

Land north and south of Avenue Road, South Acton Estate (regeneration phase 7.1)

in the London Borough of Ealing

planning application no. PP/2015/3558

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

Phase 7.1 of the comprehensive regeneration of South Acton Estate, comprising 246 new homes in buildings of between two and nine-storeys.

The applicant

The applicant is **Acton Gardens LLP**, and the architect is **Stitch**.

Strategic issues

The proposed **estate regeneration phase** is **strongly supported** in strategic planning terms.

Furthermore, previously outstanding matters with respect to **housing, urban design, sustainable development** and **transport** have been addressed, and the application now complies with the London Plan.

The Council's decision

In this instance Ealing Council has resolved to grant permission subject to planning conditions and completion of a Deed of Modification to the Section 106 Agreement attached to outline planning permission P/2012/0708.

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 3 August 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 1. of the Schedule to the Order 2008: *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats"*.

2 On 9 September 2015 the Mayor considered planning report D&P/2871d/01, and subsequently advised Ealing Council that whilst the scheme is broadly supported in strategic planning terms, the application did not fully comply with the London Plan for the reasons set out in paragraph 47 of the above-mentioned report. The Mayor nevertheless stated that the resolution of those issues could lead to the application becoming compliant with the London Plan.

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. On 28 October 2015 Ealing Council decided that it was minded to grant planning permission subject to planning conditions and completion of a Deed of Modification to the Section 106 Agreement attached to outline planning permission P/2012/0708. On 9 November 2015 the Council 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. The Mayor has until 22 November 2015 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Update

5 At consultation stage Ealing Council was advised that whilst the scheme is broadly supported in strategic planning terms, the application did not fully comply with the London Plan for the reasons set out below. The Mayor, nevertheless, stated that the resolution of these issues could lead to the application becoming compliant with the London Plan.

- **Housing:** The proposed regeneration phase would deliver an uplift in housing and affordable housing in accordance with London Plan Policy 3.14. The residential mix and quality is supported, and the proposed 42% provision of affordable housing is welcomed subject to independent review in line with London Plan Policy 3.12.
- **Urban design:** The proposed design is broadly supported in line with London Plan Policy 7.1. GLA officers nevertheless seek further discussion with respect to the ambition to amalgamate the various open spaces east and west of Church Road in order to create a single coherent piece of high quality public realm.
- **Sustainable development:** Whilst the energy strategy is generally in accordance with the London Plan energy hierarchy, GLA officers would welcome further discussion with respect to efficiency; cooling; district heating; CHP; and, carbon dioxide target in line with London Plan Policy 5.2. The proposed climate change adaptation measures are supported in accordance with London Plan policies 5.10, 5.11 and 5.13.
- **Transport:** Whilst the proposal is generally acceptable in strategic transport terms, the applicant and the Council should address the matters raised in this report with respect to access; parking; and, travel planning to ensure accordance with London Plan policies 6.3, 6.13 and 6.14.

6 Since consultation stage the applicant team has engaged in joint discussions with Ealing Council, GLA and TfL officers with a view to addressing the above matters. Accordingly, the

response to the various issues raised within the Mayor's representations on this application are considered under the corresponding sections below.

Housing

7 Further to an independent review of the applicant's viability appraisal the proposed 42% provision of affordable housing has been verified as the maximum that phase 7.1 can reasonably afford. The application therefore complies with London Plan Policy 3.12.

Urban design

8 Whilst the proposed design approach was broadly supported at consultation stage, GLA officers sought to ensure that various open spaces east and west of Church Road would be designed and delivered in a way which would create a single coherent piece of high quality public realm.

9 In response to this matter the applicant has submitted a detailed study of the Church Road and Oldham Terrace junction area which makes the design intention for this space clear.

10 Having reviewed this GLA officers note that a raised table/shared surface approach is proposed at the junction, along with a landscaping strategy that would incorporate clearly defined pedestrian areas and allow for the retention of existing high quality mature trees. Noting the arrangement of active frontages on to this space (discussed within GLA report D&P/2871d/01), and the fact that these landscaping measures are proposed to be secured by way of planning condition, GLA officers are satisfied that the scheme would deliver a high quality piece of public realm in this area.

Sustainable development

11 The proposed energy strategy was broadly supported at consultation stage. However, in the context of a 1% shortfall against the carbon dioxide reduction target within London Plan Policy 5.2, GLA officers sought further discussion on key areas with a view to optimising the performance of the strategy. In response the applicant has submitted an addendum to the energy strategy which includes a number of detailed refinements to the interim energy strategy for this phase. Moreover, it is noted that planning obligations / conditions are now proposed to secure the various components of the strategy (including efficiency measures, energy centre plant specification and photovoltaic panel provision), as well as connection of this phase to the main energy centre for South Acton Estate district network (before more than 85% of units in phase 8 are occupied).

12 Notwithstanding this, there remains a 1% shortfall against the 35% target. Accordingly, a financial contribution of £13,787 will be secured by way of planning obligation pursuant to part E of London Plan Policy 5.2. GLA officers are now satisfied that the energy strategy is acceptable in strategic planning terms.

Transport

13 Since consultation stage, a road safety audit has been undertaken for the proposed access. This is supported. TfL is satisfied that this adequately addresses safety matters associated with the proposed access design.

14 The proposed inclusion of planning conditions for the submission of car and cycle parking details (to include the provision of electric vehicle charging points in line with the London Plan standards) is supported in line with London Plan Policy 6.13.

15 Whilst TfL notes that a dedicated delivery and servicing plan is not proposed to be secured for this phase, considering the characteristics of the development, this is acceptable in this instance. TfL nevertheless supports the inclusion of a planning condition to secure submission of a construction logistics plan.

16 It is also noted that Ealing Council has secured the submission of a final travel plan and car parking management plan by way of planning obligation, along with a £3,000 contribution towards travel plan monitoring, a fee for the possible future implementation of a controlled parking zone (CPZ), car club memberships for residents as well as local highway improvements. This is supported in response to the Mayor's representations at consultation stage.

17 It is noted that the provisions above are in addition to the transport improvements already secured as part of the outline consent, including: £450,000 towards diversion of bus services and associated infrastructure into the development; £40,000 for bus shelter improvements; £67,000 towards pedestrian, cyclist and road safety improvements; and, the introduction of a 20 mph speed limit in the area.

18 In conclusion, having regard to the above, and the advice of TfL, GLA offices are satisfied that the application accords with London Plan policies 6.3, 6.13 and 6.14.

Public consultation

19 Ealing Council publicised the application by sending notifications to South Acton ward councillors, Rupa Huq MP, the Redbrick Resident Association, Acton Community Forum, Acton Gardens Residents Association, Mill Hill Park Residents Association, and South Acton Residents Action Group. Site and press notices were also issued, and the relevant statutory bodies were consulted. The representations received in response to the local consultation process are considered in detail within the Council's committee report of 28 October 2015 and the associated report addendum of the same date. Furthermore, copies of all responses to public consultation, and any other representations made on the case, have been made available to the Mayor in their original form.

Responses to neighbourhood consultation

20 The Council received 219 objections following the neighbourhood consultation process (including those reported within the Council's committee report addendum). In summary, the points of objection relate to: inadequate pre-application consultation; failure to consider the impact of 'gentrification'; loss of existing A1 and D1 uses; inappropriate design response to context (in terms of height, density and appearance); insufficient residential quality; impact on open space (at Avenue Road Recreation Ground); lack of supporting infrastructure (particularly social infrastructure); amenity impacts (including loss of daylight, overshadowing, loss of privacy and loss of outlook); environmental impacts (including light pollution); risk of antisocial behaviour; insufficient resilience to fire; lack of car parking provision; under provision of recycling facilities; and, construction impacts (including dust, noise, vibration, risk of asbestos contamination and potential for restricted access).

Responses from statutory bodies

Historic England (archaeology department)

21 Historic England (archaeology department) raised no objection to the proposal, noting that it was unlikely to have a significant effect on heritage assets of archaeological interest.

NHS Clinical Commissioning Group

22 The NHS Clinical Commissioning Group raised no objection to the proposal, but advised that, based on the impact on health services from the proposed phase, either: a contribution of £300,654 should be secured; or, a new primary care facility be provided within the wider South Acton Estate regeneration masterplan. In this regard it is noted that the Council has secured a contribution of £109,995.36 by way of planning obligation. GLA officers are satisfied that this is reasonable in this case.

Metropolitan Police

23 The Metropolitan Police Crime Prevention Design Advisor raised no objection to the proposal, but recommended that this phase meets the same physical security standards as implemented on the earlier phases of development. GLA officers note that security measures for this phase (including CCTV, lighting and Secured by Design standards) will be secured by way of planning condition.

Thames Water

24 Thames Water raised no objection to the application, but sought a planning condition with respect to a piling method statement. GLA officers note that the Council has had regard to this advice, and has proposed planning conditions as appropriate.

Response to public consultation – conclusion

25 The statutory and non-statutory responses to Ealing Council's consultation process do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report.

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

26 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 Ealing Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily address the matters raised at consultation stage, therefore, there is no sound planning reason for the Mayor to take over this application.

Legal considerations

27 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

28 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.

29 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.

30 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

31 The proposed estate regeneration phase is strongly supported in strategic planning terms. Furthermore, previously outstanding matters with respect to housing, urban design, sustainable development and transport have now been addressed, and the application complies with the London Plan.

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

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