

Matter 9 Hearing Statement.

Prepared on behalf of Braeside Properties Ltd

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Public

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1. Introduction

- 1.1.1 This Hearing Statement has been prepared by Knight Frank on behalf of Braeside Properties Limited (landowners of Atlantic House (43-45 Alperton Lane) & Sage Brent (45-47 Alperton Lane)) in response to 'Matter 9' of the Inspectors' Matters, Issues and Questions ('MIQs') for the London Borough of Brent's ('LBB') Local Plan Examination. Matter 9 specifically relates to places and site allocations.
- 1.1.2 This Hearing Statement responds to the place-based questions within Matter 9 and relates to whether the policies and allocations outlined within the 'places' section of the Local Plan are justified, deliverable and consistent with national policy.
- 1.1.3 This Hearing Statement builds upon, and should be read alongside, our previous representations to the Regulation 19 stage of LBB's Local Plan process. Our previous representations are listed under item '9' of the 'Regulation 19 Representations' listed on LBB's 'Submission Documents for Examination' page.
- 1.1.4 It is recognised that the Alperton South Locally Significant Industrial Site ('LSIS') is not explicitly included within the site allocations section of the Local Plan. However, the extension of the LSIS boundary to incorporate 43-47 Alperton Lane means that the industrial designation would cover a parcel of land that has no particular constraining land use designation under the existing Development Plan. The extension of the LSIS boundary, therefore, in effect allocates 43-47 Alperton Lane for industrial-related uses and, as such, it is considered appropriate to respond to Matter 9.
- 1.1.5 This Hearing Statement principally provides a detailed response to Question 9.1 within Matter 9. It should also be noted that we have submitted a Hearing Statement in respect of Matter 6. However – in short – it is the landowner's contention that:
- The inclusion of 43-47 Alperton Lane within the Alperton South LSIS and the restriction of development at the site to industrial-related activities is neither evidence-based, justified, or deliverable;
 - The site has the potential to contribute to increased residential and economic development in the Borough, and that the Plan-making approach being pursued by the Council in respect of this site is not appropriate and will only serve to impede and discourage future investment and delivery.
- 1.1.1.6 The landowner does not dispute the importance of intensifying existing LSIS designations in order to achieve the Draft London Plan's desired floorspace-to-site-area ratio of 0.65. Notwithstanding our client's concerns surrounding the robustness of the numerous and sometimes conflicting evidence base, it is considered that the intensification of existing LSIS (and indeed SIL) should be progressed in the first instance, and emphasised first before seeking to extend boundaries.
- 1.1.1.7 NPPF Para. 11(a) requires Local Plans to positively seek opportunities to the meet the development needs of the area. Para. 11(b) requires strategic policies to provide for objectively-assessed needs. In

respect of both parts of Para. 11, it is unclear as to what extent intensification within existing LSIS / SIL boundaries meets the required need.

- 1.1.1.8 The requirement for planning policies to set out a clear economic vision and strategy (Para. 81(a)) is not considered to have been met, and it is the landowner's contention that the policy approach being pursued in respect of 43-47 Alperton Lane is not sound.

2. Matter 9

9.1 – In relation to all of the proposed site allocations contained within ‘Section 5 – Places’ of the Plan:

- **Are the criteria in the allocations policy necessary, relevant and deliverable?**
- **Is the approach taken to identifying site capacity appropriate and consistent across all site allocations? Is it clear that the capacity figures are indicative only and is it clear how these figures have been arrived at? Is the capacity accurately reflected on the housing trajectory?**
- **Is the description of the site necessary to be included within the policy wording?**
- **Is the allocation justified by the evidence base?**
- **Is the extent of each site correctly identified?**
- **Are the detailed requirements for each site clear and justified?**
- **Is the allocated site deliverable?**
- **Do all of the site allocations accurately reflect the conclusions of the Tall Buildings Strategy in terms of building heights?**
- **Have all the site constraints, development mix and viability considerations been taken into account?**

Are the criteria in the allocations policy necessary, relevant and deliverable?

- 2.1.1 Given 43-47 Alperton Lane is now included within the Alperton South LSIS, the relevant allocation policy criteria is that set out within Policy BE2 of the Local Plan.
- 2.1.2 Policy BE2 (when taking into consideration the modifications following Regulation 19 consultation) stipulates that development within SIL and LSIS “*will be supported where it intensifies industrial use*”. Alperton South “*will be protected for solely industrial uses as defined in London Plan policy E4 Land for industry, logistics and services to support London’s economic function Criterion A. Development will be supported which increases the amount of industrial floorspace, including start-up space, move-on space. Any loss or reduction in floorspace will be resisted*”.
- 2.1.3 In terms of whether the above criteria contained within Policy BE2 is necessary, it is considered that the evidence base does not justify the inclusion of 43-47 Alperton Lane within the Alperton South LSIS.
- 2.1.4 Firstly, the Brent Employment Land Demand Study (‘BELDS’) (July 2015) indicates that there is likely to be a surplus of employment land over the period 2015-2029.
- 2.1.5 The implications of the BELDS analysis is that there is likely to be a surplus of employment land in the region of between 14.4ha and 8.8ha, depending on the demand scenario.
- 2.1.6 The median scenario is for a surplus of 11.6 hectares between 2015 and 2029 or -0.83p.a. This is considered by the BELDS as the most likely to occur and so forms the basis of the policy

recommendations outlined within the Study. Significantly, however, the BELDS states that this 11.6ha of industrial land *“could potentially be released to other uses between 2015 and 2029”*.

- 2.1.7 In the recommendations section of the BELDS, it is recommended that all existing LSIS continue to be protected. This recommendation (Recommendation 1) does not identify the need for an extension to LSIS – either cumulatively or individually.
- 2.1.8 The West London Employment Land Review (‘WLELR’) (May 2019) (prepared by GL Hearn on behalf of the West London Alliance¹), which is the most recent LBB detailed employment need evidence base document, deals with employment land issues in four of the Alliance’s constituent Boroughs – Ealing, Brent, Barnet and Harrow.
- 2.1.9 Within the WLELR, it is recognised that Brent, given the Borough’s status as an established industrial location within Greater London, *“has an ample amount of stock with significant transport links and arterial roads that promote the property sector of industrial and logistics”*.
- 2.1.10 Whilst it is recognised that the Greater London Authority (‘GLA’) do not agree with the methodology used in the creation of the WLELR and the subsequent findings², it should be noted that the WLELR is the most up-to-date of all evidence base documents in respect of employment matters, and that it provides several interesting takeaways in relation to employment and industrial need in Brent over the period 2016-2041.
- 2.1.11 The analysis within the WLELR represents a considerable difference to that presented within the London Industrial Land Demand Survey (‘LILDS’) (October 2017) which forms part of the Draft London Plan evidence base. This is evidenced below:

¹ The West London Alliance is a sub-regional partnership. Its members are the Boroughs of Barnet, Brent, Ealing, Hammersmith and Fulham, Harrow, Hillingdon and Hounslow.

² Great London Authority Brent Local Plan Regulation 19 Consultation (December 2019), pg. 5. Matter 9 Hearing Statement |

West London Evidence						LILDS				
	Logistics	Manufact'g	Building Trades	Transport	Other	West Lon Total	Wareh'g	Industrial	Sub total	LILDS Total
Barnet	7.7	-4.1	3.3	0.7	5.8	13.5	9.3	-2.2	7.1	7.3
Brent*	13.4	-14.7	1.3	-3.1	3.7	0.6	60.9	-21.6	39.3	43.0
Harrow	2.8	-3.9	2.1	-0.7	2.1	2.5	4.0	-5.1	-1.1	1.2
Ealing**	15.2	-19.1	2.9	-1.6	3.6	1.0	49.7	-18.8	30.9	35.6

* logistics 18.1ha and total of 5.3ha under a higher employment density

** logistics 21.0ha and total of 7.8ha under a higher employment density

2.1.12 As shown above, the findings from the WLELR suggest that 0.6 hectares of additional industrial land is required over the Plan period, primarily to account for projected demand in the logistics sector. This is a considerable reduction to that required under the LILDS (43 hectares).

2.1.13 Going further, the WLELR details the following industrial land need across each sector and use class in hectares:

	B1c	B2	B8	Total
Manufacturing		-14.65		-14.65
Building Trades			1.27	1.27
Other	1.57	0.84	1.24	3.65
Transport			-3.08	-3.08
Logistics			13.37	13.37
Total	1.57	-13.80	12.79	0.56

2.1.14 The evidence contained within the WLELR suggests that the industrial land need in Brent is not as dire as the LILDS suggests, thereby casting doubt on the decision to identify Brent as a Borough that is required to provide industrial floorspace capacity in the Draft London Plan. This is a fundamental issue for the examination, and the disparity between the findings has significant implications on the approach to allocations and policies in the emerging Local Plan.

2.1.15 Furthermore, in the 2015 BELDS, 43-47 Alperton Lane is assessed under reference C16. This assessment considers the site to be in a poor or very poor condition and, crucially, identifies the site as

being “*inadequate for B2/B8 use*”³. As a result of the site assessment, it is concluded that the site should be “**retained as an LEA**” (unless demonstrated that release is justified in accordance with Recommendation 3); **not** designated as part of the Alperton South LSIS.

2.1.16 For clarity, Recommendation 3 stipulates the following:

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

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

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

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

2.1.19 Based on the above, and taking into consideration the requirement under Para. 35 of the National Planning Policy Framework (‘NPPF’) for Local Plans to be ‘justified’ (i.e. guided by the supporting evidence base and relevant), it is our contention that the proposed extension to the Alperton South LSIS to include 43-47 Alperton Lane is unjustified and unnecessary.

2.1.20 Para. 35 of the NPPF also requires allocations and policies to be ‘effective’ (i.e. deliverable). The landowner has no desire or intention for the site to be brought forward under the proposed use(s), thereby calling into question the policy direction being advocated.

³ AECOM Employment Land Demand Survey (July 2015), pg.49.
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Is the approach taken to identifying site capacity appropriate and consistent across all site allocations? Is it clear that the capacity figures are indicative only and is it clear how these figures have been arrived at? Is the capacity accurately reflected on the housing trajectory?

- 2.1.21 There is significant variation across the evidence base in terms of employment need.
- 2.1.22 The 2015 BELDS suggests a surplus in industrial land, whilst the WLELR suggests only a small amount (0.6 hectares) is required over the Plan period, which is a significant difference to the 43-hectare requirement set out in the LILDS.
- 2.1.23 This is a fundamental issue for the examination, and the disparity between the findings has significant implications on the approach to allocations and policies in the emerging Local Plan.
- 2.1.1.24 What is particularly unclear is to what extent intensification within existing LSIS / SIL boundaries meets the required need.
- 2.1.1.25 It is therefore recommended that an up-to-date review of employment needs is undertaken given the disparity across the documents within LBB's evidence base and when comparing the LBB evidence base with the Draft London Plan evidence base. Given the proposed changes to the Use Classes Order due to come into force on 1st September, it is recommended that this employment need review takes the potential implications into consideration.
- 2.1.1.26 LBB should seek to achieve the 0.65 floorspace-to-site-area coverage required under the Draft London Plan and then assess the surplus / shortfall position against an up-to-date evidence base before arbitrarily extending LSIS boundaries.

Is the description of the site necessary to be included within the policy wording?

- 2.1.27 N/A.

Is the allocation justified by the evidence base?

- 2.1.28 No – the Alperton South LSIS designation, which includes 43-47 Alperton Lane, is not considered to be justified by the evidence base.
- 2.1.29 The 2015 BELDS sets out that there is a total of approximately 418ha of land currently in active industrial use in the Borough. The demand forecast shows that there is projected to be a decrease in demand for industrial land of between 14.4ha and 8.8ha in the period 2015 to 2029; **that is industrial land that can be released for other uses**. The 2015 BELDS generally projects a decreasing level of demand for industrial uses over the Plan period.
- 2.1.30 The findings of the 2015 BELDS in respect of industrial land demand are clear; there is likely to be a **surplus of industrial land over the Plan period**. This should be considered in the context of the Study estimating that there is likely to be additional demand for between 32,600sq.m and 52,350sq.m of office (B1(a)) floorspace throughout the Borough up to 2029.

- 2.1.31 It is therefore the landowner's contention that when considered against the 2015 BELDS, the designation of 43-47 Alperton Lane is **unjustified** and does not take into consideration the evidence and recommendations of the BELDS; a key document in the Local Plan evidence base.
- 2.1.32 Furthermore, and as already set out in the response to the first question within 9.1, the evidence contained within the WLELR suggests that industrial land need in Brent is not as high as the London Plan evidence base suggests, with the WLELR finding that only c.0.6 hectares is required over the Plan period.
- 2.1.33 This 0.6-hectare requirement is at odds with the Brent Industrial Land Audit ('BILA') (October 2019) which proposes a 1.49-hectare increase in SIL and LSIS floorspace through the extension of existing boundaries. The increase to the Alperton South LSIS boundary equates to 0.49 hectares. Removing 43-47 Alperton Lane from the Alperton Lane LSIS would still result in a 1-hectare increase in industrial land, which is well above the recommended requirement set out in the WLELR.
- 2.1.34 This increase of 1.49-hectares does not accord with the findings of the BELDS and WLELR and represents an increase in employment land well above what the evidence base suggests.
- 2.1.35 In seeking to justify the amended LSIS boundary, the BILA states that the industrial units to the north "*form a natural extension to the LSIS*" and that the boundary of the LSIS should be extended "*to protect the industrial function of these premises*". However, there is little evidence to support the enhanced LSIS area, and it is therefore the landowner's view that the amended designation is **unjustified**.

Is the extent of each site correctly identified?

- 2.1.36 No – it is the landowner's contention that the extent of the Alperton South LSIS should be amended so as to remove 43-47 Alperton Lane.
- 2.1.37 As set out in the response to the first question of 9.1 (2.1.1 onwards), the inclusion of the site within the LSIS is not considered to be justified or deliverable, thereby meaning that the allocation cannot be considered to be sound.

Are the detailed requirements for each site clear and justified?

- 2.1.38 N/A.

Is the allocated site deliverable?

- 2.1.39 The restrictive designation and policy position being imposed by the Council has not been agreed through consultation. No negotiations have taken place between the landowner and the Council, and it was only made clear during the Regulation 19 consultation stage that LBB planned to include 43-47 Alperton Lane within the Alperton South LSIS.

2.1.40 Para. 35 of the NPPF also requires allocations and policies to be ‘effective’ (i.e. deliverable). The landowner has no desire or intention for the site to be brought forward under the proposed use(s), thereby calling into question the policy direction being advocated.

Do all of the site allocations accurately reflect the conclusions of the Tall Buildings Strategy in terms of building heights?

2.1.41 N/A.

Have all the site constraints, development mix and viability considerations been taken into account?

2.1.42 No. In the 2015 BELDS, 43-47 Alperton Lane is assessed under reference C16. This assessment considers the site to be in a poor or very poor condition and, crucially, identifies the site as being “*inadequate for B2/B8 use*”⁴.

2.1.1.43 In addition to this, the social and economic assessment of the Alperton South LSIS within the BILA states that the LSIS “*benefits from good access to services being adjacent a sports ground and walking distance from a number of nearby primary and secondary schools*”. By virtue of being located closer to Ealing Road and the local services referenced, 43-47 Alperton Lane is considered to have even better access to existing local services. It is therefore considered that designating the site for solely industrial use would be at odds with the sustainable credentials of the site. The benefits of the site’s sustainable location do not appear to have been taken into consideration.

2.1.1.44 Furthermore, it should be noted that the Alperton South LSIS is not considered to be appropriate for co-location, yet it appears as though co-location has only been assessed across entire LSIS designations. Clearly, certain parts (such as edges, for example) of LSIS will be more suitable for co-location than others, and in this instance the sustainable location of the Alperton South LSIS should render the site (or at least part of it) an appropriate location for co-location. It is considered 43-47 Alperton Lane in particular is a more suitable location for co-location

2.1.45 The industrial intensification of the site is also likely to result in a land use conflict with the adjacent site.

2.1.46 In this regard, it should be noted that the adjacent site to the east (Local Plan ref. BWSA16) – Carphone Warehouse, 416 Ealing Road – has been allocated for mixed-use development comprising residential, retail, commercial and community uses. A planning application (LPA ref. 20/1683) pertaining to the emerging allocation was submitted in June 2020 for 132 dwellings and flexible commercial space but as yet remains undetermined.

2.1.47 In addition to the neighbouring mixed-use allocation, the area fronting Ealing Road has also been identified as an ‘Intensification Corridor’. Within these areas, tall buildings up to around 15-metres or 5-

⁴ AECOM Employment Land Demand Survey (July 2015), pg.49.
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storeys could be considered acceptable. In the Ealing Road Intensification Corridor, residential-led mixed-use development is prioritised.

- 2.1.48 The landowner therefore has significant reservations about the potential land use conflict between industrial intensification at 43-47 Alperton Lane and the adjacent high-density residential-led development. This is also a concern that was raised in the Regulation 19 consultation from EHG Alperton (landowners of 416 Ealing Road).
- 2.1.49 Furthermore, Alperton Lane currently acts as a hard, physical buffer between the industrial uses to the south and residential-led uses to the north. Extending the LSIS boundary to incorporate 43-47 Alperton Lane would represent direct encroachment on existing home and business owners operating in the vicinity and eradicate the status of Alperton Lane as a physical buffer.
- 2.1.50 It is also the landowner's view that viability considerations have not been taken into consideration when including 43-47 Alperton Lane within the Alperton South LSIS. There is no viability analysis underpinning the LSIS designation.

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