

Your ref:

Our ref: CENP/Reps

18 November 2016

Planning Policy
Regeneration and Property
Perceval House
4th Floor SW
14-16 Uxbridge Road
Ealing
W5 2HL



Peter Brett Associates LLP
16 Brewhouse Yard
Clerkenwell
London EC1V 4LJ
T: +44 (0)207 566 8600
E: london@peterbrett.com

Dear Sirs

RE: TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

LOCALISM ACT 2011

THE NEIGHBOURHOOD PLANNING REGULATIONS 2012

**CENTRAL EALING NEIGHBOURHOOD DEVELOPMENT PLAN 2017-2026:
SUBMISSION VERSION – AUGUST 2016**

We write in respect of the 'Central Ealing Neighbourhood Development Plan 2017-2026: Submission Version - August 2016' (the Draft Neighbourhood Plan) prepared by the Central Ealing Neighbourhood Forum (CENF) and hereby provide representations in respect of this document.

Policy and Legislation

The above-referenced legislation provides the ability for local communities to prepare neighbourhood plans covering a specified area within any local authority in England.

In this case, the Draft Neighbourhood Plan falls within the administrative boundary of the London Borough of Ealing Council (LBE) and within the Greater London Authority (GLA).

Once adopted, a neighbourhood plan becomes part of the Development Plan for that area, and therefore forms part of the core decision-making framework when determining planning applications, as prescribed by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

The Government's National Planning Practice Guidance (NPPG) provides guidance with regard to the process of preparing a neighbourhood plan and summarises the requirements of the relevant legislation to be considered when determining whether a proposed neighbourhood plan should be adopted.

The NPPG states that: "*A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework)*" (Reference ID: 41-004-20140306).



It goes on to state: *“If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”* (Reference ID: 41-005-20140306).

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) sets out the basic conditions which must be met before a draft neighbourhood plan can be put to a referendum and made. The basic conditions are as follows:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

Section 7 of the National Planning Policy Framework (NPPF) outlines the importance of good design and its relationship to sustainable development. Paragraph 60 confirms that: *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*. Paragraph 61 goes on to stress the importance of inclusive design and the need to address the connections between people and places and the integration of new development into the natural, built and historic environment.

NPPF paragraph 65 states: *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design”*.

The London Plan (2016) sets out various policies which support high density residential and commercial development within town centres and urban areas.

London Plan Policy 3.3 (Increasing Housing Supply) recognises the pressing need for more homes in London and seeks to ensure that housing needs are met. It sets a minimum ten-year housing provision target for Ealing of 12,972 (1,297 annually).

The London Borough of Ealing Development Strategy 2026 (adopted April 2012) Policy 2.5(a) (Revitalise Ealing Metropolitan Town Centre) outlines the Council’s ambition to: *“...regenerate Ealing Town Centre and develop a vibrant and diverse range of new homes, shops, offices, sport and leisure and other public facilities leading to the provision of 2,580 additional mixed tenure homes up to 90,000 sqm increased office space providing up to 6,500 potential office jobs, and up to 50,000 sqm of gross retail floor space.”*



The London Borough of Ealing Development Sites DPD (adopted December 2013) includes an allocation for the car park and substation area to the north of Perceval House (EAL7: Longfield Avenue Car Park). With regard to design principles for development of the site, the DPD states that: *“The scale, massing and height of buildings must respect the amenity of adjoining properties to the west. Lower elements should adjoin the existing residential development on Craven Avenue, with density massed towards Longfield Avenue and the increased scale of development at Dicken’s Yard”* (p37).

Representations

Our representations centre on Draft Neighbourhood Plan Policy CENP3 (Perceval House & Car Park (site EAL7)). By not referring to other draft policies, we are not indicating whether or not in our view they meet the necessary tests set out in the relevant legislation and guidance referred to above.

The existing Perceval House site houses the LBE Council offices and customer service centre, associated car parking and an existing substation. It is clearly an important site within the Town Centre in terms of its current function as well as its potential future use, should a scheme for redevelopment of the site come forward in the future.

The first part of the draft policy refers to the retention of at least 20,000sqm of office use as well as the provision of local authority customer service functions, plus community/other public space such as a library and/or health centre, with residential over, adding that car parking should be below ground and entered from Longfield Avenue.

It should be noted that this requirement is over and above the existing amount of office floorspace on the site. The policy requirement does not take into account the needs of the existing user, LBE, and whether 20,000sqm of office floorspace is in fact required by LBE. Notwithstanding the identified need for additional office floorspace within the Borough as set out in the Development Plan, there is also a significant need for housing within the Borough and within London as a whole. It is not apparent in the policy wording that competing needs have been assessed and thus whether the level of office floorspace quoted is necessary or desirable in planning terms. The requirement precludes any alternative approach which may bring with it greater benefits in terms of the vitality of the Town Centre and its contribution to the townscape character of the area.

The second part of the draft policy states that: *“Development should respect and enhance the setting of the adjacent Conservation Area and Listed Buildings, particularly the Town Hall, in terms of height, scale, massing, design and use of external materials and finishes... and be of a height consistent with buildings opposite or adjacent to the site ...the building line to Longfield Avenue should be maintained... the frontage to Uxbridge Road should continue the ‘boulevard concept’ and the Office Corridor and be of a height consistent with buildings opposite or adjacent the site...”*

Given the Town Centre location and urban setting of the Perceval House site, it is not considered appropriate to set a height limit for development. Rather, any future development proposal would need to have taken into account the character of the existing townscape including impacts on any identified heritage assets. If a building is proposed on the site which is taller than the Listed Town Hall, this does not by default mean that the character and setting of the Listed Building would be harmed, particularly when considering the existing relationship between Perceval House and the Listed Building.

Part three of the draft policy requires, amongst other things, any proposal to be *“...accompanied by a fully designed and costed scheme to mitigate the potential adverse impact of such proposals on residential amenity, to be completed prior to commencement of the development.”*



It is difficult to understand what is actually required by this part of the policy and it would appear to preclude the possibility of seeking outline planning permission for some or all parts of the site, should an application be made for outline rather than detailed planning permission in the future. It is not considered appropriate for full costing details to be required for the purposes of determining any planning application as this is not a planning matter unless, for example, viability is being used as a justification for a shortfall in respect of affordable housing provision against the targets set out in the Development Plan.

The draft policy as a whole presents an extensive and prescriptive list of requirements and parameters for future use or development of the Perceval House site, many of which conflict with one another. No evidence is presented to show whether these requirements are based on a robust assessment in respect of design or viability. Furthermore, the draft policy is considered to conflict with established national, London Plan and LBE adopted policies and guidance.

The supporting text in paragraphs 5.5.15 - 5.5.19 provides no substantive justification for the draft policy to which it relates and there are conflicts between what is stated in the supporting text when compared with the prescriptive requirements of the policy as drafted. For example, paragraph 5.5.18 states that: "...*The footprint of the present building uses ground space relatively inefficiently, so greater density can be achieved without any significant increase in height and the impact of massing reduced by rebuilding on the present site in two or more blocks.*" However, part two of the draft policy wording requires retention of the existing building line along Longfield Avenue.

It is not disputed that any scheme for the site could realistically include office floorspace, neither is it disputed that any scheme would need to respect the character and appearance of the nearby Grade II Listed Town Hall, Ealing Town Centre Conservation Area and other heritage assets. However, the draft policy is not based on a detailed assessment of the site's constraints and opportunities and seeks to apply arbitrary requirements and restrictions which would potentially hinder optimisation of the site in terms of density as well as the potential to provide a complementary mix of uses; furthermore, it does not align with national, regional and local guidance and Development Plan policies.

For the reasons set out above, it is considered that draft Policy CENP3 does not meet the basic conditions and therefore should not be adopted as part of the Development Plan in its current form.

Should you have any queries in respect of the above, please do not hesitate to contact me.

Yours sincerely

Edward Buckingham
Associate Planner
For and on behalf of
PETER BRETT ASSOCIATES LLP