

Schedule of Matters, Issues and Questions for the Examination

Church End Growth Area Site Allocation BSSA1: Asiatic Carpets

Statement on behalf of Kelaty Properties LLP

These Representations are submitted on behalf of Kelaty Properties LLP, freehold owners of a 2.3ha site (herein after referred to as the Asiatic Carpets site) that forms part of the BSSA1: Asiatic Carpets site allocation (which is the combination of the Asiatic Carpets and adjoining Cygnus Business Centre sites, hereinafter referred to as the Allocated Site).

This statement is submitted to directly address the matters that have been identified in the Schedule of Matters, Issues and Questions for the Examination (14 July 2020) (hereinafter referred to the MIQs). This statement should be read in conjunction with and refers back to our earlier representations to the Local Plan preparation process.

We set out below the specific paragraphs/matters we wish to address and comment on each thereafter:

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?

9.4 How have the indicative capacity figures for each of the site allocations been arrived at? In what way has the tall buildings study influenced the indicative capacity figures identified? Should these capacity figures be expressed as a minimum and are the site allocations sufficiently flexible in this regard?

Draft Policy BD2 of the Local Plan relates to tall buildings in Brent and defines a tall building as one that is more than 6 metres in height above the prevailing heights of the surrounding area or more than 30 metres in height.

The draft Policy then confirms that tall buildings are directed to the locations shown on the policies map in Tall Building Zones, intensification corridors, town centres and site allocations.

The Policy states that tall buildings not identified in site allocations will only be permitted where they are:

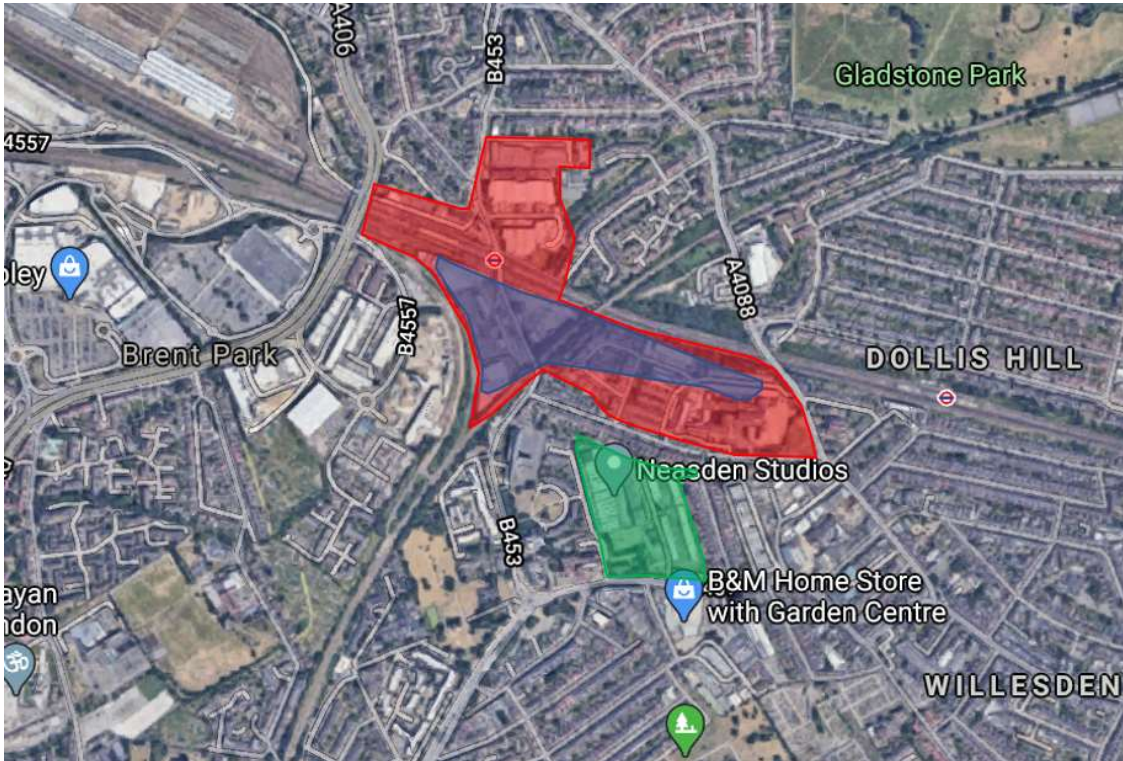
- a) Of civic or cultural importance or;***
- b) On site of a sufficient size to successfully create a new character area while responding positively to the surrounding character and stepping down towards the site edges.***

Therefore, certain policies, such as site allocations BNWGA1 (Northwick Park Growth Area) and BNSA1 (Capitol Way Valley) are explicit in confirming the sites have potential to accommodate tall buildings.

In relation to Site Allocation BSSA1, the plan is silent and unclear on whether tall buildings will be supported in this location. The design principles state the following:

"Development should on its edges successfully relate to the scale of existing residential development to the north and west. Appropriate heights and density will be determined through a masterplanning exercise."

We consider that the currently drafted text of this policy fails to recognise that the suitability of both the Asiatic Carpets site and Allocated Site to accommodate tall buildings, due to its location directly adjoining the tall building zone to the north, which is identified on the image below.



The Tall Building Strategy considered whether a tall building zone could be designated within Church End Growth area and reached the following conclusions:

"The Church End Growth Area does not have a very high PTAL, existing tall buildings (10 storey+) or large contiguous areas proposed for redevelopment that would allow new character areas / tall buildings clusters to be created."

In relation to the Asiatic Carpets site, the opposite conclusions can be drawn. The site has a PTAL rating of 3/4, which is acknowledged as likely to increase during the plan period on the implementation of the West London Orbital. In addition, and most importantly, the site directly adjoins the proposed tall building zone in the Neasden Stations' Growth Area, where the tall building strategy identifies that up to 20 storeys in height would be supported, subject to masterplanning.

Submitted as part of our Regulation 19 consultation response is an illustrative masterplan for the redevelopment of the whole of the proposed Asiatic Carpets site allocation. This demonstrates how a development consisting of the following could be delivered at the site:

- 450 dwellings;
- 80 bed care home;
- Creative Hub comprising flexible employment and Sui Generis uses, including film studios (11,200 sq m) and employment block (with showroom on ground floor) (4,500 sq m); and
- Four industrial blocks containing 11,100 sqm of floor space (on the Cygnus Business Centre site).

The development would include the provision of 10 to 12 storey blocks within the centre of the site, which then step downwards towards the northern extent of the site to protect the amenity of the residents within the two storey

properties on Denzil Road. Therefore, the approach being proposed would be wholly consistent with the approach being outlined in draft Policy BD2, as the site is of sufficient size to create a new character area, can be read against the backdrop of the adjoining tall building zone to the north and is also designed to respond positively to the surrounding character, stepping down towards the site edges.

Paragraph 11 of the NPPF states that development plans should:

b) be prepared positively, in a way that is aspirational but deliverable;

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

Chapter 11 of the NPPF relates to making effective use of land and paragraph 117 states that:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

In relation to draft site allocation BSSA1, we consider that Policy BD2 is not clearly written or unambiguous, as it fails to clarify if the subject site is an allocated site where tall buildings will be supported. We also consider that the plan has not been prepared positively, as the site will clearly meet the tests proposed under draft Policy BD2 to permit tall buildings within the site.

In addition, in response to our Regulation 19 submission on the illustrative masterplan and the proposal to increase the allocation to 480 dwellings, the Council provided the following comments in response:

"As set out in the Plan, the indicative capacity is just that and that it should neither be seen as a reason for justifying a scheme which is inconsistent with other policies, nor a limit on the potential capacity of a site where a well-designed scheme that meets all policy objectives indicates that more development capacity can be achieved."

The Council have not pursued any previous objection from their Regulation 18 consultation response in relation to the proximity of the blocks or potential for single aspect flats. Furthermore, no concern or objection has been raised to either our Regulation 18 or 19 representations in relation to the use of the site for tall buildings. As such, the allocation of the site for 380 dwellings fails to make as much use as possible of previously developed land, contrary to paragraph 117 of the NPPF.

Our client's site represents the largest site within any of the Church End Growth Area allocations which falls into a single ownership. Our submissions to date have demonstrated how a scheme can be brought forward which meets draft Policy DB2 to allow tall buildings within an allocated site and can significantly increase the quantum of housing proposed under draft allocation BSSA1. Therefore, in order for the Local Plan to meet the requirements of limbs b) and d) of Paragraph 11 and Paragraph 117 of the NPPF, we consider that the plan should be modified in the following ways:

Draft LDP Policy / Paragraph	Existing Text	Proposed Modification	Reason
Policy BP5 South c)	There is an opportunity for some taller buildings near Wembley Point.	There is an opportunity for some taller buildings near Wembley Point and	To ensure the Policies of the Local Plan are unambiguous as to whether tall buildings will be supported within the

Draft LDP Policy / Paragraph	Existing Text	Proposed Modification	Reason
		within the Asiatic Carpets Site Allocation.	Asiatic Carpets Site Allocation
Policy BSGA1	Church End Growth Area will deliver 1,040 new homes to 2041, supported by social and physical infrastructure to include:	Church End Growth Area will deliver 1,110 new homes to 2041, supported by social and physical infrastructure to include:	To ensure the plan is positively prepared and makes as much use as possible of previously-developed / 'brownfield land;
Policy BSSA1	Indicative Capacity 380	Indicative Capacity 450	To ensure the plan is positively prepared and makes as much use as possible of previously-developed / 'brownfield land;
Policy BSSA1	Design Principles: Development should on its edges successfully relate to the scale of existing residential development to the north and west. Appropriate heights and density will be determined through a masterplanning exercise.	Design Principles: The principle of Tall Buildings will be supported on this site and development should, on its edges, successfully relate to the scale of existing residential development to the north and west.	To ensure the plan is positively prepared and makes as much use as possible of previously-developed / 'brownfield land;

Consequential amendments to the housing numbers throughout the draft Local Plan will also be required to reflect the additional 70 units demonstrated as capable of being allocated to the subject site as well as any other modifications which might be required on other sites allocated, in order to make the plan consistent throughout.

9.26 Site allocation BSSA1 – does the description accurately reflect the existing uses which take place on the site? Is the policy wording sufficiently flexible in terms of potential phased redevelopment of the site?

Existing Use of the Site

In relation to the existing uses that take place at the site, we consider the wording fails to reflect the current use of our client’s land. This is, in part, being used as sets for television programmes and films. As outlined in our previous representations, this has occurred for well in excess of ten years and is now forms the lawful use of the areas of the building as indicated in our Regulation 19 representation.

In the Council’s response to our Regulation 19 consultation LB Brent stated the following:

"This site has an existing industrial use with filming being identified as an industrial process in the Use Classes Order, and is partly designated as LSIS."

It is correct that the making of any article or part of any article of ‘film, video or sound recording’ is included under the definition of an industrial process contained within paragraph 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

However, the television and film industry has moved on significantly since this element of the order was written in 1987, with large elements of filming now being required to take place in front of green screens and in more highly innovative environments. As such, it is now routinely considered that such uses are no longer ‘industrial’ in nature and fall into a Sui Generis Use Class. Provided below are examples from recent planning applications where the applications sought permission for film studios. In these applications the new buildings were not defined as B1 or B2 Use Classes and were listed as ‘other’ floor space on the application forms or stated that the existing studios were in Sui Generis use:

Application Site	Application Reference Number	Description of Development	Local Planning Authority
West London Film Studios	46378/APP/2019/2970	Full planning permission for the development of an extension to West London Film Studios comprising construction of new sound stages, workshops and office accommodation, entrance structures and reception and security offices creation of new vehicular and pedestrian accesses from Springfield Road, with associated car parking, landscaping and ecological enhancements	LB Hillingdon
Leavesden Film Studios	15/1852/FUL	Hybrid Application to include detailed approval of new sound stages, workshops, post production facility and extension to the Studio Tour car park (Warner Bros)	Three Rivers District Council
Leavesden Film Studios	10/0080/FUL	Permanent use of the land and buildings at Leavesden Film Studios for film production and associated activities including the erection of two new stages for the storage and public exhibition of film sets and artefacts	Three Rivers District Council
Shepperton Studios	18/01212/OUT	Outline planning permission with all matters reserved (except for principal points of access) for the redevelopment and expansion of Shepperton Studios, comprising the partial demolition and replacement of existing accommodation; construction of new sound stages, workshops, office accommodation, entrance structures and reception, security offices and backlots; creation of new vehicular and pedestrian access from Shepperton Road and the relocation of existing access off Studios Road; with associated car parking; landscaping and ecological enhancements.	Spelthorne Borough Council

Therefore, given the use of areas of the buildings within our client’s land to provide sets for the TV and films, we consider the use to be Sui Generis and cannot be considered an ‘industrial’ use of the premises, given the very nature of the use of these areas of the building.

In light of the above, we would advise that the following modifications are required to correctly identified the uses within the site.

Draft LDP Policy / Paragraph	Existing Text	Proposed Modification	Reason
Policy BSSA1	Existing Uses: Offices, Warehouses and Workshops	Existing Uses: Offices, Warehouses, Workshops and Film / TV Studios.	To ensure the Policies of the Local Plan are unambiguous as to the existing uses within the site.
Policy BSSA1	Planning Considerations: it would need to be demonstrated the Asiatic Carpets site in isolation would meet policy requirements, including an increase in industrial floorspace.	Planning Considerations: it would need to be demonstrated the Asiatic Carpets site in isolation would meet policy requirements, including an increase in industrial floorspace (exclusive of any floor space used for as TV / Film Studios)	To ensure the Policies of the Local Plan are unambiguous as to the existing uses within the site and the consequential requirements of this.

Flexibility of Use

In our earlier representations we have outlined that we have significant concerns in relation to the impact of our client’s site being allocated alongside the adjoining Cygnus Business Centre. We welcome the fact that the wording of the allocation now recognises that our client’s site can come forward as an early / first phase of development. However, the wording of the allocation states the following:

“this would be subject to it being demonstrated it would not prejudice the delivery of a comprehensive masterplan for the site allocation or the operation of Cygnus Business Park.”

As outlined in Policy BP5 e) of the draft Local Plan, the Church End Growth Area will be subject to a masterplanning exercise, which is welcomed by our client and we would be fully willing to engage in this process upon adoption of the plan. However, the wording of the current allocation appears to state that a comprehensive site wide masterplan is required, alongside the masterplan for the wider Church End Growth Area. We consider that a site allocation masterplan would be unnecessary if the requirements of the site allocation are already guided by the masterplan for the Church End Growth Area.

The practicalities of the site allocation are that our client owns the significant majority of the land within the allocation and it is within single ownership. As such they are able to deliver this within the early years of the plan period. However, the delivery of this could be significantly undermined if we are required to enter into masterplanning exercise which requires the agreement of multiple owners from the adjoining Cygnus Business Centre. As such, in order to make the policy sufficiently flexible and precise for a potential phased redevelopment, we would suggest the following modifications to the plan to make it sound.

Draft LDP Policy / Paragraph	Existing Text	Proposed Modification	Reason
Policy BSSA1	Timeframe for Delivery: 10+ Years: 380	Timeframe for Delivery: 5 – 10 Years: 450	To ensure the plan is positively prepared and makes as much use as possible of previously-developed / ‘brownfield land;

Draft LDP Policy / Paragraph	Existing Text	Proposed Modification	Reason
Policy BSSA1	Planning Considerations: This would be subject to it being demonstrated it would not prejudice the delivery of a comprehensive masterplan for the site allocation or the operation of Cygnus Business Park.	Planning Considerations: This would be subject to it being demonstrated it would not prejudice the operation of Cygnus Business Park.	To ensure the Policies of the Local Plan are unambiguous as to the need for a site allocation wide masterplan.
Policy BSSA1	Design Principles: Development must be subject to a comprehensive masterplan-led approach. Piecemeal development which would prejudice the delivery of a wider masterplan will be refused.	Design Principles: Development must be subject to a comprehensive Church End Growth Area masterplan-led approach. Piecemeal development which would prejudice the delivery of a wider masterplan will be refused.	To ensure the Policies of the Local Plan are unambiguous as to the need for a site allocation wide masterplan.