

**Our ref:** Q100415  
**Your ref:**  
**Email:** [REDACTED]  
**Date:** 18 August 2021



[REDACTED]  
London Borough of Brent  
Planning Policy Team  
Brent Civic Centre  
Engineers Way  
Wembley  
HA9 0FJ

**By Email [planningstrategy@brent.gov.uk](mailto:planningstrategy@brent.gov.uk)**

Dear Sir or Madam,

**London Borough of Brent – Local Plan – Main Modifications Consultation  
Representations submitted on behalf of DTZ Investors  
Colindale Retail Park, Edgware Road, NW9 0EB**

Quod is instructed by our client DTZ Investors (“DTZi”) to submit representations to the Brent Local Plan: Main Modifications (“DBLP-MM”) consultation being undertaken by the London Borough of Brent (‘the LBB’).

Representations are made in respect of the emerging policy context of draft Site Allocation – BNSA2: Colindale Retail Park, Multi-Storey Car Park and Southon House and the emerging Burnt Oak/Colindale Tall Building Zone.

We trust that the representation hereby submitted provides a constructive commentary to the DBLP-MM Site Allocation and Policy Map.

**Main Modification MM36 - Site Allocation: BNSA2**

**Allocated Use**

DTZi supports the revised allocated uses which refers to Mixed use development to include residential, retail and employment replacement industrial and office space/affordable workspace.

The allocation confirms that there is no expectation of replacement retail floorspace and that the replacement element of the allocation relates to industrial and office space/affordable workspace.

**Planning Considerations**

DTZi supports the inclusion of the site within a Tall Buildings Zone, recognising the potential for tall buildings in accordance with London Plan Policy D9(B).

DTZi note a new aspiration for redevelopment to ensure that historic building lines are reinstated, and that active frontage is provided along Edgware Road. It is unclear what the historic building line is and to what part of history the master planner should revert to. This policy may not be effective.





DTZi note the flexibility introduced by the following text within the site allocation “As it is out of centre, the site is not a priority location for retail in terms of the sequential test. Nevertheless, the Council is aware that the retail element appears to be trading well, so is likely (subject to other London Plan and Local Plan retail policies) to be receptive to re-provision of some retail if it is necessary from a viability perspective to encourage the site’s more intensive development that makes for a more efficient use of land”.

DTZi is unclear about the Council’s evidence base which indicates that the retail element appears to be trading well. The retail warehouse sector has struggled significantly following the structural changes to the retail sector, and many retailers, whilst in occupancy, are not trading in a financially sustainable manner. However, DTZi feel that the proposed wording is an appropriate balance and should be maintained. The site allocation does not require replacement retail floorspace but recognises that there is a future role for retail floorspace on the site in the future, if it is required to support a viable intensive development.

### Main Modification MM94 and Map Modification 19- Policy BD2: Tall Building /

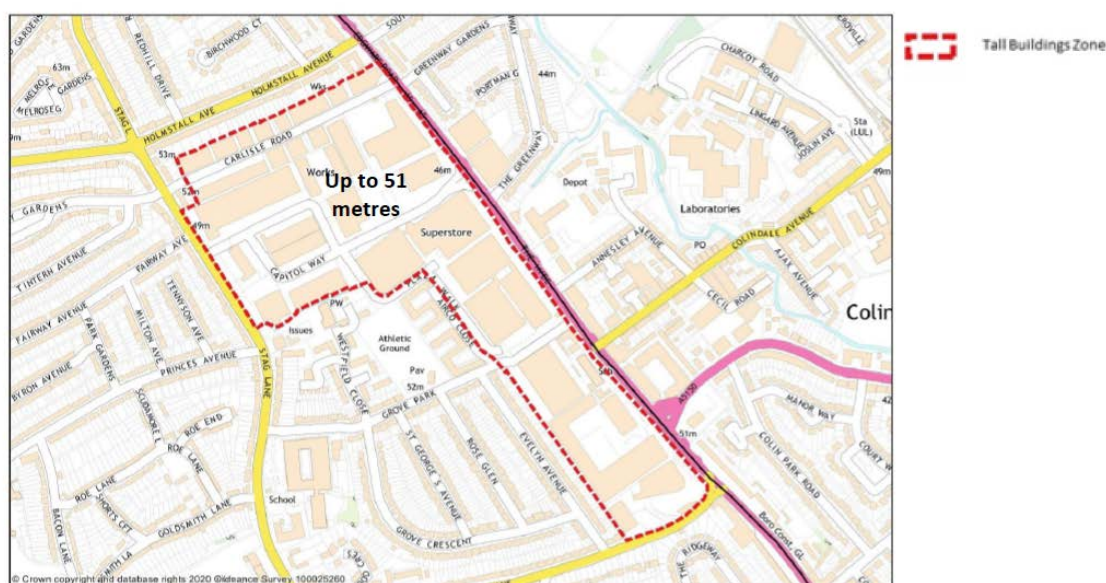
DTZi support Brent’s Tall Building Zone strategy and the inclusion of Site Allocation BNSA2 within the Burnt Oak/ Colindale Tall Building Zone.

DTZi support the removal of the ‘core’ area from the Burnt Oak/ Colindale Tall Building Zone as shown at Figure 1.

Figure 1 - Map Modification 19: Burnt Oak/ Colindale Tall Building Zone

Map Mod 19 Burnt Oak/ Colindale Tall Building Zone remove the Core designation.

After





It is acknowledged that the setting of an appropriate building height across the Burnt Oak/ Colindale Tall Building Zone accords with Policy D9(B) of the adopted London Plan. We note that the applied upper building height of 51 meters equates to an estimated building height of 17 storeys (3m per floor as indicated at paragraph 6.1.14 of the DBLP).

We would welcome clarification within Policy BD2 that the metric within the tall building zone relates to the height of buildings, rather than AODm. We believe this is the case.

It is unclear how the height of 51 metres has been derived and the evidence base to support this. The Council has granted planning permission for buildings above this threshold at 18 storeys (Park Parade Mansions 17/2284). The development opposite the site, Zenith House comprises c.17 storeys; and the Northern Quarter (TNQ) at Capitol Way is c.17 storeys. With the increased housing needs for the Council and the limited available sites within the growth areas, there is an evidence base to suggest that development heights should be increased to accommodate growth across the Opportunity Area.

### **Main Modification MM107 - Policy BE1: Economic Growth and Employment Opportunities for All**

DTZi support the DBLP-MM which resolves outstanding objections to Policy BE1. The policy has been correctly amended and now requires 10% of employment floorspace within major developments exceeding 3,000 sq.m. of employment floorspace to be affordable research and development, light industrial and studio workspace.

We also welcome the mechanism that where exceptional circumstances preclude the delivery of new affordable workspace as part of a development, that a financial contribution to provide affordable workspace off-site can be secured.

### **Conclusion**

Subject to our recommended amendments, DTZi remain supportive of the DBLP-MM and would welcome confirmation of the receipt of these representations.

Kind regards.

Yours sincerely,



**Brent Local Plan**  
Examination Stage Proposed  
Modifications Representation Form

**Council  
Reference  
Number:  
20 a-c**

**Representations on the proposed modifications must be received by the Council by 5pm 19<sup>th</sup> August 2021.**

All the representations should be submitted to [planningstrategy@brent.gov.uk](mailto:planningstrategy@brent.gov.uk) or Paul Lewin, Planning Policy Team Leader, Brent Civic Centre, Engineer's Way, Wembley, HA9 0FJ. Ideally provide your response in Word or similarly editable document formats. This will make it easier for us to summarise representations and speed up the process of reporting to the Inspectors.

**Data Protection**

The personal information you provide on this form will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. It may be used by the Council, the Planning Inspectors or the Local Plan Programme Officer to contact you, if necessary, regarding your submission. All representations including all accompanying personal data will be sent to the appointed Planning Inspectors undertaking the Local Plan examination. Please see the [Council's planning](#) and [Planning Inspectorate's](#) privacy notices

Your name, organisation name (if relevant) and comments will be made available for public inspection when displaying and reporting the outcome of the consultation. No other personal data will be displayed. No anonymous representations will be accepted.

If you consent the Council will place your details on our Planning Policy consultation database and inform you of any next stages in the Local Plan adoption process.

I wish / do not wish to be informed of the next stages, such as publication of the Inspectors recommendations or the adoption of the Local Plan - **delete as appropriate.**

If you consent, the Council will also retain your details to inform you of any further planning policy consultations, such as any review of the Local Plan, Community Infrastructure Levy, Supplementary Planning Documents, Article 4 Directions, conservation area/ other heritage asset reviews and neighbourhood planning.

I wish / do not wish to be informed of other planning policy consultations - **delete as appropriate.**

**Please sign and date this form.** Forms signed electronically or with typeset will be accepted.

**Declaration:**

**By completing and signing this form, I agree to the above use of data submitted in association with my representations.**

Signature:

Date:

18/08/2021

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

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### Part A

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#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	<input type="text" value="c/o Agent"/>	<input type="text" value=""/>
First Name	<input type="text" value="c/o Agent"/>	<input type="text" value=""/>
Last Name	<input type="text" value="c/o Agent"/>	<input type="text" value=""/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value=""/>
Organisation (where relevant)	<input type="text" value="DTZ Investors"/>	<input type="text" value="Quod (on behalf of DTZ Investors)"/>
Address Line 1	<input type="text"/>	<input type="text" value="8-14 Meard Street"/>
Line 2	<input type="text"/>	<input type="text" value="Soho"/>
Line 3	<input type="text"/>	<input type="text" value="London"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="W1F 0EQ"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (necessary to assist in communicating with you effectively and ensuring the examination process is not subject to delay)	<input type="text"/>	<input type="text" value=""/>

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**Part B – Please use a separate sheet for each representation**

Name or Organisation: Quod

3. To which proposed modification does this representation relate?

Modification Reference e.g. MM1

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to supporting letter.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to supporting letter.

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspectors, based on the matters and issues they identify for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

***Please note the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspectors have identified the matters and issues for examination.***

Name or Organisation: Quod

3. To which proposed modification does this representation relate?

Modification Reference e.g. MM1

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

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Modification Reference e.g. MM1

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Yes

No

4.(2) Sound

Yes

No

4 (3) Complies with the Duty to co-operate

Yes

No

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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## Guidance Note to Accompany Model Representation Form

### 1. Introduction

1.1. The Council has proposed modifications to the Brent Local Plan that it has been submitted for examination by the appointed Planning Inspectors. It is only the proposed modifications and associated documents that are subject to consultation. All previous representations received on the submitted Plan have been considered by the Inspectors as part of the examination process to date and do not need to be re-submitted, or additional points made on them. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspectors will consider all representations on the plan that are made within specified consultation periods.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available and taken into account by the Inspector.

### 2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the Council's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the Council proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the Council's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the Council's Statement of Community Involvement [SCI]. The SCI sets out the Council's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The Council is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The Council will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

### 3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy or the London Plan?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

### 4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You

should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.