

[REDACTED]

From: [REDACTED]
Sent: 19 August 2021 15:54
To: Planning Strategy
Cc: [REDACTED]
Subject: Brent Local Plan Proposed Main Modifications - TfL CD Representation
Attachments: NSGA draft masterplan spd - TfL CD response - 9.8.21.pdf; Brent Local Plan Proposed Main Modifications - TfL CD Representation.pdf

Please find attached the Transport for London Commercial Development representation to the Brent Local Plan Proposed Main Modifications consultation.

Please note that our representations, see attached, are the views of the Transport for London Commercial Development planning team in its capacity as a landowner in the borough only and are separate from any representations that may be made by TfL in its statutory planning role and/or as the strategic transport authority for London.

Transport for London Commercial Development would like to thank you for providing the opportunity to comment, and we would appreciate if you could confirm receipt of this representation. Should you have any queries, please do not hesitate to contact me.

TfL CD's previous representation to the Neasden Stations Growth Area Masterplan SPD has also been attached as a further reference.

Kind Regards,

[REDACTED]

[REDACTED] Commercial Development

Palestra, 197 Blackfriars Road, London SE1 8NJ | [REDACTED]



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Date: 06/08/2021

By email: planningstrategy@brent.gov.uk

Palestra,
197 Blackfriars Road
London
SE1 8NJ

Dear Sir / Madam,

RE: BRENT LOCAL PLAN PROPOSED MAIN MODIFICATIONS

Thank you for providing the opportunity to comment on the Brent Local Plan Proposed Main Modifications. Please note that our representations below are the views of the Transport for London Commercial Development (TfL CD) planning team in its capacity as a landowner in the borough only and are separate from any representations that may be made by TfL in its statutory planning role and / or as the strategic transport authority for London. Our colleagues in TfL Spatial Planning have provided a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

TfL CD have engaged throughout the Local Plan preparation process and have submitted the following representations:

- Brent 'Call for Sites' (April 2017);
- Brent Local Plan Regulation 18 Issues and Options (March 2018);
- Brent Local Plan Preferred Options (December 2018);
- Brent Local Plan Regulation 19 (December 2019).

MM3: Chapter 4 Development Vision and Good Growth in Brent

TfL CD support the amendment to section 4a in the 'Development Vision and Good Growth in Brent' section. These amendments are reflective of our Regulation 19 consultation response which requested that additional clarity was provided with regards to co-location and industrial land release within the Vision and Good Growth Strategy.



MM15 and MM22: 5.1 Central Place

TfL CD support the subdivision of Wembley Park Station (North and South), resulting in BCSA7 Wembley Park Station (South) and BCSA20 Wembley Park Station (North) which is reflective of the comments we made in our Regulation 19 representations.

Site allocation BCSA7

Regarding BCSA7 Wembley Park Station (South), TfL CD agree with the change of wording from “replacement of the existing office space” to “replacement of TfL ancillary accommodation”.

TfL CD also support Brent Borough Council’s revised indicative capacity of 456 residential dwellings which accords with the design led approach undertaken for planning application reference 20/0967 and which is supported by Brent Council, the Mayor of London, the Design Council, and the Mayor of London’s Design Advocates as an appropriate design response. The planning history box should be amended to reflect the Resolution to grant planning permission for *“Demolition of existing buildings and structure and redevelopment of the site to provide 454 residential units, 1,101sqm of replacement train crew accommodation and 115sqm of commercial floorspace across five buildings ranging from 13-21 storeys in height.”*

The site allocation text should be revised to better reflect the site’s development context and technical reports submitted in accordance with application 20/0967. In particular, as the site falls within the Tall Building Zone, to ensure consistency with the other site allocations in the DBLP-MM, and to reflect



the design led approach agreed under planning application 20/0967, it would be appropriate to include the following text “*The site falls within the Tall Building Zone as such it is suitable for tall buildings.*”

Site allocation BSCA20

TfL CD appreciate that the wording in this new site allocation is now somewhat more flexible on allowing for a design-led scheme rather than being overly prescriptive about the form of development as in previous iterations, although there is still reference to the site not being “*suitable for tall buildings of a significant scale*”.

However, the site allocation includes an indicative capacity of 100 dwellings which is still contested in line with our Regulation 19 representations. With an area of 0.7 ha, this represents a density of 142 dwellings per hectare. Given that this is an underutilised brownfield site, located in the Wembley Growth Area with a predominant PTAL of 4, this housing density is considered too low. As such, the indicative capacity should be increased to more accurately reflect its development potential. Furthermore, this is a complex site and considerable levels of infrastructure works would be required to bring forward development. As such, initial assessments indicate that in order for viable development to come forward, a higher capacity is required, and the draft Site Allocation should be amended accordingly.

MM24: 5.2 East Place – Policy BP2



TfL CD note the inclusion of 'not subject to site allocations' in part d of this policy, which is considered to help with clarity, however TfL CD's previous Regulation 19 concerns with this policy still stand. The policy limitation on building heights to no more than two storeys above prevailing heights for development in locations where designated heritage assets will not be adversely impacted is still unnecessarily restrictive for those sites which are not designated site allocations. This would not allow a building of 5 storeys in an area where the prevalent height is 2 storeys but there are many examples of where this has been successful delivered before and consider the scenario where a difference in ground levels could help to integrate a 5 or 6 storey building into an area with prevalent 2 storey heights. This threshold may inhibit development heights in locations suitable for higher density development, taking into account the requirements set out in London Plan Policy D3: Optimising site capacity through the design-led approach. We request that a more flexible approach is adopted to determine development heights, encouraging them to be considered on a case by case basis using a design-led approach in line with Policy GG2 of the London Plan. For clarity, we recognise Brent's definition of a tall building is one that is more than 30 meters in height and the comments above are only requesting the flexibility for buildings up to 30 meters in height, as we appreciate the requirement in London Plan Policy D9 for tall buildings to be identified on maps in Development Plans.

MM26: 5.2 East Place – Policy BEGA1

TfL CD support the identification of Neasden Station Car Park within Policy BEGA1: Neasden Station Growth Area and TfL CD have submitted a response to the recent consultation on the Draft Neasden Stations Growth Area Masterplan Supplementary Planning Document (See TfL CD's Representation Attached).

MM33: 5.3 North Place – Policy BP3

TfL CD remains of the view that the height limit for town centre development under Policy BP3 Part (b) is unnecessarily restrictive as raised in our Regulation 19 representations, and even more so now given this has been reduced to a limit of 5 storeys. We still consider the limitation on building heights within Part (b) of Policy BP3 North of between five storeys in town centres and intensification corridors to be overly restrictive. As currently drafted, the policy inhibits the most efficient use of land and could discourage development – it is neither positively prepared nor justified.



'London Plan Policy D3: Optimising site capacity through the design-led approach' supports a design-led approach to the optimisation of site capacities. This policy also states in section b that *'higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities'*, and London Plan Policy H1 notes that boroughs should optimise the potential for housing delivery especially on sites located with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.

The National Planning Policy Framework 2021 (NPPF) in paragraph 11 notes that all plans should promote a sustainable pattern of development that seeks to mitigate climate change (including by making effective use of land in urban areas) and Chapter 11 of the NPPF also goes into detail on making effective use of land.

This height parameter should be amended to encourage the most effective use of land in the sustainable areas, and support sites being developed to their optimum capacity to align with the aforementioned London Plan Policies and the NPPF. The 5 storey restriction should be removed and the wording made more flexible, to ensure that appropriate height and density are determined on a case by case basis, although taking account of the tall building threshold.

At the very least, the policy should be amended to ensure consistency with draft Local Plan Policy BD2 which allows a certain level of flexibility by stating that in intensification and town centres there are opportunities to go higher than the 15 metres at strategic points in town centres.

MM79: 5.6 South East Place – Policy BSESA34

TfL CD support the increase in the indicative capacity of 20 units from previous iterations of the Local Plan.

MM80: 5.7 South West Place – Policy BP7



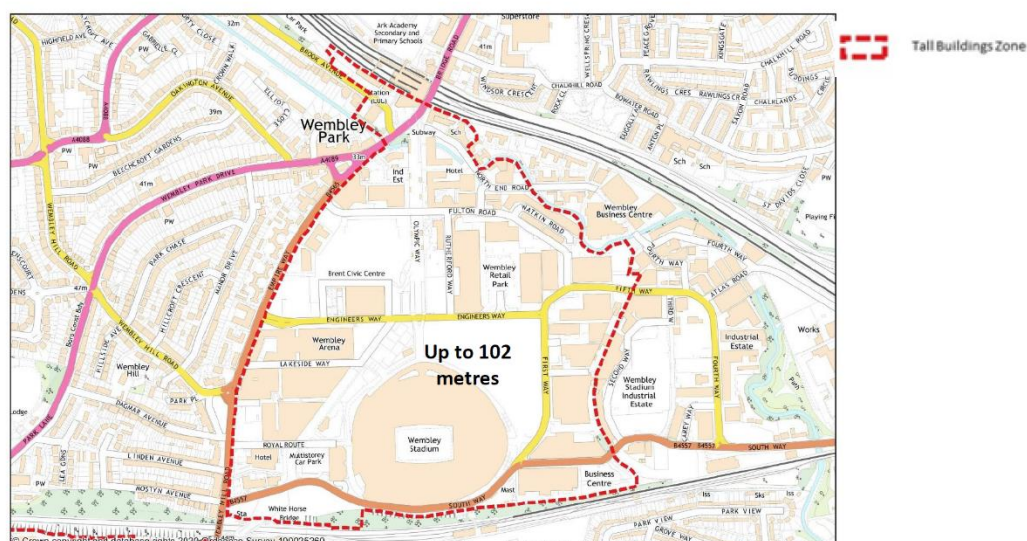
TfL CD remains of the view that the height limit for town centre development under Policy BP7 Part (b) is unnecessarily restrictive as raised in our Regulation 19 representations, and even more so now given this has been reduced to a limit of 5 storeys. The suggested height would not support the optimal development of sites in this area. The same points apply as set out above in our response to MM33: 5.3 North Place – Policy BP3, so please refer to the comments and suggestions made above.

MM94: Chapter 6.1: Design - Policy BD2

It is appreciated that for town centres the policy does note there may be opportunities to go higher at strategic points, but this does not also apply to intensification areas.

Overall, the same points apply as set out above in our response to MM33: 5.3 North Place – Policy BP3, so please refer to the comments above. It is suggested that the 5 storey height limit be amended to encourage the most effective use of land in the sustainable areas, and support sites being developed to their optimum capacity to align with the aforementioned London Plan Policies and the NPPF. The 5-storey restriction should be removed, and the wording made more flexible, to ensure that appropriate height and density are determined on a case by case basis, although taking account of the tall building threshold.

TfL CD support Brent's Tall Building Zone strategy and the inclusion of Site Allocation Site Allocation BCSA7 within the Wembley Tall Building Zone. We support the removal of the 'core' area from the Wembley Park Tall Building Zone as per the image below (Map Modification 26: Wembley Park Tall building Zone):





It is acknowledged that the setting of an appropriate building height across the Wembley Tall Building Zone accords with Policy D9(B) of the adopted London Plan. We note that the applied upper building height of 102 meters equates to an estimated building height of 34 storeys (3m per floor as indicated at paragraph 6.1.14 of the DBLP). We would welcome clarification within Policy BD2 that the metric within the tall building zone relates to the height of buildings, rather than AODm. We believe this is the case.

MM93: Chapter 6.2: Housing, Policy BH3

TfL CD note the inclusion of the following sentence in the policy:

The provision of Build to Rent development as defined within London Plan Policy H11 will be supported within Brent

This inclusion is supported by TfL CD, it covers off the point we made in our Regulation 19 response about a lack of support for BtR schemes in developments under 500 units.

MM101: 6.2 Housing

TfL appreciate the inclusion of “equivalent rents or lower” in response to the comments we made in our Regulation 19 representations requesting that references to LLR are specified as rent levels, to avoid confusion with an LLR product.

However, TfL CD would like to re-assert our previous position that a greater range of discounts should be provided for as set out within our Regulation 19 representations, the reasons for this are set out below.

We note that Policy H11 of the London Plan states “The Mayor expects at least 30 per cent of DMR homes to be provided at an equivalent rent to London Living Rent with the remaining 70 per cent at a range of genuinely affordable rents.” TfL CD supports the principle of providing DMR at LLR levels within Build to Rent schemes but are concerned that requiring 100% of affordable Build to Rent units to be provided at LLR levels will not provide a “range of genuinely affordable rents” in line with London Plan Policy H11 and would not contribute to providing a mixed and balanced community in accordance with London Plan Policy GG4 (Delivering the homes Londoners need).



Rather than providing a mono tenure affordable Built to Rent housing at LLR levels, we consider a more balanced and flexible approach would be to revert to that set out in the London Plan Policy H11 above. Providing 30% of the affordable housing at London Living Rent Levels and the remainder at a range of DMR discount levels to be agreed with the Council would allow a range of discount levels to be provided.

Furthermore, given that LLR levels are set by the GLA on an annual basis (and with no way to predict future rent levels in advance), this suggested approach will allow Brent to maintain a greater level of autonomy over the DMR rents secured within schemes. Overall, this would ensure that a greater range of genuinely affordable homes are secured.

In addition, the Policy as currently drafted would create a viability issue for the majority of BTR schemes, and require a viability tested route to be adopted. This is because BTR developments have a different financial model which creates additional viability challenges, compared to traditional private for sale schemes. Viability challenges arising from the proposed policy are likely to slow or prevent delivery of much needed rental homes for Londoners. This is particularly relevant given Policy BH3 (Built to Rent) which expects the provision of Built to Rent homes on all developments of over 500 units.

We therefore request that the policy is altered to remove the requirement to provide 100% London Living Rent and replace it with a requirement to deliver at least 30% of the affordable homes at London Living Rent levels, with the remaining 70% to be at a range of discounts to market rent which are to be agreed with the Council.

Concluding Remarks

We hope that these representations are helpful but if you need any further information or would like to discuss any of the issues raised in our representations, please do not hesitate to contact me. We look forward to being kept up to date with your programme going forwards.

Yours faithfully,







Commercial Development

Transport for London
7Y3, Palestra,
197 Blackfriars Road
London
SE1 8NJ

Date: 9th August 2021

By email: NSGA@brent.gov.uk

Dear Sir / Madam,

RE: Draft Neasden Stations Growth Area Masterplan SPD

Thank you for providing the opportunity to comment on the Draft Neasden Stations Growth Area Masterplan SPD. Please note that our representations below are the views of the Transport for London Commercial Development (TfL CD) planning team in its capacity as a landowner in the borough only and are separate from any representations that may be made by TfL in its statutory planning role and / or as the strategic transport authority for London. Our colleagues in TfL Spatial Planning have provided a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

TfL CD supports the identification of Site 5: Dephna House. Reference should be made in the relevant box in section 6.3 to the need to provide for operational requirements as necessary, such as a three meter buffer between the railway and new development.

In terms of the proposed uses on this site the requirement for industrial uses on this site is not supported, which is as per TfL CD's representations submitted to the Local Plan consultations. The site has no current industrial designations, unlike a number of the other sites within the masterplan area and these existing industrial locations are considered to be more suited to accommodate industrial development and growth given their current uses and industrial designations. Site 5 is already relatively constrained due to its context, including the narrow shape of the site, the adjacent low rise residential, the proximity to the North Circular Road and the railway. These elements, alongside industrial uses, would make it difficult to co-locate residential uses and provide a viable scheme.

In the BNP Paribas Real Estate Financial Viability Assessment October 2020 the options tested for the Dephna House site do not appear viable, albeit the options tested combine the London Underground Limited site and the Dephna House site which are owned by two different landowners, and the existing use value of the Dephna House itself is dominating the viability assessment output for both sites. However, it does not appear that a podium element has been incorporated into the construction costs, unlike on other sites with a podium where an allowance of an additional £500 per sqm of construction costs has been allowed for (McGovern Site and O'Hara Site). If a podium element is required as mentioned in 6.2.20 of the draft SPD (which it is assumed would help facilitate the separation of industrial and residential uses so they could coexist) then there will need to be a significant increase in the amount of residential to pay for this.

As a result, we continue to request that the site is not required to provide industrial uses and there should not be an inflexible requirement for a podium level. If uses other than residential are considered necessary then commercial uses would be a more complementary use in this location, particularly given the existing uses on the site which currently comprise parking and



predominately office type uses, and would not require a podium to mitigate conflict between the two uses. Furthermore, commercial uses rather than industrial uses would enable a better chance of identifying a viable scheme given they command higher values.

In terms of the infrastructure requirements for Site 5 the associated infrastructure requirements must be proportional as per paragraph 57 of the NPPF which requires that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Concluding Remarks

Thank you for the opportunity to provide comments on this draft of the Neasden Stations Growth Area Masterplan SPD. If you would like to discuss or if you need any additional information, please do not hesitate to let me know.

We look forward to being kept up to date with the next steps and your programme going forwards.

Yours faithfully,

[Redacted Signature]

[Redacted Name] Transport for London Commercial Development