brent will be addressed in the draft London Plan policy D7 Accessible Housing, the standard that applies consistently across London. This has a 90% requirement for M4(2) 'accessible and adaptable dwellings' and 10% M4(3) 'wheelchair user dwellings'. The Council considers that this policy and its supporting text adequately address the issue.
- 5.43 *Does the Plan adequately address the needs for all types of housing (excluding affordable housing) and the needs of different groups in the community, as set out in paragraph 61 of the Framework? Is the overall approach within the Plan regarding this consistent with national policy and the London Plan?*
- 5.43.1 Yes, the Plan seeks to adequately address the groups in paragraph 61. In terms of families with children, it identifies a minimum number of larger family homes sought in association with residential development. Taking account of identified needs, it contains a policy that seeks to ensure better levels of delivery by specifically seeking the integration of older people's housing into larger developments. Student accommodation, principally to meet London's wider needs, is addressed with a more permissive policy being taken forward compared to the existing plan. Service families are not specifically addressed in the Plan, as there are no local bases of significant size and the forces do not represent an above average proportion of the population. Other council policies do however prioritise accessibility of those in the services to affordable homes. Travellers' needs have been assessed and are addressed in policy BH9. The needs of people who rent their own home are taken account of in general housing need and more specifically supported by policies related to build to rent. People who wish to commission

¹¹ Equality Profile of Brent: A profile of the Brent Population by the Nine Protected Characteristics. LB Brent Mar 2019

¹² Family Resources Survey Financial Year 2018-19 Disability Data Table 4.5 Impairment Types Report by Disabled People DWP March 2020

or build their own homes are provided the opportunity through the positive approach to small site development.

5.44 *In light of representations made by Unite Students regarding the provision of shared-facility and student accommodation:*

- *Is part D of policy BH7 sufficiently justified and effective in terms of defining or identifying a specific need in the Borough for shared-facility or additional support accommodation and purpose-built student accommodation?*
- *Is policy BH7 consistent with national policy and the London Plan?*
- *Does part E of policy BH7 provide sufficient definition in terms of where and how proposed shared-facility accommodation, including student accommodation, would result in an over-concentration of that type of development in the area?*
- *Would providing further detail within part E of the policy significantly restrict such types of development from coming forward? Would doing this make the policy more or less effective?*

5.44.1 Policy BH7 is considered to be consistent with national policy and the draft London Plan which addresses some accommodation with shared facilities or additional support in some detail, whilst on others it does not. The policy identifies support for new facilities, so is seeking to encourage their provision.

5.44.2 Part D is considered appropriate and justified. In relation to students, the policy refers to a London need. This differentiates it from other accommodation covered by the policy, which are focussed on meeting Brent's needs. A focus on Brent student accommodation needs clearly would be restrictive and inconsistent with London Plan policy. The London Plan seeks to ensure outer London supports provision of accommodation for students attending institutions in central London, where opportunities for supply are very restricted. Given London's needs as identified in evidence to support the London Plan, showing meeting a London need will not be particularly onerous currently. Paragraph 4.15.3 of the London Plan sets out the process for demonstrating the need.

5.44.3 Part E has been kept open to provide flexibility for the different types of occupiers. In effect it places the burden on the Council to show harm taking account of the individual circumstances of the scheme and its location. The only exception to this is the HMO element, where a simpler quantification approach is used. This was to limit the amount of research required by applicants and case officers in relation to individual applications, for which there are likely to be a reasonable volume each year. The 37% threshold (4 in 11 properties) is higher than many other Councils, who as with student accommodation policies, tend to opt for 20% ceiling. This is because HMOs play a valuable role in meeting needs for less expensive housing within the borough, so the Council wishes to allow scope for some additional supply in areas where the policy directs the accommodation to.

5.44.4 In relation to PBSA, the Council has shown a move away from a quantifiable policy (20% of the resident population), which was resulting in limitations on

additional supply to a more nuanced approach. This is largely resulting from purpose built accommodation not having the adverse anti-social impacts typically associated with concentrations of students within areas of traditional dwellings. Given that the Council has permitted concentrations of student accommodation on North End Road (4 blocks over 1800 bedspaces within 100 metres of each other), this should provide the confidence that the policy will not be overly restrictive when moving away from a quota approach. Nevertheless, the Council in line with London Plan policy H15 A 1) still has to ensure mixed and inclusive neighbourhoods and meet the borough's market and affordable housing needs. It also has to take account of the advice of infrastructure providers such as the CCG on the capacity of local infrastructure to support specific population types. This points to the need for a better analysis of impact, rather than reliance on a specific quota, which might be more restrictive than evidence at the time of an application might suggest is appropriate.

- 5.45 *Policy BH8 relating to Specialist Older Persons Housing sets an annual target of 230 units for such accommodation in defined circumstances. The policy also identifies the proportion of such new development in Growth Areas and specifies that such development elsewhere should be on sites with a capacity of at least 500 dwellings. How have these targets been determined and where is the evidence to support this? Are they reasonable and justified?*
- 5.45.1 The 230 dwellings is set out in the draft London Plan Table 4.3 'Annual Benchmarks for specialist affordable housing 2017-2029' itself related to policy H13 Specialist older persons housing. The benchmark for Brent was taken from 'GLA Older Persons Housing Needs Assessment Report 2017¹³'. The report although identifying benchmarks gives no specific number for a range of types of accommodation identified in the main body of the report. Across London, it points to a need for extracare for sale and shared ownership and specialist housing for market rent. It does not specify tenure numbers as the Three Dragons 2014 report that supported the London Plan FALP 2015 did. This gave a tenure split of 60% for sale, 20% for intermediate/shared ownership and 20% for affordable rent. The 230 dwellings is for the period to 2029. The 2017 report indicates that growth of older households post 2029 will be at a slower rate than prior to it.
- 5.45.2 The Brent SHMAA identified a need of 176 dwellings per year for the period 2016-2041. This used the standard LIN (Housing Learning and Improvement Network) methodology. In this model, a significant element of need (48%) is for Leasehold Schemes for the Elderly, ranging from full ownership to differing shares of shared ownership. These have very limited levels of on-site support for residents. Traditional sheltered accommodation usually with an on-site warden (generally for subsidised rents) comprises 24% of need. Slightly more support is required for 9% of older persons' homes in 'Enhanced Sheltered' and for 18% of homes the Extra-care model is required. Both these last two needs have a 50/50 market/affordable split. The small remainder of needs fall within the dementia category.

¹³ GLA Older Persons Housing Needs Assessment Report 2017 Three Dragons November 2017

- 5.45.3 The Council is continually reviewing how needs of vulnerable residents in relation to supported housing are met. The main emphasis is to improve health outcomes of vulnerable groups. This means in most cases limiting people moving to residential care. Research has identified better outcomes for individuals who remain in their own communities or have an independent living setting. This also reduces Council, NHS and other sector's revenue expenditure.
- 5.45.4 This programme covers all age groups, although older people are a significant component. A large amount of accommodation has recently been built or is planned from a capital programme initiated in 2017. The Council or other public bodies it works with have provided significant land to support the programme. The largest older persons schemes delivered have been Willow House and Visram House, providing 139 extra care dwellings.
- 5.45.5 The Council is undertaking London Plan Policy H13 in working positively and collaboratively with providers to identify sites on an on-going basis. Allocating specific long-term sites however is difficult, particularly for affordable specialist schemes, principally due to the uncertainty of public sector funding. The Former Ark Elvin site allocation, although not formally identified in the policy, is currently planned to include older persons supported housing, subject to viability.
- 5.45.6 Elsewhere given this funding uncertainty, the Council considers that the best form of encouraging supply is to have a policy that focuses on the priority areas of development of larger sites; Growth Areas. Outside Growth Areas, the policy identifies larger developments of 500 dwellings or more. These development sizes provide the critical mass for a variety of housing types and tenures to meet needs over a delivery period. In most cases, this is likely to run over an economic cycle. In a 500+ dwellings scheme the amount of affordable housing needed to be policy compliant for the fast track approach will be at least 175 dwellings. Even in schemes affected by viability and unable to go down the fast track route, provision of affordable housing should be large and therefore warrant the opportunity to explore older persons housing models.
- 5.45.7 This size threshold should, providing the developer, a registered provider and the Council engage early enough in the scheme's design, allow for potential for the affordable element to consider and where appropriate incorporate subsidised older persons housing.
- 5.45.8 It could be the case that the affordable element is not able to accommodate some or all of the older person requirement. In this scenario, the Council does not consider it unreasonable for the remainder to be delivered in market schemes, for which there is an identified need as set out in the London Plan evidence base for market homes for sale or rent. For non-subsidised forms of housing to meet older persons housing needs, the viability assessment indicates no adverse impact. This includes the consideration of an additional 10% space allowance associated with the accommodation, related to mobility and communal.

5.46 *With regard to Gypsy and Traveller accommodation, the draft London Plan proposes a definition for the purposes of assessing need for pitches and temporary stopping places that differs greatly from the national definition. The West London Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018 (EB_H_04) reviewed these two assessed definitions. For the London Plan definition, need in LB Brent is identified as 90 pitches whilst for the national definition it is 0 pitches. As a result:*

- *Does policy BH9 as currently drafted address the needs for gypsy and traveller accommodation during the plan period? Is this approach consistent with national policy and guidance and the London Plan?*
- *The approach identified by policy BH9 includes defining broad areas in which developers of individual sites would be obliged to consider the provision of such accommodation. How does this approach adequately, appropriately and effectively address meeting the need for Gypsy and Traveller accommodation within the Borough?*
- *If the London Plan definition were to remain and the need for 90 pitches in the Borough is to be realised, how does the Council propose to address meeting this requirement and identify specific sites for such accommodation?*

5.46.1 The critical element of addressing needs is to be clear about what those needs are. The question highlights the differences in definitions. Current expectations are that the national definition will prevail due to the Secretary of State's direction to amend Policy H14 by removing criterion B. In terms of the West London Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018 (EB_H_04), this would result in a need of zero additional pitches. On this basis, the Council would be likely to suggest a main modification to remove from "that is consistent..." through to "...have been considered".

5.46.2 Policy H14 criterion E identifies that boroughs should also undertake an audit of the existing gypsy and traveller sites. The Council has done this more recently. Brent has one designated site. This is at Lynton Close. It accommodates an Irish traveller community. The site is approximately 1 hectare and formally has 31 pitches. It is evident however, that it is over-occupied. The Council has recently brought back in house the site's management. Since then it has been working to identify who is legitimately on site. It also needs to address on-going issues such as the quality of the servicing of the pitches and the high levels of rents. London Fire Brigade assessments have also identified potential significant fire risks with current site arrangements. These principally result from its over-crowding. Caravans in close proximity to each other can spread fire more easily. In addition, on-site obstructions are likely to compromise emergency services accessibility in the event of a fire. Existing servicing such as electrical points are often also over-used, increasing risk.

5.46.3 The council is exploring options to meet the needs of those households in Lynton Close. It is working closely with the traveller community. There are a number of solutions available on site. Adapting the design to accommodate

more households through additional pitches is an option. Using existing pitch sizes, adding another 4 pitches is possible. This would however, be at the expense of on-site amenity space. Alternatively, providing some temporary but more permanent two storey residential structures whilst retaining 15 traditional pitches and open space would be able to provide more accommodation safely on site. Providing three-storey residential structures and 13 traditional pitches, would create more accommodation and create a larger open space.

- 5.46.4 A move from traditional caravan accommodation might be difficult for some traveller households. It will be for the community to decide what is appropriate for them. They will need to balance up the desire to live together against the fact this is unlikely to be possible on this site through traditional solutions. It is not clear at this stage of the likely solution. If an additional site is required to meet capacity, the Council will seek appropriate support from the GLA housing fund for gypsy and traveller accommodation. To provide more certainty on scheme delivery and timescales, it is likely that the Council would seek to purchase a site consistent with the ability to meet criteria a-d of Policy BH9.
- 5.46.5 If the London Plan definition and associated needs generated were to remain, whilst currently BH9 provides for the potential for needs to be addressed, it does not provide the certainty that is likely to be required in showing a 5 year deliverable supply of sites, consistent with national policy. In this context, there are likely to be two options open to the Council. This first is to propose main modifications to the draft Plan that identify site-specific allocations for gypsy and traveller sites to meet needs. The second is to address this matter in a separate Gypsy and Traveller Site Allocations Local Plan, which the Council will commit to commence as soon as is practicable.
- 5.47 *The Framework and the London Plan refer to policies to resist the loss of housing, the conversion of family sized dwellings and inappropriate development of residential gardens.*
- *Does the Plan and its respective policies, namely policies BH10, BH11 and BH12, adequately and appropriately address these matters?*
 - *Are the approaches to these matters, as set out in the Plan and relevant policies, reasonable, effective and justified and based on robust evidence? Are they consistent with national policy and guidance and the London Plan where required?*
- 5.47.1 Policy BH10 supplements the London Plan policy H8. Whilst the London Plan identifies that in floorspace terms residential should increase, this however may result in fewer dwellings. Mindful of the need to increase the number of dwellings within the borough, loss of dwellings potentially makes it harder to achieve net gain targets. The policy therefore introduces allowances of limited cases where the loss of dwelling numbers will be allowed.
- 5.47.2 The first scenario is where existing accommodation is essentially substandard. There have been many instances of poor quality conversions of existing

properties. This has usually been without planning permission, from what would ordinarily be considered Houses In Multiple Occupation to self-contained bedsits. Where these properties are sub-standard the Council would be likely to consider their loss as acceptable.

- 5.47.3 The second scenario is where a family sized (three bedroom+) home is being created. As identified this is a priority need, which new developments predominantly are not catering for. In some parts of the borough, although it is rare, there is demand for larger family homes, which are reinstated where previously converted to flats. To limit the potential loss of existing dwelling numbers, the Council will accept the loss of a maximum of one dwelling. This however, should only be a dwelling of currently two bedrooms or less.
- 5.47.4 The third scenario is where the loss of a dwelling could provide social or physical infrastructure to meet a local need. In most cases historically this has been for uses that otherwise might struggle to find space such as, nurseries, small schools, after school learning or places of worship. Often there are limited alterations to the structure of the property, which mean it can revert easily to residential use. Alternatively, there may be no choice but to lose a dwelling, for example for a required transport capacity improvement.
- 5.47.5 The policy is regarded by the Council as adequately and appropriately addressing loss of housing not specifically addressed by the London Plan. The policy is regarded as reasonable, effective and justified providing more certainty in cases where loss of dwellings might otherwise be regarded as appropriate but not pursued by an applicant.
- 5.47.6 The London Plan through policy H2 small sites supports the conversion of existing homes into more dwellings. Policy D6 Housing Quality and Standards Table 3.1 identifies minimum dwelling and room sizes.
- 5.47.7 Policy BH11 seeks to support conversion of existing homes, but also seeks to accommodate the need for family sized homes. Where they are currently family sized (three bedroom or more), it requires re-provision of a three bed dwelling. This is because these size dwellings are a priority need for the borough. Monitoring indicates that new development is not delivering levels of new three+ bedroom homes to the extent that have been identified needed in successive SHMAs and UDP/Local Plan policies. The criteria also include the need for the dwelling to be a minimum of 130 sq.m. or capable of extension to this size when taking account of design policies/ supplementary planning documents. This would achieve London Plan minimum dwelling sizes for two dwellings (one family and one one-bed), assuming they were in at least a two-storey property with internal staircase.
- 5.47.8 The policy is supportive of applications only in PTAL3 or above locations. This is to reduce the likelihood of new dwellings having higher car dependency with the associated impacts on congestion/ need for additional road infrastructure, and air quality. This is also likely to support the provision of a cross section of housing types expected in suburban locations, i.e. houses rather than a move to wholly flatted accommodation in the borough. Similar to BH6, the policy

creates some flexibility allowing exceptions for non-provision of a larger family dwelling.

- 5.47.9 The policy is regarded by the Council as adequately and appropriately addressing potential conversion of existing larger homes not specifically addressed by the London Plan. The policy is regarded as reasonable, effective and justified. They will provide more certainty in identifying opportunities for new homes to existing property owners or prospective developers that otherwise might not be pursued by an applicant, balancing them up against the need to provide for larger family homes, meet space standards and reduce congestion/ improve air quality outcomes.
- 5.47.10 The intentions of BH12 are effectively to protect residential amenity of neighbours through preventing the over-occupation of a dwelling. It also seeks to reduce the potential for exploitation of tenants, either as single households or those in houses in multiple occupation. This can be through such building facilitating over-crowding of the main dwelling, or potentially such outbuildings typically ending up providing inadequate accommodation in their own right, e.g. needing to go to the main house to bath/shower/cook or even result in self-contained accommodation. The policy removes the potential for ambiguity that can result in a creep towards a self-contained dwelling/ in appropriate living accommodation in gardens. In Brent's circumstances it is considered to be reasonable, effective and justified and based on robust evidence of cases dealt with by the Council's enforcement team.
- 5.48 *Is policy BH13 reasonable and effective in delivering sufficient external private amenity space in higher density developments such as flats? Where such space cannot be provided in full, is it reasonable and justified to expect that the remainder would be supplied in the form of communal amenity space? Where is the evidence to support this approach?*
- 5.48.1 The Council's approach follows on from existing policy. Given the increased rise in density of development the Council considers that the provision of good quality and reasonably sized private outside amenity spaces is very important. This is particularly so as new larger areas of public open space are very difficult to attain in the priority areas for development. The existing policy has overall been effective in securing higher levels of private amenity space than would otherwise be delivered in association with minimum standards set out in the London Plan. These minimum standards are mostly interpreted in initial submissions of development proposals to the Council as the maximums that need to be provided. The policy provides for more generous private amenity space provision where possible. It also results in an improvement of the quality of the communal amenity space that is provided, particularly when this is addressing any deficiency related to the Brent standard.
- 5.48.2 The policy and its supporting text ensure a proportionate and flexible approach to the provision of the space. Where on-site constraints make provision of private space of the amount sought difficult, the aim is to make this up in communal space. Where this is still difficult to achieve then there is flexibility shown, if the quality of the communal space is higher. Appendix A

shows a number of schemes and the delivery rates. These represent schemes taken to the last three planning committees and a committee a year ago.

- 5.48.3 Overall, they indicate broad compliance across a number of locations and a range of development sizes of flatted schemes. It is clear however, that in the case where no on site outdoor amenity space has been possible, or lower levels of provision achieved, that this has been balanced up against the circumstances of the development site and other benefits that it will bring. The policy also has some synergies with other policies in the development plan, such as meeting the urban greening factor and encouraging more sustainable urban drainage.
- 5.48.4 Nevertheless, having considered this matter further, it is recognised that there is perhaps a lack of clarity in the wording of the policy. This might introduce confusion about whether a 3+ bedroom flat should provide 50 sqm or 20 sqm or 50 sqm only if it is ground floor, and a 1 bed ground floor flat should provide 50 sqm. As such, the Council is now seeking to provide more clarity through an amendment to the policy. This will also provide greater ability to meet the target in higher density developments: "All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20sqm per flat and 50 sqm per home for family housing (including ground floor flats) situated at ground floor level and 20 sqm for all other housing."

Appendix A

Proposed Main Modifications

Chapter/Policy Number	Paragraph Number or Section	Proposed Modification	Reason for Modification
Housing	BH1	Amend BH1 to "...to provide a minimum 27,482 <u>23,250</u> homes in the period 2019/20-2028/29. It will positively plan to promote a further minimum 21,595 homes from 2029/30 to the end of the Plan period in 2041 <u>deliver 46,050 homes between 2019/20 and 2040/41.....</u> "	To take account of the minimum housing requirement in the draft London Plan and the revised housing trajectory August 2020.
Housing	BH9	<p>"...The council will seek to accommodate the identified needs for any additional pitches in its latest study that is consistent with the most up to date national or adopted London Plan definition of Gypsy and Travellers and associated needs assessment methodology.</p> <p>Within Growth Areas (except South Kilburn) and developments of 1 hectare or more that will include new homes, the potential for the incorporation of a dedicated Gypsy and Travellers' site/s should be robustly considered as part of any required masterplanning / site design evolution process. If it is evidenced that a more traditional format of site cannot be incorporated, then more innovative ways of</p>	To reflect the Secretary of State's directions to remove the definition of Gypsy and Travellers and its associated use for needs assessments as set out in the Intend to Publish London Plan.

Chapter/Policy Number	Paragraph Number or Section	Proposed Modification	Reason for Modification
		accommodating needs should also be shown to have been considered..."	
6.2 Housing	BH13	"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be <u>20sqm per flat and 50 sqm per home</u> for family housing (including ground floor flats) <u>situated at ground floor level and 20 sqm for all other housing.</u> "	To provide greater clarity with regards to the size of private amenity space provided for dwellings.

Proposed Minor Modifications

Chapter/Policy Number	Paragraph Number or Section	Modification Proposed	Reason for Modification
Housing	6.2.6	"...Using a limit of 33% of gross household incomes to be spent on rent/ mortgages, affordable housing comprises <u>19,448 homes</u> or 46% of that need...."	To clarify the number of affordable dwellings need identified in the Strategic Housing Market Assessment

Appendix B

Outdoor Amenity Space Provision in Recent Planning Applications Taken to Planning Committee

18/4902	2A, Preston Way and 283, 285 & 287 Preston Road, Harrow, HA3			
Demolition of buildings and erection of a 2 to 4 storey residential building comprising 35 self-contained flats (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) with basement level, provision for car and cycle parking and associated landscaping				
Location Type		Edge of Town Centre		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
35	820	243	820	89
Deficit %		10.85%		

18/4746	Willesden Green Baptist Church, High Road, London, NW10 2PR			
Demolition of existing single storey adjoining structure to rear of church and erection of a part two and part three storey rear extension, internal alterations to create new mezzanine and upper floors to facilitate the creation of 9 x self-contained flats (3 x 1 bed, 5 x 2 bed and 1 x 3 bed) including 7 x side and rear dormer windows; new front entrance and residents lobby area, retention of the Huddelstone Street facade; alterations to front boundary wall, new access gates to allow vehicle and pedestrian access from Huddelstone Road; with associated residential cycle storage and refuse facilities to serve both the residential and church buildings				
Location Type		Town Centre		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
9	180	180	0	180
Deficit %		100 %		

18/4777	All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London			
Demolition of the existing mixed used building and garages and construction of a part three to six storey building providing 225 sqm of flexible retail floorspace for shops/financial professional services (Use Class A1/A2) and hot food takeaway (Use class A5) and 155 sqm for public house (Use Class A4) at ground floor level, and 54 residential units (Use Class C3) comprising 19 x 1 bed, 21 x 2 bed and 14 x 3 bed units with associated car and cycle parking spaces, bin stores and landscaping				
Location Type		Intensification corridor		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
54	1200	661	439	222

Examination of the Brent Local Plan

Deficit %	18.5 %
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19/4444	Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP			
Demolition of existing buildings and redevelopment of the site to provide a part -2, part-4 and part-6 storey plus basement development comprising self-contained residential units (use class C3) and commercial floor space (Use class B1c) together with associated private and communal space, car parking and cycle storage and public realm improvements (amended description) subject to Deed of Agreement under Section 106 of the Town and Country Planning Act 1990.				
Location Type		Suburbia		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
40	800	480	584	0
Deficit %		0%		

20/0568	Aneurin Bevan Court Garages, Coles Green Road, London			
Demolition of garages and erection of a three storey building comprising 9 self-contained flats; provision of waste storage, car and cycle parking with amenity space and associated landscaping				
Location Type		Suburbia		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
9	180	91	2300	0
Deficit %		0%		

19/4545	1-8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ			
Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to twelve storeys comprising residential units and commercial floorspace, and the erection of a part two part three storey commercial building with associated basement car parking, cycle storage, plant and shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works.				
Location Type		Growth Area		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
501	13110	8394	6927	1467
Deficit %		11.19%		

19/4541	2A, Part of Former Westend Saab and Boyriven Textile, Bridgewater Road, Wembley, HA0 1AJ			
Demolition of the existing buildings and structures, the erection of a 'co-location' scheme ranging in height from 4 to 19 storeys, incorporating industrial floorspace with residential units, together with associated				

landscaping, vehicular access arrangements, car and cycle parking, servicing and refuse and recycling facilities.				
Location Type		Growth Area		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
124	2480	1620	1106	514
Deficit %		20.73%		

19/2408	111-115 Salusbury Road, London, NW6 6RG			
Erection of a fourth and fifth storey over existing three-storey office building to create 8 self-contained flats (comprising 6 No. 2-bedroom and 2 No. 3-bedroom flats) with associated new street level entrance to the front and secondary entrance to the side, new lift and stairs along with glazed link bridge, amendments to car parking arrangements and provision for refuse and cycle stores to the rear.				
Location Type		Town Centre		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
8	160	0	0	0
Deficit %		0%		

19/4351	62 Dunster Drive, London, NW9 8EL			
Retrospective planning application for a two storey building and proposed conversion into a residential development comprising 2 self-contained flats, including the creation of a side entrance, rear amenity space, cycle storage, 2 car parking spaces and associated soft landscaping; removal of boundary fence				
Location Type		Suburbia		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
2	70	20	0	20
Deficit %		28.57%		

18/4919	1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0			
Demolition and erection of a mixed use development of buildings ranging between 3 and 14 storeys in height comprising 581 residential units, flexible commercial floorspace falling within use classes A1, A2, A3, A4, B1(a), B1(c), D1 or D2, associated car parking, landscaping and ancillary facilities (Phased Development)				
Location Type		Growth Area		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
581	7730	4733	4088	645
Deficit %		8.34%		

19/2891	Land at junction of Cecil Avenue and High Road, Wembley, HA9			
Full planning application for the construction of a 5 to 9-storey mixed use building comprising 250 new homes (Use Class C3), flexible workspace and community space (Use Classes A3, B1(a), B1(b) & (c) and D1/D2), landscaped courtyards and playspace, wheelchair and cycle parking, signage and wayfinding and associated plant and infrastructure				
Location Type		Growth Area		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
250	5420	2726	2515	211
Deficit %		3.89%		

19/1241	Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA			
Re-development of existing car park for the erection of a three-storey building (Building A), and a part-three, part-five storey building (Building B), providing 52 x one-bed dwellings. Associated provision of communal roof terrace and courtyard, refuse storage, cycle parking and landscaping. Re-provision of 3 disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station. (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).				
Location Type		Suburbia		
Dwellings	Requirement.	Private deficit	Total Communal	Total Deficit
52	1040	1040	476	564
Deficit %		54.23%		