

DP3762/JWP/AWR

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**BY POST AND EMAIL**

Dear Sir / Madam

**SUBMISSION VERSION CENTRAL EALING NEIGHBOURHOOD PLAN (AUGUST 2016)**

We are instructed by our client, BE Broadway BV, and their development managers, London & Newcastle Capital Limited, to submit on their behalf the following representations on the Submission Version Central Ealing Neighbourhood Plan (August 2016), in the context of their position as majority landowner of the Arcadia Site, 9-42 The Broadway and 1-4 Haven Place, Ealing.

We also submitted representations on the Draft Central Ealing Neighbourhood Plan (February 2016) on our client's behalf. We enclose those representations for your ease of reference. Whilst we acknowledge the Submission Version Central Ealing Neighbourhood Plan ("SVCENP") has moved on since the previous draft, we still have fundamental concerns regarding its content and therefore have reiterated those specific points in the representations below.

**General Observations on the Submission Version Central Ealing Neighbourhood Plan**

Having raised the issue that the Draft Central Ealing Neighbourhood Plan ("DCENP") had given no consideration to the Arcadia Site allocation within the adopted Development Sites Development Plan Document, December 2013 (EAL3 Arcadia) within our previous representations, we are concerned that the SVCENP also makes no reference. This is especially surprising considering the SVCENP includes site specific policies for the Eastern Gateway (Site CENP1), Haven Green car park (Site CENP2) and Percival House and car park (Site CENP3)

As stated previously, the adopted Development Sites Development Plan Document has been through the statutory consultation procedures, including an Examination in Public held by an Inspector appointed by the Secretary of State, which should be afforded significant weight in the preparation of emerging planning policies. The legal test for a Neighbourhood Plan is that it has to be "*in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area)*".

The allocation for EAL3 Arcadia is for:

*"Mixed use development appropriate to the town centre, including additional retail, commercial, leisure / entertainment and residential."*

The justification provided for the allocation is that:



*“The existing buildings on the site are insufficient to accommodate the scale, range or quality of retail offer required to support the vitality and viability of the town centre, and their comparatively low intensity of development underutilises a key town centre site adjacent to the station. Individually or together the buildings have little architectural merit, such that the nature, form and scale of development is not considered to make a positive contribution to the Conservation Area or the townscape”.*

The design principles for EAL3 Arcadia are set out in the Draft Arcadia Site Supplementary Planning Document, prepared by the Council in June 2012.

Any emerging policies related to Central Ealing more broadly should ensure they do not contradict or conflict with the strategic objectives of the Council’s Local Plan for the Arcadia Site, which is a significant site within the heart of the Ealing Metropolitan Town Centre, which is about to benefit from a new Crossrail station increasing its importance as a centre. The Arcadia Site is key to the future of Ealing town centre with the opportunity to provide enhanced retail, community and leisure accommodation, new high quality public realm, improved connectivity through the town centre and new homes.

Our second significant general observation is, that whilst at paragraphs 5.1.2 to 5.1.4 acknowledge that Ealing is a Metropolitan Town Centre, that is falling behind neighbouring town centres, and the policies of the SVCENP are designed to redress this, there is then no mention of an objective within the Plan that seeks to build on Ealing’s status as a Metropolitan Town Centre.

It is our view that the policies of the SVCENP will constrain development and regeneration in Ealing town centre thereby failing to achieve the strategic objectives of the Development Plan which aims to enhance the economic status of this Metropolitan Town Centre.

### **Observations on the policies of the Submission Version Central Ealing Neighbourhood Plan**

We make the following observations on the proposed draft planning policies of the SVCENP:

#### Policy HBE1 – Quality of Design

Part (ii) of the policy states that in conservation areas development should *“avoid dramatic contrasts in scale and massing with nearby buildings typical of the Conservation Area”*. As the policy does not allow for an assessment of whether development preserves or enhances the character and appearance of the conservation area, which in our view it should, in its current form it only serves to restrict development even if there is no harm caused to the conservation area. This does not accord with the objectives of the Development Plan which seeks to optimise development.

#### Policy HBE2 – Protecting The Streetscape & Policy HBE3 – Building Heights

##### *Policy HBE2 (v) & Policy HBE3 (para 2)*

Part (iv) of Policy HBE2 seeks to restrict the height of development frontages within or abutting / fronting conservation areas to a consistent height with those opposite or adjacent to the site.

The second paragraph of policy HBE3 states *“Within or adjoining a Conservation Area, any new building taller than six storeys should be set back from the frontage and should not be dominant when viewed from street level.”*

Both parts of these policies contradict the statement made at paragraph 4.11 of the SVCENP which states:

*“However, it is also recognised that it is rarely appropriate to specify a maximum height for any individual new building. Rather it will be important that developers and others involved in the planning and development process in Central Ealing make full assessments of the development potential of a particular site with respect*



*to the heights, bulk, scale and massing of buildings nearby. Potential applicants must show that they have taken all such matters into account in the preparation of their plans, and detailed character assessments will need to be submitted in support of planning applications.”*

We agree with this statement and as we stated in our previous representations, in our view blanket height restrictions are not a sound approach to plan led policy making. Determining the appropriate scale of buildings should be design led relating to the site's context and following assessment of relevant townscape, heritage and amenity considerations as well as a number of other factors. Furthermore, the proposed policies would be restrictive towards delivering the strategic regeneration and economic development goals laid out in the London Plan which seek to make optimal use of the capacity of sites with high levels of public transport accessibility such as the Arcadia Site opposite Ealing Broadway Station. More conservation and design led policies would in our view be more appropriate.

*Policy HBE3 (para 1)*

The first paragraph of Policy HBE3 and its supporting text (paras 5.2.18 and 5.2.19) should acknowledge that the principle of taller buildings should be acceptable where these have been identified within site specific allocations, subject to assessment of detailed design and impact on character and appearance of conservation areas and settings of heritage assets. Site EAL3 Arcadia is considered in principle an appropriate location for a tall building within the Development Sites DPD and the Draft Arcadia Site SPD identifies the appropriate zone within the site for that tall building. Only identifying the "Office Corridor" as an appropriate location for taller buildings is not consistent with the Council's Local Plan and in our view Policy HBE3 should be expanded to include site allocations for tall buildings. This point goes back to the heart of the issue that the Neighbourhood Plan should be in general conformity with the Development Plan.

**Summary**

In summary, for the reasons given above, we do not consider the SVCENP to be sound and significant alterations should be made to ensure it is in general conformity with the strategic policies of the Development Plan.

Yours faithfully

**DP9 Ltd**

cc Steve Barton Esq London Borough of Ealing