

London Borough of Brent

Examination of the Brent Local Plan

Matters, Issues and Questions for the Examination

Response of the Council: Matter 7 – Design, Heritage and Culture

Matter 7 – Design, Heritage and Culture

Main Issues: Does the Plan take a justified and suitably evidence-based approach to design, heritage and culture?

Is the Plan and its policies sufficiently positive, clear and consistent with both the London Plan and national policy in relation to these matters?

[Policies BD1, BD2, BD3, BHC1, BHC2, BHC3, BHC4 and BHC5]

Questions

Tall buildings

The Tall Buildings Strategy (EB_D_01) appears to be based around an assessment of identified growth areas (opportunity areas), areas with high public transport accessibility, the existence of existing tall buildings and proximity to conservation areas. The Strategy advises that its purpose is to support the provision of tall buildings in the most appropriate locations. However, there are a number of concerns in relation to this evidence base and how it has informed the policy framework:

- *The Strategy refers to long range/mid-range and immediate views – these are not clearly defined within the report;*

This can be amended and relates to the design attributes of the building. The London Plan policy D9 Tall Buildings provides more detail:

- i) long-range - associated with the design top of the building, make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views
 - ii) mid-range – associated with the form and proportions of the building – taking account of views from the surrounding neighbourhood
 - iii) immediate – base of the building – views from surrounding streets.
- *Page 13 - Average building heights, these appear to be very broad, with no detailed explanation as to how these have been arrived at;*

The bands that identify the average heights are broad and reflect the averaging of data drawn from Lidar of building heights attained from the Council's GIS. They are meant only to give an overall flavour of the average heights of buildings within the borough. Whilst from this information there are likely to be variations between properties and smaller areas, the average is realistically, given the number of buildings involved, likely to be broadly reflective of the overall heights. As can be seen, these are relatively consistent across much of the borough. The exception is the Central place, which is very different to most, whilst South West and South East do have some slightly greater height.

Further information on heights of individual taller buildings is provided as we progress in the document, with the figure showing "Average building heights in metres in Brent's 'Super Output Areas'" giving a further level of detail, than the broader places. On this map, the darker colours indicating greater height are clearly more identifiable around Wembley Stadium/Strategic

Industrial Location, Harrow Road/Wembley High Road corridor, Alperton station/Alperton industrial areas, South Kilburn and parts of the Edgware Road. The height of individual buildings with larger footprints can be seen in the figure "Surrounding the borough, shows currently very few tall buildings."

- *The draft London Plan (paragraph 3.9.2) clearly sets out a number of steps to be undertaken in relation to tall buildings. Can the Council explain precisely how these steps have been undertaken?*

London Plan Policy D9 sets out the process that Local Plans must go through in terms of reviewing an area's ability to accommodate change by referring to Policy D1. The Council has identified an area's ability to accommodate change through going through some of these processes to identify capacity of sites to accommodate change. These for the most part have identified locations where existing land is underused relative to its location and then a high-level assessment of the potential to accommodate change. This was mostly associated with the London Plan SHLAA process that informed the draft Local Plan housing requirement. However, the majority of sites identified in this process and the draft Local Plan effectively took place prior to Policy D1's issue in the draft London Plan.

The London Plan places many requirements on boroughs to undertake numerous pieces of work to support planning. Realistically, the Council simply does not have the resource capacity within the timescale that it had available to it to follow these in drafting the Local Plan. This includes the level of sieve analysis consistent with that set out in Policy D1 and the associated character assessments.

Section 2. Methodology sets out what the Council considers is a proportionate approach with the resource that it has available to identifying where are the locations within the borough that are appropriate for tall buildings. It takes a logical approach of identifying the areas that have the highest levels of PTAL, as these have the potential in accessibility terms at least to support the highest densities. It then considers potential constraints such as the designated heritage assets of conservation areas, or accommodating the Council's approach of supporting clusters of tall buildings. It also considers, where are existing tall buildings located? as these will have changed the character of the area and might afford the opportunity to locate other tall buildings in that location. It then considers the areas for largest amount of change that the Council has identified in association with the London SHLAA process and the extent to which they can accommodate tall buildings. Then it identifies general building heights that will be appropriate. It then sets out general criteria that tall buildings and clusters need to meet to create high quality places and views.

- *Maps and keys are inconsistently applied throughout the document (see page 40, paragraph 8.10 incomplete sentence, page 45 map with no key), there appears to be a lack of urban design analysis or assessment of important townscape features and existing character or any explanation as*

to how existing building heights, block patterns and land uses have been taken into account;

The incomplete sentence in 8.10 should read: " Elsewhere proposals if higher than mid-rise should have regard to the significance of the St Joseph Church heritage asset and matters such as daylight to properties in Ecclestone Place."

The tall buildings work is related to seeking to identify opportunities where tall buildings, needed to respond to the need to accommodate growth, can be located. Areas identified with the exception of South Kilburn, the regeneration of a high-rise municipal housing estate, have principally been on the basis of lack of sensitive adjacent townscape constraints. There has been urban design/townscape analysis undertaken to identify the appropriateness of the sites chosen. The majority of the areas are likely to be subject to large-scale change over extensive tracts of land. Some of these areas themselves have previously been subject to interventions which have created relatively poor townscape and been inconsistent with good urban design principles. The areas have the ability to create new building heights, block patterns and land uses. As areas accommodating new buildings of significant scale, they will however bear little resemblance to, or take their cue from the predominantly two to three storey townscape that is located in the areas around them.

In most cases, however the areas will respond more positively to local circumstances in terms of block structure and legibility than the existing townscape, as the Council seeks to weave them into their surrounding areas. Heights and the design of the edges of the areas will be more sympathetic to the existing, whilst creating a transition to the more radical change that will occur. The Tall Buildings Strategy as well as identifying appropriate areas for tall buildings, has also ruled some out that were included primarily due to high PTAL and/or being in/adjacent to growth areas on the basis of character/townscape, such as 3. Sudbury Town, 2. Wembley Area D Ealing Road – Barham Park and 8. Church End.

- *In some cases, SPD policy has merely been repeated, (South Kilburn SPD 2016), with no up to date townscape analysis undertaken;*

The analysis to support the South Kilburn SPD was very detailed and undertaken by renowned architectural practice Feilden Clegg Bradley Studios. The team included architects, urban designers and conservation specialists. It was sensitive to historic townscape context of the existing and potential conservation areas within and adjacent to the growth area and designated and non-designated heritage assets, aligned with the need to create high quality new environments and sufficient volume of development to allow re-provision of all the predominantly socially rented homes with no supporting grant. The tallest buildings were positioned further away from the more sensitive designated heritage assets than is the case currently, whilst the proposed tall elements in closer proximity to them were reduced in height.

The thoroughness of this work, engagement with the local community, lack of substantial change in built environment and planning policy circumstances in relation to this area, together with the estate's vote for continued regeneration on the basis of the contents of the South Kilburn SPD mean that the Council does not consider the need for an update in this area.

- *It is unclear how the PTAL 2031 ratings have been arrived at and the relevance of this date;*

The PTAL 2031 has been obtained from Transport for London's Webcat application with the data put onto the Council's GIS. Webcat sets out current accessibility levels, and makes a prediction based on known transportation schemes about the future accessibility levels. 2031 is the furthest date forward it has. The Council has considered not just current PTAL, but also the potential improvements when assessing the extent to which sites will be accessible in the future, and thus potentially offer the opportunity for greater density of development, that could incorporate tall buildings.

- *Protected views, such as the Wembley Arch and the Northwick Park strategic view to Harrow on the Hill are insufficiently identified within the evidence base. The Council is requested to provide these on an overlay map with the tall building zones identified;*

These maps will be provided.

In light of the above, it is unclear how the design criteria identified at page 56 of the Strategy have been arrived at. In particular, there appears to be no justification for the core, pinnacle and edge approach adopted to the tall buildings zone.

The design criteria for the most part are reflective of good general urban design principles, advice on tall buildings considerations in other documents such as the draft London Plan policy D9, and where relevant the Brent specific elements of zones, such as core and edge.

The identification of a pinnacle came from earlier iterations of the Strategy. This focussed on an approach of identifying a high point from which all other tall buildings would gradually scale down from towards the edge of the zone. After further consideration, the Council decided that this was an unnecessary potential restriction and might undermine a more interesting skyline of varying heights particularly across the larger areas, in moving towards the edges.

Subsequently the Council has taken forward the pinnacle principle in only four of the zones. This indicates the maximum height that the Council is comfortable with in these cores and is reflective of existing buildings, or consents for which a more detailed views analysis has been undertaken in association with applications.

The core and edge differentiation reflects a different approach in relation to acceptable heights. The core being the tallest buildings, the edge, buildings lower in scale. Different heights are identified for each. The varying scale of the core and edge in the

zones is partly reflective of the scale of the tall buildings zone as a whole, and the relationship with/ character of the surrounding townscape.

7.1 *Does the evidence base provide a sufficiently justified approach for policy BD2?*

7.1.1 The Council considers that the evidence base provides for a sufficiently justified approach for policy BD2. The Council has positively embraced the approach of identifying areas appropriate for tall buildings. This is reflective of London Plan policy priorities to identify such areas and the Council's desire to accommodate taller buildings to provide for local needs and encourage efficient uses of sites. The Council has a preferred approach of identifying clusters to reduce the potential for ad-hoc individual tall buildings. The Council has taken a proportionate response to identifying areas, avoiding those with the most sensitive assets that might be adversely affected. This subject matter is very subjective in terms of what individuals will regard as an appropriate response to a location's potential to accommodate tall buildings. The majority of the sites identified have been subject more recently to tall buildings applications, so the Council is confident that impacts on sensitive assets, townscape and amenity of surrounding areas can be appropriately addressed and it is happy with the scale of buildings identified.

7.2 *Is policy BD2, as drafted, positively prepared and consistent with national policy?*

7.3 *Does policy BD2 adequately and clearly define what constitutes a tall building in the Borough? Do the criteria contained within the policy provide sufficient detail and flexibility in terms of development heights both within and outside identified Tall Building Zones so as to be reasonable, justified and effective?*

7.3.1 Yes, the policy is considered to be positively prepared and consistent with national policy. It clarifies what is a tall building within Brent. This would appear to be broadly consistent with new permitted development rights, which allow for up to 2 storey (6 metre) extensions as a default in principle position. It also clarifies where very tall buildings (30+ metres) are to be located, and other priority locations for tall buildings (up to 5 storeys).

7.3.2 In association with all locations identified on the policies map, it allows for a wide range of areas to be considered appropriate for tall buildings of varying degrees of height. This will assist in meeting Brent's housing needs in particular. Placing taller and denser development in town centres and other areas with good access to public transport, such as intensification corridors and growth areas is also consistent with national policy. Where it can provide clarity on appropriate heights, generally in areas that have been subject to detailed assessments with planning applications, it has done so. In other areas where there is the need for more detailed masterplan work to understand in better detail the scope and scale of development, such as Neasden Stations Growth Area and Staples Corner, it provides greater flexibility and identifies that the appropriate height will be reflective of those processes.

- 7.3.3 The approach through identifying sites and seeking to concentrate/ cluster buildings has sought to avoid areas of particular heritage value and retain character for much of the borough whilst reducing townscape impacts from tall buildings over a wider area. The Council has taken a proportionate assessment of the extent to which existing character should influence location of taller buildings.
- 7.3.4 With regards to town centres, it allows for greater height than 5 storeys where this can be shown to be appropriate. The policy also allows for the potential for, as yet, unknown opportunities outside identified areas to be appropriate for tall buildings, based on their ability to create new character areas. This might be for example, an estate renewal process. The policy also allows buildings of civic importance which are more likely to require their identification in townscape compared to other buildings to be for taller
- 7.3.5 The policy provides for greater certainty, but also allows for flexibility. Within the Tall Buildings Zones, there are a range of heights that are appropriate. The policy allows for individual applications to go through a more detailed assessment at application stage to address the appropriate height solution.
- 7.4 *Is the approach to identifying appropriate locations for tall buildings within the Borough set out in policy BD2, and supported by the Tall Buildings Strategy, overly specific and restrictive? Is the Plan's approach to tall buildings clearly set out within the policy and supporting text?*
- 7.4.1 The Council does not consider it to be overly specific and restrictive. It is providing an appropriate solution to the need to accommodate tall buildings in numerous locations. It is seeking to consolidate their presence through clustering, moving away from solutions that result in single tall buildings within an existing low density or height context, of which there are some examples of incongruous solutions still apparent in Brent. As identified above, flexibility is within the policy, which is sufficiently clear, as is the supporting text.
- 7.5 *Policy BD2 refers to building heights shown on the policies map – how are these identified?*
- 7.5.1 The Local Plan policies map will be interactive, this provides additional information in a link box on appropriate heights that can also take people to the relevant policy text within the Plan and the Tall Buildings Strategy.
- 7.6 *The policies map refers to core, pinnacle and zone under 'Tall Building Zones' – what specifically do these different areas mean and how are these reflected in the policy wording?*
- 7.6.1 As identified above more detail is provided on these elements within the Tall Buildings Strategy. They are not reflected within the policy currently. There are essentially two options for the Council. It can amalgamate the information by simply identifying the wider zone and then refer to the Tall Buildings Strategy to identify where the taller elements will be allowed in a core, with the tallest building's location identified as the pinnacle in some

zones also identified in that document. Alternatively, it can keep each of the policy annotations on the map and amend policy to make better reference to these categories.

- 7.6.2 On balance, the Council feels that identifying the wider zone is probably more appropriate. This gives greater opportunity for the solution for individual sites better taking account of circumstances at the time an application is made. Supported by a more detailed assessment, taking account of the specifics of the site, the solution can be consistent with the range of heights associated with each area and the need to step down towards the edges of the zone to create a better relationship to the adjacent context outside the zone.
- 7.7 *The Tall Buildings Strategy emphasises the importance of a stepped down approach towards the edge of the allocated Tall Building Zone. However, this is not reflected in the policy. Should it be?*
- 7.7.1 The policy does identify that buildings should be “stepping down towards the Zone’s edge.” The Tall Buildings Strategy shows a number of examples of stepping down. The Council is however, open minded on how this transition occurs. It does not necessarily have to be in the more simplistic linear manner shown in 1a and 1b on page 55 of the Tall Buildings Strategy. The more nuanced approach as shown in the example ‘Tall buildings within a perimeter block stepping down’ provides an alternative that gives a variety of form that can provide more interest, and equally reduce height, within a relatively short transition area and is actually the Council’s preferred approach.
- 7.7.2 In relation to this issue, to take account of the potential for a more nuanced approach to stepping down, the Council now proposes a minor modification to the policy justification, to identify a preference for this in paragraph 6.1.16. This is: “...Within the areas identified there should be variety in heights to add visual interest to the skyline. Whilst there will need to be a progressive stepping down of buildings to the edge of the tall buildings zone, this can be subtle and incorporate variety of building heights, it does not have to be a strictly linear progression....”
- 7.8 *Are the criteria reflected at paragraph 6.1.22 of the Plan appropriate and should they be reflected in the policy wording?*
- 7.8.1 The criteria are appropriate in that they summarise and identify key considerations in assessing the appropriateness of tall buildings and, as the justification text identifies, draw together matters to address from a variety of sources including design and tall buildings policy and guidance. Whilst helpful in drawing together considerations, closer examination indicates that they are predominantly consistent with, and summarise, the content of policy D9 Tall Buildings. As such, they do not warrant incorporation within the policy wording and could if the Inspectors consider it has merit, be identified for removal as a minor modification.

- 7.9 *As drafted, is policy BD3 - relating to basement development - reasonable, justified and effective in its purpose to control the size, use and environmental impacts of basement development in the Borough? Is it consistent with the London Plan and national policy? Does the Council's 'Basements Supplementary Planning Document' adequately and effectively support policy BD3 of the Plan?*
- 7.9.1 The main part of the NPPF that is relevant is Chapter 2- Achieving Sustainable Development. This outlines the requirements and criteria for a presumption towards sustainable development. Policy D10 of the draft London Plan sets out that borough Plans should set out a policy to address negative impacts of large-scale basements where this is identified as an issue locally. Policy BD3 and its associated Supplementary Planning Document (SPD) are in compliance with these.
- 7.9.2 D10 policy justification lays out many potential impacts of basement development, matters that are understood by the Council. The Basement SPD lays out all relevant issues clearly including scale, maximum size, requirements for landscaping and sustainability, requirements for flood risk assessments, validation requirements, and also a clear checklist of requirements that sets out the non-planning matters required to be dealt with as well as the material planning considerations. The document has been in use since adoption in June 2017 and has been found to be effective. It adequately supports policy BD3.
- 7.10 *Does policy BD3 provide sufficient clarity on what is, and what is not, a planning matter in relation to basement developments? Should the policy do this?*
- 7.10.1 The policy justification states that the detail as to what is a planning matter is in the Basements SPD. In relation to basements, the list of potential non-planning matters is extensive and requires further explanation. It is not considered necessary for policies within the plan to set out requirements for material objections.
- 7.11 *Should policy BD3 specify that basement proposals should be able (or be required) to demonstrate with evidence at application stage that the impact on buildings has been adequately and appropriately assessed? Would not including this in the policy make it unsound? If so, why?*
- 7.11.1 The impact on buildings with respect to neighbour amenity, design and principle are assessed via application, or, where a dwellinghouse constructs a basement within the envelope of the house entirely, this may be permitted development.
- 7.11.2 Assessment of building structural stability at planning application stage would be outside the remit of planning and is Building Control's area of jurisdiction. When carrying out any extension or alteration to a dwellinghouse, it is a legal requirement, and incumbent on the owner, to ensure their property is safe and that the required Building Control applications and inspections are made. Where development occurs within certain distances of a property boundary

then party wall agreements may need to be required to protect the interests of adjoining property owners.

- 7.11.3 The Government has recently extended the ability of purpose built flats, detached, semi-detached and terrace residential properties to be extended upwards through the General Permitted Development Order¹. This potentially involves properties with numerous party wall neighbours and raises many of the same impacts as basement development. Developers are required to “provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.” No reference is made to requiring evidence of impact on buildings. This indicates that these matters can be adequately addressed elsewhere by other regulatory regimes and civil law. This is consistent with the Council’s approach to basements.

Heritage and culture

- 7.12 *Does policy BHC1 contain an adequate distinction between the policy provisions for conservation areas and other designated heritage assets compared to non-designated assets identified to be of special local character and heritage? If not, should it and if so, how should the policy be changed?*
- 7.12.1 The Council has considered this and agrees that there should be a clearer distinction between the provisions related to designated and non-designated heritage assets. It proposes to do this primarily through a change to the policy justification. This will be through modifications to 6.5.24 and insertion of an additional paragraph. “The council will resist ~~significant harm to or loss of~~ in the first instance to designated heritage assets. It will assess proposals which would directly or indirectly impact on designated heritage assets in the light of their significance and the degree of harm or loss which would be caused. The presumption will be to refuse permission if the proposals cause harm. Where the harm ~~would be~~ is considered to be less than substantial, it will be weighed against any public benefits of the proposal, including securing optimum viable use of the heritage asset and whether it would enhance or better reveal the its significance ~~of the conservation area~~. For demolition or alteration to be approved, there will need to be clarity about what will be put in its place within a suitable time frame.

It should be noted designation as a Locally Listed Building does not provide further statutory protection where it is not in a conservation area but it draws attention to the special architectural, historic, streetscape and design qualities of the building. Development proposals that affect non-designated heritage assets will be required to demonstrate that development conserves architectural, archaeological or historical significance which may include the appearance, character and setting of the asset. Planning permission may be granted in cases where a proposal could result in harm to or loss of a non-designated heritage asset only where it can be demonstrated that the benefits

¹ SI 2020 No.755 The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 July 2020

of the development significantly outweigh the asset's significance. Where it is accepted by the Local Planning Authority that demolition is acceptable, recording of the heritage asset should be undertaken and submitted alongside development proposals. Replacement buildings should draw upon the heritage elements of the previous design that made it significant within a suitable time frame. This may include the special qualities listed above."

- 7.12.2 The Council considers that an amendment to criterion c) is required as this is not sufficiently balanced at the moment and as such proposes a modification: "retain buildings, structures, architectural features, hard landscaping and spaces and archaeological remains, where their loss would cause substantial harm seek to avoid harm in the first instance. Any proposed harm to or loss of a heritage asset (including to its setting) should require clear and convincing justification and can be outweighed by material planning considerations in the form of public benefits but only if these are sufficiently powerful;"
- 7.12.3 The Council considers that a proposed modification to criterion d) "sustain and enhance" is required to make it consistent with current legislation, to "sustain or enhance".
- 7.12.4 The Council also considers that within criterion f) that "within a conservation area" should be removed through a modification. This will then apply across all heritage assets. The re-ordering of the policy with c) after the current e) to make it read better.
- 7.13 *Does policy BHC2, as drafted, sufficiently and appropriately balance the need to protect important views of the National Stadium from the surrounding area against the need for development within the Wembley Growth Area? If not, how should the policy be changed?*
- 7.13.1 The Council considers that the policy as drafted appropriately balances the need to protect important views of the National Stadium against the need for development within the Wembley Growth Area. The existence of the stadium without any development around it for a long period together with its elevated position in the borough means that many areas had unobstructed views of nearly all of the structure. Given the promotion of development around the stadium, it would have been unrealistic to assume that situation would remain. Subsequent planning permissions, which have allowed numerous tall buildings in the area surrounding the stadium, (numerous over 20 storeys and one over 30 storeys) indicate that the Council takes a proportionate approach to retaining the views whilst allowing the area to accommodate a large amount of development. The precedent set by these permissions provides the flexibility to accommodate appropriate taller buildings, whilst not being detrimental to the fundamental characteristic of the views.
- 7.13.2 Nearly all the land adjacent to the Stadium has been built, with the majority of the remainder having consent, or being subject to policies that indicate an appropriate height, e.g. BCSA12. As such, the reference to the shoulder height of the stadium for adjacent development in the justification is unlikely to significantly affect the area's ability to accommodate substantially more development than would be possible if there was no policy. The main view

and approach from Wembley Park Station (Olympic Way), the historic processional route, is being maintained.

- 7.13.3 For views further away, due to adjacent buildings being permitted to the shoulder height, the emphasis is principally on retaining views of the stadium's most striking feature, the 133-metre tall arch which is the longest single span roof structure in the world. The arch is still visible right across London but the purity of the views in the locale has been compromised from when the stadium was completed through the addition of taller buildings. Lower parts of the arch above stadium roof height are obscured in a number of views, whilst for views from the east and west, buildings encroach into the spaces adjacent to the arch. In addition, for views from the north and south, buildings now appear adjacent to the arch on its outside, with some also in the foreground and background above the roof and under the arch. It is within this context that the protected views of the stadium will be assessed. This may result in some proposed building heights being considered inappropriate within these views, necessitating a reduction. In other cases, it may require changing the bulk and mass of the building so that its profile is minimised when seen within the views, or a mixture of both.
- 7.14 *Does policy BHC5 provide adequate protection for existing public houses which are of heritage, cultural, economic or social value?*
- 7.14.1 The wide-ranging value of public houses is recognised which is why the Council has had a policy in place for the last 5 years to protect against their inappropriate loss. All the criteria in the policy are applied whenever a loss of a public house is proposed but although currently worded positively, the policy almost implies that the Council supports the loss of public houses, subject to a number of criteria being met, when it actually values their role and is seeking to control their loss.
- 7.14.2 To address this a modification to the first part of the policy is proposed. "The Council ~~will support~~ recognises the important role that pubs can have in contributing to the borough's character and their role as community assets. The loss of public houses ~~only where~~ will be resisted unless the following can be adequately demonstrated:....'
- 7.14.3 A key consideration is the economic viability of the premises. Without sufficient viability, its protection consistent with Criterion B of policy HC7 of the draft London Plan to operate as a public house addressing the cultural, economic and social value roles in the future is unrealistic. Buildings with heritage value can be appropriately assessed against policies such as BHC1, which seek to protect designated and non-designated heritage assets. This and impact on character of an area will apply where a planning permission or listed building consent is required when the building is in use as a pub. Where the loss of a pub is allowed, criterion b) of BHC5 would apply. The cultural importance of a public houses is recognised. This however, is something that can change over time, reflecting its management/offer and the clientele it caters for, which in the case of Brent has been a substantial change in the ethnic composition of the population over the last 50 years.

- 7.14.4 Taken as a whole the policy is regarded as adequately addressing the values identified in the question.
- 7.15 *Should policy BHC5 be expanded to support proposals for new public houses where this would be in accordance with draft London Plan policy HC7? Do other policies in the Plan (such as policies BE4, BE5 and BHC4) provide sufficient, appropriate support and flexibility in this regard?*
- 7.15.1 As policy HC7 relates also to planning decisions, criterion A 2) applies in the case where an application is submitted to a borough. As such, a general policy that essentially repeats this, either as part of an expanded BHC5 or separate policy will be of limited value. Within town centre secondary frontages or other sequentially preferable locations for pubs as main town centre uses to be located, the Council is very flexible around uses that will support the vitality and viability of that centre. The reality is however, that demand for additional traditional pubs or drinking establishments will be limited. Where it does occur, it is more likely to be focussed on new niche providers such as craft micro-breweries who will either occupy existing pubs or are likely to want to locate in lower rental frontages or those with a higher proportion/ concentration of other such establishments/ eating/ leisure facilities that will be predominantly located outside primary shopping areas.
- 7.15.2 In identifying that no further drinking establishments or takeaways would be considered in primary frontages in BE4, the Council took account of the findings of its retail and leisure needs study. The consultants undertaking that study specifically made the recommendations to protect the primary retail role of those frontages, taking account of wider retailing trends, whilst being aware of the desire in the draft London Plan to promote parts of Brent as areas of importance to the night time economy. The Council considers that as primary frontages make up a very small proportion of town centres that the exclusion of additional pubs and takeaways is still appropriate.

Appendix A

Proposed Main Modifications

Chapter/Policy Number	Paragraph Number or Section	Proposed Modification	Reason for Modification
6.5 Heritage and Culture	BHC1 c)	"retain buildings, structures, architectural features, hard landscaping and spaces and archaeological remains, where their loss would cause substantial harm <u>seek to avoid harm in the first instance. Any proposed harm to or loss of a heritage asset (including to its setting) should require clear and convincing justification and can be outweighed by material planning considerations in the form of public benefits but only if these are sufficiently powerful."</u>	To provide a more proportionate approach.
6.5 Heritage and Culture	BHC1 d)	"sustain or and enhance...."	To be consistent with legislation.
6.5 Heritage and Culture	BHC1 f)	"where demolition is proposed within a conservation area detailed plans...."	To apply the policy requirement across all heritage assets.
6.5 Heritage and Culture	BHC1	Reorder the policy by taking criterion c) and placing it after criterion e)	To allow the policy to read better.
6.5 Heritage and Culture	BHC5	Amend to <u>"The Council will support recognises the important role that pubs can have in contributing to the borough's character and their role as community assets. The loss of public houses_ only where will be resisted unless the following can be adequately demonstrated:...."</u>	To have a more positive wording around the role of public houses.

Proposed Minor Modifications to the Plan

Chapter/Policy Number	Paragraph Number or Section	Modification Proposed	Reason for Modification
6.1 Design	6.1.16	<p>“...Within the areas identified <u>there should be variety in heights to add visual interest to the skyline.</u> Whilst there will need to be a progressive stepping down of buildings to the edge of the tall buildings zone, <u>this can be subtle and incorporate variety of building heights, it does not have to be a strictly linear progression....”</u></p>	<p>To reflect a desire to add variety to the building form in the area to create a more interesting skyline.</p>
6.5 Heritage and Culture	6.5.24	<p>“The council will resist significant harm to or loss of <u>in the first instance to designated</u> heritage assets. It will assess proposals which would directly or indirectly impact on designated heritage assets in the light of their significance and the degree of harm or loss which would be caused. <u>The presumption will be to refuse permission if the proposals cause harm.</u> Where the harm would be <u>is considered to be</u> less than substantial, it will be weighed against any public benefits of the proposal, including securing optimum viable use of the heritage asset and whether it would enhance or better reveal the <u>its</u> significance of the conservation area. For demolition or alteration to be approved, there will need to be clarity about what will be put in its place within a suitable time frame.</p> <p>It should be noted designation as a Locally Listed Building does not provide further statutory protection <u>where it is not in a</u></p>	<p>To better reflect the distinction in approach to designated and non-designated heritage assets.</p>

Chapter/Policy Number	Paragraph Number or Section	Modification Proposed	Reason for Modification
		<p><u>conservation area</u> but it draws attention to the special <u>architectural, historic, streetscape and design</u> qualities of the building. <u>Development proposals that affect non-designated heritage assets will be required to demonstrate that development conserves architectural, archaeological or historical significance which may include the appearance, character and setting of the asset.</u> <u>Planning permission may be granted in cases where a proposal could result in harm to or loss of a non-designated heritage asset only where it can be demonstrated that the benefits of the development significantly outweigh the asset's significance.</u> <u>Where it is accepted by the Local Planning Authority that demolition is acceptable, recording of the heritage asset should be undertaken and submitted alongside development proposals.</u> <u>Replacement buildings should draw upon the heritage elements of the previous design that made it significant within a suitable time frame.</u> <u>This may include the special qualities listed above."</u></p>	

Proposed Modifications to Supporting Documents

Document	Paragraph Number or Section	Modification Proposed	Reason for Modification
Tall Buildings Strategy	5.2	<p>Add: <u>"The London Plan policy D9 Tall Buildings identifies the following types of views to consider in association with tall buildings proposals:</u> i) <u>long-range - associated with the design top of the building, make a positive contribution</u></p>	<p>To define long, mid-range and immediate views within the Strategy. reflect a desire to add variety to the building form in</p>

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		<p><u>to the existing and emerging skyline and not adversely affect local or strategic views</u></p> <p>ii) <u>mid-range – associated with the form and proportions of the building – taking account of views from the surrounding neighbourhood</u></p> <p>iii) <u>immediate – base of the building – views from surrounding streets.</u></p>	<p>the area to create a more interesting skyline.</p>
Tall Buildings Strategy	8.10	<p>Incomplete sentence should read: “ Elsewhere proposals if higher than mid-rise should have regard to the significance of the St Joseph Church heritage asset and <u>matters such as daylight to properties in Ecclestone Place.</u>”</p>	<p>Overcome formatting error and provide full sentence.</p>