

**Our ref: KJ/BB/23714**

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Dear Sir / Madam

## **REPRESENTATION TO REGULATION 19 DRAFT BRENT LOCAL PLAN PUBLICATION STAGE CONSULTATION, DECEMBER 2019**

We act on behalf of our client Wembley Towers Limited, owners of the Wembley Point building and surrounding site located off the Harrow Road. Our client is seeking to develop Strategic Site Allocation BSSA6 (Argenta House and Wembley Point). We have been instructed to submit the following representation to the Regulation 19 Local Plan Publication Stage consultation. You will also be aware that Wembley Towers Limited has been active in the formulation of the Plan to date having commented on the Preferred Options Local Plan in November 2018 and our client welcomes the opportunity to continue to influence the Plan and to work in partnership to facilitate the regeneration of the area.

We set out our comments below against the relevant thematic sections, specific Site Allocations and detailed policies. In our comments we indicate recommended modifications to ensure the Plan's soundness.

### **Section 4: Development Vision and Good Growth in Brent**

We support the principle of 'good growth' set out within this section and note that development is to make the best use of land by prioritising development in accessible locations and deliver efficiently and intensively in Growth Areas. We also note that the strategy supports higher density development in Brent's town centres and in areas with good accessibility to public transport.

As set out in our representation to the Local Plan Preferred Options Consultation, we recommend that it should be made clearer that opportunities for growth can also be derived from an objective of overall regeneration, particularly where there are several large-scale sites that cumulatively will make a substantial positive impact in an area through effective planning and maximising opportunities through appropriate land use and scale. Such an area is focussed around Stonebridge Park where, for example, a strategic planning application has been approved at Northfields and where other draft Site Allocations such as Wembley Point and Unisys could lead to a substantial overall beneficial

improvement of the local area, delivering the ‘good growth’ sought. The opportunity and focus for increased densities and substantial transformative change should be emphasised in these types of locations.

**Proposed Modifications:** It is recommended that a further criterion ‘Regeneration Opportunities’ is added under the heading ‘Making the Best Use of Land’ (page 28) emphasising the opportunities and support for regeneration within the Growth Areas and Town Centres. This will ensure soundness through compliance with the requirements of National Planning Policy Framework (NPPF) paragraph 122 which seeks to achieve appropriate densities and that planning policies and decisions should support development that makes efficient use of land, taking into account various factors including promoting regeneration and change (criterion d).

We note that under ‘Delivering Homes to Meet Brent’s Needs’ (page 30) criterion c) that the Council seeks to promote new family housing with at least 25% of new homes being 3 bedrooms or more. This requirement conflicts with draft London Plan Policy H12 which sets out that *‘boroughs should not set prescriptive area-wide dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes’*.

However, for low cost rent *‘boroughs should provide guidance on the size of units required (by number of bedrooms) to ensure affordable housing meets identified needs’*. In this respect, the quantum is not appropriately aligned to an identified social need. Furthermore, it should also be recognised that families can easily be accommodated in 2-bedroom, 4 person units and therefore a proportion of these units should be added to the definition of ‘new family housing’ under criterion c).

**Proposed Modifications:** We recommend that the reference to a specific target for new family housing under ‘Delivering Homes to Meet Brent’s Needs’ (page 30) criterion c) should refer only to a target for low cost rent housing. This modification is required to ensure soundness and is justified through compliance with the requirements of draft London Plan Policy H12.

## **Policy DMP1: Development Management General Policy**

We are generally supportive of this policy but recommend that modifications are made to ensure soundness.

**Proposed Modifications:** It is recommended that Policy DMP1 is amended to include an additional criterion as follows:

‘prioritises locations or areas that are well served by public transport’.

This will ensure consistency with national policy in the context of NPPF paragraph 123 which states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, especially in accessible locations, and ensure that developments make optimal use of the potential of each site.

NPPF paragraph 123 also states that in these circumstances criterion a) requires that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible, and also that this should include the use of minimum density standards for city and town centres and other locations that are well served by public transport.

### **Section 5.5: South**

We note the reference (page 152) to Wembley Point, Bridge Park Leisure Centre and the Unisys Building at Stonebridge Park currently presenting an unattractive gateway into the borough. This is an important reference given there are a number of sites within close proximity to Stonebridge Park station that have the scope (either individually or cumulatively) to make a dramatic transformational change to the townscape – through high quality design and enhanced permeability – and via optimised housing delivery through providing taller buildings, particularly to offset the negative aspects of the North Circular and to respond to the strong urban frontage.

### **Policy BP5: South**

We are supportive of this policy. Whilst we note the requirement in criterion b) to positively respond to the low-rise character of the area, enhancing the local setting and having a comfortable relationship with adjacent areas, while providing a dense development pattern; it is noted in BCP5 criterion c) that there is an opportunity for some taller buildings near Wembley Point. This will be subject to buildings being of the highest design quality, and enhancing the local setting. This approach is supported, and it is noted that there is no reference to the specific height of the taller buildings. This is logical given that Wembley Point already provides a marker of height in the local area. The height of the buildings will be dependent on the design quality, technical considerations and local context developed at application stage, albeit the site, alongside Argenta House is of sufficient size to create its own character and sense of place, whilst ensuring that the adjacent hinterland is successfully mediated with appropriate scaling and location of buildings.

The policy supporting text paragraph 5.5.14 refers to the existing 21 storey Wembley Point building and the 8 storey Unisys building and recognises that both buildings are located at an important gateway to the borough and highly visible from the North Circular road and by rail. It is also noted that the supporting text considers a cluster of taller buildings could be appropriate in this location, subject to the buildings being of high quality design which contributes to the sense of arrival to the borough successfully mediating between the taller elements and the surrounding low-rise. This is supported.

### **Site Allocation Policy BSSA6: Argenta House and Wembley Point**

Our client owns Wembley Point and the surrounding land. Argenta House is in separate ownership.

In respect of Argenta House, a planning application (Council Ref: 18/4847) for demolition of the existing two storey building (Use class B1) and redevelopment to provide a 24-storey building comprising 130 residential dwellings (37 x 1 bed, 75 x 2 bed and 18 x 3 bed) with associated car and cycle parking, provision for bin stores, landscaping and ancillary works was submitted in December 2018. Members resolved to grant planning permission at Planning Committee on 16 October 2019 subject to Referral to the Mayor. It is understood that the Referral is due to be considered shortly by the GLA.

The representation submitted for this allocation is solely in relation to Wembley Point.

Prior Approval was granted (Council Ref: 18/3125) for the change of use from office (Use Class B1) to residential (Use Class C3) involving the creation of 439 residential units, provision of 46 car parking spaces and secure cycle storage at Wembley Point in December 2018. Subsequently, planning permission has been granted (Council Ref: 18/4353) for installation of a new and modernised façade to three elevations of the building with associated external alterations, new roof top plant and the addition of new infill floorspace for flexible residential (Use Class C3) and office (Use Class B1) use in January 2019.

The increase in the indicative capacity of the site is welcomed. However, it is recommended that the site allocation is clarified to confirm the indicative capacity of the site over and above the 439 residential units approved as permitted development at Wembley Point and 130 residential units which Members have resolved to approve at the Argenta House site.

Detailed technical feasibility work is currently being undertaken to review the current site constraints, including flood risk. In the context that the allocation considers that this area is suitable for tall buildings, subject to satisfactorily resolving and mitigating constraints and further feasibility work, there is an opportunity to bring about enhanced place-making to significantly increase the capacity of the site.

**Proposed Modifications:** It is recommended that the allocation's indicative capacity is significantly increased to reflect its capacity over and above the consented residential units to be provided at Wembley Point and the scheme which benefits from a Member resolution to approve at Argenta House.

The allocated uses should be identified as potential uses, subject to detailed feasibility and following consideration to need and demand (particularly in relation to the 'supporting community and cultural uses') at the time a development proposal is being formulated.

**Proposed Modifications:** It is recommended that text within the Planning Considerations section is revised to ensure the policy is effective, as follows:

*'Allocated Use: Residential, with potential for affordable workspace, supporting community and cultural uses and small-scale retail.'*

The allocation states that development should create a strong pedestrian connection between Harrow Road and Stonebridge Park Station, through active frontage and public realm enhancements. Although public realm enhancements are welcomed, the effective delivery of these enhancements will be influenced by the separate ownerships of the Argenta House and Wembley Point sites.

**Proposed Modifications:** It is recommended that text within the Planning Considerations section is modified as follows with additional proposed text shown as underlined:

'The development will be heavily reliant on Stonebridge Park station which currently acts as an interchange for bus and rail travel. It has a poor public realm which needs to be improved, subject to agreement being reached between the Council and landowners.'

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It is noted that the site is referred to as being in light industrial use. It is recommended that this use is solely attached to Argenta House given this is the only light industrial use within the allocation site boundary. In this context, the requirement for the re-provision of employment floorspace relates specifically to Argenta House and clarification is therefore required that this land use mix is only relevant to the redevelopment of this building. The remaining site allocation (including the Wembley Point Building) does not have any land use restrictions.

It is noted that the allocated use refers to the residential and affordable workspace uses. Again, affordable workspace provision (defined in Policy BE1 as minimum of 10% of total floorspace within major developments exceeding 3000 sqm) should only apply to Argenta House given this is within a Local Employment Site. However, it should be recognised that given the potential for regeneration of the site, that there should be a mixture of appropriate uses as now included within the allocated use. These uses are likely to be located on the ground floor, due to flood risk and the need to activate the site and draw people through as a permeable route from Harrow Road to the station.

**Proposed Modifications:** It is recommended that text within the Planning Considerations section is modified as follows with additional proposed text shown as underlined:

'Part of the site contains a light industrial units. Re-provision of affordable workspace within the part of the site occupied by Argenta House will be required to mitigate the loss of this unit'.

Although we welcome that car free development will be encouraged, it is considered that the requirement that this must be subject to a Controlled Parking Zone (CPZ) being achieved is unnecessarily inflexible given that the opportunity to impose a CPZ is with the Council and not the developer and that the opportunity to promote car free or limited ('car-lite') parking development in a PTAL 4 area without an existing CPZ should reasonably be supported subject to local conditions and the relevant consideration of a Travel Plan and Transport Assessment.

**Proposed Modifications:** It is recommended that text within the Planning Considerations section is modified as follows with additional proposed text underlined:

'With a PTAL of 4/3, the site is located within a 6-minute walk of Stonebridge Park Station, which is served by the overground and underground and within a 5-minute walk of 3 bus stops, each serviced by one bus. Car free development will be encouraged, subject to a Controlled Parking Zone being achieved or, alternatively, in the context of local conditions and subject to relevant justification through the submission of a Travel Plan and Transport Assessment'.

It is noted that the allocation includes that the site is considered to be of sufficient size to accommodate BH3 Built to Rent and BH8 Specialist Older People's Housing policy requirements. It is considered that the wording should be clarified to indicate that the provision of Build to Rent and Specialist Older People's Housing is encouraged on the site, subject to a detailed feasibility assessment, but not mandated. This clarification is necessary to ensure that the policy is sound and consistent with national policy. Separate comments are provided below in respect of Policy BH3: Build to Rent.



**Proposed Modifications:** It is recommended that text within the Planning Considerations section is modified as follows with additional proposed text shown as underlined:

‘The site is of sufficient size to consider the incorporation of BH3 Build to Rent and BH8 Specialist Older People’s Housing policy requirements, subject to a detailed feasibility assessment’.

## Section 6.1

### Policy BD2: Tall Buildings in Brent

We are generally supportive of this policy in the context that the Local Plan Policies Map (Environmental Protection, Heritage, Employment and Article 4) identifies Site Allocations BSSA6 and BSSA7 both fall within a Tall Building Zone.

Policy DB2 states that Tall Building Zones heights should be consistent with the general building heights stepping down towards the Zone’s edge. Although there are some exceptional site constraints, including flood risk which is in the process of being resolved, there is a significant opportunity to bring about enhanced place- making and density and height uplifts, subject to satisfactorily resolving and mitigating constraints and further feasibility work. Therefore there is likely to be significant scope to secure maximum height parameters within the location of Bridge Park and the Unisys Building as part of detailed proposals within future applications.

**Proposed Modifications:** It is recommended that text within BD2 is updated as underlined to ensure it is sound and consistent with other policies and allocations in the plan:

*‘In intensification corridors and town centres outside conservation areas developments of a general building height of 15 metres above ground level could be acceptable, with opportunities to go higher at strategic points in town centres and intensification corridors.’*

### Policy BH2: Priority Areas for Additional Housing Provision within Brent

This policy is generally supported aside from the fact that additional housing should also be promoted in sustainable locations with good public transport accessibility. This is noted in the justification for the policy at paragraph 6.2.33 that states in addition to the Growth Areas and Site Allocations the Plan, consistent with national and London Plan policy, town centres and areas with higher levels of public transport accessibility are priority areas for the provision of the additional homes required.

**Proposed Modifications:** To ensure soundness through consistency with national and London Plan Policy, we recommend that paragraph 2 of Policy BH2 is revised as follows, with additional proposed text shown as underlined and text to be omitted ~~struck through~~:

‘In addition to the Growth Areas and Site Allocations identified in this Plan, town centres, edge of town centre sites, ~~and~~ intensification corridors, and areas with higher levels of public transport accessibility will be priority locations where the provision of additional homes will be supported’

### Policy BH3: Build to Rent

This policy is restrictive and *ultra vires*. Although a Development Plan can support various housing models, it cannot dictate a type of model and preclude others. This would instead be a matter for the market to decide. Therefore, whilst the support of Build to Rent is welcomed, a policy which demands that within Growth Areas (excluding South Kilburn) or on development sites of 500 dwellings or more, the provision of Build to Rent would be expected is unsuitable as a policy.

The policy is unsound and inconsistent with national policy in the context of Planning Policy Guidance (Paragraph: 001 Reference ID: 60-001-20180913) which advises that authorities should include a plan policy setting out their approach to promoting and accommodating Build to Rent. This should recognise the circumstances and locations where build to rent developments will be encouraged (our emphasis), for example as part of large sites and/or a town-centre regeneration area.

In addition, the policy should acknowledge other forms of residential accommodation which can add to the housing stock and meet local demand, such as the potential provision of co-living accommodation.

**Proposed Modifications:** It is recommended that the first paragraph of Policy BH3 is revised as follows:

‘To encourage increased housing delivery, within each Growth Areas (excluding South Kilburn) or development sites of 500 dwellings or more, the provision of Build to Rent properties will be ~~expected~~ encouraged unless this would:...’

As set out above, it is suggested that Policy BSSA7 is modified to indicate that the provision of Build to Rent is encouraged on the site, subject to a detailed feasibility assessment, but not mandated.

### Policy BH5: Affordable Housing

The policy needs specifically to identify that a minimum provision of 35% affordable housing as set out in supporting text at paragraph 6.2.5 without the need for a viability appraisal will be acceptable.

The affordable housing approach to Build to Rent is not set out in this policy. The draft London Plan recognises (footnote 54A) that boroughs may publish guidance setting out the proportion of Discounted Market Rent (DMR) homes to be provided at different rental level to benefit from the fast track route, having regard to the relationship between the level of discount required and the viability of achieving the relevant threshold level. This should also reflect NPPF 2019 which defines affordable housing provision for rent as ‘at least 20% below local market rents (including service charges where applicable)’. This provision is suitable for those Build to Rent operators seeking to provide accommodation for key/essential workers in London such as those people employed in the public sector.

**Proposed Modifications:** To ensure soundness and that the policy is justified through compliance with the requirements of draft London Plan Policy H7, it is recommended that that Policy BH5 is revised to clarify the Council's affordable housing target at 35% and what is required to comply with the fast track approach without the need for viability analysis, subject to meeting tenure split objectives and other Plan requirements.

It is also recommended that the policy is modified to clarify the Council's Build to Rent affordable component and relevant rental levels to take account of the fast track route (considering the relationship between the level of discount required and the viability of achieving the relevant threshold level).

### **Policy BH6: Housing Size Mix**

As set out above in relation to Chapter 4, draft London Plan Policy H12 confirms that boroughs should not be prescriptive in setting dwelling size requirements. If any target is to be set, this should relate to homes for low cost rent only to ensure affordable housing meets identified needs.

**Proposed Modifications:** It is recommended that references in the first paragraph of the policy to a specific target for new homes as family sized dwellings should refer only to a target for low cost rent housing. This modification is required to ensure soundness and is justified through compliance with the requirements of draft London Plan Policy H12.

### **Policy BH8 Specialist Older Persons Housing**

It is noted that to support achieving the London Plan annual benchmark monitoring provision target of 230 dwellings per annum the council will require provision of specialist older people's accommodation in defined circumstances. Within all Growth Areas except South Kilburn developers will be expected to work together to identify sites on which as a minimum 10% of all the Growth Area's additional dwellings over those which already have planning permission will be delivered as specialist older people's accommodation. Elsewhere, the policy requires specialist older people's on sites with a capacity of 500 or more dwellings.

As set out above, it is necessary to ensure the plan is sound to modify Policy BSSA7 to indicate that the provision of Specialist Older People's Housing is encouraged on the site, subject to a detailed feasibility assessment, but not mandated.

### **Policy BH13: Residential Amenity Space**

This policy requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs, which is normally expected to be 20 sqm per flat and 50 sqm for family housing (including ground floor flats). The policy wording is considered particularly onerous and prescriptive particularly in the context that developments in built-up parts of London need instead to seek to optimise valuable internal amenity space, whilst developments may also provide, or be best suited to the provision of, communal amenity space or the utilisation of public amenity space in the area.

Although not set out within the policy itself, the supporting text (paragraph 6.2.100) states that where sufficient private amenity space cannot be achieved individually for each



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dwelling to meet the full requirement of the policy, the remainder should be supplied in the form of communal amenity space. The supporting text goes on to state that in some locations, such as town centres, in high density developments the council understands that meeting the overall minimum might be challenging. Whilst amenity space will assist in achieving the urban greening factor targets, other requirements such as renewable energy sources may compete for areas that might otherwise accommodate amenity areas, such as roofspace. As such flexibility could be allowed where it can be shown that all reasonable options for provision have been considered.

**Proposed Modifications:** to ensure soundness and the required flexibility set out within the policy supporting text, it is recommended that additional text is included within the Policy to set out to identify clearly the exceptions to provision of external private amenity space below the specified thresholds as follows:

'Where sufficient private amenity space cannot be achieved individually for each dwelling to meet the full requirement of the thresholds above, the remainder should be supplied in the form of communal amenity space. In some locations, such as town centres, in high density developments the council understands that meeting the overall minimum might be challenging. Whilst amenity space will assist in achieving the urban greening factor targets, other requirements such as renewable energy sources may compete for areas that might otherwise accommodate amenity areas, such as roofspace. The provision of amenity space will be considered flexibly where it can be shown that all reasonable options for provision have been considered and where it can be demonstrated that high quality communal space can be delivered to meet residents' needs'.

## **Policy BT2: Parking and Car Free Development**

The policy encourages car free development but only where an existing Controlled Parking Zone (CPZ) is in place or can be achieved. It is considered that this position is unnecessarily inflexible given that the opportunity to impose a CPZ is with the Council and not the developer and that the opportunity to promote car free or limited ('car-lite') parking development in a PTAL 4 area without an existing CPZ should reasonably be supported subject to local conditions and the relevant consideration of a Travel Plan and Transport Assessment.

**Proposed Modifications:** to ensure soundness and compliance with national policy to optimise the density of development in city and town centres and other locations that are well served by public transport, it is recommended that additional text is included after the first paragraph of Policy BT2 as follows:

'In appropriate locations benefiting from high levels of public transport access generally with PTAL 4 or above in areas outside an existing Controlled Parking Zone (CPZ), opportunities for car free development should be encouraged in the context of local conditions and subject to relevant justification through the submission of a Travel Plan and Transport Assessment'.

## **Conclusion & Recommendation**

We trust the above representation to the Regulation 19 Draft Brent Local Plan Publication Stage consultation will be fully taken into consideration by the Council, including the proposed Plan modifications as set out above. We wish to be kept informed of the progress of the Local Plan.