

# MAYOR OF LONDON

**Steve Austin**  
Ealing Council  
Perceval House  
14-16 Uxbridge Road  
London  
W5 2HL

Our ref: D&P/1668a/02  
Your ref: P/2015/3479  
Date: 18 March 2016

Dear Steve,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**

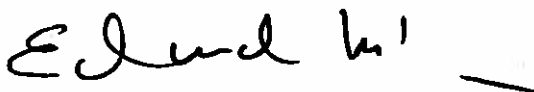
**9-42 The Broadway, Ealing London**  
**Local Planning Authority Reference: P/2015/3479**

I refer to your letter of 9 March 2016 informing the Mayor that Council is minded to grant planning permission for the above planning application. I refer you also to the notice that was issued on 16 March 2016 under the provisions of article 5(1)(b)(i) of the above Order.

The Mayor has delegated his planning powers to me and having now considered a report on this case reference D&P/1668b/02 copy enclosed, I am content to allow Ealing Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. I have taken the environmental information made available to date into consideration in formulating my decision.

Yours sincerely



**Sir Edward Lister**  
Deputy Mayor and Chief of Staff

cc Dr Onkar Sahota, London Assembly Constituency Member  
Nicky Gavron, Chair of London Assembly Planning Committee  
National Planning Casework Unit, DCLG  
Alex Williams, TfL  
Agent Alex Walker-Robson, DP9, 100 Pall Mall, London SW1Y 5NQ



## 9-42 The Broadway (Arcadia), Ealing

in the London Borough of Ealing

planning application no. P/2015/3479

### Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### The proposal

Since stage 1 proposal has been subject to a resubmission set out below are descriptions of the original and the amended scheme.

#### The original application (D&P/1668a)

Redevelopment and demolition of existing buildings (9-42 The Broadway and 1-4 Haven Place) within the Ealing town centre conservation area and construction of 8 new buildings (ranging from 2 storeys to 18 storeys) to provide 191 residential units (Use Class C3), 6,667 sq.m. flexible retail floorspace (Use Class A1/A3), 784 sq.m. flexible retail / leisure floorspace (Use Class A1/A3/D1/D2), 514 sq.m. bar / nightclub (Use Class A4 / Sui Generis) with basement car parking, new publically accessible route, associated public realm and landscaping, residential vehicular access off The Broadway and primary servicing off Springbridge Road via existing servicing route for 1-8 The Broadway and associated works.

#### Revised application (D&P/1668b)

Redevelopment and demolition of 9-42 The Broadway and 1-4 Haven Place (retaining No.9 and the front facades of No.14 and No.15 & 16 The Broadway) and erection of 8 new buildings (ranging from 2 storeys to 18 storeys) to provide 188 residential units (Use Class C3), 6,667 sq.m. flexible retail floorspace (Use Class A1/A3), 784 sq.m. flexible retail/leisure floorspace (Use Class A1/A3/D1/D2), 514 sq.m. bar/nightclub (Use Class A4/Sui Generis) with basement car parking, new publically accessible route, associated public realm and landscaping, residential vehicular access off The Broadway and primary servicing off Springbridge Road via existing servicing route for 1-8 The Broadway and associated works.

### The applicant

The applicant is **BE Broadway BV**, the architect is **Allies and Morrison** and the agent is **DP9 Ltd**.

### Strategic issues

Strategic issues have been resolved in relation to **town centres, housing mix, affordable housing, density, children and young person's play, historic environment/urban design, inclusive access, energy, ambient noise and transport.**

## **The Council's decision**

In this instance Ealing Council has resolved to grant permission.

## **Recommendation**

That Ealing Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

## **Context**

1 On 17 September 2015 the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1A and 1C of the Schedule to the Order 2008:

- *1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.*
- *1c: Development which comprises or includes the erection of a building of one or more of the following descriptions: (c) the building is more than 30 metres high and is outside the City of London.*

2 On 27 October 2015 the Mayor considered planning report D&P/1668a/01, and subsequently advised Ealing Council that the application did not comply with the London Plan, for the reasons set out in paragraph 76 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 24 February 2016 Ealing Council decided that it was minded to grant planning permission and on 8 March 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Ealing Council under Article 6 to refuse the application or issue a direction to Ealing Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 21 March 2016 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## Update

### Original and revised applications

6 Following stage 1 the issues raised in relation to the loss of historic buildings resulted in the applicant revising its application.

7 At the consultation stage of the original submission Ealing Council was advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 76 of this report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Housing mix:** The development includes provision of 191 residential units with 43% studio or 1 bed units. Since the pre-application stage the applicant has adjusted the housing mix reducing the percentage of studio units and this is welcome. Although it is accepted the site is in a town centre location, the proportion 3 bed units is still too low and should be increased.
- **Affordable housing:** The applicant's initial affordable housing offer of 30% discounted market rent is not compliant with London Plan policy 3.11 and the applicant should contribute to the policy aim of a diverse housing sector. The applicant should respond positively to policy 3.11 target that 60% affordable and affordable rent and 40% for intermediate rent or sale.

The applicant's affordable housing viability appraisal should demonstrate why no affordable rented homes are accommodated on site and why a broader range of affordable housing needs cannot be met on site, including affordable rent.

The applicant affordable housing viability assessment should be independently reviewed on behalf of Ealing Council before the offer is accepted and GLA officers should be provided with a copy of the viability assessment review document.

- **Density:** Although a scheme of the proposed density could be acceptable, the applicant should address concerns relating to heritage and design before a development of the proposed density can be supported.
- **Children and young person's play:** The applicant has identified locations for playspace within the podium level courtyards and proposes a natural play garden in courtyard 2 which is welcome. Clarification should however be given the space requirements are met for each age group 0-5, 5-11 and 11-15, due to apparent lack of provision and practicality of available amenity areas for the 11-15 age group the applicant should provide funding for improving off-site facilities at Haven Green.
- **Historic environment/urban design:** The clean slate redevelopment of the site is not supported due to the loss of historic buildings of merit and impact on the surrounding conservation areas.
- The proposed overall massing strategy with the height increasing and stepping back from the Broadway frontage with an 18 storey residential tower is supported.
- **Energy:** The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional carbon savings through CHP and PV as discussed above. Should it be demonstrated that there is little

further potential for carbon dioxide reductions onsite, in liaison with the borough the developer should ensure the short fall in carbon dioxide reductions is met off-site. The applicant should also provide further information on how the carbon savings through the lighting strategy will be achieved in practice.

- **Noise:** The applicant has completed a noise and vibration surveys and mitigation measures have been adopted and this is welcome.
- **Transport:** TfL supports the principle of the application and in particular its improvements to permeability and connectivity for pedestrians and cyclists. However, it considers there is a lack of supporting/explanatory information on the access arrangements which should be addressed through a Road Safety Audit prior to approval of access details, plus the Travel Plan requires minor revision. The distribution of visitor cycle parking needs to be revisited. TfL will be seeking a contribution towards Legible London signage.

8 In assessing how the issues have been resolved GLA officers have made reference to the revised submission and the changes to the scheme in terms of the changes to the design and the slight adjustment in the number of residential units.

### Housing mix

9 At stage 1 the development included provision of 191 residential units and this has subsequently been reduced to 188 in the revised application. The applicant has also adjusted the housing mix to reduce the percentage of studio and 1 bedroom units and this is welcome. It is also noted that a high proportion of the 2 bedroom units would be suitable for 4 persons and given the site location and the steer from the borough on the housing mix this aspect of the application is compliant with the London Plan.

### Affordable housing

10 At stage 1 the applicant's initial affordable housing offer was viewed as not being compliant with the London Plan policy 3.11 and the applicant and applicant was requested to contribute to the policy aim of a diverse housing sector and should respond positively to policy 3.11 target that 60% affordable and affordable rent and 40% for intermediate rent or sale. Priority within this affordable provision should be affordable family housing.

Table 1: Revised scheme affordable housing mix

Studio	1 bed	2 bed	Total
7	26	23	51
12%	46%	42%	100%

11 The revised proposal would provide a minimum of 51 affordable housing units comprising (28%) of units and 18% of all habitable rooms within the development. All units would be Discount Market Rent (DMR) Intermediate Housing for a fixed term of 25 years for people in Ealing who are not able to afford the market rents in this central Ealing location. The proposed rents would be evenly distributed across a range of household incomes from £31,000 to £71,000 pa with a range of discounts within the GLA's affordability criteria (see table 2)

Table 2: Discount Market Rent (DMR)

Income band	% of Units	GLA income thresholds	% GLA income thresholds
£35K pa	20%	£71K pa	49%
£45K pa	20%	£71K pa	63%
£55K pa	20%	£71K pa	77%
£65K pa	20%	£71K pa	92%
£71K pa	20%	£71K pa	100%

12 The scheme is offering a lower % of larger properties than recommended in the London Plan, but it is accepted that the larger proportion of smaller properties would be more affordable in this central, town centre location and this tenure mix is supported. The Applicant has also put forward a number of points which are considered to support the DMR offer and these are as follows:

- The proposed rent levels would equate to between 40% and 80% of the local market rent depending on the income band and unit type.
- A high % of smaller units allows homes to be offered to households on lower household incomes.
- DMR avoids the need for deposits/mortgage so ensures greater affordability.
- It is proposed to offer `Assured Short Hold Tenancies` with the option for up to 5 year tenancies.
- The applicant proposes to manage/let units with priority to Ealing residents.

13 Ealing Council have, as requested at stage 1, had the applicant's affordable housing viability report independently reviewed and this assessment concludes that the scheme cannot support the provision of 50% affordable housing, and that the 28% provision proposed would be the maximum viable. The Council has also proposed to include an affordable housing and review mechanism and other relevant clauses would be secured in the proposed S. 106 agreement. The provision of a time limited discounted rent product aimed at Ealing residents on a range of incomes is welcomed, in the context of challenging viability. This aspect of the application is compliant with the London Plan.

### **Children & young person's play**

14 The applicant has identified locations for playspace within the podium level courtyards and proposes a natural play garden in courtyard 2 which is welcome. The applicant has agreed an appropriate financial contribution to improve Haven Green and other local open space in the vicinity of the site and this aspect of the application is compliant with the London Plan.

### **Heritage & urban design**

15 As stated at stage 1 the wholesale demolition of a large site within a conservation area is always controversial particularly one that contains some buildings of townscape merit that make a positive contribution to the character of the conservation area as in this case. Most of the existing buildings on the site exert a neutral or negative impact (described in Ealing Council's Conservation Area appraisal as 'mediocre').

16 As required at stage 1 the revised design has focused on the retention of historic buildings of local interest at Nos. 9, 14 and 15-16 The Broadway. This is welcome as the development now

responds to the immediate sensitive setting of the historic buildings diagonally opposite in the parade of locally listed buildings on The Mall and the Grade II listed National Westminster Bank. It has also responded to concerns raised in relation to the impact of the building massing on the outstanding Grade II\* listed Church of Christ the Saviour.

17 In the revised scheme the frontage to the development facing The Broadway has been modified with the retention of four key positive contributors to this part of the conservation area, No.9 The Broadway, is retained in its entirety and the facades of two further historic buildings (No. 14 and Nos. 15-16) will be integrated into The Broadway frontage elevation providing an entrance to The Place mews shopping street and provide shop frontages to new retail units. The retention of these elements of the historic townscape and their incorporation within the overall new-build redevelopment results in a variation of building height and form of the historic street whilst ensuring the proposals now contribute positively to the conservation area.

18 The proposed four storey frontage buildings facing the Broadway now respect the general scale, height, verticality and massing of the established Victorian and Edwardian streetscape of the Ealing Town Centre Conservation Area and act as an effective foil to the taller buildings set back behind. The red brick and stone palette of materials echoes that of many of the turn-of the late 19th/early 20th century heritage assets in the vicinity. The reduction in height of Building 4A next to the retained buildings is a welcome revision as this reveals the spire of the Grade II\* listed Church of Christ the Saviour when viewed down The Broadway. The proposed elevations are of good quality and well-articulated with recessed elements and the revisions to the façade details in introducing greater variety of brick hues is also an improvement on the previous submitted scheme.

19 The demolition of most of the other buildings on the site which are mostly unexceptional is supported as this allows for an integrated piece of the town centre to emerge in the development proposals. As previously stated at stage 1 the masterplan design based on the introduction of the new thoroughfare Haven Place is welcomed as this is a great improvement on the existing right of way and should enhance the permeability of this quarter of the town centre whilst also contributing additional retail floorspace as active frontages to this route. A further benefit of this new route is it opens a new view of Grade II\* listed Church of Christ the Saviour.

20 The replacement of the corner building at No 35 is on balance acceptable as its retention would have locally identified benefits of allowing for a comprehensive improvement to the pedestrian public realm and landscaping where a currently narrow paving area exists, open the views to the station and allow for much needed road junction improvements. It is noted that Ealing Council's Ealing Broadway Interchange Study identified that the Broadway Station/Station Broadway/ The Mall pedestrian realm is in need of improvement because as one of the busiest pedestrian routes the pavements are very narrow and the pedestrian flows are expected to increase with the introduction of Crossrail services. The development proposals and the setting back of the existing building line on the corner currently occupied by No.35 will allow for the remodelling of junction signal layout, pedestrian crossing, widened footways and contra-flow cycle lane. Retaining the corner building would require the undercutting on the lower floors of the existing building which in turn will compromise the structure and its built form.

21 The replacement corner building steps down in height from the adjacent 9 storey block and is of good quality stone and brick with the façade it is influenced by the Edwardian architecture of surrounding buildings without being a pastiche. Since pre-application stage the height/massing and design of the adjacent taller 9 storey blocks facing east on the approach to the railway station have been amended with a set back of the 9 floor. Changes have also been made to improve the appearance of the building form by balancing the facade design of the entry building to Haven Place by increasing the brick frontage and pulling back the upper floor lantern. Whilst it is accepted the building is substantially taller than the immediately adjacent historic built form, some increase in density and therefore height would be expected in new developments adjacent to



railway/cross rail stations. It is taller than historic buildings such as the Grade II listed Nat West bank building on the corner of The Mall but in context of more recent retail developments in The Broadway Metropolitan shopping centre it is not out of scale with its wider context and it is appropriate that a buildings of scale mark the arrival point of the railway/Crossrail station. The proposed building as an addition to the townscape is of a good quality design providing retail ground floor frontage with a residential entrance to the street which activate the streetscape in an affective manner, with the added benefits of a much wider public footpath allowing for improvement to pedestrian movement on this side of the street.

22 At stage 1 the 18-storey tower was supported and it was noted that it is much lower than the previous much taller scheme. Although exerting some impact on Haven Green Conservation Area, the scheme is being brought forward in a location where Villiers House is already very prominent on the skyline and the proposed building has substantially less mass and bulk due to its slimmer built form. The tower is located adjacent to the railway line which provides a clear separation of the tower from public park land and it is situated at edge of the site reducing direct impact on The Broadway. Although it is considered to have some harm on the setting of the Haven Green Conservation Area this harm is less than substantial and is outweighed by public benefits of the scheme to Ealing metropolitan centre.

## **Sustainable energy**

23 Since stage 1 the applicant has increases carbon savings and provided the requested verification information to support its energy strategy and this aspect of the application is therefore compliant with London Plan Policy.

## **Transport**

24 At consultation Stage 1, the principle of redevelopment was supported, in particular the site's improvements towards better permeability and connectivity for cyclists and pedestrians. TfL however encouraged the applicant to reduce the number of parking spaces proposed in recognition of the excellent access to public transport and cycling infrastructure. While it is conceded that the proposed level is within London Plan standards, it is disappointing that no reduction in non-disabled spaces has been agreed by the applicant.

25 TfL also requested further clarification on the proposed new access to basement parking. The applicant allayed its safety concerns as part of the further analysis provided - including the requested safety audit - and update on the on-street contra-flow cycle lane scheme proposed by Ealing Council.

26 The applicant has improved the location and spread - hence the quality - of its proposed visitor cycle parking to TfL's satisfaction. The usual condition is to be applied to all cycle storage to ensure safe, covered, well-lit and with the additional TfL requirement that the facilities shall be retained in useable and workable condition, so as to be always available and attractive to use. Long-stay cycle parking is provided on site in accordance with London Plan standards and the staff shower and changing facilities are welcomed.

27 TfL's concern about securing proposed on-site servicing was addressed with a s106 obligation to provide this prior to first occupation of the development and to retain the service bay for the lifetime of the development. Revisions to the residential Travel Plan framework have been approved and a workplace plan conditioned. Similarly, a construction logistics plan and delivery and servicing plan are to be conditioned.

28 The inclusion of Legible London signposting as requested in the mitigations listed in the Heads of Terms is welcomed as well as the following s106 contributions, all payable to Ealing:

£403,000 towards transport and highways improvements and £1,000,000 for public realm improvements.

## **Response to consultation**

### **Public consultation**

29 Ealing Council consulted through site notices and press notices in the Acton Gazette. An consultation was unertaken for the original application and a re-consultation was undertaken in respect to the revisions to the application.

30 A total of 25 letters/e-mail representations were received (including 7 from the second round consultation). These are summarised as follows:

- Excessive height and scale and the impact of the building on surrounding buildings and Haven Green.
- Tall buildings impacts of overshadowing and wind.
- Over development of the site and cramming in too much development.
- Impact on the Conservation Area and heritage assets of building height scale and design.
- Transport and highways concerns in relation to vehicular access and impact on road and pedestrian movement.
- Impact on local services of additional units.
- Consultation was inadequate.
- A lack of an area specific plan in which the site can be developed; why has the Arcadia SPD not been adopted in advance of the scheme; the scheme is not compliant with the draft Arcadia SPD .

### **Ealing BID (support)**

31 A letter was received from Ealing Business Improvement District which supports the development proposals as the new floorspace would increase the vibrancy of Ealing.

### **Objections from local organisations**

32 A number of objections were received from local civic, conservation and heritage bodies these included: Ealing Civic Society, Save Ealing's Centre, Central Ealing Residents Association, Ealing Town Centre Conservation Area Advisory Panel, Haven Green Conservation Area Advisory Panel, Ealing Common/ Creffield Area Conservation Area Advisory Panel, Hanwell Village Green Conservation Area Resident's Association. These organisations raised a number s issues with the development proposals, the most prominent of which are as follows :

- Loss of some of the historic listed buildings/facades (heritage assets) along the north side of the Broadway
- Concern over height and bulk of perimeter buildings on Ealing Broadway and facing station
- Out of context - ignores existing character and quality of the earlier grain of the Conservation Area.

- Block 1b, replacing No. 35 (Carphone Warehouse) does not satisfactorily “turn” this highly visible corner especially when compared with the opposite corner
- Design of the upper storeys of blocks perimeter blocks is incongruous and out of keeping with the existing street scene;
- Bulk and width of the 18 storey block, which is too high and overbearing would have particularly adverse impact on Haven Green, Haven Green Conservation Area and other Conservation Areas.
- Architectural quality does not respond to setting
- Potential negative effects on proposed segregated cycle route /cycle hub at station and pedestrian and bus movements
- Insufficient emphasis on need for affordable, key worker and social housing
- Insufficient provision of Town centre uses.
- Change balance of uses from currently 93% retail to predominately housing scheme with 30% retail;
- Rooflines - especially of the taller buildings, visible from a considerable distance, and will characterise the development.
- Over development - cramming.
- Featureless, rectilinear design unsympathetic to surrounding buildings -Oppressive massing.
- The scale of the new build elements would also be harmful to the setting of a number of listed buildings, in particular the listed church of Christ the Saviour,

### **Historic England**

33 Historic England strongly objected to the original proposed scheme finding the development form would cause substantial harm to the historic environment as a result of the proposals to demolish and entire urban block. For the revised scheme it maintains strong objections because the proposed modifications (retaining one building and two street facades) only go part of the way to responding to fundamental concerns. Other objections of Historic England are summarised as follows:

- 18 storey tower would dominate important public areas in the Conservation Area and will compete with and challenge the visual dominance of existing landmarks.
- New higher buildings behind frontage – step back are insufficient compared to Dickens Yard where this has been done effectively.
- 9 storey buildings (on east side opposite station) - view as unacceptable due to incongruous relationship to “low-rise” context and are overbearing and damaging to the character/appearance of Conservation Area and setting on listed buildings on other side of street.
- Harm to setting of nearby/ surrounding heritage assets - the scale and form of development fails to respond to the character of the CA and would have a significant impact on the setting of nearby designated heritage assets.
- Impact on setting of Grade II\* Church Christ the Saviour due to height, scale and massing of the proposals.
- Impact on setting of Grade II\* listed Nat West Bank (On north-west corner of The Mall) because size, bulk and elevation treatment of proposed new corner building.

- Impact on views from several neighbouring Conservation Areas (Montpelier Park, Manor Park, and Mount Park, Ealing Common and Ealing Green – including the setting of Walpole Park, a Grade II listed registered Park and Garden linked to the Grade I listed Pitzhanger Manor).
- Impact on Haven Green Conservation Area.

### **Letters to The Mayor/GLA officers**

34 At the time of writing a total of 25 letters have been received by the Mayor and GLA officers in relation to the 9-42 The Broadway application, some request the take over of the application. A summary of issues raised are as follows:

- Loss of historic/listed buildings and impact on conservation areas/ historic buildings.
- Height of 18 storey tower and impact on conservation areas.
- Over development of the site and too high density.
- Nine storey height of building facing the station.
- The incorporation of listed building facades is poorly done and half-hearted design solution.
- Request that the application should be called in by The Mayor.
- Design and architectural quality is poor.
- The design is out of keeping with the existing town centre character.

### **GLA response to consultation**

35 A number of objections have been raised in relation to the loss of listed and historic buildings. As already stated in the heritage and urban design section, the revised application was subject of a meeting between GLA officers, Ealing Council officers and the applicant. Following the concern raised at stage about the complete clearance of the site and the loss of heritage assets.

36 Redevelopment of the site in any economically viable form would impact on the existing buildings and the conservation area. The revised scheme does respond positively to concerns raised in relation to the loss of heritage assets identified at stage 1 with the integration of No.9 The Broadway in its entirety and the facades of No. 14 and Nos. 15-16 have been retained and integrated into The Broadway street elevation. A fourth building identified at no.35 has been lost and this has on balance been accepted given the benefits of improving the street corner footpath, the opening up of views to the station and improvements to the road junction. The remaining buildings were seen of limited value at stage 1 and the design layout of improving the site permeability through a new mews form lane (Haven Place) was supported.

37 The building height of the 18 storey tower raised no concern at stage 1 given town centre location adjacent to a railway station/ Crossrail station, an increase in height and density would be expected. The tower is located adjacent to the railway line at the rear of the site and not adjacent to The Broadway, it has the railway line separating it from Haven Green. It is further noted that Villiers House slab block already sits prominently on the skyline and can be seen in the conservation areas highlighted by Historic England and where local heritage bodies have raised

concern. It is officers opinion the building is not overbearing on any heritage assets due its location on the railway line edge

38 As raised at Stage 1 a number of concerns were raised in relation to the massing of the building frontage to The Broadway and its impact on views of Grade II\* Church Christ the Saviour – this also related to the aforementioned loss of historic buildings. In the revised scheme the massing has been adjusted by the reduction in height and setting back of the top floor of the proposed new building 4A adjacent to retained No.9 The Broadway. This has had the benefit of revealing the top part of the clockface and belfry together with the entire spire which does respond positively to concerns raised by GLA officers. The retained facade of no.14 now provides part of the entrance gateway to Haven Place (the developments internal shopping mews) and provides a strong entrance feature whilst retain part of the historic built form and offers variety to the street form.

39 The 9 storey east building on the east side of the development opposite the station has raised objections during consultation. Whilst it is accepted the building is taller than the surrounding historic built form, density and therefore height would be expected in new developments adjacent to existing railway/cross rail stations compared to historic building such as the Grade II listed Nat West bank building on the corner of The Mall from an earlier period. In terms of evolving townscape quality the design as already mentioned has benefits to the pedestrian of wider footpaths and the height and mass is equivalent to many other recent new mixed use retail/residential led developments in Ealing metropolitan centre. The building itself is of good design in that it has a strong and well defined active ground floor has traditional brick elevation treatment and a well-defined upper floors and read as individual elements on the street front.

40 After evaluating the design of the revised scheme consideration also needs to be given to the weight of the benefits of the new retail floorspace on maintaining the vitality and viability of Ealing town centre. The retail environment is very competitive and Ealing Metropolitan centre needs to compete with other centres (Westfield etc) where major retail schemes have come forward and also the challenges of competition of on-line retailing which has put further pressure on retail town centres resulting in a decline in floorspace. It is positive that Ealing Metropolitan centre can attract development of new retail floorspace in this highly competitive environment and for the vitality and viability of the town centre the new floorspace and retail floorspace is a welcome aspect of this development.

## **Statutory consultation**

41 Representations were also received from the following statutory organisations and bodies:

- **Environmental Agency:** no comment, standard condition included in respect to drainage.
- **Thames Water:** No comments received, standard condition included in respect to drainage and water supply.
- **Crossrail:** No objection

## **Other Matters**

42 Ealing Council Committee report and draft S106 secures the following:

*'Contribution of £403,000 (four hundred and three thousand pounds) towards transport and highway infrastructure works delivered in accordance with a programme agreed between the parties including*

- a) *Improvements to pedestrian crossing outside Ealing Broadway Station and contra-flow cycle lane on Haven Green;*
- b) *Pedestrian safety improvements along The Broadway/ New Broadway, consisting kerb realignment, inset loading bays, raised junctions and wider pedestrian crossing and legible London signage;*
- c) *Contribution towards bus & rail interchange improvements at Haven Green; and*
- d) *Travel Plan Monitoring.'*

## **Article 7: Direction that the Mayor is to be the local planning authority**

43 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

### **Legal considerations**

44 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

### **Financial considerations**

45 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

46 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

47 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## **Conclusion**

48 Having regard to the details of the application, the matters set out in Ealing Council's committee report, its draft decision notice and the draft heads of terms, the scheme is acceptable in strategic terms. Further information has been provided and conditions and planning obligations have been secured where appropriate which address the outstanding issues that were raised at Stage 1. On this basis, there are no sound reasons for the Mayor to intervene in this particular case.

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for further information, contact GLA Planning Unit (Development & Projects Team):

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27 October 2015

## 9-42 The Broadway, Ealing

in the London Borough of Ealing

planning application no. P/2015/3479

### Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### The proposal

Demolition of existing buildings (9-42 The Broadway and 1-4 Haven Place) within the Ealing town centre conservation area and construction of 8 new buildings (ranging from 2 storeys to 18 storeys) to provide 191 residential units (Use Class C3), 6,667 sq.m. flexible retail floorspace (Use Class A1/A3), 784 sq.m. flexible retail / leisure floorspace (Use Class A1/A3/D1/D2), 514 sq.m. bar / nightclub (Use Class A4 / Sui Generis) with basement car parking, new publically accessible route, associated public realm and landscaping, residential vehicular access off The Broadway and primary servicing off Springbridge Road via existing servicing route for 1-8 The Broadway and associated works.

### The applicant

The applicant is **BE Broadway BV**, the architect is **Allies and Morrison** and the agent is **DP9 Ltd**.

### Strategic issues

This application raised issues in relation to **town centres, housing mix, affordable housing, density, children and young person's play, historic environment/urban design, inclusive access, energy, ambient noise and transport.**

### Recommendation

That Ealing Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 76 of this report; but that the possible remedies set out could address these deficiencies.

## Context

1 On 17 September 2015 the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 27 October 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1A and 1C of the Schedule to the Order 2008:

- *1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.*
- *1c: Development which comprises or includes the erection of a building of one or more of the following descriptions: (c) the building is more than 30 metres high and is outside the City of London.*

3 Once Ealing Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

5 The proposal site is approximately 0.6 hectares and is located within Ealing Metropolitan Centre, opposite Ealing Broadway Station. The site is bound to the north by the railway line, on its south and east side by The Broadway and on its west side by the newly refurbished shopping centre at 1-8 The Broadway. The majority of the site is occupied by approximately 6,000 sq.m. (GIA) of retail and commercial units.

6 The site is located within the Ealing Conservation Area although there are no statutory listed buildings on the site.

7 The site is bounded by the A4020 The Broadway, part of the Strategic Road Network (SRN), to the south and east, commercial properties to the west and railway line to the north. The A406 Gunnersbury Avenue is the nearest section of the Transport for London Road Network and is located 800 metres to the east of the site.

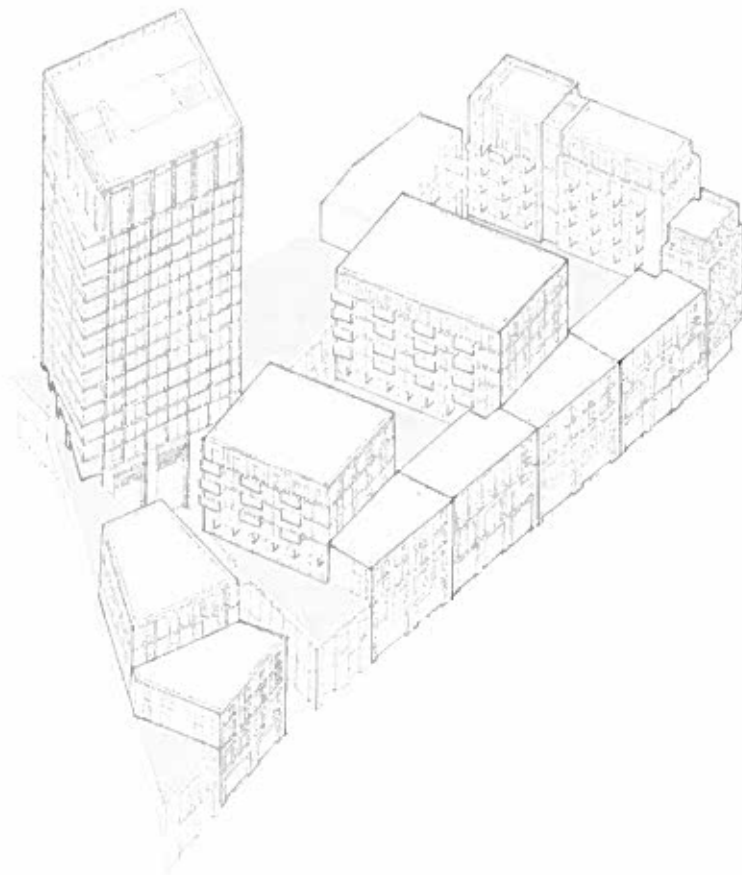
8 The site is well served by buses with a total of 15 bus services available within 200 metres of the site. The nearest bus stops are located along the site's southern frontage. Ealing Broadway station is located 100 metres to the east of the site and provides access to the District and Central line Underground services and National Rail services towards London Paddington. Crossrail services will commence from Ealing Broadway in 2019. The site has been estimated to have an excellent public transport accessibility level (PTAL) of 6b, on a scale of 1-6 where 6 is most accessible.

9 This town centre site is on the periphery of the Council's Ealing Broadway Study 2013, which aims to deliver improvements to the interchange area to ensure its integration with the future Crossrail plans. An Ealing Broadway Station Forecourt (EBSF) concept study undertaken by Ealing Council was drawn up last year, though this has not yet been published. Ealing Council also was successful in securing funding for cycle infrastructure improvements post 'Mini-Holland' bid to further meet the Mayor's Cycling Vision; these are currently being designed by the Council's consultants and will be rolled out in this locality. Additionally, Ealing is one of the outer London boroughs Awarded 'Crossrail Complementary Measures' funding to assist the transformation of public spaces around Crossrail station with the aim of improving interchange and making journeys better for pedestrians, cyclists and public transport users.

## The Proposal

10 The proposal is for the Demolition of existing buildings and redevelopment of the site to provide approximately 7,000 sq.m. (GEA) retail floorspace and 191 residential units. Key features of the scheme are:

- The mixed use development will consist of 8 buildings ranging from 4 storeys to 18 storeys in height.
- The building massing creates two large development blocks separated by a mews lane which is bridged over to provide pedestrian linkages between blocks.



- Retail uses will be developed on first and second floors and provide active frontages to the street and lane. There are 21 shop units but these have flexible partitioning to allow for variation in layouts and unit sizes.

- Residential units are accessed through a lobby in the residential tower located in the northern block which at third floor provides access via the pedestrian bridges to the 8 residential buildings located at podium level.
- The podium has a series of gardens between or adjacent to the residential buildings.
- Approximately 50 car parking spaces and 320 cycle parking spaces are situated in the basement.

## **Case history**

11 The most recent planning history for the Site concerns a major redevelopment scheme which sought planning permission in 2006. The Site subject of this application formed the south-eastern part of the Glenkerrin site, which also comprised the Arcadia Shopping Centre to the west (now known as 1-8 The Broadway) and land over the railway and adjoining car park and Central Chambers to the north.

12 The applicant (Glenkerrin) initially sought planning permission and conservation area consent for the demolition of the existing buildings (with the exception of no.35 and no.30-34 The Broadway) and the construction of six buildings for a mix of residential, retail, commercial and leisure uses, landscaping and car parking (P/2007/4246 and P/2007/4248). In total 704 residential units were proposed, approximately 20,000 sq.m. of A1-A3 floorspace, approximately 1,000 sq.m. of B1 floorspace and approximately 2,000 sq.m. of D2 floorspace. A key element of the proposals was a landmark tower rising to a height of 39 storeys

13 During the course of the application the applicant submitted a revised scheme to respond to Ealing Council concerns over the height of the tower and the impact it would have upon the character and appearance of the Ealing Town Centre and Haven Place Conservation Areas. The revised scheme proposed 567 residential units, shops, offices and a health and fitness club in six buildings with a revised residential tower reduced to 25 storeys.

14 LBE's Planning Committee granted planning permission for the revised scheme on 17th December 2008. The scheme was subsequently called in by the Secretary of State. On 7th December 2009 the Secretary of State dismissed the application, considering that although the proposal was broadly in compliance with the development plan in many respects there were significant areas of conflict, most particularly in relation to design principles and conservation.

15 The Secretary of State acknowledged that the proposed scheme would deliver a number of substantial benefits and fulfil some important objectives of development plan policy by contributing strongly to the Council's regeneration objectives including reinforcing the status of Ealing as a Metropolitan Centre.

16 Against these benefits, however, the Secretary of State considered that the bulk, massing and certain aspects of the design of the scheme would be inappropriate in its surroundings. He considered that it would fail to preserve or enhance the character and appearance of the Town Centre Conservation Area and the setting of the Haven Green Conservation Area, as well as harming the setting of the Grade II\* listed Church of Christ the Saviour.

17 The current application proposals were subject to the GLA pre-application process and a report D&P/3457/JA pre-app was issued on 3 September 2014.

## Strategic planning issues and relevant policies and guidance

18 The relevant issues and corresponding policies are as follows:

- Mix of uses *London Plan*
- Housing *London Plan; Housing SPG; interim draft Housing SPG, Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG*
- Affordable housing *London Plan; Housing SPG; interim draft Housing SPG; Housing Strategy; draft Revised Housing Strategy*
- Retail/town centre uses *London Plan; Town Centres SPG*
- Regeneration *London Plan; the Mayor's Economic Development Strategy*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context, SPG; Housing SPG; interim draft Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Historic Environment *London Plan*
- Transport *London Plan; the Mayor's Transport Strategy; Land for Industry and Transport SPG*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG*
- Parking *London Plan; the Mayor's Transport Strategy*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*

19 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Ealing Council Development (or Core) Strategy (adopted April 2012), Ealing Council Development Sites DPD (adopted December 2013), Ealing Council Development Management DPD (adopted December 2013) and the London Plan (Consolidated with Alterations since 2011).

20 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework.
- Draft Minor Alterations to the London Plan (2015).

## Principle of development

21 The proposals are for a mixed-use development of 6,631 sq.m. retail, 296 q.m. sui generis, 37 Sq.m. (D1) and 191 residential units within Ealing Metropolitan town centre. London Plan policy 2.15 (Town Centres), policy 4.7 (retail & town centre development), policy 4.8 (supporting a successful & diverse retail) all provide support improvement and enhancement of metropolitan town centres within London. The mixed use development of the site and subsequent uplift in retail floorspace from 6,281 sq.m. to 6,667 sq.m. (A1) and its qualitative improvement is strongly supported, however the applicant should set out the approach to decanting the existing retail and commercial businesses and make reference to the criteria set out in Annexe 2 of the London Plan (London's town centre network).

Table 1: Land use proposals

Use (Class)	GIA Sq.m.
Residential (C3)	19,051
Retail (A1)	6,667
Class A1/A2/D1 /D2 uses	784
Bar/ nightclub (A4 Sui Generis )	514
<b>Total</b>	<b>27,016</b>

22 The site is allocated within Ealing Council’s Development Sites DPD (EAL3 Arcadia). The allocation site definition goes beyond the applicant’s development site boundary and includes the recently refurbished shopping centre at 1-8 Broadway, the railway line, the car park adjacent to Haven Green and central Chambers to the north of the site. The DPD supports the mixed-use redevelopment of the site for retail, leisure and residential floorspace as being appropriate for its town centre location.

## Housing

### Housing mix

23 London Plan policy 3.8 encourages a full range of housing choice. This is supported by the London Plan Housing SPG, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs. Policy 3.11 of the London Plan states that within affordable housing provision, priority should be accorded to family housing.

Table 2: housing mix

	Submission		Pre-app stage	
	no.	%	no.	%
Studio	9	5	13	7.5
1 bed	72	38	76	38
2 bed	94	49	94	47
3 bed	16	8	15	7.5
<b>Total</b>	<b>191</b>	<b>100</b>	<b>198</b>	<b>100</b>

24 The development includes provision of 191 residential units with 43% studio or 1 bed units. Since the pre-application stage the applicant has adjusted the housing mix reducing the percentage of studio units and this is welcome. Although it is accepted the site is in a town centre location, the proportion 3 bed units is still too low and should be increased.

### Affordable housing

25 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to it’s own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which include the strategic target that 60% of new affordable housing should be for

social rent and 40% for intermediate rent or sale. With regard to tenure split the Mayor's position is that both social rent and affordable rent should be included within the 60%.

26 While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.

27 Policy 3.12 is supported by paragraph 3.71, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit or other recognised appraisal methodology is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified. Paragraph 3.75 highlights the potential need for re-appraising the viability of schemes prior to implementation.

28 The Ealing Council affordable housing requirement set by its Core Strategy policy 1 is for 50% as a starting point for negotiations in all developments.

Table 3: Affordable housing mix

	Affordable DMR	
	no.	%
Studio	7	13
1 bed	26	46
2 bed	23	41
3 bed	0	0
Total	56	100

29 The applicant has made an initial affordable offer of 30% equating to 56 residential units (table 3). This would be delivered as discounted market rent (DMR) housing (intermediate housing) in its entirety. The applicant advises that the DMR is intended to address local households/young professionals who are not eligible for affordable rent but cannot rent at market values. Rents would be set in relation to income levels of £35,000 to £71,000 across 5 tiers to be distributed across 56 DMR units.

30 The applicant has provided no justification for the absence of affordable rent within the affordable housing offered – other than the site is in a high value residential area. To support its case for just DMR the applicant is required to provide a strong justification supported by evidence to demonstrate to the Mayor that this can be considered the maximum reasonable amount of affordable housing and mix given London Plan policy. The affordable housing viability appraisal should demonstrate why no affordable rented homes are accommodated on site and why a broader range of affordable housing needs cannot be met on site, including affordable rent. The affordable housing viability report should be independently reviewed on behalf of Ealing Council and the findings shared with GLA officers.

31 The current offer is therefore not compliant with London Plan policy 3.11 and the applicant should contribute to the policy aim of a diverse housing sector. The applicant should respond positively to policy 3.11 target that 60% affordable and affordable rent and 40% for intermediate rent or sale. Priority within this affordable provision should be affordable family housing.

## **Housing density**

32 The London Plan policy optimising housing potential (also refer to table 3.2) sets out specific policy in relation to density levels across the city. Density should be calculated on net residential site area, excluding non-residential blocks in horizontally mixed-use schemes. In mixed use schemes such as proposed by the applicant the density should be based on the guidance set out in paragraph 1.3.47 of the Mayor's Housing SPG, which requires mixed-use schemes with more than 35% non-residential to use plot ratio.

33 The applicant has calculated the development density as being 305 units/ha or 801 habitable rooms (hr)/ha which is within the London Plan density requirement of 215-405 units per hectare or 650-1,000 hr/ha for a development in a central location with a PTAL of 6b within Ealing Metropolitan town centre. Although a scheme of the proposed density could be acceptable, the applicant should address concerns relating to heritage and design before a development of the proposed density can be supported.

## **Children & young person's play**

34 Policy 3.6 of the London Plan sets out that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 23 children within the development (based on current housing mix). The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with under-5 child play space provided on-site.

35 The applicant has completed the child yield calculation that identifies a need to provide 157 sq.m. of playspace (based on a child yield of 16). The applicant has identified locations for playspace within the podium level courtyards and proposes a natural play garden in courtyard 2 which is welcome. Clarification should however be given that the space requirements are met for each age group 0-5, 5-11 and 11-15, due to apparent lack of provision and practicality of available amenity areas for the 11-15 age group the applicant should provide funding for improving off-site facilities at Haven Green.

## **Arts, culture, sports & entertainment**

36 The applicant's proposals include a new replacement music venue for The Ealing Club in the ground floor and basement unit located off the new pedestrian route Haven Place. The new music venue will be 514 sq.m. -more than double the size of the existing Ealing Club venue. London Plan policy 4.6 (Support for and enhancement of arts, culture, sport and entertainment) encourage the retention or replacement of such venues and this aspect of the scheme is strongly supported. It is understood the applicant has held discussion with the Ealing Club and other stakeholders, the re-provision of venue should be secured by condition and in the s106 agreement.

## **Historic environment/ urban design**

37 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" and in relation to conservation areas, special attention must be paid to "the desirability of preserving or enhancing the character or appearance of that area".



38 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

39 The applicant has provided an Townscape and Visual Impact Assessment (TVIA), including wirelines and fully rendered views and this is welcome.

40 The wholesale demolition of any large site within a conservation area is always controversial particularly one that contains buildings of townscape merit that make a positive contribution to the character of the conservation area as is in this instance. Most of the existing buildings on the site exert a neutral or negative impact (described in the Ealing Council's Conservation Area appraisal as 'mediocre'), but there are four relatively small buildings of local interest (Nos. 9, 14, 15-16 and 35). The immediate setting deserves a sensitive design solution given that diagonally opposite is a fine parade of locally listed buildings on The Mall and the Grade II listed National Westminster Bank. Furthermore, beyond the adjoining shopping centre to the west is the outstanding Grade II\* listed Church of Christ the Saviour, and to the north of the railway line which adjoins the site is the important Haven Green (protected by a separate CA).

41 The failure to retain and incorporate the identified buildings is of concern. It is noted within a short distance of the development site in Ealing is the Berkeley Scheme (St George) at Dickens Yard. The Edwardian High Street frontage is outside of the St George scheme, but the latter has been identified so that the two are complimentary retaining much of the character of the existing High Street. The applicant should have regard to the conservation area opposite and should look to retain the better quality high street frontage and integrate it into the scheme.

### **Layout**

42 The adopted layout approach adopts a clean slate approach and removes all building from the site. At the pre-application stage concerns were raised that the layout would result in the loss of buildings of historic merit and that this would negatively impact on the character of Ealing Broadway and the surrounding conservation area. It was however accepted that the adopted layout has some merits as it would improve site permeability through creating a Mews Lane and that podium form development with a tall residential tower to the north and residential blocks based around a series of courtyards was suitable but this should include the retention of the identified historic buildings.

43 The layout of the submitted scheme remains unchanged and the issues raised at pre-application stage remain unchanged despite some amendments to the massing and appearance of the scheme. The adopted approach cannot be supported in its current form and the applicant should revise the layout to retain a higher proportion of historic buildings, whilst the approach of a Mews Lane with higher density development in the north of the site towards the railway line would be supported.

### **Height, scale and massing**

44 The need to intensify town centre development to accommodate London's growth is expressed in the London Plan. However this needs to be balanced against other plan policies

including the aspiration to deliver the highest quality of design and achieve a good fit between new development and its existing historic context.

45 At the pre-application stage the approach to building height raised some concern due to the loss of historic buildings of merit which create variety and character along Broadway. The height of the submitted scheme remains unchanged with a uniform four storey frontage buildings facing the Broadway, which although respecting the general scale, height, verticality and massing of the established Victorian and Edwardian streetscape of the Ealing Town Centre Conservation Area, lacks a variety in character and the overlay of history which is apparent in the current street frontage, which is very typical of a London High Street.

46 The height of the much taller 9 storey blocks facing east on the approach to the railway station is of concern, being far in excess of the two to four storey late Victorian former Feathers/Town House and officers would like further discussion on the height and scale relationship of this part of the development proposals.

47 The proposed massing strategy with the height increasing and stepping back from the Broadway frontage with an 18 storey residential tower is supported.

### **Residential quality**

48 The adopted layout of the podium level residential blocks ensures that none exceed eight units per core and all units are compliant with London Plan a space standard which is welcomed. The layout quality of the residential units is generally good with a high proportion of dual and through aspect units. There is however an issue with block 4/4a where studio units with north-west aspect with a poor outlook and the applicant should amend the layout to create a large one bed/2 bed units to maintain a good level of residential quality. These positive elements would be welcome in a modified scheme.

### **Access**

49 Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity. The aim of London Plan Policy 7.2 is to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum).

50 The design & access statement confirms that the residential development will provide 10% wheel chair accessible units. At the pre-application stage concerns were raised in relation to the adoption of square steps up towards the lobby on Mews Lane defining the threshold between the public route and private entry require modification. The applicant has since revised its design to remove the steps and this is welcome.

### **Energy**

51 The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

52 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy light with controls and mechanical ventilation heat recovery.

53 The demand for cooling will be minimised through incorporation of external shading through balconies and solar control glazing. Mechanical ventilation will be included to ensure adequate ventilation without reliance on opening windows due to the air quality and noise concerns. The applicant has undertaken dynamic thermal modelling using CIBSE TMS2 to assess the risk of overheating, this is welcomed. The applicant has stated that the results show that all bedrooms modelled will meet the CIBSE criteria for overheating. However, the results have shown that only two thirds of the living space will meet the criteria. Further passive measures should be considered in line with Policy 5.9 to avoid the risk of overheating in all of the spaces modelled. The applicant should also consider including future climate scenarios in the assessment. The development is estimated to achieve a reduction of 4 tonnes per annum (1%) in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development.

54 The applicant has carried out an investigation and there are no existing district heating networks within the vicinity of the proposed development. However, the applicant has identified that there is a proposed network within close proximity. In addition the London Heat Map shows that the development is situated within a district heating opportunity area. The applicant should therefore contact the local energy officer to ascertain the latest progress of the potential network (including anticipated timescales) and see if there are any connection opportunities currently being developed in the area (e.g. nearby developments). Evidence of correspondence should be provided.

55 The applicant is proposing to install a site heat network. However, the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network. A drawing showing the route of the heat network linking all buildings on the site should be provided. The applicant is proposing to install four number of CHP units (40kWth/20kWe) totalling a 160 kWth /80kWe with a gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated carbon dioxide emissions of 165 tonnes per annum (23%) will be achieved through this second part of the energy hierarchy. The applicant should investigate replacing the multiple CHP units with a single CHP unit in order to increase system efficiencies and further reduce the carbon emissions.

56 The applicant has investigated the feasibility of a range of renewable energy technologies but is not proposing to install any renewable energy technology for the development. It has identified that PV is the most appropriate renewable technology. However, the applicant has discounted PV due to limited space and visual impacts and stated that the carbon savings would be minimal and would be cost ineffective. Given that the development is not meeting the target this approach is not supported as on-site carbon emission savings should be maximised. The applicant should, therefore, outline how much roof area is available for PV and provide a roof layout drawing outlining each of the roof uses. The applicant should also investigate an integrated green roof/PV solution in order to maximise the size of the PV array and provide details of the system efficiency and consider higher efficiency panels to maximise carbon savings. Any statements of viability should be supported with a detailed cost analysis.

57 Based on the energy assessment submitted at stage 1, the development proposals will result in a reduction of 169 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 24%.

58 The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional carbon savings through CHP and PV as discussed above. Should it be demonstrated that there is little further potential for carbon dioxide reductions onsite, in liaison with the borough the developer should ensure the short fall in carbon dioxide reductions is met off-site. The applicant should also provide further information on how the lighting strategy can achieve carbon savings.

## **Noise**

59 Policy 7.15 (Reducing and managing noise), improving and enhancing the acoustic environment and promoting appropriate soundscapes) of the London Plan states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals as well as separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening or internal layout in preference to sole reliance on sound insulation.

60 The Mayor will also support new technologies and improved practices to reduce noise at source, especially in road, rail and air transport. In addition standard 5.2.1 of the Mayor's Housing SPG states that developments should avoid single aspect dwellings that are north facing, exposed to NEC C or D or contain three or more bedrooms.

61 The applicant has completed noise and vibration studies because noise/vibration impacts will be relatively high due to proximity of the busy railway lines and The Broadway road. In the latter case vibration levels will be high due to high speed trains passing the site. To minimise noise annoyance in the residential units the development specification will include very high levels of sound insulation incorporating in the bedrooms secondary glazing with a deep airspace between glazed panels and high performance double glazing is expected to be sufficient to achieve the requirements for the living room spaces. To reduce impact of vibration from the high speed train and other rail movement options for anti-vibration treatment of foundations have been provided.

## **Transport**

62 The applicant has not altered the quantum of car parking from the 50 existing spaces provided for the residential-only use (19 of which are blue badge). This equates to a provision of 0.18 spaces per unit which, due to minimal changes in the development mix, appears to have reduced the residential ratio slightly. Considering the site's town centre location and excellent accessibility, further reductions should nevertheless be considered. The applicant has committed to installing electric vehicle charging according to London Plan standards i.e 20% of all spaces active and passive, and this should be conditioned.

63 A new vehicular access is proposed off the public highway, approximately midway between the junction with The Broadway and the southerly access to Ealing Broadway station. The applicant states that cars travelling south from Haven Green will pull off the Broadway and into the 6 metre wide space in front of two car lifts, whose depth is designed to accommodate two waiting cars on either side. As traffic is one way, south drivers will not need to cross over a line of opposing traffic when either accessing or egressing the car parking, subject to having lined up on the right hand lane. However, there are two potential road safety issues that the applicant has not explored. The Transport Assessment notes that the 'Mini-Holland' improvements "might include a segregated contra-flow cycle lane" along Station Broadway (an alternative name for the northern arm of 'The Broadway' between the junction and the station). This statement fails to make any link to how this might create road safety difficulties for cyclists with traffic turning across their path into and out of the new access. Given that the access is also close to a busy bus stop on the other side of the road, it is very disappointing that the applicant has not submitted a road safety audit of the new access, to better support and justify this proposal. TfL strongly urges Ealing Council to pursue this and/or assist the applicant in doing this to ensure the access proposal will complement the evolving designs for cycling improvements at this specific location without negatively impacting on road safety. As the EBSF concept included a plan of a cycle contra-flow adjacent to the car-lifts the implementation of this scheme is more likely and therefore a more material consideration than the applicant appears to imply.

64 Long-stay cycle parking is provided on-site in accordance with the London Plan 2015 standards. Shower and changing facilities are identified for use by all staff employed on site, which is welcomed. Whilst the 62 public (short-term) cycle parking spaces are supported their location is not and spaces should be divided up over this large site, so they are convenient, accessible and easily spotted. The proposed single location at the extreme western point of the site, down a narrow emergency services alley is not acceptable and revisions should be considered. The applicant should be required to submit details of all cycle parking by condition for consideration by the authorities. Any cycle provision proposed on site needs to be safe, covered and secure with good lighting and CCTV.

65 The current poorly-used alleyway through the site will be widened and given active retail frontage; TfL welcomes that this will enhance connectivity and provide an attractive alternative route from the station through the site and onto Ealing Broadway and its shops. This support also extends to the proposed widening of the public highway on Station Broadway through the setting back of the building line. TfL would expect Ealing Council to adopt and dedicate this new strip as public highway.

66 These proposals are considered to broadly complement the aspirations for the public realm in the previously-mentioned Study (notwithstanding the issues raised above regarding cyclists) and would appear to integrate satisfactorily with the new Crossrail service and station, albeit the site's construction will need to be carefully phased in discussion with Crossrail, the Council and TfL. Additional Legible London wayfinding both within the scheme and the town centre might be considered appropriate given the new improved connections and transport interchange. To promote the use of sustainable transport, TfL recommends a contribution of approximately £20,000 for Legible London signage and refreshed (updated) existing signage should be secured through a s106 agreement and the Council using the contribution to procure the signage as appropriate to the site and its locus.

67 The applicant's analysis forecasts that only an additional 15 passengers will be added by the development at the morning peak onto the bus network. Given the wide range of bus services serving the locality, the distribution across services will be such that minimal impact will be felt and mitigation to services is not sought; added to that, TfL recognises that the impending launch of Crossrail services will change demand for certain routes and will be reviewing impacts and revising services accordingly in the following year(s).

68 The modal split and trip generation analysis and conclusions are broadly acceptable, being a reflection of the excellent range of public transport available, and in line with TfL guidance. The increase in vehicle trips expected to be generated by the proposed residential development will be in the region of 26 - 30 two-way vehicle trips during the AM and PM peak hours; TfL does not raise a network capacity concern.

69 A new dedicated servicing bay, with access from Springfield Road, removes the need to service the site from Ealing Broadway itself, reducing on-street unloading pressures and benefiting bus reliability. As the arrangement utilises the existing servicing ramp for the adjacent Arcadia Centre, TfL previously noted it would expect these arrangements to be secured by legal agreement or as appropriate to ensure that this is safeguarded should the adjacent site be redeveloped. This is not referred to in the consultation documents and TfL seeks reassurance that such arrangements have been discussed and confirmed.

70 No framework Delivery and Servicing Plan (DSP) and Construction Logistics Plan (CLP) nor phasing arrangements have been supplied which would have aided understanding of the timing and logistics of construction in relation to Crossrail and the other improvements' construction. At the least, a phasing description is requested and a detailed plan required to be secured by condition and submitted to the Council for approval in consultation with TfL. The Travel Plan has

narrowly failed TfL's 'ATTrBuTE' assessment; the applicant has been supplied with a report ready to incorporate improvements to the detailed Travel Plan to meet condition requirements.

71 In summary, TfL supports the principle of the application and in particular its improvements to permeability and connectivity for pedestrians and cyclists. However, it considers there is a lack of supporting/explanatory information on the access arrangements which should be addressed through a Road Safety Audit prior to approval of access details, plus the Travel Plans require minor revision as well as the distribution of visitor cycle parking. TfL will be seeking a contribution towards Legible London signage.

### **The Mayor's CIL/Crossrail**

72 The site is within the Crossrail SPG charging zone (being 1km from a future Crossrail station) and therefore the applicant should provide the GIA uplift for any retail or office proposed on site to allow officers to calculate the appropriate contribution. Furthermore, the development is within the London Borough of Ealing, where the Mayoral CIL charge is £35 per square metre Cross Internal Area (GIA).

### **Local planning authority's position**

73 Not known at time of submission.

### **Legal considerations**

74 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

### **Financial considerations**

75 There are no financial considerations at this stage.

### **Conclusion**

76 London Plan policies on housing mix, affordable housing, urban design, children and young person's play, inclusive access, energy, flood risk and sustainable drainage, ambient noise and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development:** The mixed use retail and residential land use of the site is supported by London Plan.

- **Housing mix:** The development includes provision of 191 residential units with 43% studio or 1 bed units. Since the pre-application stage the applicant has adjusted the housing mix reducing the percentage of studio units and this is welcome. Although it is accepted the site is in a town centre location, the proportion 3 bed units is still too low and should be increased.
- **Affordable housing:** The applicant's initial affordable housing offer of 30% discounted market rent is not compliant with London Plan policy 3.11 and the applicant should contribute to the policy aim of a diverse housing sector. The applicant should respond positively to policy 3.11 target that 60% affordable and affordable rent and 40% for intermediate rent or sale.

The applicant's affordable housing viability appraisal should demonstrate why no affordable rented homes are accommodated on site and why a broader range of affordable housing needs cannot be met on site, including affordable rent.

The applicant affordable housing viability assessment should be independently reviewed on behalf of Ealing Council before the offer is accepted and GLA officers should be provided with a copy of the viability assessment review document.

- **Density:** Although a scheme of the proposed density could be acceptable, the applicant should address concerns relating to heritage and design before a development of the proposed density can be supported.
- **Children and young person's play:** The applicant has identified locations for playspace within the podium level courtyards and proposes a natural play garden on in courtyard 2 which is welcome. Clarification should however be given the space requirements are met for each age group 0-5, 5-11 and 11-15, due to apparent lack of provision and practicality of available amenity areas for the 11-15 age group the applicant should provide funding for improving off-site facilities at Haven Green.
- **Historic environment/urban design:** The clean slate redevelopment of the site is not supported due to the loss of historic buildings of merit and impact on the surrounding conservation areas.

The proposed overall massing strategy with the height increasing and stepping back from the Broadway frontage with an 18 storey residential tower is supported.

- **Inclusive design & access:** The design & access statement confirms that the residential development will provide 10% wheel chair accessible units.
- **Energy:** The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional carbon savings through CHP and PV as discussed above. Should it be demonstrated that there is little further potential for carbon dioxide reductions onsite, in liaison with the borough the developer should ensure the short fall in carbon dioxide reductions is met off-site. The applicant should also provide further information on how the carbon savings through the lighting strategy will be achieved in practice.
- **Noise:** The applicant has completed a noise and vibration surveys and mitigation measures have been adopted and this is welcome.

- **Transport:** TfL supports the principle of the application and in particular its improvements to permeability and connectivity for pedestrians and cyclists. However, it considers there is a lack of supporting/explanatory information on the access arrangements which should be addressed through a Road Safety Audit prior to approval of access details, plus the Travel Plan requires minor revision. The distribution of visitor cycle parking needs to be revisited. TfL will be seeking a contribution towards Legible London signage.

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