



The Planning Inspectorate

Report to the London Borough of Brent

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION OF THE BRENT DEVELOPMENT MANAGEMENT POLICIES LOCAL PLAN

Document submitted for examination on 25 January 2016

Examination hearings held on 3 and 4 May 2016

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Abbreviations Used in this Report

AGC	Adult Gaming Centre
AA	Appropriate Assessment
AAP	Area Action Plan
EUV	Existing Use Value
FEE	Further Education Establishment
GLA	Greater London Authority
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LSIS	Locally Significant Industrial Site
MM	Main Modification
MALP	Minor Alterations to the London Plan
NPPF	National Planning Policy Framework
OPDC	Old Oak and Park Royal Development Corporation
PPG	Planning Practice Guidance
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SIL	Strategic Industrial Location
SPG	Supplementary Planning Guidance
TLRN	Transport for London Route Network

Non-Technical Summary

This report concludes that the Brent Development Management Policies Local Plan (the DMP Plan) provides an appropriate basis for the planning of the borough, providing a number of modifications are made to the Plan. Brent Council has specifically requested that I recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and/or added consequential modifications, and I have recommended their inclusion after considering the representations from other parties.

The Main Modifications can be summarised as:

- Inclusion of further detail regarding the development planning framework and the geographical coverage of the Plan.
- Changes to reflect the importance of heritage assets, in line with national policy.
- Changes to policies on retail development, transport, employment and housing so that they are justified, effective and consistent with national and local policy.
- Insertion of new policies and text relating to flood risk and surface water management, in line with national and local policy.
- Insertion of reference to 'local carbon off-setting' and the location of open space mapping.
- Additions to the monitoring indicators in chapter 12 of the Plan.

Introduction

1. This report contains my assessment of the London Borough of Brent Development Management Policies Local Plan (the DMP Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) states that, to be sound, a Local Plan should be positively prepared, justified, effective, and consistent with national policy.
2. The starting point for the examination is the assumption that the London Borough of Brent has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft DMP Plan which was published for consultation in September 2015¹.
3. My report deals with the main modifications that are needed to make the Brent DMP Plan sound and legally compliant. They are identified in bold in the report (**MM**). In accordance with Section 20(7C) of the 2004 Act the Council has requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix to the report.
4. The main modifications that are necessary for soundness all relate to matters that were discussed at the examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications that was published for consultation in June 2016. I have taken account of the consultation responses in coming to my conclusions in this report, and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report and the Appendix.
5. The Council is required to maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the plan. In this case, the submission policies map comprises the plan identified as 'Policies Map Updates' as set out in Document C.
6. The policies map is not defined in statute as a development plan document, and so I do not have the power to recommend main modifications to it. However, the Council has proposed a number of changes to the Policies Map to ensure it is effective. These further changes were published for consultation alongside the main modifications. When the Plan is adopted, in order to give

¹ Document A.

effect to the Plan's policies and comply with the legislation, the Council will need to update the adopted Policies Map to include the further changes.

7. The Council has also prepared a series of additional minor modifications, largely addressing matters of clarification and updating or correcting text. These were published for consultation alongside the main modifications, but are not directly relevant to my examination of the soundness of the Plan.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by Section 33A of the 2004 Act in relation to the Plan's preparation.
9. A summary of the joint working which has been undertaken by the Council in the preparation of the DMP Plan is set out in the Council's Consultation Statement (Document D). The Council has a strong working relationship with other London Boroughs through forums such as the Association of London Borough Planning Officers and the West London Alliance Planning Policy Group, and holds regular meetings with the Greater London Authority (GLA). Constructive engagement with other prescribed bodies² has also taken place on strategic matters at appropriate stages in the plan-making process, and with other partner organisations. This includes the Old Oak and Park Royal Development Corporation (OPDC) which was established in 2015 and incorporates part of Brent borough.
10. In conclusion, the evidence indicates that Brent Council has engaged constructively and on an on-going basis with prescribed bodies and other organisations during the preparation of the DMP Plan, and that the activity was appropriate for the type and depth of matters covered. Therefore I am satisfied that the duty set out in Section 33A of the 2004 Act has been complied with.

Assessment of Soundness

11. The Plan area covers the majority of Brent borough, with the exception of the OPDC area. The OPDC is currently in the process of preparing a separate Local Plan for its area, which is due to be adopted in 2017. However, this matter is not explicitly referenced in the DMP Plan. Accordingly I recommend that the Introduction section is modified to clarify the existence of the OPDC and the area which the DMP Plan covers **(MM2)**.
12. The DMP Plan has been prepared pursuant to the Brent Core Strategy (2010), and the Mayor of London's London Plan (2016)³. Policies from both these documents apply to the Plan area where relevant. I am satisfied that, subject to the modifications, the DMP Plan is consistent with the Core Strategy. The Greater London Authority (GLA) has confirmed that the DMP Plan is in general conformity with the London Plan, including the Minor Alterations to the London Plan (MALPs) adopted in March 2016, and I concur with this position.

² As set out in section 33A.

³ 'The London Plan – the spatial development strategy for London' Mayor of London (2016) as amended.

13. The DMP Plan will sit alongside the Brent Site Specific Allocations Plan (2011), the Wembley Area Action Plan (AAP) (2015) and the Sudbury Town Neighbourhood Plan (2015).
14. The role of the DMP Plan and the above development plan structure is referred to in the Introduction section of the DMP Plan. However, for the purposes of clarity and in order to make the Plan effective, I recommend that this section is expanded to provide clearer and more comprehensive guidance on these matters (**MM1, MM3**).
15. The DMP Plan will cover a 10 year period if adopted in 2016. The NPPF advises that a 15 year timescale is preferable but allows for some discretion (paragraph 157). I consider that this lesser timescale is justified as it aligns with the end date of the Core Strategy. I also note the Council's intention to undertake an early review of the DMP Plan, as part of a consolidated Local Plan for the borough. At the hearing the Council indicated that this work is likely to commence in late 2016.
16. The DMP Plan identifies a range of policies that will be used for the determination of planning applications in the Plan area. It builds on the policies in the Core Strategy and London Plan, avoids duplication, and provides locally specific policies. Related national, London Plan and local policy is cross referenced throughout the document, in green and orange boxes.
17. Chapter 12 of the Plan includes a number of new monitoring indicators which augment those in the Brent Core Strategy. I consider that additional indicators relating to the provision of affordable housing and the loss of public houses are necessary for effective monitoring, as set out in **MM47**.
18. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends.

Issue 1 – Does the Plan set out a positively prepared strategy to provide customer choice and a diverse retail offer, which is justified, effective and consistent with national policy?

Retail hierarchy and definitions

19. The Council's retail hierarchy, as established in Policy CP 16 in the Core Strategy, includes major town centres, district centres and local centres (all defined as town centres) and neighbourhood centres. This differs slightly from the hierarchy in Annex 2 of the London Plan which does not include the non-town centre classification of neighbourhood centres, and categories local centres as 'neighbourhood or more local centres'. For the sake of clarity the term 'neighbourhood parades' should be used in lieu of 'neighbourhood centres' within chapter 3 of the DMP Plan. This change is included within modifications **MM7, MM8** and **MM9**. Accordingly, I refer to this amended term within the body of this report.
20. At the hearing the Council confirmed that Policy DMP 2 is intended to support healthy town centres, whilst Policy DMP 4 is focused on neighbourhood parades and isolated units. On this basis I therefore recommend that the generic design section within Policy DMP 2 is deleted from this policy (**MM6**),

and inserted in a new policy which applies to all locations and forms of retail development (**MM9, MM10**). This is necessary for the purposes of clarity and effectiveness.

21. The proposed retail impact assessment threshold of 500 square metres is justified by the small scale of many retail units in Brent and current vacancy rates, as set out in the Council's 'Retail Impact Assessment Background Report' (ID2.2).

Policy DMP 3 - Betting shops, adult gaming centres and pawnbrokers/payday loan shops

22. Policy DMP 3 seeks to restrict the number of betting shops, adult gaming centres (AGCs) and pawnbrokers/payday loan shops in town centres and neighbourhood parades. The Council's evidence⁴ shows that these uses have significantly increased in recent years, with high numbers and distinct clusters of units in a number of Brent's town centres. The survey work shows that pedestrian footfall in the vicinity of these uses and the number of visitors is markedly lower than for other retail uses on the high street, raising concerns about the effect on the health of centres.
23. One representor has challenged the Council's approach and submitted alternative survey data in relation to betting shops⁵. This work covers five town centres across the UK, including Kilburn, and shows that in most cases the surveyed betting shops received higher number of visitors than nearby A1 units. Nevertheless, although the Council's work is slightly older, it is more comprehensive, covering a range of high streets across the borough, incorporating AGCs and pawnbrokers as well as betting shops, and assessing a wider breadth of A1 units. It also includes survey data on pedestrian footfall on the street, in addition to footfall within shops. Accordingly I have afforded it greater weight.
24. The Council's approach is also supported by guidance in the NPPF which requires local authorities to support the vitality and viability of town centres, and promote competitive centres with a diverse retail offer. Policy 4.8 in the London Plan also encourages local plans to manage clusters of uses having regard to their impact on vitality and viability and the quality and diversity of offer. This is supported by guidance in the Mayor's Supplementary Planning Guidance (SPG) on Town Centres (2013) (D2.7) which specifically refers to the need for local authorities to control the proliferation of betting shops which can lead to a narrowing of a centre's offer.
25. Accordingly, I conclude that the general principle of restricting betting shops, AGCs and pawnbrokers/payday loan shops in Brent is justified, on the grounds of securing a healthy mix of units and viable town centres/neighbourhood parades. I recognise that, in some cases, betting shops may have long opening hours and therefore contribute to the evening economy. However, this may also apply to other A1 uses, and overall any such benefits would not be sufficient to outweigh the potential harm of allowing this type of use to grow unchecked.

⁴ 'A Fair Deal: Betting Shops, AGCs and Pawnbrokers in Brent' (D2.3).

⁵ Appendix 1 of document LBBDM/REP/012/001.

26. The Council has highlighted a degree of correlation between deprivation indices and concentrations of betting shops, AGCs and pawnbrokers/pay day lenders⁶. However, there is no borough-specific evidence before me to demonstrate a clear link between the number of units in a centre and prevalence of betting in the local community, or that the restrictions proposed in Policy DMP 3 would have a notable effect on the incidence of gambling or markedly increase the well-being of local people. I therefore consider there is insufficient justification for the policy approach on the grounds of health and well-being.
27. The proposed maximum threshold of 4% for betting shops and 3% for AGCs or pawnbrokers/payday loan shops in Policy DMP 3 has been informed by the Council's town centre survey work. The evidence indicates that, in the case of town centres, the proposed proportion would be a reasonable rate that would allow some expansion, whilst facilitating a diverse range of uses. In reaching this conclusion I have had regard to an appeal decision cited by one representor⁷, dating from 2012. Nonetheless, this decision relates to a different part of London, and accordingly I have afforded it limited weight.
28. However, in the case of neighbourhood parades, these thresholds do not appear to be justified. Neighbourhood parades generally have fewer units than town centres, and in this context 4%/3% could, in some instances, prevent betting shops, AGCs and pawnbrokers/payday lenders coming forward, even where existing numbers in a parade are very low or there are none. Having regard to the Council's post-hearing data on neighbourhood parades, I consider this would, in some instances, be an unreasonable restriction. Accordingly I recommend that an alternative threshold of 10% or 1 unit applies to neighbourhood parades, as set out within modification **MM7**. This would support a range of other uses whilst allowing development of some outlets of this kind.
29. Betting shops, AGCs and pawnbrokers/payday loan shops would also be restricted in lineal terms, with a minimum of four units being required as alternative uses between such outlets. This would prevent undue clustering of units, and as such is a justified approach.
30. Overall, subject to the above modification, Policy DMP 3 sets out a positive framework for betting shop, AGC and pawnbroker/payday loan shop development in town centres and neighbourhood parades which is justified, effective and accords with national planning policy. The recent Government changes to the Use Classes Order in respect of betting shops and pawnbrokers also mean that Policy DMP 3 is likely to have wider application than previously.

Policy DMP 3 - Takeaways

31. Policy DMP 3 seeks to restrict the number of A5 takeaways in town centre and neighbourhood parades in the borough, in order to tackle health issues and promote diverse and viable centres. Restrictions are also proposed for takeaways within 400 metres of secondary schools and further education establishments (FEEs).

⁶ 'A Fair Deal: Betting Shops, AGCs and Pawnbrokers in Brent' (D2.3).

⁷ APP/V5570/A/12/2189530 in hearing statement LBBDMP/REP/012/001.

32. The Council's survey work show high numbers of takeaways within the borough's town centres and neighbourhood parades. Within town centres the average proportion of units in A5 use is 5.85%, and in all cases the number of takeaways in each town centre exceeds the number of other food shops.
33. The borough has high deprivation levels, with nearly 30% of children living in poverty, as evidenced in the Council's Joint Strategic Needs Assessment (JSNA) (2015) (D2.10). The JSNA also sets out evidence of significant health issues in Brent, including levels of heart disease and childhood obesity significantly above the national average.
34. Representors have questioned the extent to which restrictions on takeaways can tackle health issues, in the context of other effects on health such as sport and recreation levels, or the availability of unhealthy foods from other retail units such as bakeries, supermarkets and newsagents. Nevertheless, although it appears that some takeaway operators have sought to reduce the fat content of food and offer healthier options, the Council's hearing statement indicates that food from takeaways is often high in fat, salt and sugar. The health effects of eating such foods, coupled with a diet lacking in fruit and vegetables, is also highlighted.
35. As set out in the JSNA and the Council's Health and Well-Being Strategy 2014-17 (D2.11) the Council places high priority on tackling health issues in the borough. In this context, and taking account of the prevalence of takeaways on the high street, I consider the Council's decision to try and control the proportion of takeaways in town centres and neighbourhood parades is justified. The approach is also supported by guidance in the NPPF which highlights the need for local planning authorities to support local strategies to improve health and well-being. In addition Policy 4.8 in the London Plan supports the management of clusters of uses having regard to a centre's role in promoting health.
36. Policy DMP 3 proposes a maximum threshold of 6% for takeaways in town centres and neighbourhood parades. The Council's survey work indicates that the proposed proportion would be a reasonable rate for town centres that would allow some expansion, whilst facilitating a diverse range of uses and supporting town centre vitality. However, in the case of neighbourhood parades this proportion, as with betting shops, AGCs and pawnbrokers, could prevent takeaways coming forward and is not supported by the Council's evidence. Accordingly, I recommend that an alternative threshold of 15%/1 unit applies to A5 uses in neighbourhood parades, as set out within modification **MM7**. This would support a range of other uses, whilst allowing the potential development of some takeaway outlets.
37. There is conflicting evidence on the extent that restrictions on takeaways around schools can help to tackle childhood obesity issues. Representors have argued that the proposed approach in Policy DMP 4 would be ineffective, on the basis that children may purchase food from takeaways in the evenings and weekends, or select unhealthy food from other shops. Nevertheless, the Council's survey on 'Takeaway Use amongst Brent's school students' (2014) (D2.6) shows that walking distance from schools is a key factor as to whether

Brent students access takeaway outlets. Therefore, although other factors are likely to be at play, it seems the existence of easily accessed takeaways has some influence on eating habits amongst children in Brent. The survey shows that students' preferred option from hot food takeaways is chips (79%), with fried chicken, pizza and burgers also being popular.

38. Therefore, the Council's proposed restriction on A5 uses around secondary schools and FEEs could help to tackle health issues by making it harder for pupils to access hot food takeaways during the school day. As such the policy could play a role in helping to address obesity in children and young persons in the borough, albeit as part of a wider package of health-related measures.
39. The threshold distance of 400 metres represents a pragmatic response by the Council which should enable some health benefits, whilst ensuring the zones cover only part of Brent. The single distance, although not perfect, would allow clear and simple administration, and in this respect offers advantages in terms of effectiveness over an alternative approach based on proportional limits across sub-areas. However, recognising that schools/FEEs may cover large sites I recommend that the policy should be amended to refer to the distance as measured from school or FEE exit/entrance points **(MM7)**.
40. At the hearing the Council confirmed that the 400 metre threshold would apply within town centres and neighbourhood parades, regardless of the proportion of A5 units in those centres. In the context of stated childhood health concerns and the Council's priorities, and having regard to the high numbers of such units already in most centres that lie within 400 metres of secondary school/FEEs, I consider this approach to be justified.
41. Subject to the above modifications, there is no substantive evidence before me that the approach to takeaways in Policy DMP 3 would unduly restrict economic development, or adversely affect the economic health of centres. I note that the policy approach would not address drive-through takeaways, but there is no evidence that this format currently or is likely to constitute a significant source of takeaways in the borough. Having regard to the high numbers of takeaways currently in the borough I am also not convinced that consumer choice and access to takeaways would be unduly affected to a significant degree.
42. Several representors have highlighted examples of local authorities where limits on A5 uses have not been deemed appropriate by Inspectors, both in relation to local plans and appeal decisions. However, based on the evidence before me I am satisfied that the approach to A5 uses in Policy DMP 3 is justified in the case of Brent, is in line with national policy, and overall represents a proportionate approach which would facilitate health benefits as part of an overall package of measures. I am also satisfied that the criteria in Policy DMP3 relating to on-street parking represents a proportionate approach which would help to address parking issues in the vicinity of takeaways and is in line with national planning policy.

Policy DMP 3 – Shisha cafes

43. Policy DMP 3 proposes that shisha cafes will only be permitted more than 400 metres from secondary schools and FEEs. The Council report entitled 'Brent

Young Persons Cigarette and Shisha Audit 2012' (D2.1) highlights the health implications of smoke inhalation, and identifies that a sizeable proportion of secondary school students are regular shisha smokers or have tried shisha. Shisha cafes were cited by nearly 40% of respondents as the location of their first shisha puff, and the usual smoking location of over 50% of regular users.

44. The Council's evidence indicates that, after taking into account other factors, students from schools with more than one shisha café within a 0.5 mile radius were twice as likely to be current shisha smokers. This indicates a link between shisha café availability and prevalence of regular shisha smoking.
45. Overall, based on the evidence before me, I consider that the Council's proposed restrictions on shisha cafes, as set out in Policy DMP 3, to be justified. The policy restriction could affect opportunities for shisha smoking in cafes during the school day and on the journey to/from school, and could consequently facilitate health benefits as part of a package of measures aimed at tackling shisha and cigarette smoking. However, as for takeaways, recognising that schools/FEEs may cover large sites I recommend that the policy should be amended to refer to the distance as measured from school or FEE exit/entrance points **(MM7)**.

Policy DMP 4

46. Having regard to the important role that A1, A2 and A3 units play in serving local communities, I consider that modification **MM8** is necessary to clarify the Council's approach to the loss of such provision, taking account of viability. I also recommend that the scope of Policy DMP 4 is extended to laundrettes, as a key local facility, albeit recognising that permitted development rights may apply in some cases.

Policy DMP 6

47. The Council has indicated that the requirement in Policy DMP 6 to provide Access Management Plans relates to full planning applications only, and not outline. Accordingly, I recommend modification **MM11** to clarify this position.

Conclusion on Issue 1

48. Overall I conclude that, subject to the above main modifications, the Plan sets out a positively prepared strategy to provide customer choice and a diverse retail offer which is justified, effective and consistent with national policy.

Issue 2 – Does the Plan set out a positively prepared framework to enhance the built environment, open space provision, environmental protection and sustainability, which is justified, effective and consistent with national policy?

Built environment

49. The Council has proposed a number of main modifications to Policy DMP 1, Policy DMP 7 and other supporting text in order to strengthen the Council's approach to heritage assets, including archaeological remains **(MM4, MM5, MM12, MM13, MM14, MM15)**. These changes are necessary for the Plan to be effective and consistent with national policy.

Open space provision

50. I note that the Council's Playing Pitch Assessment is emerging, and that the Council intends to update its Open Space Strategy as part of the next Plan review. However, I consider this is not critical to the soundness of the DMP Plan as its policies relate to detailed decision-making rather than strategy. Overall I consider that Policy DMP 8 provides a clear framework for the provision of open space in the borough, including food growing opportunities.
51. Policy DMP 9 should be amended to refer to 'other tributaries' and the Thames Basin Management Plan, in line with advice from the Environment Agency (**MM16**). Waterways are interconnected and accordingly this amendment is necessary for the policy to be effective.

Environmental protection

52. The Council has indicated that designated Quiet Areas will not be shown on the Policies Map but will correspond with the boundaries of other key open space designations. As such I consider modification **MM17** to the supporting text is necessary to provide explanation and highlight where further information can be obtained.
53. The Council's overarching policy, Policy DMP 1, does not specifically refer to water quality. Accordingly I recommend that the modification to criterion g, as set out in **MM4**, is necessary for reasons of effectiveness.
54. The supporting text on noise, air quality and contaminated land in Chapter 6 provides a suitable framework for informing applications, in the context of the detailed policies on these issues in the London Plan.
55. At the hearing there was extensive debate on the flood risk section of the Plan, with the Environment Agency seeking the inclusion of additional policy guidance. The existing text is short, and I consider that further local detail to policies/guidance in the London Plan, NPPF and Planning Practice Guidance (PPG) is required to provide a clear framework to guide development. As such I consider that new policies on flood risk and surface water management and associated supporting text (**MM18 – MM22**) are necessary for the Plan to be effective, consistent with national policy and positively prepared. There is no substantive evidence before me that the policies as modified would have a significant adverse effect on scheme viability to the extent that deliverability would be jeopardised.

Sustainability

56. The Council proposes to substitute reference to 'allowable solutions' in paragraphs 7.8 and 7.13 with 'carbon off-setting' (**MM23, MM24**). I agree these modifications are necessary in order to be consistent with recent Government advice in 'Fixing the Foundations: Creating a more prosperous nation' (July 2015).

Conclusion on Issue 2

57. Overall I therefore conclude that, subject to the above main modifications, the Plan sets out a positively prepared framework to enhance the built

environment, open space provision, environmental protection and sustainability, which is justified, effective and consistent with national policy. This includes relevant aspects of general Policy DMP 1, which sets out a clear framework to achieve high quality development supported by necessary infrastructure.

Issue 3 – Does the Plan set out a positively prepared strategy on transport which is justified, effective and consistent with national policy?

58. The North Circular Road is a Transport for London Route Network (TLRN) road, but this is not clearly reflected in Policy DMP 11 as submitted. Modification **MM25** would provide clarity on this matter. Whilst Policy DMP 11 does not explicitly refer to cycling and pedestrian safety, this matter is covered in paragraph 8.20.
59. The Council's hearing statement refers to flexibility in the application of part c of Policy DMP 11 relating to controls on heavily parked streets; for example where other measures are proposed to reduce pressure for on-street parking. Accordingly I consider that modification **MM26** is necessary for reasons of clarity.
60. Policy DMP 12 sets out a clear approach to car parking management which should help to tackle congestion through the promotion of Controlled Parking Zones and car free development in areas of high Public Transport Accessibility Level (PTAL). The associated parking standards in Appendix 1 are broadly consistent with the parking standards in the London Plan. This includes the proposed residential standards for 1-2 bedroom units, which vary between 0.75 and 1 space per unit depending on accessibility, and therefore broadly accord with the London Plan maximum standard of 'less than 1 per unit.'
61. Paragraph 6.42i in the Parking MALPs indicates that outer London boroughs should consider revised residential standards, with potentially higher levels of provision than in table 6.2 of the London Plan. At the hearing the Council indicated that the standards in the submitted DMP Plan should be retained on the basis that much of Brent has the characteristics of an inner London borough. This position is justified, having regard to the variations identified in the Council's Parking Standards in Brent Report (2012) (D3.2).
62. One representor has proposed that restrictions should be placed on off-street parking on developments in the vicinity of Wembley Stadium, in order to prevent 'pirate' parking. This issue is referred to in the Wembley AAP and is being dealt with by the Council through a combination of enforcement and management, including the use of conditions. Accordingly I am satisfied that policy restrictions relating to this matter are not necessary for soundness within the DMP Plan.
63. The servicing standards in Appendix 2 of the Plan are based on those in the Council's Unitary Development Plan (2004), and there is no substantive evidence before me that they are unreasonable or would result in inefficient use of land.
64. Overall, I conclude that, subject to the above main modifications, the Plan sets out a positively prepared strategy on transport which is justified, effective and consistent with national policy. This includes paragraphs 8.1 to 8.11 which

establish an overall framework which identifies suitable mitigation measures and a sustainable balance of transport modes.

Issue 4 – Does the Plan set out a positively prepared framework for managing employment land, which is justified, effective and consistent with national policy?

65. Policy DMP 14 sets out an approach to managing employment land, which seeks to retain employment land where possible, whilst allowing some flexibility for redevelopment for other uses. Mixed use schemes are recognised as being part of this flexible approach, in line with Policy 4.3 in the London Plan and guidance in the Mayor of London's Housing SPG (2016) (D5.12).
66. Policy DMP 14 states that the loss of employment land will be limited to 11.5 hectares. This figure represents the medium forecast established in the Council's Employment Land Demand Study 2015 (D4.1). It is intended to provide a broad guideline, and there is no compelling evidence before me to demonstrate that the forecast or Study methodology is fundamentally flawed.
67. The policy seeks to retain key employment sites of strategic importance, known as Strategic Industrial Locations (SILs) and Locally Significant Industrial Sites (LSISs), except where these sites are identified as suitable for release in the Council's Employment Land Demand Study. This approach accords with the plan, monitor and manage approach established in Policy 4.4 in the London Plan. Furthermore, given that the Council's Employment Land Demand Study is subject to periodic review and will be updated as part of the forthcoming Local Plan production, I consider the approach avoids undue protection and accords with paragraph 22 of the NPPF. There is also no substantive evidence before me to suggest that the site assessment process in the 2015 Study is inappropriate or unsound.
68. The Council's Local Plan Viability Assessment (2016) (D4.2) indicates that the proposed requirements to provide 50% affordable housing and 20% of the site area as employment land are likely to be broadly deliverable. However, in the context of the flexibility cited in Policy 3.12 of the London Plan and paragraph 173 of the NPPF I consider that modifications to Policy DMP 14 and the supporting text are necessary to clarify that these requirements are subject to viability and negotiation (**MM27, MM29, MM30**). Clarification that the 20% employment requirement relates to site area is also incorporated in **MM27** and **MM30**. In the modifications to paragraph 9.2 (**MM29**) I have adjusted the wording to avoid undue and unnecessary detail regarding the mechanics of viability assessments. I note that the GLA has indicated it intends to provide additional guidance on viability assessments in a revised London Housing SPG.
69. The principle of the 50%/20% requirements has also been questioned by some representors. However, having regard to the high level of affordable housing need in the borough and the continued demand for employment space, coupled with the Council's viability evidence, I consider the Plan's approach is reasonable subject to the above modifications. The absence of reference to starter homes is also appropriate given that implementation details arising from the Housing and Planning Act (2016) have yet to be confirmed. Nevertheless, clarification that an efficient use of remaining

employment land is sought rather than high density B1 development should ensure the policy approach is clear and effective **(MM27, MM30)**.

70. The third part of Policy DMP 14 relates to other employment sites, or 'Local Employment Sites', in the borough, and sets out a series of criteria for assessing proposals for re-use. This includes a requirement for applicants to demonstrate non-viability, carry out appropriate marketing, and retain the maximum amount of existing employment floor space or provide Affordable Managed Workspace as an alternative. There is no compelling evidence before me that the criteria are unreasonable or would jeopardise scheme viability. Furthermore, the approach in general is supported by evidence in the Council's Employment Land Demand Study of on-going need for affordable employment land in the borough. However, I recommend that the requirement relating to Affordable Managed Workspace is inserted in Policy DMP 14 as well as the supporting text, for reasons of clarity and effectiveness **(MM28)**.
71. I am satisfied that it is possible to design a layout, particularly for large sites, which provides adequate separation between B2/B8 and residential uses and ensures no adverse amenity impacts. Accordingly I consider that the flexible approach in Policy DMP 14 regarding B use classes is appropriate.
72. Overall I conclude that, subject to the above main modifications, the Plan sets out a positively prepared strategy for managing employment land which is justified, effective and consistent with national policy.

Issue 5 – Does the Plan set out a positively prepared framework for delivering housing development, which is justified, effective and consistent with national policy?

73. Policy DMP 15 states that the maximum reasonable amount of affordable housing should be sought on sites with capacity to provide 10 or more homes. This approach accords with Policies 3.12 and 3.13 in the London Plan, and incorporates sufficient flexibility to allow for negotiations on viability and other matters. Although the threshold differs slightly from the threshold of 11 units in the PPG, it is only by one unit and the Council's evidence indicates that only a small number of 10 unit schemes have come forward in recent years. The Council's viability work also indicates that schemes of 10 units or more are able to deliver affordable housing in most cases. The forthcoming review of the London Plan will also provide an opportunity to review the threshold issue on a strategic basis. Overall, I am therefore satisfied that the approach in Policy DMP 15 is justified and deliverable.
74. The split between social/affordable and intermediate housing of 70%/30% in Policy DMP 15 is supported by evidence relating to needs and viability. The policy recognises that the precise mix will depend on site specific negotiations and viability, and provides sufficient flexibility to allow a range of delivery vehicles in accordance with the definition of affordable housing in the NPPF.
75. The Council has indicated that affordable rented rather than social rented housing is likely to be delivered in most cases, given the higher costs of delivering the latter. However, social rented housing may be deliverable on some sites and there is a high level of need for this form of development in the borough. In this context, and having regard to the flexibility in the policy,

I consider that the reference in Policy DMP 15 to social/affordable rented housing is justified. However, I recommend that the supporting text should be modified (**MM33**) to clarify the situation regarding delivery.

76. The requirement in point 2 of Policy DMP 15 to reappraise the viability of major sites 'where housing development commences 18 months after consent is issued' is not justified by evidence or supported by guidance in the London Housing SPG on contingent obligations. Accordingly, modification **MM31** is required for reasons of soundness and to provide clarification. Modifications **MM32** and **MM34** are needed to fully explain the Council's approach to Vacant Building Credit.
77. Policies DMP 16 and 17 seek to prevent the loss of housing/family sized housing, in the context of high levels of demand for accommodation in the borough, but allow exceptional circumstances where loss or conversion may be permitted. However, I recommend an additional criterion (d) is inserted in Policy DMP 16 to provide consistency with the supporting text (**MM35**). Modifications are also necessary to Policies DMP 16 and 17 and the supporting text to clarify the definition of 'family sized housing' (**MM35, MM36, MM37, MM38**).
78. The Council's evidence points to demonstrable problems of overcrowded housing within the borough. However, the requirement in Policy DMP 18 for one person accommodation to be provided in the form of studio accommodation appears to be overly onerous and there is uncertainty about its deliverability and enforceability. In this context it should be deleted, under modifications **MM39, MM40, MM41, MM42**.
79. The residential amenity space standards in Policy DMP 19 are significantly greater than the minimum standards in London Plan. However, these standards have been in operation since 2001 and there is no evidence before me that they have led to particular issues with scheme viability. The standards have also been incorporated into the Council's viability testing, and reflect the suburban character of much of the borough.
80. The approach in criterion d in Policy DMP 20 is justified in the context of the high levels of deprivation in the borough and the pressure this places on statutory services and social infrastructure. A modification, however, is recommended to the first section of Policy DMP 20 to clarify that the policy relates to student housing as well as other forms of specialist housing (**MM43**). I also recommend that reference to the protection of existing gypsy and traveller sites in the borough is added to paragraph 10.67 for reasons of effectiveness (**MM44**).
81. Overall I conclude that, subject to the above main modifications, the Plan sets out a positively prepared strategy for delivering housing development, in conjunction with the Core Strategy and London Plan, which is justified, effective, and consistent with national policy.

Issue 6 – Does the Plan set out a positively prepared framework for the protection of social infrastructure, which is justified, effective and consistent with national policy?

82. Paragraphs 11.3 to 11.7 provide detailed information on how Policy CP 23 in the Core Strategy and Policy 3.16 in the London Plan will be applied. The criteria relating to the protection of social infrastructure are justified.
83. Additional detail on the protection of public houses is provided by Policy DMP 21. In the context of recent losses and the important community role that public houses can play, the overall approach in Policy DMP 21 is justified. However, a number of changes are recommended to the policy to provide additional strength and clarity. This includes re-ordering of the criteria, reference to marketing requirements and the character of an area, and additional detail on the Council's approach to Assets of Community Value (**MM45**). Further clarification on the assessment evidence relating to public consultation and alternative licensed premises is also recommended in the supporting text (**MM46**).
84. Overall I conclude that, subject to the above main modifications, the Plan sets out a positively prepared strategy for protecting social infrastructure which is justified, effective, and consistent with national policy.

Assessment of Legal Compliance

85. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The DMP Plan is identified in the approved Brent LDS October 2015 which sets out an expected adoption date of December 2016. The DMP Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in June 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out, including in relation to the post-submission main modifications, and is adequate.
Appropriate Assessment (AA)	A Habitats Regulations Assessment Screening Report (July 2015) has been produced and sets out why AA is not necessary.
National Policy	The DMP Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The DMP Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

86. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.
87. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix to this report, the Brent DMP Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Katie Child

INSPECTOR

Attachments - This report is accompanied by the Appendix containing the Main Modifications