

Central Ealing Neighbourhood Plan – Submission Version for Consultation Representations on Behalf of British Land

This document comprises representations submitted on behalf of British Land in respect of the submission draft of the Central Ealing Neighbourhood Plan, which has been published for consultation.

British Land is grateful for the opportunity to make comments as it will be significantly affected by the Central Ealing Neighbourhood Plan. British Land owns Ealing Broadway Centre, which is important to Ealing as it comprises the main shopping area within the town centre. It also provides substantial office space and a range of other uses.

British Land made representations to the February Draft Central Ealing Neighbourhood Plan. Whilst there have been changes to the document, many of the concerns remain. Therefore it is requested that considerable weight is given to the comments below on key elements of the draft plan.

Overall Approach

British Land is supportive of the vision and aims set out towards the start of the Neighbourhood Plan. In particular, the vision for Central Ealing to be a place that attracts ‘people from a wide catchment area to visit, work, study, shop and stay’, together with the vision for the town to be a natural focus for both the Borough and West London sub-region, are both in line with British Land's own aspirations.

In terms of the stated aims regarding Ealing’s economy; for the town to ‘regain its competitive edge with a renewed shopping experience and a vibrant mix of retail and complimentary uses’, together with delivering ‘a safe and welcoming evening economy’; these are supported by British Land strongly.

In order to achieve this vision and the stated aims, the Neighbourhood Plan identifies Central Ealing as ‘a place where it is appropriate to locate a significant amount of development, be that in the form of homes, employment, shops or leisure facilities’. It explains that ‘this means that appropriate opportunities should be taken to increase densities, but that this should be with full regard to other planning considerations’. This approach as set out in paragraph 4.8 is supported.

Paragraph 4.9 goes on to conclude that ‘It is important that Central Ealing seizes the full range of opportunities associated with its ease of access. It is not only new homes that will need to be accommodated; we must grasp the opportunity for new jobs, shopping and other facilities.’ Again, this approach is supported.

However, having stated these aspirations, the remainder of the Neighbourhood Plan fails to set out how this new development required can be accommodated. Instead, much of the remaining document adopts a generally restrictive stance, either explicitly or implicitly.

Instead of providing the detail of where the required development will be encouraged, which should be contained within this local policy document, the policies are generally restrictive and there is more focus on trying to extract planning gain, such as subsidised commercial space and the provision of a range of community and other facilities, than there is on how best to accommodate the development needed.

Furthermore, a number of the planning policies are inconsistent with those already adopted at the strategic and local level, or simply repeat the policy context already in place, albeit sometimes worryingly inaccurately.

In light of the above, it is requested that the Neighbourhood Plan is not progressed to adoption. Instead it should be relooked at, to both achieve a greater degree of compliance with national, strategic and local policy, and to undertake the important task of examining how the quantum of development required can actually be accommodated, as this has not been done.

In addition to these comments on the overall approach, British Land requests that the following objections to the specific policies are also taken into account.

Policy E1 – New Retail Frontages

A revised approach is requested within the local area covered by the Neighbourhood Plan. British Land asks that Policy E1 and the supporting text defines ‘retail uses’ as those falling within the A Use Classes.

Currently, the supporting text in paragraph 5.1.7 defines the range of ‘complimentary uses’ as being not only those such as dentists, clinics, health centres and leisure facilities, but also financial/professional services, cafes and restaurants falling within Use Classes A2-A3. As such, the wording of Policy E3 would only allow retail uses within Use Class A1 within the defined primary frontages. As almost all of the Broadway Shopping Centre is defined as primary frontages, no cafes and other uses within the A Use Classes would be allowed under the current wording. It is important they are permitted so that the scheme can respond to what the local population wants and expects, thereby helping to make the Centre more attractive and encourage people to stay longer.

Paragraph 5.1.11 rightly recognises that ‘successful towns will move away from a reliance upon retail for the provision of a broader mix of commercial and employment uses’ and goes on to state that, ‘in order to reposition and reinvigorate Central Ealing, an increase in the amount, quality and diversity of the existing retail and leisure offer will be needed’. British

Land agrees with this, but Policy E1 does not allow for it as currently drafted. It is requested that amendments are made to define 'retail uses' as those falling within the A Use Classes.

Policy E3 – Mixed Use Development

British Land objects to the apparent requirement that all major development should incorporate a mix of uses. The wording is also somewhat unclear in the second sentence, with the inference that it is not just an issue of 're-provision' of any existing social, cultural or community uses that may be proposed to be lost, but that all schemes should be made to provide such uses, as well as 'a range of employment opportunities', as specified in the last sentence.

This is unacceptable. Each proposal needs to be considered on its merits. Most redevelopment proposals in the town centre that will come forward would be classified as major applications, but a mix of uses in all of them would not be appropriate. Indeed, applications for individual uses can be entirely appropriate.

Furthermore, the requirement to provide a range of other uses, without having regard to whether or not there is a need for them as a result of the proposed development, is unjustified and unreasonable.

The viability of regenerating sites in town centres is often marginal and it is already difficult to deliver good quality schemes that otherwise meet the needs identified within the Neighbourhood Plan. Requiring all such development proposals to provide space for other uses, will prevent development from coming forward all together.

Policy E4 – Encouraging New Businesses

Whilst British Land has no issue with a policy that supports space for new or small businesses, the precise wording set out in Part i actually states that additional provision of 'affordable' office/workshop space, including space suitable for social enterprises, will be sought as part of the mix of uses required by Policy E3 (which covers all major development). British Land objects to this.

Unlike with affordable housing, which helps to meet a social need for the local population, there is no such social need with businesses.

Within the borough there is a wide range of accommodation available with a wide spectrum of rents. No evidence is put forward to suggest otherwise and in the absence of there being an identified need, this onerous requirement should be deleted.

Requiring rents to be artificially reduced will undermine the viability of worthwhile schemes, which would otherwise deliver the very commercial space that the Neighbourhood Plan

otherwise seeks to secure. Furthermore, how would the Neighbourhood Forum or Borough Council decide which businesses warranted help and which did not. What would happen when a business becomes successful? Would they be forced to leave the premises with the subsidised rent and who would decide this? Such interference will act as a disincentive for a business to improve its turnover.

It is requested that in Part i the following words be deleted 'and additional provision will be sought in suitable locations as part of the mix of uses required by Policy E3'.

Policy HBE1

The second part of the policy seeks to 'avoid dramatic contrasts in scale and massing with nearby buildings typical of the Conservation Area'. Having regard to the fact (referred to in paragraph 5.2.1) that 88% of the Central Ealing Neighbourhood Area falls within a Conservation Area, there will need to be significant increases in scale within the town centre in order to achieve the additional development sought (both within the Neighbourhood Plan itself and also at the strategic and local levels).

Furthermore, the wording is a distortion of the statutory requirement, which is for proposals to either preserve or enhance the character of a Conservation Area. Therefore it is requested that Part ii either be deleted, or replaced so that it sets out the required approach correctly.

Policy HBE2

British Land welcomes the revisions to the previous draft, which had specified a limit of four to six storeys within or abutting Conservation Areas. However, this is simply being replaced by Part iv of Policy HBE2, which now seeks to 'restrict the height of frontages to be consistent with those opposite or adjacent to the site'. This is arbitrary and does not even have regard to whether the existing height (which new development has to be consistent with) is appropriate. There is clearly a need to make best use of land within town centres, whilst avoiding significant harm to heritage assets, but this policy goes too far and is inappropriate.

A similar but somewhat different problem is contained within Part ii of the policy, which seeks to protect or enhance key views, but then simply goes on to list the buildings of concern, without defining the precise viewpoints that need to be protected. This is too vague. As the aim appears to be to ensure that proposals do not cause significant harm to heritage assets, this part of the policy can be deleted, as this requirement is already covered in the NPPF and within the adopted Development Plan.

Policy HBE3

British Land objects to the second paragraph within the draft policy, which simply states that within or adjoining a Conservation Area, any new building taller than six storeys should be

set back from the frontage. Each proposal needs to be considered on its merits and such an arbitrary requirement should not replace the need for a proper assessment to be undertaken for each development proposal. It is therefore requested that the second paragraph of draft Policy HBE3 be deleted.

Policy CC1 – Social Infrastructure

British Land continues to object to draft Policy CC1, which states that ‘major or strategic development will be expected to allow space for social infrastructure’ with the policy then going on to imply that mixed use development needs to provide healthcare, education and leisure services in order to be supported.

It needs to be recognised that major development can be acceptable in its own right, providing the very housing, shopping or business space that Ealing requires. It will often not be either necessary or desirable to set space aside for social infrastructure and the inference in the second part of the policy that provision needs to be made for healthcare, education and leisure services goes even further than the social, cultural and community uses required under Policy E3.

The draft policy is not only unrealistic and unreasonable, but also lacks the necessary justification. If adopted, such a policy would undermine the viability of redevelopment schemes and prevent worthwhile development from coming forward. It can already be extremely difficult to make town centre redevelopments work and policies such as this, which undermine them, should be deleted in the absence of the necessary justification. Furthermore, both healthcare and education referred to in the draft policy are funded by taxation and it is neither reasonable nor appropriate to shift the burden onto the development industry. Wider social infrastructure that is needed across the Borough is covered under the Community Infrastructure Levy.