

# **London Borough of Brent**

## **Examination of the Brent Local Plan**

### **Matters, Issues and Questions for the Examination**

#### **Response of the Council: Matter 6 – Economy and town centres**

## **Matter 6 – Economy and town centres**

***Main Issues: Are the policies in relation to employment needs justified, deliverable and consistent with national policy?***

***Are the policies relating to retail development sufficiently positive, clear and consistent with national policy objectives?***

***[Policies BE1, BE2, BE3, BE4, BE5, BE9 and BHC4]***

### **Questions:**

**Economy – What is the employment need of the Borough over the Plan period? Is this clearly defined within the Plan?**

- 6.1.1 The Council's evidence base indicates that the employment need is for an additional 0.6ha over the Plan period. This is based on the findings of the West London Employment Land Review (WLELR) – reference EB\_E\_011. This figure primarily relates to projected demand from logistics (p.59, ref EB\_E\_011).
- 6.1.2 For clarity the Council proposes a modification that the need to provide industrial capacity is stated as a main policy aim within the text of policy BE2, as follows: "The Council is committed to exceeding the additional 0.6 hectares equivalent of industrial floorspace need within the plan period." It also proposes to modify BE3 to identify that Local Employment Sites will be expected to help support provide additional industrial capacity to meet needs.
- 6.1.3 This sum is clearly at variance with the evidence base that supported the draft London Plan. The London Industrial Land Demand Study, 2017<sup>1</sup> identified a target of 46.9 hectares for Brent (p. 214, ref 1). There are a number of reasons why the Council believes the 0.6ha figure derived from the WLELR is appropriate. Three main reasons are as follows:
- i) Difference in area taken into account
- 6.1.4 The LILDS study drew the conclusion that Brent should provide 46.9ha of additional industrial land, taking into account the entire Park Royal Strategic Industrial Location. The Council does not have planning control over this area; it falls within the boundary of the Old Oak and Park Royal Development Corporation- a different planning jurisdiction.
- ii) The basis years on which the projections are built
- 6.1.5 A detailed comparison of the LILDS study and WLELR is present on pages 107 to 119 within the WLELR. The LILDS is built around a projection based on pre-recession data (1998-2008) (para 2.31, page 14, WLELR). It took no account of the possible effects of Brexit, or the downturn in the economy post-2008.

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<sup>1</sup> <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/examination-public-draft-new-london-plan/eip-library> - ref NLP/EC/003

Business Register and Employment Survey (BRES) data from 2014 is applied to the 1998-2008 date range to predict a growth rate. However the modelling for the growth data does not include the Central Services PMA (or 'Central Activity Zone- CAZ) which experienced a 3% decline in floor space. It also applies a London-wide growth rate to more locally specific BRES data.

6.1.6 As the WLELR states on page 108 (point 9.7):

"the functional economy of warehousing and logistics is complex and changing, rendering past trends out of date. [...]. there are a range of typologies for warehousing that serve different types of needs, from immediate localised distribution to regional transshipment. Within London there are concentrations of warehousing activity that relate to spatial characteristics, in particular access to network access enabling servicing of consumers. The sector is responding to changes in constrained supply and consumer demand focusing on final mile or smaller scale operations to meet local needs."

6.1.7 Regarding assessing and allocating space for logistics, Planning Practice Guidance states: "A range of up-to-date evidence may have to be considered in establishing the appropriate amount, type and location of provision, including market signals, anticipated changes in the local population and the housing stock as well as the local business base and infrastructure availability." <sup>2</sup> The WLELR uses 2016 as a basis year. The Oxford Economic model of data factors is applied to this, using date range 2033-38 to extrapolate a projection forecast for the years 2038 to 41 (to complete the plan period), using the compound annual growth rate. The Oxford Economics Model "considers the regional (London) forecast performance and segment this locally, importantly taking into account past local trends and performance." (para 9.16, page 109).

6.1.8 In summary of this point, the Council considers that these inconsistencies in the area covered by the growth rates applied, in conjunction with the age of the data used as the baseline, renders the resulting projections unreliable. The evidence on which the projection of 0.6ha is based, is up-to-date, amongst other factors, and is considerably more so than the LILDS.

iii) The use of the Oxford Economics Model

6.1.9 The Oxford Economics Model uses a range of factors and trends in its modelling. These include labour demand, household numbers, employment, population and Gross Value Added by sector.<sup>3</sup> PPG paragraph 027<sup>4</sup> refers to a variety of data as being appropriate to predict future business needs, which is also states should be 'current and robust'. This range is:

- sectoral and employment forecasts and projections which take account of likely changes in skills needed (labour demand)

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<sup>2</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments> Paragraph: 031 Reference ID: 2a-031-20190722

<sup>3</sup> EB\_E\_011, pages 109-110, paras. 9.17-9.18.

<sup>4</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments> Para 027, Reference ID: 2a-027-20190220

- demographically derived assessments of current and future local labour supply (labour supply techniques)
- analysis based on the past take-up of employment land and property and/or future property market requirements
- consultation with relevant organisations, studies of business trends, an understanding of innovative and changing business models, particularly those which make use of online platforms to respond to consumer demand and monitoring of business, economic and employment statistics.

6.1.10 The GLA have stated that the WLELR study is 'flawed, as it uses labour demand modelling to forecast labour demand for warehousing'. This view characterises Brent as being primarily a logistical hub, as it takes into account only the guidance in PPG paragraph 031<sup>2</sup> in isolation; a paragraph which focusses purely on methods of predicting logistics requirements.

6.1.11 This fails to recognise Brent's commitment to upskilling its growing workforce through the encouragement not only of industrial estates for heavy goods vehicles for distribution, but also for growth of IACs: creative, manufacturing, research and development, 'fintech', and 'foodtech' spaces. Also the Authority wishes to continue to accommodate, grow and encourage its resident film production industry.

6.1.12 The Council considers that paragraph 027 is equally suitable guidance to 031, when deciding on what factors the criteria on which to base assumptions of growth and demand throughout our diverse and dynamic borough. In summary, the Council considers the evidence within the WLELR to be robust and correctly compiled in compliance with Planning Practice Guidance. This has informed our approach to the formulation of the policy, which is as such, considered to be sound.

6.2 *Has sufficient land been identified to meet the short and long term employment needs of the Borough over the plan period? Is the approach consistent with national policy and the London Plan?*

6.2.1 The Council is committed to exceeding the figure of 0.6 hectares to enable the growth in the Incubator, Accelerator and Creative (IAC) industries vital to the upskilling of the borough's workforce and also, to retaining Brent's position as a strategic logistical hub. The policy mechanisms that will increase industrial floor space are with policies BE1, BE2 and BE3.

6.2.2 Paragraphs 80 to 82 within Chapter 6 of the NPPF cite balancing local business needs and wider opportunities for development, flexibility to accommodate economic changes, and recognising different locational requirements of different business sectors. By planning to supply sufficient and suitable strategic and non-strategic industrial sites to provide for a range of business needs, including the flexibility to adapt to changing economic circumstances, and provide additional housing to help meet London's needs as part of co-location where appropriate, it is considered that policies BE1, BE2 and BE3 accord with the NPPF and are a sound approach.

6.2.3 The additional industrial floor space would be found using the following mechanisms:

*a) Intensification of existing designated industrial sites:*

6.2.4 Policy BE2 identifies some sites for intensification of industrial space, and others for intensification with co-location. To determine a sites suitability for housing each site was subject to an Integrated Impact Assessment. This followed the guidance within the GLA Practice Note: Industrial intensification and co-location through plan-led and masterplan approaches (November 2018)<sup>5</sup>. The analysis was applied to the Strategic Industrial Land (SIL) and Locally Significant Industrial Sites (LSIS) as identified on the policies map, reference Core\_06 – 'Development Areas'. See evidence base document E\_BE\_013.

6.2.5 Based on VOA data, the baseline recommended in the GLA Industrial Intensification and Co-location Study<sup>5</sup>, page 4, there is currently 83.4 ha of floorspace in designated industrial sites in Brent. Many provide the potential to be intensified. Should all sites be successfully increased to a plot ratio of 0.65 (excluding the area of Northfields with planning permission 18/0321), the target that was formerly in Draft New London Plan policy, this would result in approximately 49 ha of additional industrial floorspace in the borough. This is an indicative figure based on a high level analysis. In reality it may prove that in exceptional circumstances a plot ratio of 0.65 cannot be achieved due to the function of a particular use. However, there is a clear opportunity to intensify designated industrial sites and improve their functionality and ability to accommodate future growth sectors.

6.2.6 Industrial space was previously defined as B1b, B1c, B2 and B8. The requirements of the London Plan draft policies E3 and E4 are therefore complied with. As part of the Industrial Land Audit all SIL and LSIS boundaries were reviewed, as recommended by the GLA study. This results in an additional 1.49 ha of designated industrial land. Note that by defining and protecting the boundaries and protecting the uses of SILs, and exploring the opportunities for intensification and co-location, policy BE2 complies with the draft London Plan.

*b) Intensification of non-designated industrial sites:*

6.2.7 Local Plan Policy BE3 requires an uplift in industrial floorspace where non-designated industrial sites come forward for redevelopment. Non-designated industrial sites account for approximately 22 ha of Brent's industrial land supply in terms of site area.

6.2.8 Testing a sample of non-designated employment sites indicates the average plot ratio is 0.46. Based on this we can estimate non-designated sites provide approximately 10 ha of industrial floorspace. Taking a modest assumption that a 10% uplift in industrial floorspace could be secured on each site, this would equate to an additional 1 ha of industrial floorspace.

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<sup>5</sup> [https://www.london.gov.uk/sites/default/files/practice\\_note\\_-\\_industrial\\_intensification.pdf](https://www.london.gov.uk/sites/default/files/practice_note_-_industrial_intensification.pdf)

*c) Increase of Workspace in Growth Areas:*

6.2.9 The Draft New London Plan policy E3 states particular consideration should be given to the need for affordable workspace in areas where cost pressures could lead to the significant loss of such space. In Brent this risk is most pronounced in growth areas. These are locations which have been identified for significant development and therefore investment, which is likely to increase values. Brent had five existing growth areas - Alperton, Burnt Oak/Colindale, Church End, Wembley, South Kilburn. The emerging New Local Plan identifies three additional growth areas - Neasden, Northwick Park and Staples Corner. In accordance with policy E3, and to contribute to placemaking and creating sustainable places to live and work it will be important to secure employment floorspace as part of the mixed-use development in growth areas. Existing successful examples in the borough include the Granville Centre in South Kilburn which acts as both a community and enterprise centre and makerspace in Wembley park.

6.2.10 Policy BE1 requires that in developments of over 3000m<sup>2</sup>, 10% of the development is affordable workspace in the 'B use Class'. This obviously requires amendment due to recent changes in the Use Classes Order. Where appropriate, uses can be protected by means of conditions and/or legal agreement. To address this the Council is proposing to modify the policy:

"...In Alperton, Burnt Oak Colindale, Church End, Neasden, Staples Corner and Wembley Growth Areas, a minimum of 10% of total floor space within major developments exceeding 3000 sqm is to be affordable research and development, light industrial and studio workspace in the B use class..."

*d) Diversification of town centres:*

6.2.11 Many of Brent's town centres experience high levels of vacancy particularly within peripheral secondary frontage. There is an opportunity to consolidate the retail function of town centres to core areas, and promote their employment and other functions by diversifying secondary frontage. This could be further enabled by the introduction of the new Use Class E. The extent to which this will add to floorspace to meet industrial needs is unclear and is likely to be dependent on demand/rents achieved from other uses.

6.2.12 The Brent Workspace Study identifies Brent's town centres in which there is potential demand for workspace. In addition empty units can provide 'meanwhile use' space for IAC industries, which may also still provide active frontage at various times of day to aid the vitality of the street. Should a modest 5% of town centre space come forward as workspace in the research and development, light industrial of Class E, or the B2 or B8 use class, this could deliver approximately 0.56 ha of industrial floorspace.

6.2.13 The above demonstrates that the draft Local Plan policies BE1, BE2 and BE3 comply with policies E1 to E8 of the draft London Plan, as well as the relevant sections of the NPPF as described

- 6.3 *Is the amount of employment provision and its proposed distribution consistent with the evidence base? Is the approach adopted sound and based on a robust and up to date evidence?*
- 6.3.1 The plan responds to the requirements of the NPPF Chapter 6 – Building a Strong Competitive Economy, by helping create the conditions required for good, sustainable, inclusive growth; by setting clear criteria for sites; by seeking to address potential barriers, and by incorporating the flexibility to adapt to changing needs.
- 6.3.2 To derive locally specific demand figures the West London Alliance (London Boroughs of Barnet, Brent, Ealing and Harrow) commissioned GL Hearn with Levy Real Estate to produce the West London Employment Land Evidence (WLELE, May 2019, ref. EB\_E\_010). This identified demand for 0.6 ha of industrial floorspace within Brent, to 2041 (see page 115).
- 6.3.3 The response to question 6.1 has explained how this evidence is robust and up to date. In brief the three main points: firstly, the area the industrial land needs is calculated for is the area of Brent under the Council’s jurisdiction and does not include Mayoral land not in our control. Secondly, the data used is as up to date as reasonably possible, and, factors used for the projections are consistent with the baseline data. Thirdly, the methodology used is compliant with National Planning Practice Guidance.
- 6.3.4 There are other factors to consider with regards to distribution of the sites and the Council’s assertion that 0.6ha additional space as recommended by the WLELR is appropriate.
- 6.3.5 As noted previously (para 6.1.5), the logistics floor space need in the LILDS draws on the 1998-2008 floorspace change for the non CAZ boroughs. This period saw warehouse floorspace growth of 0.4% p.a., with some floorspace needs being met from outside London. Gross value added (GVA) and floorspace correlations are reviewed in order to determine that the functional economic area for warehousing extends beyond London, although the GVA and employment relationship is not examined. The LILDS does note that London’s demand for warehousing land does not need to be physically accommodated within London. But that makes the demand forecast to a large extent dependent on the amount of land available for warehousing and hence somewhat circular as a demand forecast to inform a supply allocation (p103)<sup>6</sup>. Despite this recognition that the functioning economic market area of London takes in areas outside London, the overall demand has been distributed only across the London boroughs, with no moves made towards co-operation with the rest of the notional south-east region.

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<sup>6</sup> <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/examination-public-draft-new-london-plan/eip-library> - ref NLP/EC/003

- 6.3.6 The Council views this approach is unreasonable, and the resulting 43 hectares requirement, based on a pre-recession, pre-Brexit scenario of demand, is also unreasonable.
- 6.3.7 The report states that 'in order to generate a forecast that is not supply-constrained we have reverted to the trend growth rate of the earlier 1998-2008.'
- 6.3.8 Applying growth trends from over 12 years ago to a period of time 8 or more years hence (2016-41) using a take-up of floor space from 2009-2016, lacks logic. These are three almost discrete periods of time. The approach does not take into account the changing circumstances and commercial pressures in what is a complex and evolving industry; changes and pressures that would have caused different impacts in each of these different time periods. The Council maintains that the approach adopted in the WLELR (ref. EB\_E\_011), as described in point 6.1.6, is NPPG and NPPF compliant, and draft London Plan compliant, and is a sound basis for the projected minimum industrial floorspace figure of 0.6 hectares over the plan period.
- 6.3.9 Considering the distribution of the industrial space, London Plan Policy E4 states retention and provision of industrial capacity should be prioritised at locations which are:
- Accessible to the road/rail/water strategic transport links
  - Provide capacity for logistics, waste management, emerging industrial sectors or essential industrial-related services that support London's economy and population
  - Provide for micro, small and medium-sized enterprises
  - Are suitable for 'last mile' distribution services or essential industrial related services
- 6.3.10 The positions of the Strategic and Local Industrial Estates within Brent have evolved over many years around these infrastructure needs. The Council considers that both the current positioning as illustrated within the Development Map, and the logic behind the proposed intensification described in point 6.2, is compliant with the draft London Plan and is a sound basis for the resulting policies BE1 to BE3.
- 6.4 *Paragraph 6.4.9 sets out a number of measures identified by the London Plan in order to achieve additional employment floorspace capacity. With reference to the measures identified, can the Council identify precisely which policies are securing these different measures?*
- 6.4.1 Taking each measure in 6.4.9 as follows:
- "To achieve this, there will be a need to make better use of industrial sites and secure additional employment floorspace elsewhere. This will be:  
-through intensification of SIL and LSIS to increase plot ratio to a minimum of 0.65";

- 6.4.2 Response: The 0.65 plot ratio or the existing amount of industrial floorspace in designated industrial sites whichever was the greater, was associated with the measure of no net loss, previously set out in the draft London Plan within paragraph 6.4.5 associated with policy E4. It therefore did not need to be repeated in Brent Local Plan policies. The Secretary of State has directed that this requirement is removed from the London Plan. Due to viability evidence, the Council did not consider that a pure industrial development of this ratio was in any case likely to be deliverable in the borough (outside Park Royal) and stated so at the London Plan examination. Nevertheless, in association with supporting non-industrial development associated with co-location/intensification it does consider it more likely to be deliverable.
- 6.4.3 Due to issues like new permitted development rights, which have and it would appear continue to allow former B1 uses to change to other uses, in particular residential, it is likely that no matter how protective its policies are of industrial uses, the Council is likely to be faced with the prospect of some uncontrolled loss of industrial premises, or premises that within the use classes have the flexibility to be used for those purposes. Therefore to increase the likelihood of achieving at least the 0.6 hectare target or ideally higher, it will now look to include the 0.65 plot ratio in its policies for SIL (Staples Corner) and LSIS sites subject to co-location. It proposes the following modification to BE2:
- ".....a net increase in employment industrial floorspace resulting in a minimum 0.65 plot ratio or the existing floorspace total, whichever is the greater, across the masterplan area;"
- 6.4.4 Taking account of changes to the use classes order policy BE2 also requires some other modifications. Although the Council cannot control change of use within the E use class where it exists within designated industrial areas, for redevelopment/ large extensions the policy is capable of reasonably ensuring industrial space in new development is maintained via conditions and / or legal agreements, for new development. It proposes the following modifications:
- "...a mix of research and development B1(b), light industrial B1(c), B2 general industrial and B8 storage and distribution employment floorspace will be delivered reflective of borough needs, including start-up space, move on space;....."
- 6.4.5 In paragraph 6.4.9 "...seeking an increase in employment floorspace on non-designated industrial sites;"
- 6.4.6 Response: The wording of policy BE3 has already been changed in response to consultation to ensure this requirement is reflected in the wording (MM253). However modification to replace the existing MM253 is suggested in light of the changes to the UCO:

"Local Employment Sites have an important role to play in ensuring that the range of employment premises are available to meet employment needs, including ensuring the need for additional industrial floorspace capacity is met in the borough. The Council will require their retention. Where possible their

use for research and development, light industrial, general industrial or storage and distribution will be intensified. The council will only allow the release development of Local Employment Sites for non-employment uses, where:

a) continued wholly employment use is unviable; or

b) development increases the amount of workspace, as well as retaining the existing employment use, or provides that additional workspace as affordable studio, research and development, light industrial or general industrial workspace in the B use class, with maker space in light industrial use class B1(c) prioritised to meet demand.

Where criterion a) is being used to justify the release, the maximum viable replacement of the existing employment floor space will be sought."

6.4.7 "...securing new employment floorspace in Growth Areas and through the diversification of town centres."

6.4.8 Policy BE1 requires that in developments of over 3000m<sup>2</sup>, 10% of the development is affordable workspace in the 'B use Class'. This obviously requires amendment due to changes in the UCO. Where appropriate, uses can be protected by means of conditions and/or legal agreement. The suggested amendment is as follows:

"...In Alperton, Burnt Oak Colindale, Church End, Neasden, Staples Corner and Wembley Growth Areas, a minimum of 10% of total floor space within major developments exceeding 3000 sq.m. is to be affordable workspace for studio, light industrial, industrial or storage and distribution uses, which will be protected by condition and / or legal agreement, where appropriate to do so."

6.4.9 The plan continues, in the context of continued changes, to demonstrate the flexibility required to support the NPPF 2019. It sets out a clear economic and strategic vision, the allocations address poor environment and infrastructure where required, and the plan is flexible to allow for the different locational and working practice needs resulting from the rapidly evolving logistical and service industry businesses in our borough and changing economic circumstances. Policies BE1-BE3 are grounded in the wording and spirit of the NPPF (2019) and are a sound approach.

6.5 *In the context of policy BE1 (Economic growth and employment opportunities for all) how has the 10% threshold level been arrived at? Why is the floorspace threshold level 3000sqm? Where is the evidence base to support this figure?*

6.5.1 This threshold was informed by research and viability testing. The Council is committed to providing the affordable workspace which has found to be deficient in provision in the Borough (evidence base ref. EB\_E\_011). This affordable workspace will help to enable and attract the Incubator, Accelerator and Creative businesses that will add vitality, employment and diversification of skills, to the Borough.

6.5.2 This was tested and found to be viable: Brent Regeneris Workspace Study (EB\_E\_09) identified an ideal minimum 450sqm floorspace to be viable for

creative affordable workspace providers to manage. After dialogue with providers, the Council has revised this figure to 300 sqm, as numerous sites are due to come forward in growth areas. This will allow for a lower threshold due to greater opportunities for clustering and economies of scale.

- 6.5.3 Viability testing by BNP Paribas indicates that 10% affordable workspace in redevelopments in excess of 3000sqm is broadly viable, given the majority of sites coming forward in growth areas will be in either industrial or similar low value existing use sites.
- 6.5.4 One of the strategic themes in the Borough Plan (Core\_Gen\_011) is 'Every Opportunity to Succeed'. This includes the objectives of 'high-level skills achievement' and 'increase in average wage'. The Inclusive Growth Strategy (EB\_E\_08) highlights a trend towards self-employment, a low level of unemployment amongst young people, and an over-representation of elementary occupations. A trend towards automation represents an opportunity but also a risk to residents' future prosperity. There is a need for a variety of workspaces of a variety of sizes to suit many types of new businesses, not limited to creative businesses, but also the circular economy, administrative services, support and food services.
- 6.5.5 There are examples in the borough where affordable workspace is already contributing to placemaking in growth areas. For example, in Wembley Growth Area there is makerspace managed by Second Floor Studios, and in South Kilburn, the Council-led regeneration programme included South Kilburn Studios which acts as an employment and community hub. Both demonstrate the contribution affordable workspace can make to creating a sense of place and promoting vibrancy in an area.
- 6.5.6 The plan allows for new flexible working practices, sets criteria for affordable workspace to ensure it fosters the long-term success of businesses, and recognises the importance of locational factors and technology in securing the right kind of space in the right places. It is compliant with Chapter 6 of the NPPF 2019 and is considered a sound approach.
- 6.6 *Paragraph 6.4.12 sets out a number of requirements in relation to affordable workspace and appears to provide the justification for policy BE1. For example, the supporting text advises that this should be secured for the lifetime of the development and that a Section 106 agreement will be used to secure these measures. Is the policy sufficient effective without these requirements within the policy wording? Should the policy wording reflect this? Is the policy sufficiently flexible?*
- 6.6.1 The Council considers that the securing of the affordability of the workspace within a legal agreement is required to prevent the financial pressure of a steeply rising rent after the initial period, and the closure of start-up businesses.
- 6.6.2 Should a proposal come forward that does not meet the criteria, as with all proposals it would be considered on its merits and with regard to the constraints of the site. The policy would be applied flexibly.

- 6.6.3 The policy aims can be placed into the main policy wording, with the detail in the accompanying paragraphs. The following main policy wording modification is proposed:

"...In Alperton, Burnt Oak Colindale, Church End, Neasden, Staples Corner and Wembley Growth Areas, a minimum of 10% of total floor space within major developments exceeding 3000 sq.m. is to be affordable workspace for studio, light industrial, industrial or storage and distribution uses, which will be protected by condition and / or legal agreement, where appropriate to do so for the lifetime of the development.

New affordable workspace should normally be provided on-site for the lifetime of the development and managed by an approved provider. Only in exceptional circumstances where it can be demonstrated robustly that this is not appropriate, may it be provided off-site. A financial contribution in lieu of on-site provision will only be accepted where this would have demonstrable benefits in furthering affordable workspace in the borough."

- 6.7 *Paragraph 6.4.13 also appears to introduce flexibility and additional criteria into the policy application. Again, should this wording be within the policy not the supporting text?*
- 6.7.1 Reference to the possibility of off-site contributions can be included in the main text, and please note the answer to 6.6 includes this.
- 6.8 *In the context of policy BE2, where are Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS) defined? Should this be covered by the policy wording?*
- 6.8.1 Each place section within the plan has a 'High Level Plan of the place', showing the SIL and LSIS sites. In addition, the full interactive policies map, which will be live on the public website once the plan is adopted, will show the SIL and LSIS sites.
- 6.8.2 The sites are listed on policy BE2. The first sentence will be amended as follows:
- "Within SIL and LSIS, as shown on the Policies Map, development will be supported where it intensifies industrial uses and accords with the following principles:"
- 6.9 *Are all of the existing employment sites accurately reflected on the policies map?*
- 6.9.1 For the purposes of employment designations, the SIL and LSIS are all shown on the policies map.
- 6.9.2 A map modification (see Core\_04, Map Mod 12) is proposed to the remove part of Northfields SIL. This is due to planning permission 18/0321, where the

principle of the loss of the site to predominantly residential development has already been accepted.

- 6.10 *What effect would policy BE2 concerning the safeguarding of existing employment sites have on future losses of employment land? Is the wording of the policy sufficiently clear so as to be effective in its application?*
- 6.10.1 A modification was previously proposed to align with London Plan E4 (see schedule of modifications ref. MM249, Core\_04). The changes to the UCO being implemented on 1/9/20 prevent the policy from fully safeguarding all industrial land. The wording is already adjusted as a result of this and also as a result of question 6.6.
- 6.11 *Are the local employment sites identified by policy BE3 shown on the policies map?*
- 6.11.1 Local employment sites are generally comparatively small in size, and numerous throughout the borough. They are not designated except by recorded use class, and therefore are not marked on the policies map. Their inclusion would create an unmanageable level of detail, and unsustainable ongoing maintenance whenever a use is changed. They are identified at point of application by the existing use class, information which the applicant would generally know.
- 6.12 *Part (b) of policy BE3 refers to 'makerspace' – does this require a definition within the glossary? Paragraph 6.4.24 refers to Brent's requirements for affordable workspace as set out in paragraph 6.4.12. This is a supporting text paragraph only, should cross reference to the policy be made?*
- 6.12.1 A definition can be added to the glossary as follows:
- "Makerspace: Studio or light industrial workspace for creative industries. These businesses create social and economic value through events and places of interest, attracting visitors, enriching lives and highlighting diverse perspectives through the arts."
- 6.12.2 The wording of the last sentence within paragraph 6.4.24 should be adjusted to :
- "Be Light industrial floorspace will be prioritised to meet the identified need for this form of employment space in the borough. Brent's requirements for affordable workspace as set out in Policy BE1 and supporting paragraph 6.4.12 apply."
- 6.13 *How can the requirement of paragraph 6.4.25 be effective as it refers to the provision of financial contributions? Should this requirement be reflected within the policy wording?*
- 6.13.1 The wording can be adjusted to clarify that the policy refers to developments within Local Employment Sites also within Creative Clusters. There is evidence of demand, shortage and lack of affordability for creative space. (EB\_E\_09).

6.13.2 The following modification is proposed:

“Where criterion b) applies, if within the existing or emerging creative clusters, of Harlesden, Wembley Growth Area, Willesden Green, Alperton Growth Area, Kilburn, Kensal Green, Neasden, Queen’s Park, Burnt Oak Colindale Growth Area, and Church End Growth Area affordable workspace is to be provided on-site. Elsewhere, if affordable workspace is considered unlikely to be successful, financial contributions will be secured to provide equivalent affordable workspace elsewhere.”

### **Town centres**

- 6.14 *The ‘Retail and Leisure Needs Study’ (EB\_E\_06) draws specific conclusions regarding the convenience and comparisons goods floorspace requirements as well as class A3 and A4 leisure needs at 2028. These are set out at table 8. Is it clear from the Plan what the retail needs over the Plan period are? Does the policy framework accurately reflect the evidence base in this regard and if not, should it be made clearer?*
- 6.14.1 The quantum’s specified within table 2.1 of the Retail and Leisure Needs study (EB\_E\_06) have not been correctly reflected within the Plan. The figures included reflect those from an earlier draft Retail and Leisure Needs study. This appears to have not been updated when the study was finalised. In addition, it is now recognised that these figures in relation to the Places have not been consistently identified in the Plan.
- 6.14.2 In terms of retail and leisure needs, the Central and South West Places have been considered together within the study. This was recommended due to their interconnected nature, as identified in paragraph 4.4 (EB\_E\_06). The figures for A1 comparison and convenience floorspace have been included within the Central Place to support the merging of Wembley and Wembley Park centres into a metropolitan town centre, as guided by study recommendation CSWB1. This is also where the majority of the ‘committed’ floorspace already is (para 4.3).
- 6.14.3 It should also be noted that criterion g) of policy BP7 South West Place, requires the delivery of 4,300 sq.m. of A3/4 floorspace. This quantum was not recommended within the study. Study recommendation CSWB5 stated that additional floorspace of these Use Classes should be planned for, and that a review to identify the quantum should be undertaken at a later date once committed floorspace had been implemented.
- 6.14.4 Taking account of these issues, the Plan will require a number of modifications. These are set out in Appendix A. This includes all study recommendations by Place as they relate to floorspace quantum’s. For consistency going forward, all floorspace requirements for each place will be included as recommended within table 2.1 of the study.
- 6.15 *Does the ‘Places’ section of the Plan accurately reflect the findings set out at table 8.1 and is it clear which site allocations will be contributing to delivering this identified need?*

- 6.15.1 The Place policies do not reflect the findings set out in table 2.1 as noted above in answer to question 6.14, with proposed modifications set out in Appendix A to rectify this.
- 6.15.2 In relation to allocating sites, the retail and leisure needs survey made no specific recommendations. Within Wembley Park, a considerable element of comparison and convenience retail as well as leisure space provision will occur as ground floor space within mixed-use primarily residential schemes. This provides some opportunity. Policy BC SA2 identifies the need to re-provide the maximum amount of retail floorspace as part of the town centre offer.
- 6.15.3 Elsewhere, the Council has not been able to identify suitable opportunities within town centres, or other locations. Obvious larger sites have come forward previously, leaving smaller and more complicated sites to deal with in town centres. There has not been strong appetite from developers to meet needs. Previous town centre retail allocations, such as in Wembley and Neasden town centres have had no developer interest. Notwithstanding the needs survey findings, apart from budget food retailers looking for medium sized stores (circa 1,500 sqm), there has been very little interest from convenience and comparison operators in expanding provision. More recently, the trend has been for the opposite, with out of town retail formats in particular in Brent promoted for redevelopment, with a preference for limited re-provision of retail space. Additional advice has been sought from BNP Paribas on viability of retail schemes in Brent. They have advised:

*"Around the capital and elsewhere, out of date retail centres are being redeveloped to intensify use of the sites by repurposing them for replacement retail floorspace, housing and workspace. In these redevelopments, the retail floorspace is being increasingly valued on the basis of turnover rents to ensure that a range of retailers can afford to locate in the new units in the context of lower footfall due to a modal shift towards online retailing. As a consequence, new retail floorspace is generating lower values than was historically the case and developments that increase retail floorspace are becoming increasingly rare.*

*Retail vacancies in town centres are expected to increase over the short to medium term as a result of the acceleration of the move towards online retailing resulting from the measures taken by the UK government to combat the spread of Covid19. Developers are unlikely to seek new retail development opportunities until supply of and demand for space are back in balance. Developers are increasingly unlikely to develop speculative retail floorspace other than convenience outlets on the ground floor of residential buildings."*

- 6.15.4 In light of the difficulty in bringing forward previous allocations, identifying suitable specific sites for new schemes and viability evidence being somewhat at odds with the likelihood of provision as set out in the needs assessment, it is considered more appropriate and realistic to take a strategic approach. This is through identifying overall needs within Place policies which, should there be market appetite to deliver is directed and assessed according to the

sequential approach set out in national and London Plan policies. This will prioritise the town centres of the Places.

- 6.16 *Figure 34 on page 321 of the Plan denotes the Major town/district and local centres. Is the figure sufficiently clear? What does the colour coding refer to?*
- 6.16.1 The key is in reference to size, but it is agreed that the colours make this confusing. The graphic is of use in providing a visual for the town centre hierarchy and should therefore be retained. It is proposed that it is amended as a minor modification to provide a more coherent colour-coding scheme related to the position of the centre in the retail hierarchy.
- 6.17 *Are the threshold levels identified by policy BE4 in relation to primary frontages and vacancy rates justified by the evidence base? Should the marketing requirements be clearly cross referenced within the policy akin to policy BHC5 and public houses (page 240)?*
- 6.17.1 This policy has been taken forward from the existing Brent Local Plan. The Retail and Leisure Needs study suggested that these policies be retained, and amended where necessary. As referenced here, criteria a (initial threshold), and b (vacancy rate & associated threshold) of policy BE4 have been retained without amendment as recommended by the Retail and Leisure Needs study.
- 6.17.2 The London Town Centre Health Check Analysis Report (2017) found the average London wide vacancy rate to be 6.1% in 2016, and 5.9% in 2017. , This represents a relatively healthy and stabilised vacancy rate. Anything that significantly exceeds this, requires a different policy position to assist in the town centres viability through a more flexible approach. In Brent significantly above has been determined as >10%. The Brent Town Centre Health Check<sup>7</sup> 2019 (in support of the Retail and Leisure Needs Study) shows that on average, 67% of Brent's primary frontage is occupied by use classes A1 & A2. The majority (11 out of 17) are above 65% A1/ A2 occupation and on average have a vacancy level of 4%. Those below 65% A1/ A2 occupation do not exhibit of 10% or more, which in terms of the flexibility of implementation indicates that whilst policy BE4 supports strong retail frontages, it does not lead to excessive levels of vacancy.
- 6.17.3 The Retail and Leisure Needs Study found that the current proportions have been effective in managing town centre core retail function, as is reflected by its current representation within primary frontage (52-86% across Brent town centres – para. 2.18, EB\_E\_06). Therefore, the policy remains effective and is justified by its associated evidence base.
- 6.17.4 Policy BE4 states that peripheral unviable secondary frontage will be promoted for other uses. Supporting paragraph 6.4.33 states that developers will need to provide evidence that the unit is unviable through marketing requirements. This was originally omitted from the policy for concision, however, it is accepted that this should be included within the policy for clarity, and that this

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<sup>7</sup> Brent Town Centre Business Compendium, Hatch Regeneris, 2019

should be in the same fashion as criterion a) of policy BHC4. See proposed modification set out in Appendix A.

- 6.17.5 Whilst responding to these MIQs, the Government announced new changes to the Use Class Order. These changes have removed the A use class upon which this policy is based. Retail and a wider range of uses included in other use classes will now be included within the new E Use Class. This includes some uses previously classified as retail (A1) and financial/ professional services (A2) but also cafes (A3), health (D1), leisure (D2) offices (B1a), research and development (B1b), and light industrial (B1c). In addition, some uses previously in A1 and A2 use move to other new Use Classes. Changes of use within Class E no longer represents development. This has been implemented to increase flexibility on the high street, allowing uses to change quickly in response to market drivers. These changes will come into effect on September 1<sup>st</sup> 2020.
- 6.17.6 Policy BE4 seeks to retain a high proportion of core retail (Use Classes A1/A2) function within the primary shopping frontage, whilst allowing for greater flexibility in the secondary shopping frontage. Control over these proportions is no longer possible for the majority of existing premises as uses can change freely within the E Use Class. Exceptions might be possible when an existing condition limits the use of the premises to a specific use.
- 6.17.7 Neither can movement of uses within Class E be controlled through an Article 4 Direction. This is because the changes of use are enabled not through permitted development rights, but rather through redefining their changes so that they no longer constitute development.
- 6.17.8 The new Class E has been introduced quickly in response to the impacts of Covid-19. Whilst its intentions are well meaning for town centre adaptation, it has the potential to create some perverse outcomes, not least possibly increase out of town development. It is also not consistent with the national policy planning framework and guidance related to providing to meet the needs of specific uses and for example identifying primary frontages. Nevertheless, if it is retained largely unchanged, the Council has no real ability to support the current approach of seeking a minimum level of A1 and A2 uses in primary frontage. In this respect, there is seemingly little incentive to take this part of the policy as currently worded forward.
- 6.17.9 The policy might still have merit in identifying frontages where the Council is unlikely to consider ground floor residential within that frontage acceptable. In addition, the policy seeks to limit further A4 (public houses/drinking establishments) or A5 (takeaways) which are now identified as Sui Generis uses and will therefore still require planning permission when changing from another use.
- 6.17.10 Other parts of this policy which are still considered relevant are the meanwhile use, and impact assessment sections. Encouraging the delivery of meanwhile uses will assist in supporting the vitality and viability of Brent's town centres. Although the new E Use Class potentially allows change of use in out of town centre locations, where planning permission for the use is still required, the

impact assessment section is still relevant in considering whether out of centre retail is justified. This is considered important in order to curtail development that could adversely impact on town centres and should therefore be retained.

- 6.17.11 Going forward, the Council still has powers in determining the uses of new development. Where consistent with national requirements relating to the use of conditions, the range of uses within new development can be controlled to ensure the flexibility inherent within the new E Use Class does not undermine national, London and local policies that support the role of town centres.
- 6.17.12 Taking account of Class E, Appendix A sets out modifications to Policy BE4.
- 6.18 *In relation to policy BE4, are the primary shopping areas brought about by this policy the same as those recommended by the 'Retail and Leisure Needs Study'?*
- 6.18.1 Yes, the primary shopping areas included within EB\_E\_7, as recommended within EB\_E\_6 have been carried over into the Plan exactly as recommended.
- 6.19 *Which policy brings about the designation of the secondary shopping areas?*
- 6.19.1 It is noted that paragraph 6.4.29 references 'primary and secondary shopping areas'. This is meant to be in reference to primary and secondary shopping 'frontages'. For clarity, this wording will be amended to avoid confusion over terms. See Appendix A for proposed modifications.
- 6.20 *How does the Plan reflect the specific recommendations of the retail evidence base in relation to Ealing Road District Centre?*
- 6.20.1 No change was considered necessary to the boundary and frontages of Ealing Road town centre, with the Retail and Leisure Needs Study stating that this is because it is self-contained and clearly defined. The study makes two specific recommendations for Ealing Road (CSWB14 & 15) on page 36 of the Retail and Leisure Needs Study (EB\_E\_06). Recommendation CSWB14 is reflected in the fact that no retail or leisure floorspace needs have been included within the Place policy for Ealing Road, as they have been made for Wembley town centre. It is also noted within paragraph 5.7.21 that there is no need for additional comparison/ convenience floorspace, and that 'Development of an appropriate scale which enhances existing provision and strengthens the role and function of the centre, particularly of its niche Indian focus will be supported.' This recommendation is therefore given suitable consideration within the Plan.
- 6.20.2 Recommendation CSWB15 is noted as an opportunity within the challenges and opportunities table for the South West Place. This is carried forward within the vision for the Place, stating 'The cultural heritage of Ealing Road and the Shree Sanatan Hindu Mandir will be enhanced and promoted to create a specialist retail hub.' This recommendation is therefore given suitable consideration within the Plan.

6.20.3 Planning can only go so far in stipulating uses and aspirations for town centres and with changes to the UCO this form of potential intervention further diminishes. A more active management regime, based on the type of tenants and offer within the uses can be controlled by landlords and the occupiers of the premises. The Council's designated Town Centre Managers are supporting the implementation of the visions for these centres. The Town Centre Managers are currently in the process of drafting Town Centre Action Plans for each of the priority town centres, including Ealing Road.

6.21 *In relation to policy BHC4 – Brent's Night time economy, is the final sentence of the policy sufficiently clear? How will this be assessed?*

6.21.1 Policy BHC4 seeks to promote the night-time economies of Brent's town centres in line with London Plan policy. This sentence outlines the circumstances in which applications that involve night-time economy uses will be supported.

6.21.2 The London Plan Culture and Night-Time Economy SPG states that it is important that night-time uses are inclusive and accessible for all of London's diverse people. This means that night-time economy uses should also be inclusive and accessible, in line with the Mayor's Accessible London SPG, allowing venues to be utilised by disabled residents also.

6.21.3 It is agreed that although the sentence achieves what it sets out to do, it could be written more clearly and concisely. As such, the Council proposes a modification. This will be included in Appendix A. This will state:

*'Development impacting the night-time economy must preserve or enhance its function in line with the London Plan town centre hierarchy. This must accord with the principles of inclusivity and accessibility as laid out within the Mayor's Culture and Night-Time Economy SPG.'*

6.21.4 This rewording reduces any potential ambiguity by making clear the terms which have been used. It also serves to break it into two sentences making it easier to read and digest whilst retaining all of the necessary information.

6.21.5 The policy includes two requirements which can be assessed as follows:

1. That applications preserve or enhance the night-time economy. Depending on the application, this may involve a new or existing night-time economy use. A new night-time economy use will naturally enhance the night time economy. An application involving an existing night-time economy use will either be seeking to improve said use, and therefore conform with the policy, or reduce its capacity in some respect, not complying with this policy.
2. That applications be of inclusive and accessible design. This requires night-time economy uses to be accessible to disabled residents, allowing them to enjoy the offer also. This will be assessed against the requirements set out within the London Plan Culture and Night-Time

Economy SPG, itself referenced within paragraph 6.5.37 of the new Local Plan.

6.21.6 These considerations will be made in the context of the centre's position within the London Plan town centre hierarchy, and given weight proportionate to their status. They will also be assessed against the other policies within the Local Plan and regional and national policy to ensure their quality in other respects.

6.22 *In relation to policy BHC5 – Public houses, paragraph 6.5.38 refers to an increase in conversion of public houses to other uses. Where is the evidence base to support this and the policy framework outlined by policy BHC5?*

6.22.1 The London Pub Audit (2018) tracks the change in the number of pubs, by borough, from the period 2001 to 2017. This shows that Brent has lost 50 pubs over this period, down from 120 in 2001 to 70 in 2017. The London Pubs Annual Data Note (2018), which references the Campaign for Real Ale's (CAMRA) database, broadly concludes that this is a result of conversion to a number of uses, namely C3, A3, A1 and A2. This is largely a result of change of use through former permitted development rights, or more recently prior approval, which has since been amended to rectify this issue. The policy is being carried forward from the existing Local Plan exactly as worded. This was seen as justified by the inspector and adopted in 2016.

6.22.2 The policy has been successful in requiring the re-provision of public houses on sites where they are proposed to be demolished. The policy is designed to support the emerging London Plan policy HC7 which states that Local Development Plans should protect pubs of value from loss. Given the significant loss of pubs within the borough, and their proven social value, it is important that these assets be protected from loss, and re-provided in the case that they are lost in their original form. This policy is therefore considered to be justified.

6.23 *In relation to policy BE5 - how have the threshold levels identified by policy BE5 regarding betting shops, adult gaming centres and pawnbrokers been arrived at?*

6.23.1 All of the town centre policies have been carried forward from the existing Local Plan, as was recommended within the Retail and Leisure Needs Study. They have been amended where necessary, again in line with recommendations from the study. The section regarding betting shops, adult gaming centres, and pawnbrokers has not been amended, and has been carried forward exactly as is worded in existing Local Plan policy DMP3.

6.23.2 The evidence base document used to support this at the previous examination was the *A Fair Deal: Betting Shops, Adult Gaming Centres and Pawnbrokers in Brent 2013*<sup>8</sup> document. It concluded that the numbers of betting shops, pawnbrokers and payday lenders were increasing significantly, and had already led to an over-concentration of these uses in some of Brent's centres.

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<sup>8</sup> [A Fair Deal: Betting Shops, Adult Gaming Centres and Pawnbrokers in Brent, 2013](#)

This is supported by the Retail and Leisure Needs Study (EB\_E\_06, table after para. 2.20). It finds that 6 out of Brent's 13 town centres are in the top quartile for having the most betting shops when compared with all London town centres, with most of the rest being not far behind (with notable exception to Kenton). Research indicates that an over-concentration of these uses can reduce footfall, and therefore the vitality and viability of Brent's town centres, as well as residents' wellbeing through problem gambling. Therefore, to reduce their impact, the concentration of these uses needs to be limited. The report recommends the inclusion of thresholds a) and b), which have since been integrated within this section of the policy.

- 6.23.3 Turning to criterion c) the proposed thresholds of criteria a) and b) were developed for town centres, where there are significantly more units/ frontage when compared with neighbourhood parades. The findings of the study are no less pertinent for parades, which may even be more susceptible to the impacts of these uses due to their already reduced footfall. A bespoke threshold, therefore was needed for neighbourhood parades. These uses currently comprise between 2 – 35% of the primary and secondary frontages of Brent's town centres, with an average of 8%. The majority of Brent's neighbourhood parades are less than 10 units. Therefore it was important to specify 'no more than 1 unit' in addition to a percentage for those centres with more than 10 units. This has been guided by the current composition limit of our town centres. This is seen as appropriate as Brent neighbourhood parades vary significantly in size and composition, and it is important for clarity/ concision that the policy address all of these areas simultaneously. In this respect the thresholds are considered justified by evidence, proportionate to the potential impact, and include sufficient flexibility so as to allow these uses in appropriate concentrations throughout the borough.
- 6.23.4 For criterion d), the main issue being addressed here is the over-concentration of these potentially detrimental uses. Criteria a) and b) help to reduce this concentration as an overall proportion of town centre frontage. However, they do not mitigate against highly concentrated hotspots of these uses. This policy stipulation will serve to address this. It curbs the likelihood that these uses cluster together and significantly reduce town centre vitality and viability in those areas. The stipulation also supports criteria a) and b) in reducing concentrations of these uses overall. This criterion is therefore considered integral to the ultimate policy intention in reducing overall, and isolated concentrations of betting shops, adult gaming centres, and pawnbrokers in Brent's town centres and larger neighbourhood parades. It is justified by evidence and considered proportionate to the issue it intends to address.
- 6.23.5 As noted in paragraph 6.17.5, the Government has declared changes to the Use Class orders. This does not change the Use Classes of betting shops, adult gaming centres, pawnbrokers, or shisha cafes which all remain Sui Generis. Hot take away uses, which previously resided in A5, are now Sui Generis also. This was not included within the new E Use Class. The intention was to allow Councils to control their proliferation through the Planning process, as is the intention of this policy. To reflect the changes to the use class, proposed modifications will be made to the policy as set out in Appendix A. The

changes to the Use Class Order do not have any other implications for this policy.

- 6.24 *In relation to Shisha cafes, the evidence base appears to rely on (EB-E-14) which covers an audit produced between October 2011 and March 2012. The report refers to a re-audit of students planned for October 2013. Did this re-audit take place? Is this evidence, which is some 9 years old, sufficiently robust and up to date? Particularly, can the chart relating to Shisha and proximity to schools be relied upon? (The relevant document has no page or figure numbers. However, the relevant chart appears just before graph 17).*
- 6.24.1 There was no subsequent re-audit after the publication of the Brent Young Persons Cigarette and Shisha Audit (EB\_E\_14).
- 6.24.2 The Audit provided a strong foundation for the adoption of the existing policy wording in 2016. This policy is unchanged in the new Plan. The study surveyed the smoking habits of 2,400 children across 15 schools in the borough. The neighbouring London Borough of Barnet published a more up to date study on Shisha Cafes in 2016. This came to largely the same conclusions: effectively that Shisha cafes have detrimental impacts on the communities they occupy. In particular, the Brent study concludes that children are more likely to smoke shisha when the cafes are within close proximity to their schools, and that shisha has a detrimental impact upon their health as a result. The potential attractiveness of shisha to children in Brent who are likely to be regularly exposed to it is unlikely to have significantly reduced since the last survey. To this effect, the Retail and Leisure Needs study made no further amendments to this section of policy BE5, suggesting it be carried forward as worded.
- 6.25 *In relation to policy BE5 and takeaways, the evidence appears to rely upon the document (EB-E\_12) 'Takeaway use among school students, June 2014'. Is figure 2 on page 11 sufficiently up to date to represent the location of takeaways within the Borough? Where precisely is the evidence to support the remaining criteria in relation to takeaways set out at parts a, c, d and e of the policy?*
- 6.25.1 Evidence base document EB\_E\_12 demonstrates a correlation between the proximity of schools to takeaways and children's eating behaviours. In doing so it supports criteria b) of policy BE5, stipulating that A5 uses should not be permitted within 400m walking distance of a school.
- 6.25.2 Figure 2 of this document is no longer up-to-date, however, this does not discredit the findings of the study. The figure will not be used going forward to assess proximity of applications to takeaways. The Council will use other resources, such as google maps, the London Development Database, and general knowledge of the area and other applications coming forward.
- 6.25.3 It should also be noted that the Draft new London Plan (policy E9) states that development proposals containing A5 uses will not be permitted where they are within 400m of a primary or secondary school. The policy also states that

boroughs should consider the appropriateness of locally defined thresholds to reduce over concentrations of A5 uses. This has been supported by the panel report. The panel report acknowledges the difficulties in identifying direct causation with regards to childhood obesity, however identifies that national guidance and common sense justify this approach.

- 6.25.4 In addition, A5 uses often have dead frontages and remain shuttered until later on in the day, which is not compatible with other town centre uses. Therefore, reducing the proliferation of A5 uses is important in increasing the viability of town centres through enhancing its perceived vitality.
- 6.25.5 The evidence for the remaining criteria is as follows:
- a) The Retail and Leisure Needs Study recommended that no further A5 uses be permitted within the primary shopping frontage. One of the key recommendations of the study is to consolidate a vital retail core to secure the function of the town centre. The key mechanism to deliver this is to reduce the flexibility of the primary frontage, whilst increasing the flexibility within the secondary shopping frontage, which has a supporting role in a town centre's success. The policy seeks to do this on the basis of the evidence.
  - c) This criterion has been carried over from existing 2016 policy. This was recommended by the Retail and Leisure Needs Study. Consistent with the evidence base this aspect of the policy is still seen to be effective.
  - d) Again, as above.
  - e) As above (c), with a small amendment. This policy was previously adopted as 'no less than two non-A5 units between takeaways'. The more stringent stance of 'no less than three' was seen as necessary as existing policy was regarded as addressing the potential negative impacts caused by concentrations of takeaways, with their associated impacts on vitality and viability. This was not explicitly recommended within the Retail and Leisure Needs Study, however, the Council considers this necessary given feedback from town centre managers since the adoption of this policy.

6.26 *Paragraph 6.4.43 refers to the need to prevent the over concentration of takeaways being supported at a national and regional policy as well as by a growing evidence base. Can the Council set out specifically what evidence they are referring to in this regard? Is this approach reasonable and justified?*

6.26.1 Aside from document EB\_E\_12, this paragraph does not reference any specific evidence base documents.

6.26.2 Emerging London Plan policy E9 criterion D states that boroughs should manage the over-concentration of hot food takeaways through locally defined thresholds. Through paragraphs 6.9.5 – 6.9.8 of the supporting text for policy E9 the Plan states the impact of the over-concentration of hot food takeaway outlets on the physical health of Londoners, how this can be mitigated and why.

- 6.26.3 It has long been established that the increased consumption of energy dense foods, such as those provided by hot food takeaway outlets, increase the likelihood of individuals becoming overweight or obese. Obesity comes with significant health implications, including increased risk of cardio vascular disease and diabetes. Trends show that obesity disproportionately impacts those in more economically deprived areas, partly due to environmental effects such as exposure to increased hot food takeaway outlets. This is evidenced within Public Health England's Fast Food Map (2016).
- 6.26.4 There is a growing body of research which supports this theory, with measures being made by central government and regional policy (as noted above) to mitigate these impacts. These impacts are particularly evident amongst children, with childhood obesity being the single biggest predictor of adult obesity. As such, the Council believes that the policy approach is reasonable and justified, and does not consider it necessary to expand its evidence base in order to justify long accepted and high profile theories.
- 6.27 *With reference to policy BE9 - Visitor accommodation, is the justification of the policy in the right place? In the context of part (a) of the policy, how will 'significantly compromise' the supply of land for housing be assessed? Is this policy requirement in accordance with national policy?*
- 6.27.1 The justification for policy BE9 should come after the policy box, and not before as it is currently situated. This will be amended for clarity going forward.
- 6.27.2 Criterion a) of policy BE9 introduces a measure in which hotel development can be managed sustainably, without negatively impacting upon other strategic targets, notably the ability of the Council to meet its objectively assessed housing needs. In terms of Site Allocations, 'significantly compromise' relates to the number of dwellings proposed by the applicant, against the likely reduction on the indicative capacity of the site allocation. The Council does not feel it can identify a standard specific quantum regarded as significantly compromising the indicative capacity. This will be done on a case-by-case basis. In particular, it will take into consideration performance against the 5-year supply requirement, and also the extent to which visitor accommodation has already been permitted against the London Plan requirement of 2,622 bedrooms by 2040. The Council might consider that if performance against the housing requirement is healthy, that a greater component of the allocation coming forward as hotel, is appropriate. This can be set out in a modification to the policy justification as set out in Appendix A.
- 6.27.3 As set out in national and regional policy, it is imperative that land is utilised effectively, and is prioritised for meeting objectively assessed needs. This is particularly pertinent in London where land is scarce. In particular, paragraph 122 a) of the NPPF, on applying appropriate densities states that policies should be supported where they seek to make effective use of land to meet identified needs. Clause a) in policy BE9 therefore allows the Council to consider the merits of the development against the overall need to meet housing targets on a flexible case-by-case basis. This policy is therefore in line

with national policy, taking a flexible approach so as to effectively meet housing need and the need for other forms of development simultaneously, in a highly urbanised area with limited land availability.

6.28 *In response to the letter sent on 4th August 2020 by the Inspector on changes to the Use Class Order, and implications upon Brent Local Plan policy BE6:*

6.28.1 As noted in paragraph 6.17.5, the Government has declared changes to the Use Class orders. Policy BE6 seeks to protect neighbourhood parades and isolated shopping units, which exist outside of identified town centre boundaries. This infrastructure provides a key service, as is reflected within the Use Class Order changes inclusion of local shops within a separate Use Class (F.1) to that of E, albeit that identifies a distance of 1 kilometre from similar facilities. The policy currently lists the circumstances under which it would be considered acceptable by the Council for either A1/2/3 Uses to change. These Uses are now largely (where they do not come under F.1) included within the new E Use Class. These uses primarily require protection from conversion to residential, which would result in homogenous residential areas, which could no longer sustainably meet the day-to-day needs of local residents.

6.28.2 To ensure that such needs are met, this policy should also be retained, but amended to protect the uses within the new E Use Class where currently identified as A1, A2 and A3. It is accepted that this includes Uses other than those included within the former A1/2/3 Uses, such as office and industrial. However, given the limited control available to the Council as a result of the new changes, this is seen as the best possible solution to retain a mix of uses essential to the ideal of sustainable places. A proposed modification to the policy is set out in Appendix A.

## Appendix A

### Proposed Main Modifications

Chapter / Policy Number	Paragraph Number or Section	Proposed Modification	Justification
5.1 Central	BP1 g)	"Planning for the development of <del>6,700-300</del> <u>300</u> sqm comparison goods <u>retail</u> floorspace by 2028, and <del>6,100-300</del> <u>300</u> sqm of convenience goods <u>retail</u> floorspace, in addition to that already existing and consented, directed towards Wembley and Wembley Park town centres to support their future designation as a single metropolitan centre at the London Plan level"	To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study (EB_E_06).
5.1 Central	BP1 h)	" <del>Providing at least one additional foodstore of between 1,000 and 2,000sqm</del> "	To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study (EB_E_06).
5.2 East	BP2 New after j)	" <u>Provide up to 500 sqm comparison goods retail floorspace, and 200 sqm convenience foods retail floorspace by 2028. This should be directed toward Neasden town centre.</u> "	To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study (EB_E_06).
5.3 North	BP3 k)	"Provide up to <del>4,400 sqm of net comparison goods floorspace, up to 3,600 sqm</del> <u>1,600 sqm</u> of net convenience foods <u>retail</u> floorspace, up to <del>500</del> <u>200 sqm</u> class <del>A3</del> <u>A3</u> café/ restaurant floorspace and <del>200</del> <u>100</u> sqm class <del>A4</del> <u>A4</u> drinking establishment floorspace by 2028. This floorspace should be directed towards the three town centres.	To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study (EB_E_06). Also reflects changes to Use Class Order.
5.4 North West	BP4 f)	" <del>Supporting the creation of new</del> Provide up to <u>900 sqm comparison goods retail floorspace, 500 sqm</u>	To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study

		<p><u>convenience goods retail floorspace, 100 sqm café and restaurant floorspace, and 100 sqm of drinking establishment floorspace. This should be directed toward within Preston Road and Kenton town centres providing that they are of an appropriate scale, to support their local function.</u></p>	<p>(EB_E_06). Also reflects changes to Use Class Order.</p>
5.5 South	BP5 h)	<p><u>... New convenience and Provide up to 4,800 sqm of net comparison retail retail floorspace, and 900 convenience foods retail floorspace. This will should be directed toward Church End and Harlesden town centres.</u></p>	<p>To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study (EB_E_06).</p>
5.6 South East	BP6 j)	<p><u>... Provide up to 7,200 sqm net comparison retail floorspace, to be directed to Kilburn town centre in the first instance. Provide up to 7,500 sqm net convenience retail floorspace, 600 café and restaurant floorspace, and 300 drinking establishment floorspace across the town centres of Cricklewood, Willesden Green, Queen's Park and Kensal Rise will provide convenience retail for local communities...</u></p>	<p>To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study (EB_E_06). Also reflects changes to Use Class Order.</p>
5.7 South West	BP7 g)	<p><u>Providing a quality, diverse retail offer in Wembley town centre by providing for an additional 4,300sqm of A3 food and drink and A4 pubs/drinking establishments floorspace particularly in secondary shopping frontages to further support an evening economy and support the centre's potential change in status to a metropolitan centre in the London hierarchy. 1,800 sqm of</u></p>	<p>To align floorspace quantum's with those recommended within table 2.1 of the Retail and Leisure Needs study (EB_E_06).</p>

		<u>additional comparison retail floorspace.”</u>	
6.4 Town Centres	BE1	<p>“...In Alperton, Burnt Oak Colindale, Church End, Neasden, Staples Corner and Wembley Growth Areas, a minimum of 10% of total floor space within major developments exceeding 3000 sqm is to be affordable <u>research and development, light industrial and studio workspace in the B use class which will be protected by condition and / or legal agreement, where appropriate to do so.</u></p> <p><u>New affordable workspace should normally be provided on-site for the lifetime of the development and managed by an approved provider. Only in exceptional circumstances where it can be demonstrated robustly that this is not appropriate, may it be provided off-site. A financial contribution in lieu of on-site provision will only be accepted where this would have demonstrable benefits in furthering affordable workspace in the borough.”</u></p>	Takes into account UCO change. It sets out requirements to ensure that affordable workspace meets needs and where provided is retained.
6.4 Town Centres	BE2	<p><u>“The Council is committed to exceeding the additional 0.6 hectares equivalent of industrial floorspace need within the plan period. Within SIL and LSIS, as shown on the Borough Policies Map, development will be supported where it intensifies industrial uses and accords with the following principles as follows:”</u></p>	Clarifies where locations of SIL and LSIS will be in response to MIQ 6.8. Refers to locations of SIL and LSIS on policies map.

6.4 Town Centres	BE2 bullet 2	“a net increase in <u>employment industrial floorspace resulting in a minimum 0.65 plot ratio or the existing floorspace total, whichever is the greater, across the masterplan area;”</u>	Seeks to ensure additional industrial floorspace is provided to support policy aims of increasing supply.
6.4 Town Centres	BE2 bullet 3	“a mix of <u>research and development B1(b), light industrial B1(c), B2 general industrial and B8 storage and distribution employment</u> floorspace will be delivered reflective of borough needs, including start-up space, move on space;.....”	To reflect changes to the UCO
6.4 Town Centres	BE3 amend MM253	<u>Local Employment Sites have an important role to play in ensuring that a range of employment premises are available to meet employment needs, including ensuring the need for additional industrial floorspace capacity is met in the borough. The Council will require their retention. Where possible their use for research and development, light industrial, general industrial or storage and distribution will be intensified. The council will only allow the release development of Local Employment Sites for non-employment uses, where:</u> <ul style="list-style-type: none"> <li>a) continued wholly employment use is unviable; or</li> <li>b) development increases the amount of <u>workspace, as well as retaining the existing employment use, or provides that additional workspace</u></li> </ul>	Takes account of the importance of Local Employment Sites overall and their role in supporting delivery of additional industrial capacity in the area. Also takes into account of changes in the use classes order.

		<p><u>as affordable studio, research and development, light industrial or general industrial workspace in the B use class, with maker space in light industrial use class B1(c) prioritised to meet demand.</u></p> <p><u>Where criterion a) is being used to justify the release, the maximum viable replacement of the existing employment floor space will be sought."</u></p>	
6.4 Town Centres	BE3	<p><u>"Where criterion b) applies, if within the existing or emerging creative clusters, of Harlesden, Wembley Growth Area, Willesden Green, Alperton Growth Area, Kilburn, Kensal Green, Neasden, Queen's Park, Burnt Oak Colindale Growth Area, and Church End Growth Area affordable workspace is to be provided on-site. Elsewhere, if affordable workspace is considered unlikely to be successful, financial contributions will be secured to provide equivalent affordable workspace elsewhere."</u></p>	To take account of preferred approach to ensuring affordable workspace meets needs and is viable/ retained in the longer term.
6.4 Town Centres	BE4	<p><u>"No further A4drinking establishments or A5take-away uses will be permitted..."</u></p>	Reflect changes to the Use Class Order.
6.4 Town Centres	BE4	<p><u>"Non-A1 or A2 uses will be permitted within town centres where:</u>  <u>a) they would not reduce the proportion of frontage in A1 and A2 use to less than 65% of the primary frontage; or</u>  <u>b) if vacancy rates exceed 10% of primary frontage it would not reduce the</u></p>	No longer of relevance considering changes to the Use Class Order.

		<del>proportion of frontage in A1 and A2 use to less than 50%; and e) the proposal provides, or maintains, an active frontage."</del>	
6.4 Town Centres	BE4	"Unviable secondary frontage on the periphery of town centres will be promoted for workspace, social infrastructure and residential uses. <u>Viability will be determined in accordance with the marketing requirements set out in paragraph 6.4.33</u> "	Include reference to supporting text within policy.
6.4 Town Centres	BE5 a)	" <del>The introduction of any new A5 use takeaway</del> within the designated primary frontage of a town centre;	Reflect changes to the Use Class Order.
6.4 Town Centres	BE5 b)	" <del>an A5 use takeaway</del> within 400 metres walking distance of a primary school, secondary school or further education establishment entrance/ exit point;"	Reflect changes to the Use Class Order.
6.4 Town Centres	BE5 c)	" <del>more than 6% of the units within a town centre frontage in A5 uses being takeaways;</del> "	Reflect changes to the Use Class Order.
6.4 Town Centres	BE5 d)	" <del>more than 1 unit or 15% of the units within a neighbourhood parade, whichever is the greater, in A5 use being takeaways;</del> "	Reflect changes to the Use Class Order.
6.4 Town Centres	BE5 e)	" <del>less than three non-A5 takeaway units between takeaways; or</del> "	Reflect changes to the Use Class Order.
6.4 Town Centres	BE6	" <del>Loss of A1, A2, A3E and F.1 uses or launderettes in neighbourhood parades or isolated shop units...</del> "	Reflect changes to the Use Class Order.
6.5 Heritage and Culture	BHC4	<del>"Development that preserves or enhances existing night time economy activities or creates new ones that will reinforce the role and significance of each centre in the London hierarchy in an inclusive and accessible way will be supported, whilst that</del>	Reworded for clarity.

		<p><del>which would undermine it will be refused.</del> <u>Development impacting the night-time economy must preserve or enhance its function in line with the London Plan town centre hierarchy. This must accord with the principles of inclusivity and accessibility as laid out within the Mayor’s Culture and Night-Time Economy SPG.”</u></p>	
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**Proposed Minor Modifications**

<b>Chapter / Policy Number</b>	<b>Paragraph Number or Section</b>	<b>Proposed Modification</b>	<b>Justification</b>
6.4 Economy and Town Centres	Figure 34	Amend figure to make colour scheme more coherent in respect of the key.	Make figure clear.
6.4 Economy & Town Centres	Para. 6.4.24	“ <del>B1e</del> <u>Light industrial</u> floorspace will be prioritised to meet the identified need for this form of employment space in the borough. Brent’s requirements for affordable workspace as set out in <u>Policy BE1</u> and supporting paragraph 6.4.12 apply.”	Takes into account change to UCO.
6.4 Economy & Town Centres	Para 6.4.25	<u>For development of Local Employment Sites in areas with</u> <del>In</del> existing or emerging creative clusters, workspace is to be provided on-site. <del>This is</del> <u>These are</u> Harlesden, Wembley Growth Area, Willesden Green, Alperton Growth Area, Kilburn, Kensal Green, Neasden, Queen’s Park, Burnt Oak Colindale Growth Area, and Church End Growth Area. Elsewhere in the borough if there is no demand for workspace financial contributions will be considered to re-provide	Clarifies that the paragraph refers to Local Employment Sites, and places emphasis on the desirability of workspace on site as opposed to off-site contributions.

		equivalent employment floorspace elsewhere	
BE4	Para. 6.4.28	<del>"The policy approach will also be applied in assessing permitted development prior approval applications for change of use of existing town centre uses. The proportion of frontage is to be calculated based on the length of the primary frontage in metres in the centre as a whole. A1 uses are shops, A2 uses are financial and professional services, A3 uses are restaurants and cafes, A4 are drinking establishments and A5 are hot food takeaways."</del>	Justification for section of the policy no longer being taken forward, and Use Classes which no longer exist. Therefore needs to be removed.
BE4	Para. 6.4.29	" The policy outlines the council's approach to managing primary and secondary shopping areas <u>frontages</u> , town centre boundaries..."	Use correct terminology.
BE4	Para. 6.4.32	"Where it is desirable to maintain an active frontage the strong preference will be conversion to workspace in the B1 use class (office, research and development or light industrial compatible with a residential environment) at ground floor with residential above."	Reflect changes to the Use Class Order.
BE5	Para. 6.4.43	"While it is acknowledged that takeaways provide a convenience service to local communities, the retail-based role of town centres must be preserved and so an upper limit of 6% of units in a centre's frontage being in <u>A5 use takeaways</u> has been set as well as a restriction on any new <u>A5 uses takeaways</u> within the designated primary frontage of a centre."	Reflect changes to the Use Class Order.
BE5	Para. 6.4.44	"In order to prevent an over-concentration of <u>A5 uses takeaways</u> within the secondary frontage of the borough's town centres there is a requirement to have no less than three non-A5	Reflect changes to the Use Class Order.

		<del>uses takeaways</del> between takeaways.”	
BE5	Para. 6.4.45	“London Plan Policy E9 places restrictions on development proposals containing A5-hot food takeaway uses. Any new A5- <del>uses</del> <u>takeaway</u> within 400 metres walking distance of an existing or proposed primary or secondary school should be refused.”	Reflect changes to the Use Class Order.
BE6	Para. 6.4.47	“In determining applications for planning permission <del>and change of use permitted development prior approvals</del> , development resulting in the loss of local retail and service provision will not be permitted unless there is alternative equivalent provision within 400 metres.”	Permitted Development no longer relevant in this instance.
BE9	Justification	Move justification to after policy box.	For structural clarity.
BE9	New para. after 6.4.60	“ <u>When assessing criterion a) significant compromise will relate to the number of dwellings proposed by the applicant, against the likely reduction on the indicative capacity of the site allocation. An assessment of significance will be done on a case-by-case basis. In particular, it will take into consideration performance against the 5-year land supply requirement. It will also assess the extent to which visitor accommodation has already been permitted against the London Plan requirement of 2,622 bedrooms by 2040. The Council might consider that if performance against the housing requirement is healthy, that a greater component of the allocation coming forward as hotel, is appropriate, even if this reduces housing delivery below the indicative allocation target.</u> ”	To make the term ‘significantly compromise’ more clearly defined.
Glossary	Addition	<u>Makerspace: Studio or light industrial workspace for creative industries. These businesses</u>	To add clarity to the term ‘makerspace’ in response to MIQ 6.12.

		<u>create social and economic value through events and places of interest, attracting visitors, enriching lives and highlighting diverse perspectives through the arts.</u>	
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