

5 December 2019  
Capitol Way Representations



Planning Policy Team,  
Brent Civic Centre,  
Engineer's Way,  
Wembley,  
HA9 0FJ.

Dear Sir or Madam,

**Representations on Policy BNGA1, BP3 and BE2 and draft allocation BNSA1 of the Regulation 19 Draft Local Plan**

I write on behalf of our client in response to the above mentioned policies and draft allocation of the Regulation 19 Local Plan, which relate to the Council's approach to the Burnt Oak/Colindale Growth Area (BOCGA), north of the Borough, industrial land across the Borough and the specific vision of the Capitol Way Valley LSIS respectively.

Our client has an interest as prospective owner of 15-20 and 76-77 Capitol Way, both of which are within the Capitol Way Valley LSIS. Our client is in broad support of the Council's draft approach to industrial land and its growth ambitions for the BOCGA.

**Policy BNGA1 - Burnt Oak/Colindale Growth Area**

Our client is strongly in support of the ambitions of this policy to encourage the mixed use regeneration of the area, particularly through intensification and co-location within the LSIS. This ambition is consistent with the draft London Plan and the Colindale/Burnt Oak Opportunity Area. It is however suggested that the reference to co-location with other uses is strengthened to identify the need to optimise residential delivery. This would make the draft policy consistent with paragraphs 117 and 118 of the NPPF and draft policy E7, which specifically identify the need for homes and residential ahead of other uses. It is therefore suggested that the following changes (or similar and to the same effect) are made.

*The existing Locally Significant Industrial Sites will be subject to masterplanning with a view to ~~its~~ their regeneration to re-provide updated employment floorspace that meets employers existing and future needs, through co-location with residential and other uses.*

**Policy BP3 – North**

Again, our client is in support of this policy, which sets out a clear vision of growth for the north of the Borough. However, it is considered that the reference to the Capitol Valley area being '*determined by a masterplan*' at part d, and again at 5.3.28, where it states that the Council will '*resist small scale release, unless it can be shown to not undermine the outcomes of any likely adopted masterplan*', is not justified in the context of paragraph 35 of the NPPF. It is not clear enough how or when this masterplan could come forward and, if a masterplan was not to come forward within a reasonable time frame, then the development plan would be prejudicing potential sustainable development in conflict with paragraph 11 of the NPPF.

Policy E7 of the draft London Plan clearly sets out that it is a development plans role to consider the scope of intensification and co-location. The policy states at part b that this strategy should be set out through a "*planned process of intensification and consolidation or as part of a co-ordinated master planning process in*



collaboration with the GLA and relevant borough". We therefore consider that policies BNGA1, BP3 and BE2 and draft allocation BNSA1 set out a clear enough vision for the area for development to accord with.

The GLA Practice Note (2018) sets out ways in which the intensification and co-location can be planned for and again states that draft policy E7 supports a plan-led or master-planned approach. With regard to the master-planned approach, the note suggests that these can either be developed ahead of planning applications or alongside, and that their production is a two stage process. Stage 1 should look at the whole designation of industrial land and identify areas that can support intensification or co-location for residential uses. Our view is that the draft Local Plan is equivalent to a Stage 1. The Capitol Way Valley area is clearly identified as an area suitable for intensification and co-location of uses, it is within an identified Opportunity Area and is identified within the Plan in policies BNGA1, BP3 and BE2, and in allocation BNSA1. Stage 2 focusses on the more detailed outputs of specific areas. Allocation BNSA1 begins to identify different areas and can be strengthened in this regard (see later) but, also, identifying these specific outputs could be done through the pre-application/application process where the Council could ensure a consistent approach across the area.

The way the policy is worded is essentially saying that applications would be premature until a masterplan is in place. We do not consider that prematurity would be a reasonable ground to object on in the context of paragraphs 49 and 50 of the NPPF, as there would be clear policies in place that set out a clear vision for the area that would provide a policy basis to assess a planning application and the outcomes of the development would clearly not prejudice the plan-making process.

Whilst our client does not object to the principle of developing a masterplan, the focus on it in this case is considered to be neither positively prepared or justified. The policy and allocation should set the vision for the area for development to accord with. A masterplan could then be developed in conjunction with relevant stakeholders and in accordance with the vision of these policies, or through specific sites coming forward through the pre-application/application process where they can be demonstrated to comply with these policies. The supporting text should explain this.

It is therefore suggested that the following (or similar and to the same effect) amendments are made.

#### Policy wording part d

*Continued residential development within the Burnt Oak and Colindale Growth Area. The potential residential development for the extension of the Burnt Oak and Colindale Growth Area, referred to as Capitol Valley, ~~will be determined by a masterplan~~, should be consistent with the aims and visions of the area set out in this policy and policy BNGA1 and the allocation BNSA1, taking into account the need to intensify employment use on the site.*

#### Supporting text 5.3.28

*The Capitol Valley site within the Burnt Oak and Colindale Growth Area contains area of land designated as LSIS. Redevelopment of the site, ~~which will be in accordance with the approved Masterplan~~ will need to meet the vision for the area in line with policy BNGA1 and allocation BNSA1 addressing the requirement to deliver new homes and other uses as well as the requirement to intensify existing employment uses too. A masterplan for the area will subsequently be developed in conjunction with relevant stakeholders and, in advance of the adoption of this masterplan ~~the Council will resist small scale release, unless it can be shown to not undermine the outcomes of any likely adopted masterplan~~, applications should demonstrate how they make effective use of land to deliver the vision for the area set out in these policies.*

#### **Policy BE2**

Our client supports the Borough's draft approach to employment land, however, it is again considered that where there is reference to co-location there should be specific reference to residential use to bring the policy in line with the draft London Plan policy E7. It is also considered that the supporting text is overly focused on the masterplan approach and for the reasons above, this is not justified, particularly where there are allocations

for intensification and co-location such as at Capitol Way Valley. It is therefore suggested that the following (or similar and to the same effect) changes are made.

#### Policy wording

On these sites intensification through co-location **with residential or other identified uses** will be supported, **subject to a plan-led allocation approach where applications are consistent with this plan** or through a comprehensive masterplan approach produced with or agreed by the Council demonstrating the following will be achieved...

#### Supporting text 6.4.19

Policy BE2 is a starting point which identifies where co-location could be appropriate, but this would be subject to demonstrating the criteria in London Plan policy E7 could be achieved through a **plan-led approach consistent with the allocations within this plan** or through a masterplan-led approach. **In both approaches it will need to be demonstrated that co-location would achieve a plot ratio of 0.65. The Council will work with its partners to develop masterplans for Church End, Neasden and Staples Corner. Where applications are made to be consistent with the allocations in this plan, the developer will need to demonstrate that an approach has been taken that considers the relationship with surrounding sites and the wider area, and does not prejudice the overall vision being delivered. ~~masterplans are developer-led, the developer will need to work closely with the Council and GLA from the outset.~~** Masterplans will need to be produced in accordance with the GLA Practice Note: Industrial intensification and co-location through plan-led and masterplan approaches.

#### **Allocation BNSA1: Capitol Way Valley**

Our client is in support of this allocation, which is consistent with the above policies and seeks to set out the vision for the area in more detail including the planning considerations, risks, design principles and infrastructure requirements. However, the allocation is heavily reliant on a masterplan coming forward and specifically states *“until a masterplan for the site has been agreed/ adopted by the Council, no redevelopments (apart from 17/0837) will be permitted within this area.”* This should be omitted as it is considered to be neither justified or positively prepared, inconsistent with draft policy E7 and would prevent sustainable development unnecessarily. It is also considered that the Council could not reasonably sustain an objection of prematurity if the policies within the Plan are adopted.

As set out above, it is considered that polices BNGA1, BN3 and this allocation play their role in the plan-led approach set out in policy E7 and should be used as the basis for planning applications to be assessed. Whilst our client does not object to a masterplan and supports one being produced in conjunction with local stakeholders, it should not preclude development in the meantime. We therefore suggest that the allocation is looked at again and strengthened to rely less heavily on the masterplan and to allow for applications to come forward, provided they consider the area as a whole and the relationship with surrounding sites, and do not prejudice the overall vision being delivered. It is therefore considered that the following points should be added.

- Connectivity should be improved east to west and north to south.
- Land-owners should work pro-actively with the Council to bring forward applications that are consistent with the visions of the allocation in a timely manner.
- Any application brought forward ahead of a masterplan must consider the relationship of the site with the allocation as a whole and, where appropriate, practical and expedient, work with adjacent land owners to make effective use of land.
- All applications should make effective use of land and co-located housing delivery should be optimised.
- 76-77 Capitol Way is a crucial a gateway site in the area able of accommodating significant co-located residential, that can tie the rest of the LSIS in with the residential community to the west.

## Summary

These representations are submitted on behalf of our client, who has interest in various sites as a prospective land owner within the Capitol Way Valley area. These representations offer broad support for the strategy of the Local Plan to intensify industrial land where appropriate and to drive housing growth in the north of the Borough and specifically within the Burnt Oak and Collindale Growth Area. However, it is considered that the current approach is too heavily reliant on subsequent work outside of the Plan to the point that it would preclude otherwise sustainable development coming forward in the interim period. This is considered to be neither positively prepared, justified or consistent with the guidance in the draft London Plan. Whilst a masterplan approach is supported in principle, this should not preclude development coming forward in the meantime provided such developments meet the aims that are clearly set out in policy and do not prejudice development coming forward on adjacent sites. The suggestions made to policy wording throughout are considered to ensure that the policies are more consistent with national and regional policy, and help to deliver sustainable development, in particular much need housing.

I trust the above is clear and in order, but should you have any queries, please do not hesitate to contact me to discuss.