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Dear Sir/Madam

## Central Ealing Neighbourhood Development Plan 2017 – 2026: Representations on the “Submission Version August 2016”

On behalf of our client, St George West London Ltd, we set out below representations to the Submission Version of the Central Ealing Neighbourhood Development Plan, published for comment until 24 November 2016. We understand this is the final round of consultation prior to submission for Examination and we would be grateful if the comments set out in this letter could be fully considered by the Council and the Neighbourhood Forum, as well as the appointed Examiner, prior to the Plan being finalised.

By way of background, St George is a significant investor in Ealing Town Centre with two major sites in the Neighbourhood Plan Area; Dickens Yard and Ealing Filmworks. Dickens Yard, a mixed use development located between New Broadway and the railway, is under construction and is due to be complete in 2019. This will deliver a wide range of benefits for the Town Centre, including a new shopping street with a range of retail stores, health, leisure and community uses, new public squares and pedestrian routes and almost 700 new homes for Ealing, including 70 active elderly homes for the over-55s.

More recently, St George purchased the Ealing Filmworks site (August 2016) with the purpose of taking it forward to deliver a high quality development for Ealing Town Centre. The site is subject to an extant planning permission and conservation area consent for demolition of the existing buildings and comprehensive redevelopment for a mix of uses including a cinema, retail and residential uses including a new public link from New Broadway to Walpole Park. St George is currently preparing to commence works on site, a significant step in delivering this key development for the area.

We welcome the opportunity to comment on the draft Plan on behalf of St George and trust that the representations set out below are helpful to the Council and the Neighbourhood Forum in ensuring the Plan is sound, justified and accords with the NPPF, the London Plan and LB Ealing's Development Plan documents.



## Representations

The representations set out below are based on the chapters and associated policies of the draft Plan for ease of reference.

### Section 1 – Introduction

We support the recognition in the draft Plan that Ealing, as a Metropolitan Centre, is a sustainable location which should benefit from development and the changes it brings, responding to the needs of the future whilst preserving its character.

We note that reference is made under para. 1.6 (and other sections of the draft Plan) to the revised version of the London Plan 2015 and the Draft Interim Housing SPG from May 2015. These references need to be updated to refer to the London Plan 2016 and the Housing SPG which was adopted in March 2016.

### Section 3 – Vision

We support the overall Vision for Central Ealing, including the need for development which will meet the challenges of a rapidly increasing residential population and improved accessibility whilst preserving its special and historic character. The Vision states that Ealing will ‘once again be a sought after destination’. We would note that it is already highly sought after and a highly desirable destination to visit, work and live; the challenge for the Plan is to enhance its offer as a focus for activity in the context of a growing population.

The aims in relation to Central Ealing’s economy, public realm, heritage and built environment and culture and community positively support the Vision and its need to deliver a high quality of development within a vibrant, varied and sustainable town centre. In accordance with the NPPF (Section 2), planning policies should positively promote competitive town centre environments and it should be recognised that “...*residential development can play an important role in ensuring the vitality of centres...*” (para. 23). This is reiterated under the supporting text to London Plan Policy 2.15; “*A wide range of uses will enhance the vitality and viability of town centres... So too does more and higher density housing, which can capitalise on their public transport accessibility, enhance footfall, vitality and viability and lever in resources for comprehensive town centre renewal as part of mixed use redevelopment and expansion*”. We would suggest that the delivery of a significant number of new homes is highlighted within the Vision (and the Plan’s draft policies) as a key element in achieving the successful revitalisation of Ealing Town Centre.

### Section 4 – Policies: The Context

The ‘Sustainability’ section of the Plan sets out Ealing’s accessibility (existing and emerging due to Crossrail) confirming its position as one of London’s ten Metropolitan Centres. This is reflected in the ‘Densities’ section where it is stated that Central Ealing is an appropriate location to locate a significant amount of development for homes, employment, shops or leisure. The Plan also appropriately sets out that opportunities should be taken to increase densities, seizing the full range of opportunities to accommodate new homes, jobs, shopping and other facilities, whilst respecting the character and appearance of the area and relationships with surrounding context.



We support this approach which accords with the NPPF, ensuring developments “*optimise the potential of the site to accommodate development*” and “*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*” (para. 58). This also accords with the London Plan Policy 2.7, ‘*enhancing the vibrancy of town centres through higher density, retail, commercial and mixed use development including housing*’ and ‘*identifying and bringing forward capacity in and around town centres with good public transport accessibility to accommodate leisure, retail and civic needs and especially higher density housing*’. This is reiterated in the supporting text to London Plan Policy 2.15 (Town Centres) which states that higher density housing in accessible town centre locations enhances footfall, vitality and viability. More specifically, London Plan Policy 3.4 requires that sites are optimised for their housing potential, applying a density range of 650-1100 hr/ha or 140-405 u/ha for a central site with a PTAL of 4-6 (as in Central Ealing).

Paras. 4.11 and 4.12 address building heights. We support the approach under 4.11 that it is rarely appropriate for a Plan to specify a maximum height for individual new buildings and that this should be based on full assessments of individual sites as they come forward, based on impacts on townscape character and heritage assets. The corresponding policy sections of the Plan (addressed further below) should reflect this, particularly in the context of the need to optimise the capacity of Central Ealing to deliver higher density town centre uses and a significant quantum of housing, whilst responding to its character and identity, conserving its heritage assets and meeting the relevant planning tests.

We note that para. 4.12 refers to Map 9 (an assessment of established street frontages) and states that there is an established pattern of three storeys of development on older/secondary retail frontages and 4/5 storeys on more central streets of primary retail, with no street frontage higher than 5/6 storeys in the conservation areas with the exception of Dickens Yard. However, we have reviewed Map 9 and note that the Dickens Yard development has not been shown (including the 9 storey element fronting New Broadway). This should be updated to reflect Dickens Yard, which is now nearing completion. We also note that, whilst it is pending examination by the Secretary of State, the Council resolved to approve the Benson Elliot Arcadia development on The Broadway which includes buildings of up to 18 storeys.

As set out in the NPPF, a site’s potential must be optimised and policies must ensure developments “*...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*” (para. 58). Therefore existing building heights on a site should not dictate or limit the height of future development. As referenced under para. 4.11 of the draft Plan, the appropriate heights must be based on a full site-specific townscape and heritage assessment, along with consideration of other amenity impacts such as daylight, sunlight and overshadowing.

## **Section 5 – Detailed Policies**

### **Policy E1: New Retail Frontages**

Policy E1 introduces a ‘Primary Shopping Area’ (PSA) within the Town Centre which is set out on Map 7. There is no PSA identified in Ealing’s Development Plan documents and the adopted Policies Map makes no reference to a PSA boundary. We also note that it was not included in the previous drafts of the Neighbourhood Plan. It is therefore not clear how this boundary has been determined and defined and there is no apparent evidence base to justify its extent. We do not



consider it is necessary for the Neighbourhood Plan to introduce a new boundary in addition to the Town Centre boundary and the Primary and Secondary Retail Frontages as defined in Ealing's Local Plan (and as subjected to the necessary testing). We therefore suggest that the PSA is removed from Map 7.

In relation to the identification of primary and secondary retail frontages, Map 7 accords with Ealing's Local Plan documents and the adopted Policies Map. The detailed identification of 'new retail frontages' as shown in green on Map 7 (and the corresponding text in policy E1) is considered too prescriptive and has not been appropriately tested. For example, within the Ealing Filmworks site the extent of the 'new retail frontage' is greater than that which has been approved under the extant planning permission. Map 7 could therefore be considered to allocate parts of the site beyond that which has been tested and considered acceptable and is unnecessarily prescriptive. On this basis we consider that the 'green' areas on Map 7 should be altered to an indicative line, referenced in the key as '*potential areas for new retail frontage*'. This would maintain the intention of Map 7. Policy E1 should then be amended as follows:

*"Within the town centre ~~primary shopping area~~, all **primary and secondary retail frontages are identified on Map 7, in accordance with the Council's adopted Policies Map. Any new and proposed retail frontages in the areas indicatively shown on Map 7 will be designated as 'primary' or 'secondary' at the time of delivery based on the nature of their retail provision.** The introduction..."*

#### Policy E3: Mixed Use Development

We support the need for a mix of uses in Central Ealing and the intention of this policy to support the vitality, local distinctiveness, function and character of the town centre. We consider that reference to retention or re-provision of floorspace for a range of social, cultural and community uses should note that this will be subject to an assessment of need (and associated demand) and viability. For instance, it may be appropriate for a community use to cease on a site if there is evidence of a lack of need or demand, the use is not viable and/or the facility has already relocated.

#### Policy HBE1: Quality of Design

Policy HBE1 states that in Conservation Areas, developments should "...avoid dramatic contrasts in scale and massing with nearby buildings typical of the Conservation Area..." It is not clear what would constitute a 'dramatic contrast'. There will be sites where proposed buildings would be seen in the context of 'nearby' low-rise 3-4 storey buildings but also 'nearby' taller buildings of 9+ storeys and it cannot be concluded that the effects on the former of, for example, a 9 storey building, will be 'dramatic' or indeed unacceptable (as has been demonstrated with Dickens Yard).

The key statutory test is that any proposal should conserve or enhance the character and appearance of the conservation area, and its proposed scale and massing will form part of this assessment. We consider that the emphasis of this Policy should therefore be altered to reflect para. 4.11 of the Neighbourhood Plan and the need for heritage, townscape and visual impact assessments to be undertaken as appropriate, including analysis of townscape character and key views, to understand a site's context, character and role within the conservation area and therefore the extent of development, including building height, which is considered appropriate and acceptable. This would meet the purpose of this policy – to achieve the highest design quality and



conserve or enhance the character of the conservation area – along with the key statutory heritage tests.

#### Policy HBE2: Protecting the Townscape

Part iv) of Policy HBE2 requires development to “...*where it is within, directly abutting or fronting Conservation Areas (except for the Office Corridor), restrict the height of frontages to be consistent with those opposite or adjacent to the site*”. This is too restrictive and does not accord with the approach set out under para. 4.11; ‘*it is rarely appropriate to set a maximum building height*’ and this should be based on site-specific character and townscape assessments. In some instances within the Neighbourhood Area it will be acceptable and appropriate to develop to a greater height than the buildings opposite or adjacent to the site, including on frontages. This is clearly demonstrated at Dickens Yard (with a 9 storey building fronting New Broadway) and the planning permission for Ealing Filmworks, along with other developments deemed to be acceptable by the Council such as the Arcadia development. There may also be instances where a building to be demolished and replaced is taller than buildings opposite or adjoining the site; the policy as drafted does not provide the flexibility to enable like-for-like replacement. Part iv) of this policy is therefore not justified and unnecessarily constrains development and design, particularly in the context of the need for higher density in Ealing Town Centre and the optimisation of a site’s potential (Section 4 of the Plan). This does not accord with para. 58 of the NPPF (as set out above).

Para. 5.2.12 sets out that buildings higher than 4-6 storeys may be acceptable away from the street frontages, subject to the preservation or enhancement of the prevailing character and appearance, noting that this should be tested through verified-views (CGIs). We consider that this approach should be taken to all sites within the Neighbourhood Area, whether on street frontages or behind, based on each site’s unique characteristics. This has been accepted by the Council at Dickens Yard and other sites and there is no justification for the Plan to take a more restrictive approach. The height of existing adjoining buildings is just one factor in assessing townscape character; this must be weighed in the overall planning balanced.

We suggest Policy HBE2 part iv) is amended as follows:

~~“where it is within, directly abutting or fronting Conservation Areas (except for the Office Corridor), restrict the height of frontages to be consistent with those opposite or adjacent to the site~~ **the heights of buildings, whether on street frontages or away from street frontages, should be informed by townscape and visual impact assessments where considered necessary, based on verified view wirelines and computer generated images, to assess the effects of the proposals on townscape character and the preservation or enhancement of the character and appearance of the conservation area(s)”**.

#### Policy HBE3: Building Heights

We support the first paragraph of policy HBE3 and consider this approach should be taken throughout the Plan. However, the second paragraph states that “*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 the street level*”. This is again overly restrictive and does not accord with other developments permitted by the Council such as Dickens Yard (9 storeys fronting onto New Broadway) where it has been concluded that development exceeding 6 storeys on a frontage is acceptable, balancing townscape character, the setting of heritage assets,



the amenity of other occupiers and the need for additional retail space and new homes in Central Ealing. It is also at odds with draft Policy HBE2 above, specifying 6 storeys as opposed to adjoining/opposite building heights.

Proposals should be individually assessed based on their townscape character, architectural quality and associated visual impact. We request that this part of policy HBE3 is amended in accordance with HBE2 above.

#### Policy T1: Sustainable Transport

We support the approach to sustainable transport and the need for developments to include proposals to enhance the attractiveness of walking, cycling and public transport.

#### Policy PR1: Improving Public Realm

St George is committed to the delivery of high quality areas of new public realm at its sites; at Dickens Yard 1.2 acres of public open space will be provided for the benefit of Ealing Town Centre, and at the Filmworks it is proposed to deliver nearly an acre of public realm. The policy as drafted relates to improvements to existing public realm only. We suggest it would benefit from an additional element to state:

*“iii. Provision of new areas of public realm where appropriate”.*

#### Policy PR2: Landscaping

We support this policy in accordance with the above, delivering landscaping which contributes to public spaces and urban greening.

#### Policy PR3: Improving Permeability

We support this policy in accordance with Policy PR1 above, including the delivery of new traffic-free through routes such as that proposed at the Ealing Filmworks site.

#### Policy CC1: Social Infrastructure

We support the delivery of social infrastructure as part of major or strategic development proposals in Central Ealing, such as the new cinema at the Ealing Filmworks site. However, Policy CC1 needs to be based on the identification of suitable sites and ensure that the delivery of this infrastructure is viable, as set out in our comments on Policy E3. We therefore suggest that this policy is amended as follows:

*“As provided in Policy E3, **where suitable** major or strategic development will be expected to allow space for social infrastructure. Mixed use developments will be supported which provides for infrastructure to provide additional healthcare, education and/or leisure services, according to demonstrated need **and where viable**”.*

#### Policy CC2: Community and Cultural Facilities

We note that Policy CC”, as set out in our comments on Policy E3, should include the following wording to allow for sufficient flexibility based on site-specific circumstances:



*“...Loss of space used or allocated for community or cultural purposes will only be supported where an equivalent replacement or alternative provision is made **or where there is no outstanding need/demand for that facility**”.*

### Policy CC3: Cultural Quarter

We support Policy CC3 and the delivery of Central Ealing’s Cultural Quarter. The planned cinema with its subsidiary retail units at the Ealing Filmworks site is clearly an important element of this and will complement the other town centre uses within the Neighbourhood Area.

### Section 6 – Delivery Plan

Section 6 sets out the Delivery Plan necessary to implement the Policies and Recommended Actions of the Neighbourhood Plan. This is based on a series of Objectives, with associated responsibilities and timescales. A number of the actions required to meet the Objectives relate to the delivery of public infrastructure, whether via public realm enhancements, highways/public transport infrastructure and/or a visitor/community centre.

Reference is made in the draft Plan to the use of future CIL payments to deliver some of this infrastructure and therefore meet the Objectives of the Plan. We note CIL has increasing importance as much of the infrastructure required will no longer be secured via S106 planning contributions, but will be subject to LBE’s CIL charging regime. We understand this is expected to be adopted in April 2017 and we therefore suggest that the focus on the need for additional/enhanced infrastructure is centred on CIL and its role in delivering the Objectives of the Neighbourhood Plan.

### Summary

In summary St George is generally supportive of the Neighbourhood Plan and its Vision and policies. The key concern is that the policies as drafted do not reflect Section 4 ‘The Context’ and are overly restrictive and unnecessarily prescriptive, which will limit the ability for developments to meet Ealing’s need to deliver higher density town centre uses and new housing, optimising sites and making best use of land. The approach to the design, townscape and building heights policies needs to be reviewed to ensure this is based on the statutory tests and the requirements of the NPPF. As set out under Section 4, full heritage and/or townscape assessments of individual sites (as relevant) should be undertaken as these sites come forward for development, testing their impacts on designated and undesignated heritage assets and/or townscape character, with the appropriate weight given as set out under the Planning (Listed Buildings and Conservation Areas) Act 1990 and national, regional and local planning policies and guidance. Clearly other factors will also need to be assessed such as the amenity of neighbouring sites and the social, environmental and economic benefits of a proposal, and these should be weighed in the overall planning balance when making any decision on a development proposal.

We therefore consider that in order for the Plan to be found sound, the amendments set out in these representations should be addressed and this position resolved. We suggest that these amendments are made prior to submission for Examination as further amendments at a later stage could delay the progression and final adoption of this document.



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Planning. Design. Economics.

We trust the above is clear but if you would like to discuss this in further detail please do not hesitate to contact me or my colleague, Sophie Hitchins.

Yours faithfully

*I. J. Rhind*

**Iain Rhind**  
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