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8TH MARCH 2019

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Dear Charlotte,

OLD OAK AND PARK ROYAL LOCAL PLAN EXAMINATION

**BRENT COUNCIL'S RESPONSE TO MATTERS AND ISSUES DRAFT AS 17 JANUARY
2019 (ID-04)**

The attached statement is submitted by the London Borough of Brent in relation to the matters outlined below. As requested the matters are broken down by week 1, 2 and 3 of the hearing session.

Yours sincerely,

A handwritten signature in black ink that reads "P. Lewin".

Paul Lewin

Planning Policy & Projects Manager
Brent Council

OLD OAK AND PARK ROYAL LOCAL PLAN EXAMINATION

BRENT COUNCIL'S RESPONSE TO MATTERS AND ISSUES DRAFT AS 17 JANUARY 2019 (ID-04)

Hearing Week 1

Matter 2 (b): Whether the Plan has been positively prepared in the absence of proposals for the Elizabeth Line spur and of proposals to redevelop the Elizabeth Line depot.

The Council objected to the removal of policy to safeguard the West Coast Main Line (WCML) Elizabeth Line Spur from the Regulation 19 (2) OPDC Local Plan, on the grounds it had not formally been confirmed the spur won't go ahead. The OPDC has subsequently provided evidence that due to the Benefit Cost Ratio the WCML link will not be built at the current time. The Council accepts this evidence, but given the importance of enabling interchange around the Old Oak Common area the Plan should require the redesign of Willesden Junction station include provision for WCML platforms to be reinstated.

Matter 2 (g): Whether the Plan has been positively prepared in terms of provision for Gypsies and Travellers.

The West London Alliance London Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (October 2018) was commissioned by the London Boroughs of Barnet, Brent, Ealing, Harrow, Hillingdon and Hounslow. The study is attached as Appendix A. Hammersmith and Fulham completed a joint Gypsy and Traveller Accommodation Needs Assessment with Kensington and Chelsea in December 2016, and as such were not part of this study.

The study assessed the need for pitches using the national definition in Planning Policy for Traveller Sites (PPTS) from 2015, and the definition in the Draft London Plan from 2017. The Draft London Plan definition is more far reaching and includes:

- All households living on sites and yards including those who have ceased travelling temporarily or permanently.
- Households living in bricks and mortar whose existing accommodation is unsuitable for them by virtue of their cultural preference not to live in bricks and mortar accommodation.

Table 1, taken from the study, sets out the overall need for Gypsies and Traveller pitches from 2016 to 2041 by borough.

Local Authority	PPTS Need	Proposed London Plan Need
Barnet	0	0
Brent	0	90
Ealing	6	31
Harrow	0	3
Hillingdon	5	60
Hounslow	9	40
Total	20	224

Table 1

Table 2 sets out the overall need for Travelling Showpeople pitches from 2016 to 2041 by borough.

Local Authority	PPTS (2015) Need	Proposed London Plan Need
Barnet	0	0
Brent	0	0
Ealing	6	0
Harrow	0	0
Hillingdon	9	12
Hounslow	16	16
Total	25	28

Table 2

Whilst OPDC was not one of the commissioning boroughs, the study encompasses approximately two thirds of its area. The OPDC should contribute to meeting the identified need within its housing market area. Whilst it could be argued using the PPTS (2015) definition there is no additional need within the OPDC area, the GLA has been clear in their representations on the Regulation 18 Brent Local Plan that in their view a Plan is not in conformity with Draft London Plan policy H16 if it does not apply the London Plan definition. This results in a need for an additional 252 pitches across West London, of which 121 are needed in Brent and Ealing.

Matter 2 (h): Whether the Plan has been positively prepared in relation to waste facilities.

The Draft London Plan has significantly increased waste apportionment for boroughs, including Brent. The majority of Park Royal within Brent borough falls within the local planning authority boundary of the OPDC. This land is of a significant size (143 hectares – representing 34% of designated industrial land within the Brent borough boundary). The characteristics of this Park Royal area (size, existence of facilities, access to canal and rail freight potential, etc.) also increase Brent’s rating for waste sites, but these characteristics are not consistent with the quality of waste opportunity elsewhere in Brent on designated employment sites. This therefore disproportionately increases Brent’s apportionment. The OPDC should contribute to making up the potential shortfall of Brent and other West London Boroughs, by contributing to meeting the apportionment.

Matter 3 (c): Whether the Plan would be effective in the light of fluidity of policies for Park Road and Old Oak Street and omission of partially formed proposals from figures or policies map.

The Council notes the OPDC propose to remove indicative designations from the Policies Map, including Old Oak Major town centre boundary. The Council objects to this proposed modification for the reasons outlined in response to matter 14.

Matter 3 (d): Whether the Plan would be effective in the light of delegation of proposals to Infrastructure Delivery Plan.

To enable sustainable development and for conformity with the NPPF it is essential the infrastructure requirements in the Infrastructure Delivery Plan (IDP) are reflected in the Local Plan. The Council has a particular concern in relation to the need to upgrade Willesden Junction station, which is covered further in response to matter 6. However, given the scale of the development taking place at OPDC, we recognise that infrastructure requirements may change over time. This is particularly relevant for education, where it is proposed demand from earlier phases of development will be met by schools in the surrounding area. Brent understands feasibility work with Hammersmith & Fulham on the potential for school

expansions is on-going. Therefore, we consider it necessary for the OPDC to include details of all known infrastructure requirements in the Local Plan, but also make a commitment in the Plan to review and update the IDP at least once annually through engagement with infrastructure providers. This is usually best practice.

Matter 6: Whether the proposals for Willesden Junction (Policy P11) would be effective in increasing the accessibility of the Old Oak areas.

The Council objected to the Plan on the grounds it does not provide any certainty Willesden Junction will come forward in the lifetime of the Plan. As stated in our response, the IDP and Retail & Leisure Needs Study which support the Plan identifies the need for Willesden Junction and the surrounding route network to be brought forward, with the IDP stating it is required in years 0 to 20. It is noted OPDC propose Minor Modification MINOR/2/SP9/7 for the phasing plan in figure 3.16 to be amended to show 21+ years shading to the west of Willesden Junction. This does not address the objection, as the amended Local Plan still fails to give any certainty Willesden Junction will come forward in the necessary timescales.

OPDC state the phasing of development is defined by OPDC's Development Capacity Study. Basing phasing purely on the Development Capacity Study ignores the requirement for the Plan to deliver not only housing and employment, but also supporting infrastructure. NPPF (2012) paragraph 156 requires Local Plans to include strategic policies to deliver the provision of infrastructure for transport, health, security, community and culture. The phasing plan must reflect requirements identified in the IDP to be consistent with national policy.

Furthermore, the OPDC Development Capacity Study did not assess the suitability of Willesden Junction and the surrounding land for development. It is not clear why this area was omitted given it is within the defined assessment area for the study. When assessed against the criteria used in the study it is considered Willesden Junction and the surrounding land would be suitable for a site allocation to come forward in the period 0 to 20 years.

Availability of sites – The study identifies Willesden Junction is owned by Network Rail and states 'Within Old Oak, land owned by Network Rail and Department for Transport (shown in figure 4) is considered to be available for development as demonstrated through the Department for Transport's intention to transfer central government owned land to OPDC. This principle was clearly expressed in March 2016 as part of the Government's comprehensive spending review.'

Achievability of sites – On this matter the study states 'OPDC's Whole Plan Viability Study (2017) demonstrates that the OPDC area is generally an attractive location for development supported by the London and housing and office market and also demonstrated by the strong industrial sector resulting in low vacancy rates in Park Royal SIL. This results in the majority of sites being viable for development. For any sites which aren't currently viable, OPDC will be pragmatic in facilitating their delivery considering all relevant Development Plan policies and other material considerations.'

Suitability for development – Willesden Junction Place policy P11 establishes the principle of development on/ or adjacent to the station and tracks.

Constraints – The presence of rail infrastructure is a constraint, but given the nature of Old Oak which is an industrial site intersected by rail infrastructure all sites have constraints which will need to be overcome. The study identifies a number of sites as suitable for development which contain existing rail infrastructure, are to include a new station development or are an HS2 construction site. These sites include Harrow Road, Mitre Industrial Estate, Old Oak Common Station and surroundings, Car Giant

and Acton Wells. The principle of developing over stations and railway lines is accepted. WSP's report 'Out of Thin Air: Building above London's rail lines'¹ sets out how rail overbuilding can contribute to meeting London's housing need. WSP identified land areas with overbuild potential, including Willesden Junction Station and the connected lines. TfL and Network Rail are actively looking to maximise their assets by building over stations and railway lines.

In May 2016 TfL, OPDC and Brent Council commissioned Atkins to produce a GRIP 2 study of Willesden Junction Station. The purpose of the study was to assess the existing station and develop options for the stations redevelopment to meet existing and future capacity. The study also provided a brief analysis of the potential for development over and around the station. A steering group for Willesden Junction was established in 2018. To date there have been no published outputs from the steering group. The last meeting was held on 13 August 2018. The latest meeting was due to be scheduled in November/December 2018 which was then put back to January/February 2019 but OPDC has still not confirmed a new meeting date. At the August 2018 meeting, 4 options were considered as part of an emerging draft confidential development feasibility study commissioned by OPDC and it was agreed that 1 of these options could prove viable and deliverable and should be pursued further in more detail, but no information on this has since been shared with Brent Council. It is understood until this work is finalised the Willesden Junction Study cannot progress to GRIP 3.

Willesden Junction is crucial to ensuring neighbouring communities are connected to and can benefit from the development at Old Oak. It will also be the main station serving the new community until HS2 is delivered. The Council remains concerned without a site allocation and inclusion in the phasing plan a station upgrade will not be brought forward in a timely manner in accordance with the IDP.

The Council maintains this aspect of the Plan fails the Duty to Cooperate (working constructively, actively and on an ongoing basis to maximise effectiveness) and is unsound on the grounds it is not consistent with national policy as it fails to ensure the necessary transport infrastructure will be brought forward in a timely manner in accordance with paragraph 156 of the NPPF (2012). It has not been justified that the Plan is the most appropriate strategy as it does not reflect evidence in the supporting IDP and Retail & Leisure Needs Study, or is positively prepared as it does not meet objectively assessed infrastructure requirements.

The Council welcomes minor modification MINOR/2/P2/5 to figure 4.7 to show the walking and cycling route north of Park Road as part of Old Oak Street.

Harlesden Place is identified as a local park in figure 4.7. The point stands that for this to hold weight and be deliverable Harlesden Place needs to be referred to as a local park in wording of policy P2 part h.

Hearing Week 2

Matter 7: Whether the Plan's policies towards the provision of affordable housing would be justified or effective.

The spatial development strategy the OPDC Local Plan is being tested against under section 24 (1) (b) of the Planning and Compulsory Purchase Act 2004 is the current London Plan

¹ <http://cdn.wsp-pb.com/3h8q83/out-of-thin-air-report-2017-01.pdf>

(2016). However, the Council acknowledges the GLA has submitted representations based on Draft London Plan policy H6. The Draft London Plan is currently undergoing Examination in Public. It is noted through the Examination process the GLA has already amended the 50% affordable housing target in relation to Strategic Industrial Location and Locally Significant Industrial Sites. The Inspector's matters show apparent concerns over whether tenure mix supported by the new policies will be appropriate to meet needs. The Draft London Plan is not fixed and may well be subject to further change.

Paragraph 4.7.2 of the Draft London Plan indicates that *'there is a presumption that the 40% to be decided by the borough will be on Social Rent and London Affordable Rent given the level of need for this type of tenure across London.'* The GLA in representation 2/H2/6 has objected to the OPDC Local Plan on the grounds it is not consistent with paragraph 4.7.2 and the OPDC should consider how the policy can better reflect the Mayoral presumption. The GLA's view is consistent with the boroughs on this matter.

Policy H2 of the OPDC Local Plan sets a target of 50% affordable housing, subject to viability. It does not require 50% affordable housing and viability will be assessed on a case by case basis for each application. As such it is considered flawed to base the threshold on the ambition of securing 50% affordable housing rather than prioritising the most locally relevant affordable tenures to meet need as identified in the evidence in the SHMA.

Matter 8: Whether the Plan's policies towards the provision of family housing would be justified or effective.

The Council supports policy H3 (a) to secure 25% family housing. Both the OPDC and Brent SHMAs demonstrate current housing needs are predominantly for 3 bedroom or larger properties (65% in the case of Brent). The Brent Local Plan currently sets a minimum target of 25% of 3 or more bed properties which it generally achieves. The incorporation of larger family dwellings is part of creating balanced and mixed communities. The Council notes the GLA has objected to this aspect of the OPDC Local Plan on the grounds it isn't in conformity with Draft London Plan policy H12. West London Boroughs comprising the West London Alliance objected to this policy. Following the hearing session on this matter at the London Plan EiP the Mayor has indicated further changes will be made to the policy.

Hearing Week 3

Matter 10: Whether the Plan's policies towards industrial intensification would be effective and Matter 11: Whether the inclusion or exclusion of land from SIL is justified.

Draft London Plan policy E4 identifies Brent and Ealing as boroughs which are to provide industrial floorspace capacity. The London Industrial Land Demand Study (2017) which supports the Plan identifies there is a need for a further 43ha of industrial land in Brent and 35.6ha in Ealing. OPDC are now the local planning authority for Park Royal, the main supply of industrial land within the boroughs. Given the provide capacity requirement and the need to compensate for the loss of industrial land at Old Oak, the Council strongly supports OPDC in seeking to extend SIL and promote intensification. Policy E1 of the Plan should go further by requiring intensification to a plot ratio of 0.65 for consistency with the Draft London Plan policy E4 and paragraph 6.4.5.

Matter 12: Whether the plan's policies towards town centre uses and impacts are justified and consistent with national policy.

The proposal not to include Old Oak Town Centre boundary on the policies map is contrary to NPPF (2012) paragraph 23 which requires the extent of town centre and primary shopping

areas to be defined, whilst the glossary specifies a town centre is the area defined on the local authority's policies map. Furthermore, without a defined town centre boundary it will not be clear to a decision maker or applicant how the sequential test will be applied. Without a defined boundary there is nothing to guard against uncontrolled retail expansion, a risk highlighted in the OPDC's own Retail & Leisure Needs Study.

Given the uncertainty around the town centre boundary it is even more important the Plan sets a clear requirement for retail floorspace to not exceed the thresholds set in the Retail & Leisure Needs Study. If the town centre boundary is not defined on the policies map then in effect all of Old Oak should be treated as out of centre when requiring a retail impact assessment.

We would challenge the OPDC's assertion that the Retail & Leisure Needs Study identifies most impacts from a new major town centre are likely to be positive. The Council had initial involvement in an earlier draft of the OPDC Retail & Leisure Needs Study in 2015, which included additional commentary on the risks to the vitality and viability of Harlesden Town Centre. This included Harlesden residents using the new facilities at Old Oak to serve their day to day needs, and the spill out effect of Old Oak's regeneration resulting in the demographic structure and retail composition of Harlesden changing overtime and diminishing its niche offer. This draft of the study recommended planning policy requires a commitment to deliver a package of mitigation to maximise benefits and avoid the risks outlined. Although less explicit on the risks, the finalised study continues to acknowledge Harlesden is vulnerable in paragraphs 6.7.6 and 7.8.11. Paragraph 6.7.6 states *'the proximity of Harlesden to the OPDC area (and two designated Opportunity Areas) means that there is some question over whether it would be reasonable to expect Harlesden to benefit from the development through increased market share.'* As such it sets out mitigation measures needed to ensure the centre is regenerated in line with the London Plan expectations. Paragraph 10.11 of the Local Plan also acknowledges there is need for risks to Harlesden Town Centre to be mitigated.

Paragraph 7.8.11 *'This evidence has assessed the impact of the planned floorspace and found it to be acceptable. However, this evidence does recognise that Harlesden could be vulnerable as a centre close to the boundary of the OPDC area. Irrespective of this point, we consider that it will be most at risk from much larger developments and it is not expected that small developments will compete significantly with Harlesden. Therefore, we remain comfortable that a threshold of 2,500 sqm is appropriate.'* The study does not assess the impact of a 5,000sqm threshold on Harlesden Town Centre and clearly recommends a lower threshold. Based on this recommendation the threshold in policy TCC1 part g should be 2,500sqm regardless of whether development is in or out of centre.

The Council maintains this aspect of the Plan fails the Duty to Cooperate (working constructively, actively and on an ongoing basis to maximise effectiveness) and is unsound on the grounds it is not consistent with national policy as it fails to support the vitality and viability of the town centre network or define a town centre boundary consistent with paragraph 85 of the NPPF (2012). It has not been justified that the Plan is the most appropriate strategy as it does not reflect evidence in the Retail & Leisure Needs Study.