

London Borough of Brent
Planning Policy Team
Regeneration & Environment
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

5 December 2019

Dear Sir/Madam,

**ATLANTIC HOUSE (43-45 ALPERTON LANE) & SAGE BRENT (45-47 ALPERTON LANE), LONDON,
HA0 1JJ**

**REPRESENTATIONS IN RESPECT OF THE REGULATION 19 PRE-SUBMISSION CONSULTATION ON
THE LOCAL PLAN**

Knight Frank has been instructed by Braeside Properties Limited (landowners of Atlantic House (43-45 Alperton Lane) & Sage Brent (45-47 Alperton Lane)) to submit representations in respect of the Regulation 19 Pre-Submission Local Plan.

The 0.3-hectare site has been included within the Alperton South Locally Significant Industrial Site (LSIS) in the policy maps that accompany the Regulation 19 Local Plan, however it should be noted that under the existing planning policy base, the site in question does not form part of the Alperton South LSIS.

This written representation provides a detailed assessment of the site's position in the emerging Local Plan, but – in short – it is the landowner's contention that policy BE2 is unsound and that:

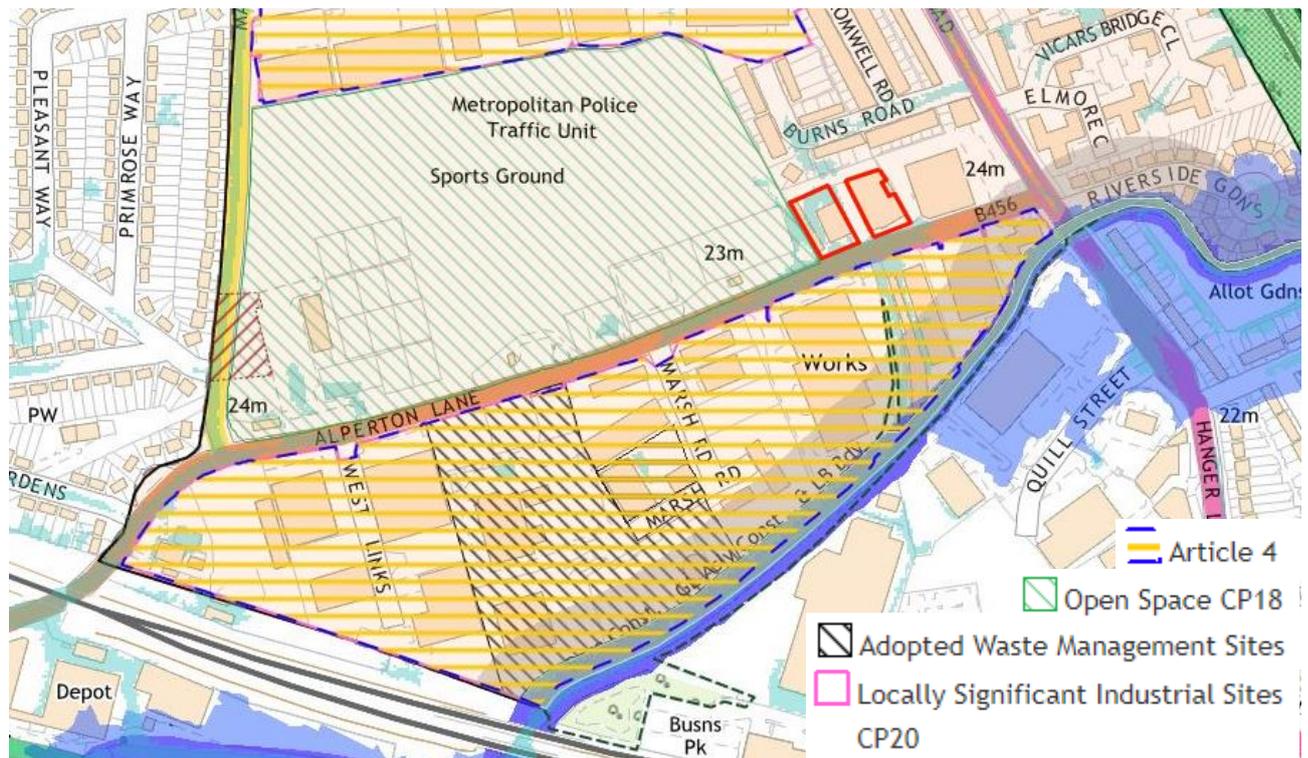
- The inclusion of the site within the Alperton South Locally Significant Industrial Site (LSIS) and the restriction of development within this area to industrial-related activities is neither evidence based, justified, or deliverable; and
- The site has the potential to contribute to increased residential and economic development in the Borough, and that the Plan-making approach being pursued by the Council in respect of this site is not appropriate.

We provide within this representation the evidence to justify both of these points. We consider that the Plan needs to be changed to remove the site in question from the Alperton South LSIS and instead prioritise it for mixed-use development that incorporates an appropriate quantum of flexible employment floorspace in recognition of the site's existing employment use.

a. London Borough of Brent Policy Position

Within the adopted Development Plan, the site is located to the north of Alperton Lane, and therefore does not form part of the Alperton South LSIS. The principal policy consideration under the adopted Development Plan, therefore, is DMP14 ('Employment Sites'). This policy concerns employment space more generally and seeks to protect existing employment sites unless it can be demonstrated that "*continued employment use is unviable*" or alternative development would deliver "*significant benefits consistent with the wider objections of the Development Plan*". The location of the site beyond the Alperton South LSIS is shown in **Figure 1.1** below:

Figure 1.1 | Existing Alperton South LSIS Designation



The Regulation 19 Local Plan, however, proposes a significantly more restrictive policy position by extending the Alperton South LSIS designation to cover the site in question. Emerging policy BE2 (SILs and LSISs) stipulates that the policy approach for Alperton South will be one of intensification whereby the site is protected "*solely for employment uses within Use Class B1(c), B2, B8 and closely-related Sui Generis uses*". Development which increases the overall quantum of employment floorspace in these use classes will be supported, whilst any loss or reduction in floorspace will be resisted. **Figure 1.2**, below, shows the proposed location of the site within the Alperton South LSIS.

Figure 1.2 | Proposed Alperton South LSIS Designation



The designation of the site within the Alperton South LSIS is much more restrictive in policy terms and narrows the range of uses and operations that would be considered acceptable in principle at the site in question. It is our contention that this policy position is not justified, nor is it consistent with the Council’s own evidence base.

b. Is the inclusion of the site within the Alperton South LSIS justified?

Both the existing Development Plan and the emerging Local Plan underline the position of the London Plan as the overarching Development Plan document.

Defining Locally Significant Industrial Sites

The starting point for the designation of the site as forming part of the Alperton South LSIS is, policy E6 (‘Locally Significant Industrial Sites’) of the Draft London Plan. This policy in Part A stipulates that, in their Development Plans (which the new Local Plan will be once adopted), Boroughs should:

- 1) *designate and define detailed boundaries and policies for Locally Significant Industrial Sites (LSIS) in policies maps **justified by evidence in local employment land reviews [our emphasis]** taking into account the scope for intensification, colocation and substitution (set out in Policy E7 Industrial intensification, colocation and substitution)*
- 2) *make clear the range of industrial and related uses that are acceptable in LSIS [our emphasis] including, where appropriate, hybrid or flexible B1c/B2/B8 suitable for SMEs and distinguish these from local employment areas that can accommodate a wider range of business uses.¹*

¹ Draft London Plan [Clean Version] (July 2019), pg.218.

In addition, the supporting text states at 6.61 that:

*Boroughs may designate locations that have particular local importance for industrial and related functions as Locally Significant Industrial Sites. These designations **should be based on evidence in strategic and local demand assessments [our emphasis]** and should complement provision in SILs. Inner London sites providing sustainable distribution services for the Central Activities Zone and Northern Isle of Dogs may be particularly appropriate for this designation.²*

The Draft London Plan clearly sets out the importance of Local Planning Authorities not only justifying the designations and associated policies for LSISs through the evidence in local employment land reviews, but also the range of industrial and related uses that are acceptable in LSISs.

To consider whether the designation of the site as an LSIS is justified, we have principally appraised the Council's evidence base – the 2019 West London Employment Land Evidence, the 2019 Brent Industrial Land Audit and the 2015 Brent Employment Land Demand Study. We have also sought to assess the acceptability of the proposed LSIS designation in the context of the surrounding area and other proposed allocations in the Local Plan.

Brent Employment Land Demand Study (July 2015)

The Brent Employment Land Demand Study (ELDS) was produced by the Council in July 2015. This document was produced to form an evidence base to inform consideration of the employment policies within the emerging Local Plan and builds on the preceding ELDS documents produced in 2009 and 2013 respectively.

The 2015 ELDS sets out that there is a total of approximately 418-hectares (ha) of land currently in active industrial use in the Borough. The demand forecast shows that there is projected to be a decrease in demand for industrial land of between 14.4ha and 8.8ha in the period 2015 to 2029; **that is industrial land that can be released for other uses**. This is due largely to a forecast decrease in industrial employment as projected by the Greater London Authority (GLA) and a corresponding continuation of a historic declining trend in industrial floorspace take-up.

Whilst it is recognised that it is difficult to differentiate between industrial/manufacturing (typically B1(c) and B2) and storage/distribution (B8) land uses, the 2015 ELDS generally projects a decreasing level of demand for industrial uses over the Plan period.

Corresponding to this conclusion, the GLA Land for Industry and Transport SPG (2012) suggests that demand for industrial land in Brent is likely to be negative in the period to 2031 (at -26 ha or -1.3ha per annum³). The GLA Land for Industry and Transport SPG and London Plan puts the London Borough of Brent in the 'Limited' category of transfer of industrial land to other uses. This means that **the Council should seek to release industrial land where there is proven to be a surplus of supply** to meet forecast demand as per adopted London Plan policy 4.4.

There are currently three levels of designation for industrial land in Brent. These are; Strategic Industrial Land (SIL), Locally Significant Industrial Sites (LSIS), and all other industrial employment land is termed Local Employment Areas (LEA). The approximate relative split of these industrial land use designations in the borough are; SIL (75%), LSIS (14%) and LEA (11%).

The findings of the 2015 ELDS in respect of industrial land demand are clear; there is likely to be a **surplus of industrial land over the Plan period**. This should be considered in the context of the Study estimating that

² Draft London Plan [Clean Version] (July 2019), pg.219.

³ GLA Land for Industry and Transport SPG (2012), pg.117.

there is likely to be additional demand for between 32,600sq.m and 52,350sq.m of office (B1(a)) floorspace throughout the Borough up to 2029. These figures only serve to reaffirm the importance of utilising existing employment land as efficiently and effectively as possible.

Individual Site Assessment

The site, at present, does not form part of a SIL or LSIS, and is therefore defined as a LEA; a term which is afforded to all other existing employment land that falls outside of SIL and LSIS designations.

In the 2015 ELDS, the site is assessed under reference C16. This assessment considers the site to be in a poor or very poor condition and, crucially, identifies the site as being “*inadequate for B2/B8 use*”⁴. As a result of the site assessment, it is concluded that the site should be “**retained as an LEA**” (unless demonstrated that release is justified in accordance with Recommendation 3); **not** designated as part of the Alperton South LSIS.

For clarity, Recommendation 3 stipulates the following:

“To help ensure there is sufficient capacity to meet projected demand for industrial land to 2029 existing LEAs should continue to be protected for industrial employment use unless they are evidenced to meet all of the criteria below.

- *There is no evidence of current or future market demand for the site as evidenced through a period of at least 24 months of active marketing for industrial employment uses at realistic market rates.*
- *Poor access from the strategic road network i.e. they can be accessed only via local roads.*
- *A lack of on-site servicing such as loading/unloading bays and/or inadequate parking provision.*
- *The overall total quantum of industrial employment land release within the Borough for the plan period (as identified within this study) has not been exceeded.”*

Providing any development can provide adequate justification in accordance with Recommendation 3, the 2015 ELDS clearly stipulates that the release of land with LEAs would be acceptable in principle.

Although the Study (at Recommendation 1) recommends the retention and protection of existing LSIS, it **does not** propose widening existing LSIS boundaries to accommodate additional sites. Furthermore, the Study (at Recommendation 2) advises the Council to “*consider a more flexible approach to changes of use away from industrial uses that total approximately 5.81ha at Northfields Industrial Estate*”. The identification of additional LSIS land in the Regulation 19 Local Plan, therefore, is considered contrary to not just the evidence in the 2015 ELDS which suggests a surplus of industrial floorspace over the Plan period, but also the site-specific recommendations in respect of site reference C16.

It is therefore our contention that when considered against the 2015 ELDS, the designation of the Atlantic House (43-45 Alperton Lane) & Sage Brent (45-47 Alperton Lane) site is **unjustified** and does not take into consideration the evidence and recommendations of the Study; a key document in the Local Plan evidence base.

⁴ AECOM Employment Land Demand Survey (July 2015), pg.49.

Brent Industrial Land Audit (October 2019)

The Brent Industrial Land Audit (BILA) has been produced in response to the identification of Brent in the London Plan as a Borough which is to provide industrial floorspace capacity. The purpose of the Audit is to provide an assessment of Brent’s existing designated industrial sites against the West London Employment Land Review (2019) and outline policy recommendations to increase industrial floorspace through intensification, co-location and other mechanisms.

In order to achieve the Draft London Plan plot ratio target of 0.65, the BILA recommends that existing industrial sites should be intensified and has therefore proposed extending the Alperton South LSIS in order to meet this directive. The proposed LSIS area is provided in **Figure 1.3** below:

Figure 1.3 | Brent Industrial Land Audit – Proposed Alperton South LSIS



In justification of the amended LSIS boundary, the BILA states that the industrial units to the north “*form a natural extension to the LSIS*” and that the boundary of the LSIS should be extended “*to protect the industrial function of these premises*”. However, there is little qualitative or quantitative evidence to support the enhanced LSIS area, and it is therefore our view that the amended designation is **unjustified**.

Furthermore, the social and economic assessment of the Alperton South LSIS states that the LSIS “*benefits from good access to services being adjacent a sports ground and walking distance from a number of nearby primary and secondary schools*” and, with this in mind, it is considered that designating the site for solely industrial use would be at odds with the sustainable credentials of the site.

The continued use of the site for employment-generating uses is not contested – it is the strict requirement for the site to be used only for industrial uses (spanning the use classes of B1(c), B2, and/or B8). Alternative development proposals (which could still achieve significant levels of employment generation in the use classes of B1(a), D1, D2 and/or Sui Generis for example), could still make a significant contribution to economic development in the Borough and ensure available and deliverable land is utilised for the most appropriate use.

c. Character of the surrounding area and conforming with proposed allocations

Notwithstanding the insufficient evidence in respect of the site’s inclusion as part of the Alpertson South LSIS, It also seems prudent to consider the amended LSIS designation in the context of the character of the surrounding area and proposed neighbouring allocations.

Surrounding Area

At present, Alperton Lane denotes the northern boundary of the Alpertson South LSIS. Beyond Alperton Lane to the north, the area – in terms of existing land use – is predominantly residential.

The extension of the Alpertson South LSIS to the north would represent direct encroachment on existing home and business owners operating in the vicinity; eradicate the status of Alperton Lane as a physical buffer between the LSIS to the south and residential-led uses to the north; and heighten the potential of an inappropriate land use relationship.

Neighbouring Allocation

It should also be noted that the adjacent site to the east (Local Plan ref. BWSA16) – Carphone Warehouse, 416 Ealing Road – has been allocated for mixed-use development comprising residential, retail, commercial and community uses. In the supporting comments for this proposed allocation, a reduced retail provision is considered acceptable, but some replacement to serve the local area should be provided, along with active ground floor frontages particularly along Ealing Road. This indicative dwelling yield for this site has been outlined as 80 units. For clarity, **Figure 1.4** below identifies the extent of the neighbouring allocation in the Regulation 19 Location Plan.

Figure 1.4 | Proposed Allocation for Carphone Warehouse (416 Ealing Road)



In addition to the site's allocation, the area fronting Ealing Road has also been identified as an 'Intensification Corridor'. Within these areas, tall buildings up to around 15-metres or 5-storeys could be considered acceptable. In the Ealing Road Intensification Corridor, residential-led mixed-use development is prioritised.

Whilst we do not contest the allocation of the adjacent site for mixed-use, we have significant reservations about the potential land use conflict between a residential-led mixed-use site adjacent to an industrial site. The environmental impacts associated with industrial uses can be significant, and can often lead to a substantial detrimental impact on the amenity of homeowners and business owners in close proximity.

It is therefore our view that allocation BWSA16 should be extended to include the site to the west (43-47 Alperton Lane). By increasing the site area, this would enable the inclusion of a sufficient buffer between the wider site and the Alperton South LSIS which, in turn, would help to ensure that the divergent land uses could operate successfully alongside each other. Furthermore, the addition of 43-47 Alperton Lane would align with the national, regional and local directive of utilising brownfield land as far as possible to meet a Borough's identified residential and employment needs.

d. Recommendations

Paragraph 35 of the National Planning Policy Framework (NPPF) [February 2019] (which the Local Plan will be considered against) requires that any Plan submitted to the Secretary of State for Examination must be capable of being found both legally compliant and sound. This places various duties on the Council including, but not limited to, ensuring the Plan is:

- Positively prepared – seeking to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and is consistent with achieving sustainable development;
- Justified – the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence;
- Effective – deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework.

Accordingly, if the Council's Development Plan document fails to accord with any of the above requirements, it is incapable of complying with the NPPF. As a result of s.19 of the Planning and Compulsory Purchase Act 2004, these are legal requirements.

In view of the preceding sections of this note, it is our contention that the enhanced designation of the Alperton South LSIS, and therefore the Local Plan, is unjustified, undeliverable and unsound.

The significance of industrial land and the increasingly constrained supply is not to be underestimated, and we recognise the importance of retaining and enhancing existing LSIS designations. However, to extend the Alperton South LSIS to cover 43-47 Alperton Lane would result in a constrained policy position that would not provide the site with the necessary land use flexibility to respond to market demands and fluctuations; would not align with the proposed mixed-use allocation to the east; and would represent an impediment for the site in realising its development potential.

It is therefore our recommendation that the LSIS is not extended to cover 43-47 Alperton Lane, and that this site is instead prioritised for alternative uses that still deliver a minimum quantum of employment floorspace.

This approach would ensure the site still remains desirable and deliverable from a market perspective, and ensure that there would be no net loss of the overall quantum of employment floorspace on-site.

e. Implications

We consider that, in its current form, the Local Plan is unable to be found sound and – specifically – that the inclusion of the Atlantic House (43-45 Alperton Lane) & Sage Brent (45-47 Alperton Lane) site is both unjustified, ineffective, and does not align with the supporting evidence base.

We consider the designation of the site as forming part of the Alperton South LSIS to represent an unnecessary impediment to future use and delivery, and therefore accordingly suggest that this proposed designation is revisited, perhaps incorporating the adjacent mixed-use allocation at the Carphone Warehouse site to the east.

We would be very grateful for confirmation that these representations have been received and confirm that we would like to be involved in future stages of the Local Plan process. In particular, we would like to confirm our interest in appearing at the Examination of the Plan at the appropriate time and would be grateful to receive updates as they are made available.

We look forward to hearing from you.