

# GREATER **LONDON** AUTHORITY

**(By email)**

Our reference: MGLA120522-0693

Date: 10 June 2022

Dear

Thank you for your request for information which the Greater London Authority (GLA) received on 11 May 2022. Your request has been considered under the Environmental Information Regulations (EIR) 2004.

You requested:

*Please may I request the following information in relation to Gurnell Leisure Centre (W13 0AL), from 17/03/21 to present;*

- *All correspondence between London Borough of Ealing and the GLA*
- *A list of any meetings that have taken place, including dates, attendees and agendas*
- *All documentation from meetings, including but not limited to emails, agendas, meeting papers, meeting notes/actions and outputs*

Please find attached the information we hold within the scope of your request.

I can confirm that since the Stage 2 was issued there have been no emails, meetings or papers on the site between GLA planning and LB Ealing.

The GLA meetings relating to Gurnell Leisure Centre, during the specified timescales are:

- Mayor's Planning Meeting on 17 May 2021
- Deputy Mayor Run Through Meeting on 13 May 2021

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA120522-0693

Yours sincerely

**Information Governance Officer**

# GREATER**LONDON**AUTHORITY

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 17 May 2021 16:56  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Gurnell Leisure Centre Stage 2 decision and report GLA Ref 6466; LPA Ref: 201695FUL)  
**Attachments:** GLA6466 Gurnell Leisure Centre Stage 2 letter and report (FINAL).pdf; 4287 Gurnell Leisure Centre Stage 1 letter and report.pdf

Hi [REDACTED]

Please find attached the Mayor's decision letter and Stage 2 report on the Gurnell Leisure Centre application – LPA Ref: 201695FUL.

I'm also cc'ing the applicant.

Thanks

[REDACTED]

**Principal Strategic Planner, Development Management**  
GREATERLONDONAUTHORITY  
City Hall, The Queen's Walk, London SE1 2AA

[REDACTED]

**[london.gov.uk](https://www.london.gov.uk)**  
[REDACTED]

# GREATER**LONDON**AUTHORITY

## Good Growth

**Greg Grey**  
Ealing Council  
Development Management  
Perceval House  
14 Uxbridge Rd, Ealing  
London W5 2HL

**Our ref:** GLA/4287/01  
**Your ref:** Ref: 201695/FUL  
**Date:** 14 September 2020

Dear Greg

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**  
**Gurnell Leisure Centre, Ruislip Road East**  
**Local Planning Authority reference: 201695/FUL**

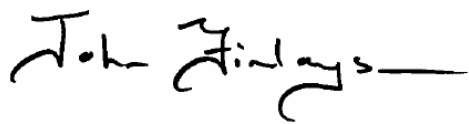
I refer to the copy of the above planning application, which was received from you on 3 June 2020. On 14 September 2020 the Mayor considered a report on this proposal, reference GLA/4287/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan and Intend to Publish London Plan for the reasons set out in paragraph 99 of the above-mentioned report; but that the possible remedies set out in that report could address these deficiencies.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged; or direct the Council under Article 6 to refuse the application; or 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. You should therefore send the Mayor a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Fred Raphael, e-mail [FredRaphael@tfl.gov.uk](mailto:FredRaphael@tfl.gov.uk)

Yours sincerely

A handwritten signature in black ink, reading "John Finlayson" with a long horizontal flourish at the end.

**John Finlayson**  
Head of Development Management

cc Dr Onkar Sahota, London Assembly Constituency Member  
Andrew Boff, Chair of London Assembly Planning Committee  
National Planning Casework Unit, MHCLG  
Lucinda Turner, TfL  
Gregor Mitchell, Eco World  
Bob McCurry, Barton Wilmore

14 September 2020

**Gurnell Leisure Centre, Ruislip Road East**

in the London Borough of Ealing

planning application no. 201695/FUL

**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 the existing leisure centre and the mixed use redevelopment of the site to construct a replacement leisure centre with associated car and coach parking, together with landscape works to public open space; and facilitating residential development (599 residential units), retail floorspace, play space, cycle and car parking, refuse storage, access and servicing.

**The applicant**

The applicant is **Be:Here Ealing Ltd** and the architect is **3DReid**

**Strategic issues summary**

**Principle of development:** The application proposes inappropriate development on MOL which is contrary to national, local and strategic policy and represents a departure from the development plan. Whilst the harm to the openness of the Metropolitan Open Land (MOL) has been minimised by restricting development to the previously developed parts of the site which already contain inappropriate development, the application would cause additional harm to openness through the increased building mass and footprint and the visual impact of the scheme. Very special circumstances must therefore be demonstrated which clearly outweigh this harm. Whilst there could be exceptional circumstances in this specific case which could potentially constitute very special circumstances, further detailed discussion and agreement is required regarding the applicant's build costs, the phasing and means of securing the re-provision of indoor and outdoor sport and recreational facilities, landscape, biodiversity and pedestrian and cycle enhancements, as well as agreement on the flood risk strategy to ensure that the proposed public benefits are robustly secured and to fully demonstrate the applicant's case for very special circumstances in this particular instance (paragraphs 21 to 46).

**Housing and affordable housing:** 34% affordable housing, comprising a 55:45 tenure mix between London Affordable Rent and London Shared Ownership units (by habitable room). The affordable housing offer has been significantly improved since pre-application stage through the use of GLA grant funding and this has been verified as the maximum viable level of affordable housing that the scheme can support taking into account the overall construction costs. Affordability levels should be secured, together with an early and late stage viability review mechanism (paragraphs 47 to 60).

**Urban design and heritage:** The design, layout, height, density and residential quality is acceptable and the application would not harm heritage assets (paragraphs 61 to 82).

**Climate change:** Further information is required in relation to energy, flood risk, drainage and urban greening (paragraphs 83 to 89)

**Transport:** An updated bus impact assessment reflecting bus trips to nearby stations should be provided to enable TfL to determine the development's impact on the local bus network, and the level of mitigation that will be required. A Stage 1 Road Safety Audit of the proposed vehicle access points is required. A Car Park Management Plan, Electric vehicle charging provision, Travel Plan, delivery and servicing plan and construction logistics plan should be secured (paragraph 90 to 95).

## Recommendation

That Ealing Council be advised that the application does not comply with the London Plan and the Mayor's Intend to Publish London Plan, for the reasons set out in paragraph 99; however, the possible remedies set out in this report could address these deficiencies.

## Context

1 On 3 June 2020, 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 must provide the Council with a statement setting out whether he considers that the application complies with the London Plan and the Mayor's Intend to Publish 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 consideration in deciding what decision to make.

2 The application is referable under Categories 1A, 1B, 1C and 3D of the Schedule to the 2008 Order:

- *Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."*
- *Category 1B(c): "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - outside Central London and with a total floorspace of more than 15,000 square metres."*
- *Category 1C: "Development which comprises or includes the erection of a building of...more than 30 metres high and is outside the City of London."*
- *Category 3D: "Development (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building."*

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; to take over the application for determination himself; 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 13.2 hectare site is located in the Brent River Park within designated Metropolitan Open Land (MOL). The site comprises the two-storey Gurnell Leisure Centre and its associated surface car park, with open parkland and playing fields to the north-east and north-west. The open space includes a number of sporting and recreational facilities including a children's adventure playground, a skate park, BMX track, playing fields used for football and cricket and areas of open grassland and tree belts. This expansive area of open and undeveloped land is approximately 10.5 hectares in size and is dissected by the River Brent which meanders through the centre of the site. The site is bounded by Ruislip Road East to the south; Stockdove Way to the north; and Argyle Road and Peal Gardens to the east. The western boundary of the site is defined by a north-south pedestrian/cycle route, tree line and an elevated railway line. To the north, the site boundary excludes the adjacent allotment and Ealing Mencap facility on Stockdove Road. An aerial photograph of the site and surrounding context is shown below in Figure 1.

6 Gurnell Leisure Centre is owned by Ealing Council and is one of only four indoor 50 metre swimming pools in London. The existing pool has six lanes with a movable divider to split the pool in two. The leisure centre also includes a recreation/fun pool, spectator seating, a gym and exercise studios, changing rooms, staff facilities and a small retail unit. This part of the Brent Valley includes a number of other recreational and sporting facilities, including the nearby Perivale Athletics Track. Collectively, these sporting facilities perform a function which is of considerable significance within the west London sub-region. Having been in operation for over 38 years, the leisure centre building is now in need of extensive repair and modernisation and in 2015 Ealing Council Cabinet made the decision to demolish and redevelop the site to enable the construction of a new modern and enhanced leisure centre. The leisure centre was recently closed due to the impact of COVID-19 and on 6 August, Ealing Council's Cabinet made the decision to not re-open the facility due to the estimated financial implications associated with re-opening the facility.

7 The entire application site falls within designed as MOL as set out in Ealing Council's adopted Proposals Map (2013). The undeveloped areas of the site which comprises open space is also designated as public open space. Land to the north and running parallel to of the River Brent is designated as a Site of Borough Importance (Grade 1) for nature Conservation. The site is also in Flood Zone 2, 3A and 3B. The closest town centre is Greenford which is 1.5 kilometres from the site to the west. The site is not within a conservation area and there are no listed buildings within or in the close vicinity of the site. The Cuckoo Estate Conservation Area is to the south west on the other side of the elevated railway line.

Figure 1 – application site boundary and surrounding context



8 In terms of the surrounding context, Peal Gardens immediately to the east comprises two and three-storey residential properties. An isolated pair of unlisted Victorian semi-detached properties are found to the south-west of the Leisure Centre on Ruislip Road East. There is a more varied context to the south which comprises a mix of two-storey semi-detached and terraced houses as well as the Gurnell Grove Estate which includes a mix of linear blocks ranging in height from 3, 4 and 5 storeys, with three 11-storey towers. The residential context to the north of the site comprises two and three-storey suburban houses.



9 Areas of the site which include existing buildings and hardstanding adjacent to Ruislip Road East have a Public Transport Access Level (PTAL) of 3, on a scale of 0 to 6b, where 6b represents the highest level of connectivity to the public transport network. The remainder of the site which is open space is within PTAL 2. Five bus services are available on Ruislip Road East (E2, E5, E7, E9, E10), with the Route 297 also available from bus stops on Argyle Road. The closest stations to the site are Castle Bar Park station and South Greenford Station are within a 20-minute walk to the south and north respectively and provide access to National Rail services towards London Paddington and West Ealing station, which will serve the Elizabeth Line. However, these stations are only served by two trains per hour. Perivale and Greenford London Underground Stations are both over 2 kilometres to the north and provide access to the Central Line.

10 The existing site is served by two access points on Ruislip Road East, of which, the eastern access serves the visitor car park and the western site access provides staff car parking and servicing. The surface car park is to the east of the leisure centre and includes 175 car parking spaces, 4 coach parking spaces and 15 cycle parking spaces. The main entrance is at first floor level and access via steps and ramps from Ruislip Road East. The nearest part of the Transport for London Road Network (TLRN) is A40 (Western Avenue), approximately 800 metres to the north of the site access.

## Case history

11 The development proposals have been subject to extensive joint pre-application discussions with GLA and Ealing Council officers during 2017, 2018 and 2019. An initial GLA pre-application advice note was issued on 23 March 2018. This supported the principle of an enhanced indoor and outdoor sporting facilities on the site and accepted the need for a new leisure centre. However, in view of the site's MOL designation, GLA officers confirmed that the applicant must demonstrate that very special circumstances exist which outweigh the harm caused to the openness of the MOL and any other harm. The applicant was also required to demonstrate that:

- there are not suitable alternative sites that would be preferential in planning policy terms;
- the scale of inappropriate development on MOL is the absolute minimum necessary to facilitate the provision of the new leisure centre;
- the impact on MOL has been minimised as much as possible through a well-considered design approach which would avoid encroachment into 'greenfield' MOL and focus additional enabling development on previously developed parts of the site adjacent to Ruislip Road East;
- the scheme would not result in any unacceptable deficiency in local open space and would deliver significant enhancements to the quality, use and enjoyment of the MOL; and
- the scheme provides a significant affordable housing offer as part of a wider package of public benefits to support the applicant's case for very special circumstances.

12 Following further design refinements and pre-application meetings between the applicant and Ealing Council and GLA officers, a further GLA pre-application report was issued on 15 February 2019. This noted that the applicant had sought to minimise harm to the MOL, in line with the GLA's initial pre-application advice and was now proposing a comprehensive scheme of enhancements to the quality, use and enjoyment of the MOL, which was supported. However, the applicant's 0% affordable housing offer was seen to undermine the overall public benefits associated with the scheme and the applicant's case for very special circumstances. The applicant was therefore advised that this would need to be robustly demonstrated within the applicant's financial viability assessment and the applicant was also urged to fully explore the potential for on-site affordable housing to be delivered via grant funding. A number of other issues were also raised in relation to urban design, residential quality, inclusive access, transport, climate change and playing pitch provision.

## Details of the proposal

13 The application seeks full (detailed) planning permission for the demolition of the existing leisure centre and the redevelopment of the site to construct a mixed use scheme comprising:

- a new 12,955 sq.m. leisure centre;
- 599 residential units across a total of six blocks ranging in height from 6 to 17-storeys, of which two blocks (Blocks A and B) would be situated above the new leisure centre;
- 480 sqm of flexible commercial retail floorspace in Class A1//A3 use split across two small units in Blocks C and F;
- a basement level car park, with 175 visitor car parking spaces for the leisure centre and a separate resident car park with 168 spaces, as well as cycle parking;
- improvements to open space, recreational and outdoor sports and play space facilities including:
  - a replacement children's adventure playground;
  - a replacement skate park;
  - a replacement BMX track;
  - landscaping, tree planting and biodiversity enhancements;
  - sustainable urban drainage (SuDs) improvements and the re-contouring and re-landscaping of the open space; and
  - pedestrian and cycle network improvement including a new pedestrian footbridge over the River Brent.

14 The new leisure centre would include:

- a 10 lane 50 metre swimming pool with moveable dividers
- a 25 metre fun / leisure pool
- spectator seating / viewing areas for events (200 seat capacity)
- wet and dry changing facilities
- a health suite with sauna and steam room
- a 100 station gym with three fitness studios for exercise classes
- children's soft play area and party rooms
- cafe (89 sq.m)

15 The applicant Be:Here Ealing Ltd is a joint venture between the Ealing Council, the Council's wholly owned subsidiary housing company Broadway Living, and the developer Eco World. The design and layout of the proposed scheme is set out below:

Figure 2 – proposed development

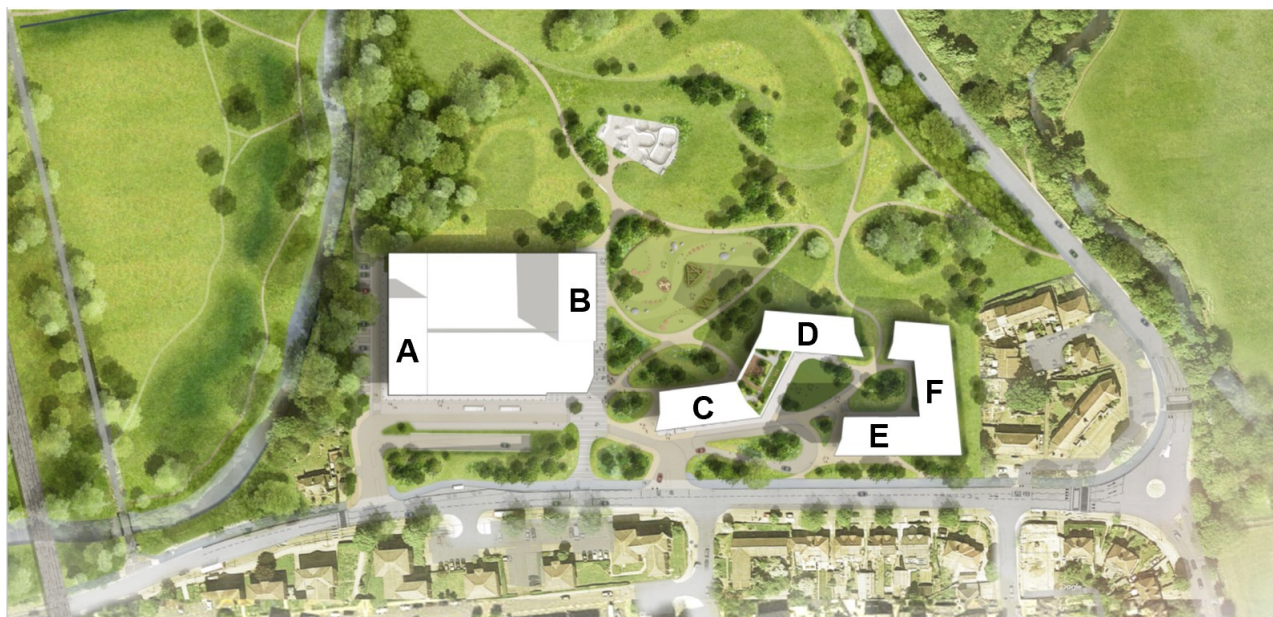


Table 1 – height and tenure of blocks

Block	Height (storeys)	Height in metres	Residential units	Housing tenure
Block A	15	47 metres	98	London Affordable Rent
Block B	15	47 metres	98	Shared ownership
Block C	13	41 metres	104	Private sale
Block D	17	53 metres	158	Private sale
Block E	10	31 metres	87	Private sale
Block F	6	19 metres	54	Private sale

16 In terms of the layout and design of the scheme, the new leisure centre would be provided on the site of the existing facility, with the building rotated to align with Ruislip Road East. The new facility would be arranged over three levels, with pools and changing facilities on the ground floor, a gym and fitness studios on levels one and two overlooking Ruislip Road East. Two 15-storey residential blocks (A & B) would be sited above the leisure centre on the eastern and western flank of the building. A basement car park would be provided which would be accessed via a ramp in front of the leisure centre building. Coach parking facilities would also be provided along this frontage.

17 An open courtyard block would be constructed on the existing car park, with buildings ranging in height from 17, 13, 10 and 6-storeys (Blocks C,D, E and F). Commercial and residential amenity floorspace and cycle parking and refuse facilities would be provided at ground floor level within these blocks with market sale units above. The open courtyard design would allow for public access through into the park via a landscaped courtyard. A new civic square would be formed in the central space between the two main development parcels which would be fronted by cafe and leisure uses and would provide the main gateway entrance into the MOL to the north. The new playground would be overlooked by Blocks B, C and D, with the skate park provided approximately 50 metres from the nearest residential blocks. The replacement BMX track is shown in the submitted plans in the north-west corner of the site accessed from Stockdove Way. This is the subject of a separate planning application (LPA ref: 201541FUL) which is not referable to the Mayor.

## Strategic planning issues and relevant policies and guidance

18 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 Development (Core) Strategy (2012); Development Sites DPD (2013); Development Management DPD (2013); Adopted Policies Map (2013); Planning for Schools DPD (2016); Joint West London Waste Plan (2015); and the 2016 London Plan (Consolidated with Alterations since 2011).

19 The following are also relevant material considerations:

- The National Planning Policy Framework (2019)
- National Planning Practice Guidance
- The Mayor's Intend to Publish London Plan (December 2019)
- The Secretary of State's 13 March 2020 Directions issued under Section 337 of the Greater London Authority Act 1999 (as amended) to the extent that these are relevant to this particular application they have been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation.
- The Mayor's Affordable Housing & Viability SPG;
- Ealing Council's Sports Facility Strategy 2012-2021
- Ealing Council's Playing Pitch Strategy (2017 to 2031)

20 The relevant issues and corresponding strategic policies and guidance are as follows:

- |  |   |
|--|---|
| • Principle of development                   | <i>London Plan; Intend to Publish London Plan; Social Infrastructure SPG;</i>   |
| • Metropolitan Open Land                     | <i>London Plan; Intend to Publish London Plan; All London Green Grid SPG;</i>   |
| • Housing, affordable housing and play space | <i>London Plan; the Intend to Publish London Plan; London Plan; Affordable Housing &amp; Viability SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG; the London Housing Strategy;</i> |
| • Urban design and heritage                  | <i>London Plan; the Intend to Publish London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG;</i>  |
| • Inclusive access                           | <i>London Plan; the Intend to Publish London Plan: Accessible London: Achieving an Inclusive Environment SPG;</i>   |
| • Climate change                             | <i>London Plan; the Intend to Publish London Plan; Sustainable Design and Construction SPG; London Environment Strategy;</i>  |
| • Transport                                  | <i>London Plan; the Intend to Publish London Plan; the Mayor's Transport Strategy;</i>  |

## Principle of development

### Metropolitan Open Land

21 The site lies wholly within land designated as Metropolitan Open Land (MOL). London Plan Policy 7.17 and Policy G3 of the Mayor's Intend to Publish London Plan strongly resist the inappropriate development of MOL - which is afforded the same protection as Green Belt. Accordingly, the relevant planning policy requirements and principles set out in Chapter 13 of the National Planning Policy Framework (NPPF) on proposals affecting the Green Belt applies to this application on MOL.

22 The London Plan and the Mayor's Intend to Publish London Plan set out the following criteria for boroughs to use when deciding which areas should be designated as MOL (of which, at least one criterion should be met):

- land which contributes to the physical structure of London by being clearly distinguishable from the built-up area
- land includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
- land contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value
- land which forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria.

23 As set out in the NPPF in relation to the Green Belt, inappropriate development is, by definition, harmful to MOL and should not be approved except in very special circumstances. Substantial weight must be given to any harm to MOL when making planning decisions. Very special circumstances will not exist unless the harm to MOL by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

24 The construction of new buildings within MOL is considered inappropriate development requiring very special circumstances apart from a limited number of specific forms of development set

out within the NPPF exceptions which comprise appropriate development in MOL. Of potential relevance to this application are the following exceptions:

(b) the provision of appropriate facilities for outdoor sport and outdoor recreation, providing these facilities are connected to the existing use of land and preserve the openness, whilst also not conflicting with the purposes of including land within the Green Belt/MOL;

(d) the replacement of a building, providing the new building is the same use and not materially larger than the one it replaces; and

(g) limited infilling or the partial or complete redevelopment of previously developed land, providing this would not have a greater impact on the openness compared to the existing development; or not cause substantial harm to openness where affordable housing is proposed which would meet an identified need.

25 Previously developed land is defined in the NPPF glossary as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The scope of what can be considered previously developed land excludes parks.

#### The extent of inappropriate development in MOL

26 The replacement facilities for outdoor sport and recreation constitute appropriate development within MOL, falling under the NPPF exception (b). This includes the new/ replacement skate park, BMX track, children's adventure playground and other associated public realm, pedestrian and cycle improvements and landscaping. However, all of the proposed buildings would comprise inappropriate development in MOL, taking into account the size, scale, use and spatial and visual impact, compared to the existing situation, as set out in more detail below. As such, judged as a whole, the application comprises inappropriate development within MOL which is a departure from the Development Plan and should only be approved where the harm to MOL, and any other harm, is clearly outweighed by other material considerations.

#### Assessment of harm to the openness of the MOL arising from inappropriate development

27 The National Planning Practice Guidance (NPPG) states that assessing the impact on openness is a matter of planning judgement based on the specific circumstances of a particular application. Drawing on case law, the NPPG also confirms that openness is capable of having both spatial and visual aspects and it may be relevant to assess both components<sup>1</sup>.

#### The existing situation

28 Currently, the footprint of the existing leisure centre building covers a significant area of MOL (3,919 sq.m.) to the west of the site, with open and undeveloped parkland to the north, east and west. The existing leisure centre building is set back from Ruislip Road East and aligned at a 45-degree angle with the road. As a result, the rear corner of the leisure centre juts out at an angle into the open space to the north. The building is split over two levels, with an undulating and relatively heavy-set roofline which contains plant. The height of the existing building is broadly equivalent to a four-storey residential building and its elevations are made up of dark glass and concrete cladding. Hardstanding associated with existing car park covers 10,296 sq.m. of the site, which when combined with the building itself mean that a total of 14,215 sq.m. of the site can be described as previously developed land.

29 As an indoor leisure facility, both the existing leisure centre building and the associated car park and hardstanding constitutes inappropriate harmful development within MOL. The harm caused by the existing leisure centre and car park is therefore the baseline scenario for planning

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<sup>1</sup> MHCLG, NPPG, Paragraph: 001 Reference ID: 64-001-20190722



assessment purposes when considering the residual harm to the MOL which would be caused by the proposed development.

30 The existing visual context and appearance of the site as a whole is relatively open and green, excluding the notable presence of the leisure centre building and hardstanding to the south. Whilst the building and surface car park are to some extent screened by mature trees and hedges, this screening is significantly reduced during the winter months. The wider landscape setting of the site, and this section of MOL more generally, is characterised by east-west openness a visual permeability, which follows the Brent Valley Park and the meandering course of the River Brent, as illustrated in Figure 1 above. Alongside Peel Gardens, Gurnell Leisure Centre building is the only building within this stretch of MOL to the north of Ruislip Road East.

#### The proposed development

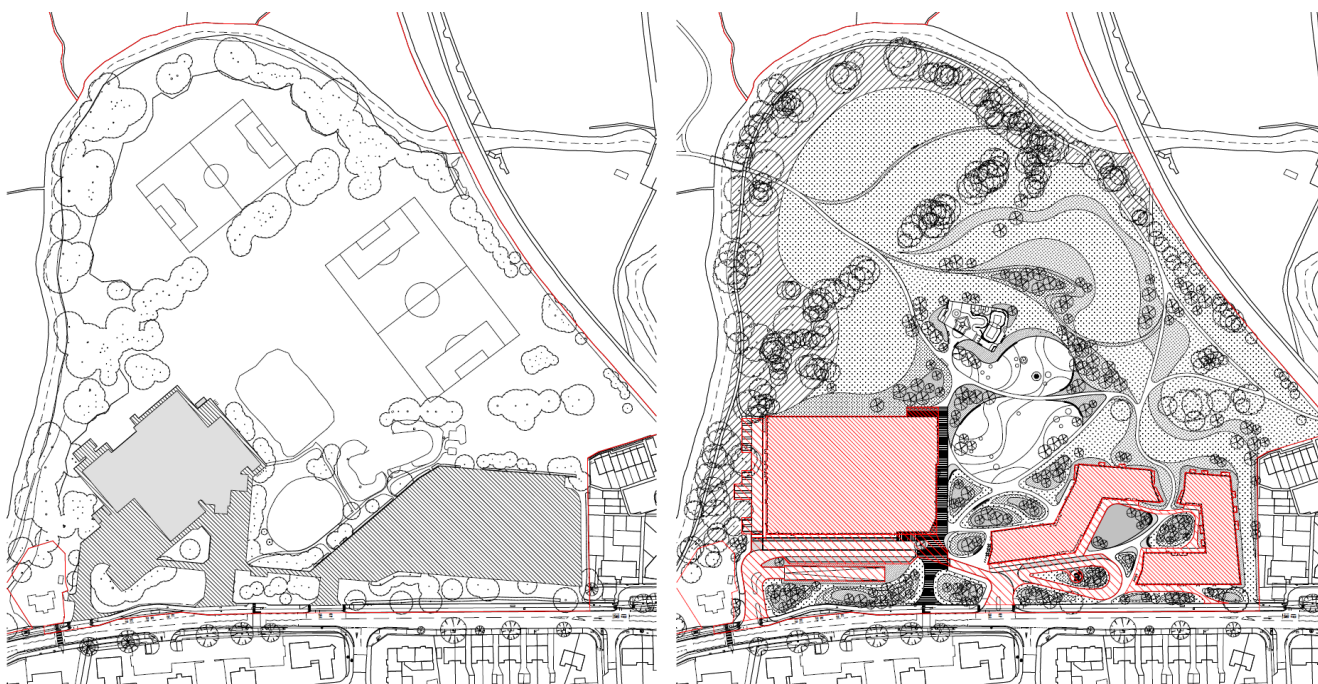
31 The existing and proposed building footprint and the total quantum of previously developed land (both buildings and hard-standing) within the site is set out below for comparative purposes, alongside the height of the existing and proposed buildings. Figure 3 shows the spatial coverage of buildings and hardstanding in the existing and proposed scenario. There are further areas of hard standing are present within the site in the form of the skatepark, playground and BMX track; however, these are all outdoor recreational and sporting facilities within the park and considered to be appropriate forms of development within MOL, so are not classified as previously developed land and are therefore not included in these calculations.

Table 2 – existing and proposed built form and

	Existing	Proposed	Net change
Building footprint (sq.m.) GEA	3,919	9,549	+ 5,630
Previously developed land* (sq.m.) GEA	14,215	14,292	+ 77
Building heights storeys	2-storey	6, 10, 13, 15, 17	

*\* previously developed land includes both the building footprint and areas of hard-standing*

Figure 3 – existing and proposed building footprint and hard-standing



### *Spatial impact*

32 In terms of spatial impact, the proposed development would more than double the existing quantum of building footprint on the site, resulting in 5,630 sq.m. of additional land within MOL which would be covered by buildings. However, the proposed buildings would be restricted to the previously developed parts of the site which already contain harmful inappropriate development, with Blocks C to F constructed broadly within the spatial extent of the existing car park and Blocks A and B sited above the new leisure centre. Whilst Block C would protrude slightly beyond the area of land covered by the existing car park and onto land which is currently open space and occupied by the existing playground, this is a minor protrusion and is equivalent to the triangular area of land which would be returned to open space as a result of the leisure centre building being redeveloped and rotated to lie parallel to Ruislip Road East. As such, although the total building footprint on site would more than double, there would be a moderate 77 sq.m. net reduction in the open 'greenfield' MOL (which is not currently previously developed land).

33 Harm would be caused to openness of the MOL as a result of the construction of buildings within the MOL where there are not currently any buildings, and generally due to the increase in the overall building footprint across the site. However, the harm caused has been minimised by generally avoiding the encroachment of buildings onto open / 'greenfield' areas of MOL within the site and focusing the facilitating residential development on previously developed parts of the site closest to Ruislip Road East, in line with the GLA's pre-application advice. In this respect, GLA officers note that the applicant has fundamentally revised the initial proposals for the scheme which were presented to GLA officers in 2018 which involved linear finger blocks protruding significantly beyond the existing car park and into the 'greenfield' open space. The proposed scheme therefore represents an improvement and responds positively to the pre-application advice provided by GLA officers, which is welcomed. The current scheme is considered to be significantly less harmful compared to the applicant's initial proposals in terms of the impact on openness and the current approach would continue to preserve a coherent expanse of open and green space to north which is broadly aligned with the current extent of the previously developed land and undeveloped green areas within the site and a key feature of the existing site circumstances, as set out above.

### *Visual impact*

34 The height of the proposed buildings is set out in Table 1 and 2 and represents a substantial change in the height, massing and visual characteristics of the existing site, as demonstrated by the applicant's Visual Impact Assessment and Design and Access Statement. A number of mature trees would also be removed to enable the site's redevelopment, albeit these would be replaced as part of the proposed landscaping scheme. Whilst the removal of the existing leisure centre building, which is unattractive and dated would be beneficial in terms of visual impact, the height, scale and massing of the proposed buildings would reduce visual permeability within and across the previously developed parts of the MOL. This would cause harm to openness. However, by restricting the buildings to the previously developed southern section of the site, the scheme would maintain the existing visual openness and green characteristics of the open and undeveloped parkland to the north. This area of open space would also be subject to landscape and biodiversity improvements, so whilst the immediate context and setting of the open /greenfield MOL would be altered, the visual openness of these open and greenfield areas would be preserved and its landscape and recreational character would be enhanced. The layout of the scheme would retain views through to the MOL beyond to the north between Blocks B and C.

### *Conclusion – harm to MOL*

35 In summary, whilst the layout and design of the proposal has sought to minimise the harm to MOL by restricting the buildings to previously developed parts of the site, the quantum of additional buildings and their height and massing would cause harm to the MOL and this harm must therefore be clearly outweighed by very special circumstances.

### Very special circumstances

36 The applicant's case for very special circumstances justifying the harm to MOL and other harm caused can be broadly summarised as follows:

- a) **The need to demolish and redevelop the existing leisure centre** – now nearly 40 years old, the existing leisure centre is at the end of its operational life and is in need of comprehensive refurbishment and modernisation, which would necessitate significant investment. The facility is understood to have been operating at a loss in terms of revenue, and expenditure. Having considered the options available, the Council has concluded that the cost of renovating the existing building is prohibitive when set against the alternative option of demolition and redevelopment, without providing the benefits associated with a new modern leisure centre with enhanced indoor sport facilities. In 2015, Ealing Council Cabinet made the decision to demolish and redevelop the facility, which they considered to be the most appropriate option available.
- b) **The requirement for facilitating residential development to part fund the cost of constructing a new leisure centre given the significant funding gap** – the Council's independent cost assessment concludes that the leisure centre facility would cost £28.89 million with the associated basement costing a further £26 million. As such, the total cost of the leisure centre related elements in the application exceed £50 million. Ealing Council has agreed to contribute £12.5 million in grant funding towards the capital costs, which leaves a substantial funding shortfall. The Council has stated that further funding through borrowing is not possible in the context of ongoing savings which the Council needs to find in the current period and its statutory obligation to ensure a balanced budget across all services. In line with GLA pre-application advice, the Council has explored the potential for Sport England grant funding; however, Sport England has confirmed that no funding is available.
- c) **The lack of alternative sites** – the applicant has undertaken a detailed alternative sites assessment working closely with Ealing Council to ascertain whether there are more suitable alternative site within Ealing which would could accommodate the leisure centre and facilitating residential development. The conclusion of this assessment is that there are no other sites or combination of sites within Ealing that are available and more suitable to deliver a new leisure centre and the required quantum of facilitating residential development. The applicant is therefore of the view that the Gurnell Leisure Centre site represents a genuine site of last resort on which the proposal can be accommodated in its entirety with fewer potential adverse impacts compared to the alternative suitable, available alternative sites within the borough.
- d) **The quantum of inappropriate development has been limited to the minimum necessary** taking into account the required specification and cost of the new leisure centre and the funding shortfall.
- e) **Demand for indoor sporting facilities** – Gurnell leisure centre is one of only four locations in London which provide a 50-metre swimming pool and is currently home to the largest swimming club in the country with over 1,700 members. The leisure centre therefore provides a locally and regionally significant facility for which there is a substantial demand which is forecast to increase, as evidenced in the Council's Indoor Sports Strategy (2012-21). There were 693,000 visits to the leisure centre during 2016, including 3,741 children enrolled on the swim school scheme making it the largest scheme in London.
- f) **The benefits associated with an enhanced indoor sport facility** – which would be significantly enhanced with its capacity increased capacity from 6 lanes to 10 lanes and inclusive access improved. A much larger gym, health and fitness centre would be provided, alongside other supporting ancillary uses as set out above. This seeks to maintain existing levels of participation in swimming and encourage additional participation both locally and regionally, with the associated benefits in terms of physical and mental health and wellbeing.



- g) **The provision of a more modern, energy efficient and accessible building** – to replace what the existing leisure centre built in 1981 which falls short of modern standards and cannot be retrofitted and adapted without substantial cost.
- h) **Improved outdoor recreational, sporting and play space facilities and enhanced use of the MOL** – associated with the reconfiguration and enhancement of play space, pedestrian and cycle access, including a new pedestrian bridge over the River Brent, together with other landscaping and re-contouring works to maximise the recreational use and enjoyment of the park and provide ecological / biodiversity and surface water drainage enhancements, ensure the like for like replacement of the existing skate park and BMX track and thereby enhance the usability and quality of the MOL throughout the year and improved access to and overlooking of the MOL.
- i) **Housing and affordable housing delivery** – the provision of 599 homes (including 196 affordable homes) which are required as facilitating development but would also contribute towards meeting housing targets and need for overall and affordable housing. It should be noted that the FVA shows that no affordable housing is viable on the scheme. However, the Council has agreed to convert private units in Blocks A and B to London Affordable Rent and shared ownership using GLA affordable housing grant.

#### Assessment of the applicant's case for very special circumstance

37 The need to redevelop the existing leisure centre building is accepted given its current age and condition and the significant costs associated with its refurbishment and modernisation and the cash flow issues set out above. Similarly, the benefits associating with maintaining and strengthening the important sub-regional role served by the facility in terms of meeting current and future demand for swimming is recognised. Reprovision of the leisure centre is therefore clearly the key driver for the development proposals and the overarching objective to replace and enhance indoor sporting facilities and social infrastructure is supported, in accordance with London Plan Policy 3.19 and Policy S5 of the Mayor's Intend to Publish London Plan. The proposals also form part of the Council's strategy to establish Gurnell as a wider sports hub, as set out in Policy 5.6 of Ealing's Core Strategy. There are therefore significant public benefits associated with the provision of an enhanced replacement leisure centre which must be given appropriate weight.

38 The requirement for the replacement leisure centre to be partly cross-subsidised by a residential development is accepted in this particular instance, given the substantial cost of constructing a new leisure centre. This has been set out in detail in the applicant's cost assessment by Wilmott Dixon which has been scrutinised by the Council's independent cost consultants Core 5 who estimate that the costs are likely to be significantly higher than is set out in the applicant's appraisal, as set out in more detail below. As a result, even with the Council's contribution of £12.5 million towards the cost of re-providing the leisure centre, there is clearly a substantial funding shortfall on the project and, without the facilitating development, the project cannot be financed and would therefore not be deliverable.

39 In line with GLA pre-application advice, the Council and applicant have undertaken a rigorous assessment of alternative sites across the borough which could be preferable from a planning policy / development constraints perspective. A total of 543 individual sites owned by Ealing Council were subject to a four-stage sequential site assessment and sieving exercise to identify other potentially suitable, appropriate or available sites and compared to Gurnell. This assessment included the review of potential sites capable of accommodating a 0.55 hectare leisure centre comprising a 10 lane 50-metre swimming pool, as required by the Council's brief and also considers the potential for smaller 'donor' sites capable of contributing towards the requirement for facilitating residential units. The decision to limit the scope of this site assessment to Council owned sites is appropriate in this instance, given the need for sites to be available and deliverable but also noting the funding shortfall, which would preclude the option to purchase additional sites. Overall, GLA officers consider that the alternative site assessment satisfactorily demonstrates that

there are not any available and more suitable sites (or combination of sites) within the borough which could accommodate the proposed development.

40 The applicant's justification for the scale of inappropriate facilitating residential development within the MOL is set out in detail in the submitted FVA. This includes a base case scenario (without grant) and a with grant scenario, which includes the £12.5 million Ealing Council grant funding and £12.544 million GLA grant. In addition to this, a number of other scenarios to establish what quantum of development would be required to facilitate the viable redevelopment of the leisure centre, including testing both 0% affordable housing and 50% affordable housing scenarios. The FVA conclusions of the applicant's FVA and the Council's independent assessment are summarised below:

- According to the applicant's FVA, the base case scenario (without grant) generates a negative residual profit of - £3.68 million. The Council's independent assessors Lambert Smith Hampton (LSH) have concluded this residential profit level would be even lower at - £27.91 million due primarily to increased overall development costs.
- The 'with grant scenario' generates a positive residual profit of + £26.41 million. However, this represents only 11.69% profit on costs which is not considered financially viable in commercial terms. The Council's independent assessors Lambert Smith Hampton (LSH) conclude that this would be much lower at + £5.124 million (2% profit on costs), which likewise is not considered viable.
- In summary, the other scenarios tested in the applicant's FVA and Council's independent assessment show that:
  - even assuming 0% affordable housing and taking into account LB Ealing Council's £12.5 million grant funding contribution, a broadly similar scale of facilitating residential development would be needed to ensure the delivery of the replacement leisure centre.
  - A scheme comprising 50% affordable housing would require a significantly increased quantum of inappropriate residential development on MOL so is not considered appropriate.

41 As set out in more detail below, the applicant's FVA and construction costs assessment has been independently reviewed by the Council's advisors and GLA officers and the overall conclusions are considered appropriate and suggest that the proposed scheme cannot be viably delivered without a significant quantum of facilitating residential development.

42 The wider public benefits associated with the scheme in terms of providing improved indoor sporting facilities and outdoor sport and recreational facilities in terms of quality and accessibility require further discussion in terms of public access, phasing and delivery and how these elements would be secured via planning condition / obligation should the Council resolve to grant planning permission.

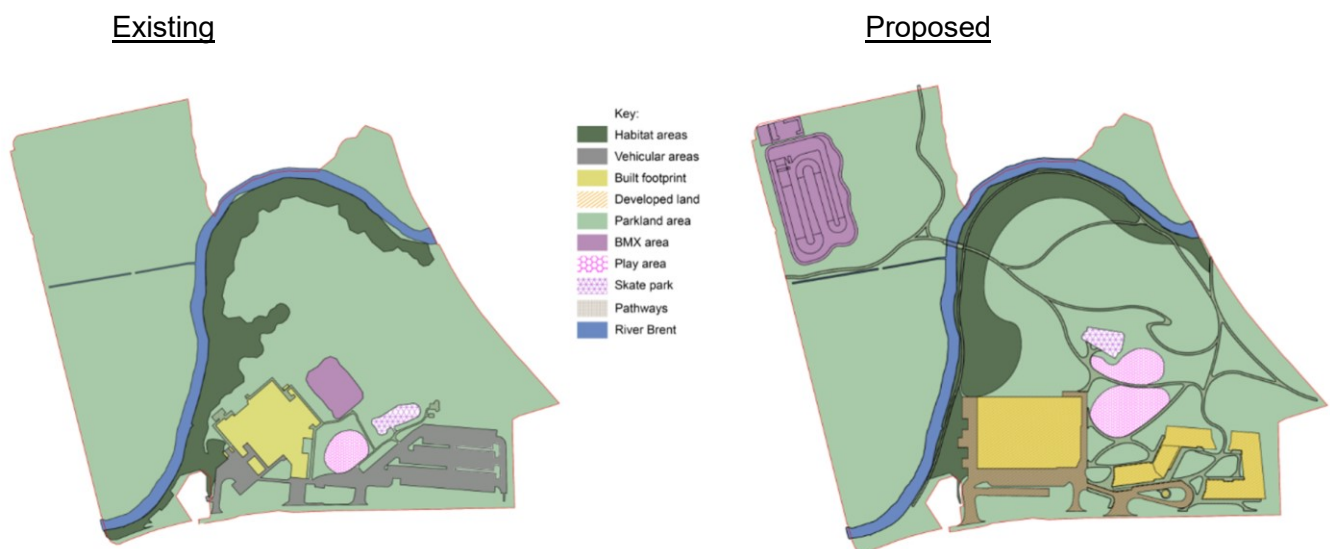
#### Open space, sport and recreation facilities

43 Indoor and outdoor sport and recreational facilities on the site, including the leisure centre, playing pitches, skate park, BMX track and adventure playground, as well as the open space are covered by London Plan Policies 3.6, 3.16, 3.18, 7.18 and Policies S1, S4, S5 and G4, which seeks to protect, retain and enhance social infrastructure, open space and sporting and playground facilities such as this. Excluding the leisure centre building and associated hard-standing and car park, the open space is designated as public open space in the Council's Adopted Policies Map (2013), which would not be reduced or built on as a result of the proposed development. There would in fact be a 1,488 sq.m. net increase in the overall quantum of publicly accessible space, compared to the existing situation, which is supported. In line with the GLA's pre-application advice, the applicant has widened the scope of the original site boundary so as to cover the entire MOL and the submitted

scheme proposes a comprehensive package of enhancements to the MOL parkland and open space, which is supported, including:

- landscaping, habitat/biodiversity and sustainable drainage improvements;
- pedestrian and cycle access, a new footbridge over the River Brent and all weather level access routes through the parkland to the north-west and north-east, as shown below;
- an enlarged, replacement adventure playground; and
- replacement BMX track and stake park, with the BMX track.

44 In addition to this, the indoor sporting facility and 50-metre pool would be replaced and enhanced through the provision of a modern, more accessible and energy efficient building and an increase in the number of lanes from 6 to 10, with an enhanced indoor gym, fitness rooms and a soft play centre. As recognised above, the overall approach seeks to develop Gurnell as a sporting and leisure hub within the borough, drawing on its existing assets and proximity to Perivale athletics track and location within the Brent Valley Park and, in accordance with the Council's Core Strategy and indoor sports facilities strategy. The approach accords with the requirements of London Plan Policies 3.16, S4, 7.18 and Policies S1, S4 and G4 by securing the reprovision and enhancement of the existing open space, social, indoor and outdoor sporting infrastructure and playground facilities. The phasing and delivery of replacement outdoor sport and recreational facilities and access and landscaping improvements should be secured appropriately by condition or obligation.



45 In relation to playing pitches, there would be a net loss of existing playing pitches on site which are currently used for football, which the Council's Playing Pitch Strategy confirms are of poor quality due to drainage issues and are being relocated to Perivale Park 400 metres to the north-west, with enhanced playing pitch capacity being provided within the borough at Gunnersbury Park and William Perkin School. This has been appropriately planned as part of the Council's Playing Pitch Strategy which demonstrates that there would be sufficient capacity to meet demand for outdoor playing pitches. As such, the application does not conflict with London Plan Policy 3.18 and Policy S5 of the Mayor's Intend to Publish London Plan.

#### Conclusion – principle of development

46 Whilst the harm to the openness of the MOL has been minimised by restricting development to the previously developed parts of the site which already contain inappropriate development, the application would cause additional harm to openness through the increased building footprint and the visual impact of the scheme. Very special circumstances are therefore required which must clearly outweigh this harm. Whilst there could be exceptional circumstances in this specific case which could potentially constitute very special circumstances, further detailed discussion and agreement is required regarding the applicant's build costs, the phasing and means

of securing the re-provision of indoor and outdoor sport and recreational facilities, landscape, biodiversity and pedestrian and cycle enhancements, as well as agreement on the flood risk strategy to ensure that the proposed public benefits are robustly secured and to fully demonstrate the applicant's case for very special circumstances in this particular instance.

## **Housing and affordable housing**

### Affordable housing, viability and tenure mix

47 London Plan Policies 3.11 and 3.12 and Policy H4 of the Mayor's Intend to Publish London Plan seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H5 of the Mayor's Intend to Publish London Plan identifies a minimum threshold of 35% affordable housing (by habitable room), with a threshold of 50% applied to public sector owned sites and industrial sites where there is a net loss of industrial capacity. This application would be subject to the 50% threshold, as it is Council owned public sector land.

48 In terms of tenure split, Policy H7 of the Intend to Publish London Plan sets out the Mayor's preference for at least 30% low cost rent (social rent or London Affordable Rent) and 30% as intermediate housing products, with the remaining 40% to be determined by the Council. Ealing's Development Management Policy 3A seeks to negotiate 50% affordable housing with a 60:40 tenure split between social rent / affordable rent accommodation and intermediate housing provision.

49 The application proposes 599 residential units, including 98 London Affordable Rent units, 98 Intermediate shared ownership units and 403 market sale units. This represents 34% affordable housing by habitable room (33% by unit), with a 55:45 tenure mix between London Affordable Rent and intermediate shared ownership housing provision proposed by habitable room (50:50 by unit). This is a significant improvement on the applicant's affordable housing offer at pre-application stage which was 0% due to the scheme costs and viability and has been achieved by the provision of GLA grant (£12.544 million) which has enabled Ealing Council to purchase Blocks A and B and convert what were initial proposed as private sale units to London Affordable Rent (LAR) and intermediate London Shared Ownership (LSO) tenure.

50 Details of the applicant's FVA are set out above. In summary, this shows the FVA shows that the proposed scheme is not viable in the base case scenario (without public subsidy) generating a negative residual land value. The with grant scenario (which includes Ealing Council's £12.5 million grant contribution and the GLA's £12.544 million grant also fails to achieve the target rate of return in terms of profit on costs. Further details of profit on gross development value (GDV) should be provided.

51 The applicant's Financial Viability Appraisal (FVA) has been scrutinised by the Council's independent advisors Lambert Smith Hampton, who have applied the Council's higher independent cost assessment (£189.69 million), which is higher than the applicant's estimate (£175.89 million.) Consequently, the Council's independent advisors conclude that the scheme is likely to be less viable than is assumed in the applicant's FVA.

52 In terms of the Benchmark Land Value (BLV) assumptions applied, no land value has been assumed for the existing site, given that the leisure centre is operating at a loss and requires extensive refurbishment. This approach to BLV is accepted in this particular instance. However, this is subject to the S106 agreement including obligations to ensure that the replacement publicly owned and accessible facility is secured in perpetuity.

53 GLA officers have scrutinised the applicant's FVA and the Council's independent assessment and can confirm that the scheme is likely to be providing the maximum viable level of affordable housing and that affordable housing is not viable without grant. As set out above, a number of scenarios have been tested in the FVA including a hypothetical larger scheme to see if more affordable housing could be provided, in line with 50% affordable housing threshold for the

site. However, this demonstrates that the scheme would need to be substantially larger to achieve this (with additional grant also required). This would not be appropriate given the site's MOL status and the need to ensure. Notwithstanding this, there are some issues which require further discussion and clarification, including further explanation as to why the Council's cost consultant's report concludes such higher construction costs compared to the applicant's assessment by Willmott Dixon. In addition, GLA officers note that the scheme includes a large basement. This contributes significantly to the costs and, theoretically, if this was reduced in size it may be possible to reduce the quantum of residential development required. However, GLA officers are aware that the basement includes part of the leisure centre and swimming pool and the like for like replacement of visitor car parking, which would need to be provided. Notwithstanding this, GLA officers would welcome further discussion with the applicant and Council to determine what alternative options were considered to reduce the scheme costs associated with the basement, taking into account the range of viability and MOL constraints on the site, given that the overall scheme costs are driving the scale of inappropriate development.

54 Early and late stage viability reviews would be required in accordance with the Viability Tested Route should permission be granted. These should accord with the guidance and formulas set out in the Mayor's Affordable Housing and Viability Supplementary Planning Guidance and the GLA's standard template S106 clauses which have been sent to the Council and applicant alongside this report. Should the Council resolve to approve planning permission, further discussion would be required to agree the details of the viability inputs for inclusion in the Section 106 agreement review mechanism and the approach to phasing and securing affordable housing and indoor and outdoor sporting and recreational facilities. Both the applicant's FVA and the Council's independent assessment have been published by the Council, which is supported in accordance with the transparency provisions set out in the Affordable & Viability SPG (paragraphs 1.18-1.25).

#### Housing tenures and affordability

55 The Mayor's preferred affordable housing tenures includes social rent/London Affordable Rent; London Living Rent and London Shared Ownership in relation to which affordability criteria is set out in the Intend to Publish London Plan. London Affordable Rent units should be secured at the Mayor's published benchmarks which are updated annually<sup>2</sup>. Potential service charges on LAR units should also be fully considered and subject to appropriate caps to ensure the overall affordability of the proposed low cost rent units for eligible households. Shared ownership units should be available to households on a range of incomes below the maximum income threshold set out in the draft London Plan (£90,000 a year) and annual housing costs (including service charges, rent and any interest payment) should be no greater than 40% of net household income. These provisions should be secured via S106 agreement.

#### Housing choice

56 London Plan Policy 3.8 and Policies H10 and H13 of the intend to publish London Plan state that residential developments should normally provide a mix of housing sizes and types to meet housing demand and address the needs of different groups. The need to address the varied housing requirements of older people is also recognised, as well as the need to encourage downsizing and the potential this has to help free up family sized housing within the existing housing stock.

Table 3 – proposed housing mix by tenure

	<b>London Affordable Rent</b>	<b>Shared ownership</b>	<b>Market sale</b>	<b>Total</b>	<b>%</b>
Studio	0	17	16	33	6%

<sup>2</sup> Mayor of London, 2016, Affordable Homes Programme 2016-21 Funding Guide <https://www.london.gov.uk/what-we-do/housing-and-land/homes-londoners-affordable-homes-programme-2016-21>

1-bedroom	34	33	196	263	44%
2-bedroom	52	48	166	266	44%
3-bedroom	12	0	25	37	6%
<b>Total units</b>	<b>98</b>	<b>98</b>	<b>403</b>	<b>599</b>	<b>100%</b>

57 The applicant's proposed housing mix is set out above in Table 3 and is weighted towards one and two-bedroom units (88%). In total, 33 studio units are proposed in market sale and shared ownership tenures, which comprise 6% of the total residential units proposed across all tenures. The scheme also comprises a mix of one, two and three-bedroom London Affordable Rent units (LAR) unit, the majority being two-bedroom units. The housing mix is acceptable, taking into account the site location, PTAL, and the form and density of the proposals and does not raise any strategic planning concerns.

### Children's play space

58 Policy 3.6 of the London Plan states 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. Policy S4 of the Intend to Publish London Plan states residential developments should incorporate high quality, accessible play provision for all ages, of at least 10 sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. Play space provision should be available to all housing tenures within immediately adjacent blocks and courtyards to promote social inclusion.

59 The GLA's play space calculator (2019), has been used to assess play space provision within the applicant's planning submission, which generates a requirement for approximately 2,000 sq.m. of play space provision based on an Outer London PTAL 3 site such as this. In addition to this, the existing children's playground on site is 1,190 sq.m, which is being replaced as part of the proposed development. The new adventure playground proposed would measure 3,633 and would therefore significantly exceed the required quantum of play space, taking into account both the need generated by the scheme and the requirement to replace the existing playground. Additional informal doorstep play space would be provided within the landscaped courtyard between Blocks C and D. In total, 2,446 sq.m. of net additional play space is proposed.

60 The design of the playground is supported and would form a central focal point within the proposed development as well as a key gateway through to the MOL parkland to the north and a destination in its own right, being fronted by cafe, soft play facilities proposed on the western elevation of the leisure centre and overlooked by residential blocks on either side. Being centrally located within the scheme and publicly accessible, the play space would be available to all tenures and help foster social interaction in line with the above objectives. The approach to play space is therefore strongly supported and accords with the strategic planning policies and guidance set out above.

## **Urban design**

### Design, layout, public realm and landscaping

61 London Plan Policies 7.1 to 7.5, together with Policies D1-D3, D8 of the Mayor's Intend to Publish London Plan and the Housing SPG (2016) apply to the design and layout of development and set out a range of urban design principles requiring the provision of a high quality public realm; convenient, welcoming and legible movement routes; emphasising the importance of designing out crime by, in particular, maximising the provision of active frontages and minimising inactive frontages and by optimising the permeability of sites.



62 Overall, the application responds positively to these objectives and the pre-application advice provided by GLA officers. The proposed new leisure centre and the adjacent open courtyard block form an strong relationship with and help to increase activation and overlooking along Ruislip Road East, whilst also maintaining physical and visual permeability through to the MOL beyond. A new civic square would be created between these two blocks which would provide access to the main step-free entrance to the leisure centre and would feature an attractive mix of durable hard landscaping with additional soft landscaping in large raised planters. Activation of this space would be provided in the form of ground floor commercial and community units flanking the western side of the leisure centre, including a cafe and soft play facility, and ground floor commercial and residential amenity uses proposed in Blocks C and D to the west of this space, with residential units at higher levels to provide overlooking the public realm and playground.

63 The open courtyard arrangement proposed for Blocks C to F is supported as this ensures the provision of a continuous pedestrian route through to the MOL via a landscaped courtyard which would be well-activated by ground floor commercial and communal residential uses and private residential units. Public access through this courtyard for pedestrians should be secured via planning obligation. The proposed landscape, biodiversity and access improvements to the parkland to the north are also strongly supported, particularly the proposed footbridge over the River Brent and the provision of two new pedestrian and cycle routes linking the Ruislip Road East and the civic square to Perivale and South Greenford.

64 There are a number of areas of dead frontage associated with changing facilities, plant, cycle parking and refuse and recycling storage facilities at ground floor level within the scheme, particularly on the building facades facing the east and western boundary of the site but also facing Ruislip Road East. The potential to minimise these areas has been explored with the applicant as part of design workshops and it is accepted that in most instances, these cannot be significantly reduced due to the development constraints associated with the swimming pool and the absence of a basement serving Blocks E and F. The applicant has generally provided these less active uses in the most preferable locations to avoid these areas negatively impacting the quality of more important areas of the public realm, which is welcomed. Where these are unavoidable, dead frontages should be fully mitigated the provision of a landscaping strip and/or the selection of appropriate and high quality facing materials, especially where these face Ruislip Road East, details of which should be secured by condition. Overall, the design, layout and landscaping of the proposed scheme is supported and would be of a high standard, taking into account the opportunities and constraints on the site.

Figure 4 – ground floor design and layout



## Residential quality

65 London Plan Policy 3.5 and Policy D4 of the Mayor's Intend to Publish London Plan seek to ensure housing of a good standard in design and set out minimum standards for private internal space, private outdoor space and floor to ceiling heights which apply to all tenures of self-contained residential accommodation, with further standards and guidance set out in the Mayor's Housing SPG (2016). As set out in the Housing SPG, private outdoor space should normally be provided to serve upper floor flats in the form of balconies, unless there are exceptional circumstances which demonstrate that site constraints mean that balconies cannot be provided. Where is the case, the required quantum of space should be provided within the dwelling as mitigation / compensation. Single aspect units should normally be avoided and only provided where these units would constitute a more appropriate design solution in terms of optimising the capacity of a particular site whilst ensuring good design. Potential issues associated with single aspect units in terms of passive ventilation, privacy, daylight, overheating and noise should also be adequately addressed and single aspect units that are north facing, contain three or more bedrooms, or are exposed to significant adverse noise impacts should normally be avoided. The 2016 Housing SPG also sets out benchmark unit per core per floor ratios.

66 All of the proposed residential units would meet or exceed the minimum internal space standards and floor to ceiling height. In line with the GLA's pre-application advice, private amenity space has been provided for all of the ground floor units within the scheme, which is welcomed and now ensures that all of the proposed residential units now have private external amenity space in the form of balconies or terraces.

67 In total, 40% of the residential units would be dual aspect and 60% single aspect. The majority of single aspect units are east or west facing; however, 14% would be single aspect north facing. All of the single aspect units are in Blocks C, D, E and F which are in open market sale tenure. The majority of these face onto the Brent River Park and would therefore benefit from an attractive and very open and interrupted outlook. Furthermore, many of these units would be elevated to ensure appropriate levels of daylight. Having assessed the applicant's daylight, sunlight and overshadowing report, GLA officers consider the internal daylight levels achieved to be appropriate, with 93% of the habitable rooms tested would comply with the recommended BRE guideline for average daylight factor (ADF) and where rooms do not meet this benchmark, this is generally due to protruding balconies which provide essential outdoor private amenity for residents within the scheme. This is acceptable. Furthermore, GLA officers also note that the number of single aspect units, including those which are north facing has increased following the amendments of the scheme to provide a perimeter courtyard block as opposed to the applicant's original proposal, which comprised linear finger blocks arranged on a north-south axis. Whilst this approach performed better in terms of avoiding north-facing single aspect units, it was not acceptable from an MOL perspective. As such, the proportion of single aspect units, and those which are north facing is, on balance, acceptable in this particular instance, noting the site circumstances and constraints and the requirement for higher density facilitating residential development.

68 Whilst the majority of the proposed blocks generally comply with the recommended benchmark for units per core per floor (8 units) set out in the 2016 Housing SPG, Blocks D and E which are in market sale tenure exceed this benchmark between levels 1 and 5 of the scheme, rising to 14 and 11 units per core respectively on these floors, but then reduce to 9 per core at higher levels. This issue was subject to detailed discussion during pre-application meetings and GLA officers are satisfied with the design rationale provided in this particular instance, taking into account the ground floor constraints within this block and given that appropriate levels of on-site management would be provided, and subject to this being appropriately secured. The residential quality of the proposed scheme is therefore considered acceptable.

## Residential density and design review

69 London Plan Policy 3.4 seeks to optimise housing density, with Policies D1 to D4 of the Mayor's Intend to Publish London Plan placing greater emphasis on a design-led approach to ensure development makes the best use of land, with consideration given to site context, public



transport, walking and cycling accessibility and the capacity of surrounding infrastructure. Policy D4 states that development proposals which are referable to the Mayor should be subject to additional design scrutiny and review where they are of a density exceeding 350 dwellings per hectare; or include a tall building (more than 30m in height).

70 GLA officers consider the site is suitable for a higher density residential-led mixed use scheme in view of the overall site size, location, PTAL and surrounding context, and noting the requirement for substantial facilitating residential development in this particular instance. The requirement for additional design scrutiny is triggered as the scheme would have a density of 422 dwellings per hectare based on the net developable area and includes a number of tall buildings. Whilst an independent design review has not been undertaken, the applicant has undertaken an extensive and iterative process of design review and options appraisal with GLA and Ealing Council planning and design officers, which has resulted in substantial revisions to the layout, massing and design of the scheme over a two year period, taking into account the planning policy requirement to minimise harm to the MOL as set out above, but also noting the overarching requirements set out above in relation to residential quality and urban design. As such, GLA officers consider that the scheme has been subject to a rigorous process of design scrutiny and a further formal design review is not required in this particular instance. Overall, GLA officers consider that the housing capacity has been appropriately optimised in this instance through a design-led approach and consider the residential density to be acceptable in this particular instance.

#### Architectural and materials quality

71 The residential blocks would be primarily clad in brick, which is strongly supported, with five different types and colours and shades of brick material proposed ranging from grey, beige, red, light brown to paler white tones and further differentiation of the colour and tone of materials provided at ground and first floor level through the use of metal panel cladding. The window and balcony arrangement on Blocks C, D and E would be differentiated and offset to provide articulation and visual interest on the longer elevations of linear blocks facing onto Ruislip Road East and the open space to the north. In contrast, a more formal and visually consistent architectural approach is proposed on the narrower ends of blocks, which would help to emphasise their slender and more vertical proportions. A slightly angled and edged appearance is proposed to the design of Blocks C, D and E which would provide a distinctive and sharper architectural appearance, whereas a more formal, rectilinear appearance is proposed on Blocks A and B. The design of the leisure centre incorporates sufficient levels of detail and articulation through the repeated use of double height glazed openings and solar shading, which would combine attractively at night time to provide a lantern effect, helping to animate and significantly enhance the townscape character of Ruislip Road East. Overall, the architectural appearance and materiality of the proposed buildings is supported and would ensure the provision of a varied and visually distinctive and cohesive scheme.

#### Heritage impact

72 London Plan Policy 7.8. and Policy HC1 of the Mayor's Intend to Publish London Plan state that development should conserve heritage assets and avoid harm. 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*". In relation to conservation areas, special attention should be paid to the desirability of preserving or enhancing the character of conservation areas when making planning decisions.

73 The NPPF states that when considering the impact of the 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 can be harmed or lost through alteration or destruction of the heritage asset or development within 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.

74 The site is not within a conservation area and there are no listed buildings within or in the close vicinity of the site. The Cuckoo Estate Conservation Area is to the south west and comprises a large inter-war era Council housing estate laid out according to Garden City principles, which predominantly includes terraced and semi-detached two-storey residential homes arranged within a series of linear and curvilinear streets, within a generously landscaped streetscape context. The conservation area is bounded by the railway line to the east, the boundary of which on Copley Close comprises a steep sided, well-landscaped embankment. Consequently, there is very limited visibility between the northern section of the conservation area, which is closest to the application site, and the proposed development. As such, taking into account the applicant's Visual Impact Assessment and Heritage Statement, GLA officers consider that the application would not harm any designated heritage assets.

#### Height, massing and tall buildings

75 London Plan Policy 7.7 and Policy D9 of the Mayor's Intend to Publish London Plan state that tall buildings should be part of a plan-led and design-led approach, incorporating the highest standard of architecture and materials and should contribute to improving the legibility and permeability of an area, with active ground floor uses provided to ensure such buildings form an appropriate relationship with the surrounding public realm. Tall buildings should not have an unacceptably harmful impact on their surroundings in terms of their visual, functional, environmental and cumulative impacts, including wind, overshadowing, glare, strategic and local views and heritage assets.

76 As set out in Table 1, a number of tall buildings are proposed ranging in height from 10 to 17 storeys (31 to 47 metres AOD). The site is not within a specifically identified area where the Council has stated that tall buildings are can be considered appropriate, so is a departure from the Local Plan in this respect and, accordingly, the height of the proposed development requires justification, taking into account the Policy 7.7 / D9 criteria set out above and Ealing's Development Management Policy 7.7 which requires outstanding quality of design and seeks to ensure such buildings make a positive and appropriate contribution to the local context and broader area.

77 The visual impact of the proposals has been appropriately assessed as part of the applicant's Townscape and Visual Impact Assessment and Heritage Statement, with supporting assessments undertaken in relation to daylight, sunlight and overshadowing, wind and microclimate, with matters in relation to function impact and architectural and design quality covered in the applicant's Design and Access Statement.

78 The massing proposed has been appropriately refined within these spatial / footprint constraints to ensure the heights are stepped down towards Peel Gardens whilst also ensuring the height and appearance of the five taller buildings is appropriately differentiated and staggered to ensure that the scheme has an acceptable visual and townscape impact in short, medium and long distance townscape views and would strengthen the legibility of the area. As summarised above, the architectural and materials quality of the proposed tall buildings are supported and achieve an appropriately high standard of design quality. GLA officers also consider that the provision of active frontages at ground floor level has been maximised, taking into account the particular development constraints. Furthermore, the proposals would not harm heritage assets.

79 The impacts in relation to wind microclimate are considered acceptable, subject to the proposed mitigation measures proposed being secured. Although there would inevitably be some daylight, sunlight and overshadowing impacts, taking into account the existing site circumstances and the quantum of development proposed, the overall residual daylight and sunlight impact is considered acceptable and does not raise any strategic planning concerns.

80 Whilst the sensitive MOL status and open landscape context of the site means that the height and scale of the proposals would clearly constitute a step-change compared to the existing baseline situation, the surrounding urban context to the south is more varied and contains a mix of two, three, four, five storey buildings and 11-storey towers. Furthermore, it is also acknowledged that the MOL status of the site and the requirement to restrict the development footprint to the previously developed parts of the site, as well as the scheme's overall viability shortfall, means that, in this particular instance, there is a trade-off between the requirement to deliver a new leisure centre, the need to avoid buildings extending beyond the previously developed parts of the site and the consequential height and massing of the scheme. Overall, taking into account the cumulative visual, environmental and functional impacts set out above, and the need to minimise harm to MOL openness, GLA officers consider that the height of the development is acceptable and does not raise any strategic planning concerns.

#### Fire safety

81 In line with Policy D12 of the Mayor's Intend to Publish London Plan, a fire statement has been prepared by a third party suitably qualified assessor and submitted as part of the planning application. This details how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety and suppression features and means of access for fire service personnel.

#### Inclusive design

82 London Plan Policy 7.2 and Policy D5 of the Mayor's Intend to Publish London Plan seek to ensure that new development achieves the highest standards of accessible and inclusive design. Appropriate conditions are required to ensure that detailed elements of the proposed scheme accord with the inclusive design principles set out in the above policies. Policy 3.8 of the London Plan and Policy D5 of the Mayor's Intend to Publish London Plan require that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The scheme would comply with these requirements. Should the Council resolve to grant planning permission, compliance with Policy 3.8 and Policy D5 of the Mayor's Intend to Publish London Plan should be secured by condition. Inclusive and step-free access is also proposed throughout the leisure and commercial elements of the scheme and the surrounding public realm, which is strongly supported.

### **Climate Change**

83 The applicant's energy strategy proposes a 44% reduction in carbon dioxide emissions on the residential element, of which, 4% would be achieved through energy efficiency measures. A 40% reduction in carbon dioxide emissions is proposed on the non-residential element of the scheme, of which 1.4% would be achieved via energy efficiency measures. Whilst the overall CO<sub>2</sub> saving proposed exceeds the minimum on-site reduction, the scheme falls short of achieving the minimum on-site savings via energy efficiency measures as set out in the Mayor's Intend to Publish London Plan. The site specific reasons for this are unclear, which requires further explanation and justification from the applicant. The potential for overheating has been appropriately modelled taking into account climate change, and the residential accommodation passes the relevant assessment criteria.

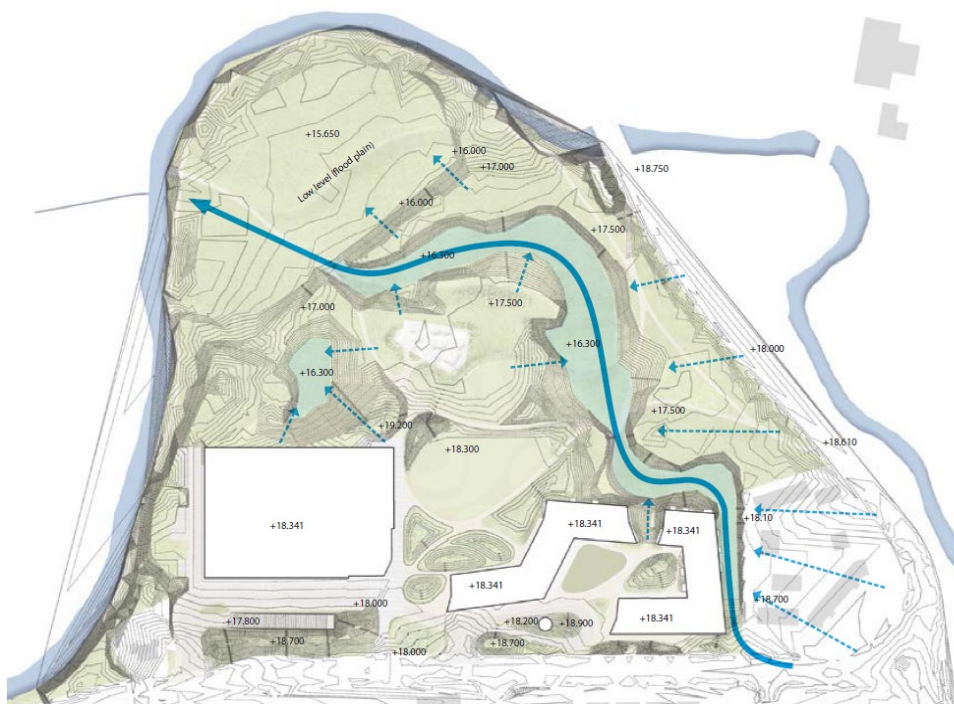
84 Heating and hot water for the the leisure centre, commercial elements and all five residential blocks, would be provided by a single energy centre with a combination of Air Source Heat Pumps and low NO<sub>x</sub> gas fired boilers proposed. This is supported and moves away from the CHP-led system initially proposed by the applicant at pre-application stage, which is welcomed. The scheme would be designed to ensure it is capable of connection to a future district heat network in the vicinity of the site should one come forwards. No photovoltaic solar panels are proposed which should be maximised. Financial contributions towards achieving zero carbon standard on the residential element should be secured via S106 agreement.

## Flood risk and sustainable urban drainage

85 The site is located within Flood Zones 2, 3A and 3B, with the leisure building in Flood Zone 2 and the car park in Flood Zone 3A. The River Brent and functional flood plain to the north falls within Flood Zone 3B. This area, and the car park have medium to high risk of surface water flooding according to the Environment Agency. The topography of the site varies with land to the north of the River Brent approximately 4 metres lower than the level of the leisure centre, car park and adjacent playing fields. Given the risk of flooding from the River Brent during storm events, the finished floor levels of the leisure and residential development would be raised at least 300mm above the level of a potential flood levels, assuming a 1 in 100-year storm event and taking into account climate change. The detailed design approach in relation to flood risk mitigation and safety, including details of the proposed flood warning and evacuation plan should be agreed in writing with the Environment Agency and secured by pre-commencement condition.

86 The proposed new buildings and access routes will displace a volume of flood water within the flood plain which needs to be compensated for to ensure there is no residual increased risk of flooding off-site within the surrounding area. A strategy to mitigate this risk is proposed by the applicant through re-landscaping and re-contouring of the landform to create a naturalised flood diversion channel which would meander through the centre of the site in the direction shown below, which broadly follows the flow of surface and flood water across the existing site. This would allow surface water to collect and be attenuated within a series of swales and ponds which would become habitat areas and allow water to gradually discharge into the River Brent and a steady rate to avoid the risk of flooding off-site. This approach has been developed and refined through hydraulic modelling and topographical studies and is embedded in the proposed landscape strategy.

Figure 5 – proposed level changes and flood mitigation strategy



87 The Environment Agency (EA) has objected to the application, given the absence of an acceptable Flood Risk Assessment and supporting flood model and GLA officers understand that discussions between the applicant, Council and Environment Agency are ongoing. An update on these discussions should be provided prior to Stage 2. Should the Council resolve to approve planning permission, written clarification should be provided to confirm that the flood risk management strategy and modelling approach Environment Agency has been agreed with the Environment Agency, alongside the applicant's flood risk mitigation measures and evacuation plan. These would need to be appropriately secured, in accordance with London Plan Policy 5.12 and Policy SI.12 of the Intend to Publish London Plan.

88 The drainage strategy for the site has been designed to ensure no flooding would occur at ground level during a 1 in 100 year storm event, taking into account climate change. As shown below, the site-wide drainage strategy incorporates the formation of an attenuation pond to the north of the leisure centre and a drainage channel and swale to the north of Blocks C to E. In addition to this, a drain-deck is proposed on the cover of the basement car park as well as other above ground SuDs measure such as green roofs, soft landscaping, permeable paving. As such, GLA officers consider that the use of above ground sustainable drainage systems (SuDS) has been maximised, taking into account the site constraints, and, on balance, the scheme accords with the drainage hierarchy in the London Plan and Intend to Publish London Plan. Notwithstanding this, the applicant should set out why a greenfield rate of run-off cannot be achieved.

## Urban greening

89 The applicant has undertaken an Urban Greening Factor (UGF) assessment of the currently proposed scheme, which shows that the scheme would achieve a score of 0.67. This exceeds the 0.4 target set out in Policy G5 of the Mayor's Intend to Publish London Plan. Further information should be provided in relation to the applicant's UGF assessment, including an annotated plan to enable GLA officers to verify the calculations and areas included in the assessment.

## Transport

### Car parking and cycle parking

90 The application proposes to re-provide all of the existing 175 car parking spaces which serve the leisure centre for visitors and staff, including designated disabled persons car parking spaces. In addition to this, a further 168 car parking spaces are proposed for the residential element of the scheme, including 19 designated disabled persons car parking spaces. This complies with the maximum residential car parking standards in the Mayor's Intend to Publish London Plan and would also meet the requirement for disabled persons car parking, with this equivalent to 3% of the residential units from the outset and passive provision available via conversion of general car parking spaces should there be demand in the future. The scheme proposes 20% active and 20% passive electric vehicle charging points for the leisure use, which is acceptable. For the residential car parking, at least 20% of spaces should have active electric charging provision, with passive provision for the remaining spaces is required for the residential element, as required by Policy T6.1 of the Mayor's Intend to Publish London Plan.

91 In terms of cycle parking, the proposal includes 1,030 long-stay and 17 short-stay for the residential element. The non-residential element would be served by 9 long-stay and 124 short-stay cycle parking spaces (including 3 long-stay and 10 short-stay spaces for the cafe). The quantum of cycle parking proposed accords with the minimum quantitative standards in the Mayor's Intend to Publish London Plan. Cycle parking should be designed and laid out in accordance the guidance contained in chapter 8 of the London Cycling Design Standards. A Parking Management Plan detailing the arrangements for all parking (car, cycle and coach) on-site, including provisions for managing, monitoring, enforcement and review, should be secured by condition.

### Active Travel, Healthy Streets and Vision Zero

92 The applicant has not followed the current guidance for assessment active travel in the area. TfL now requires an ATZ assessment. Notwithstanding this, the routes assessed by the PERS and CLoS are qualifying ATZ routes. It is noted that surfaces and crossings along assessed routes are satisfactory. Poor lighting has been identified at some locations along the assessed pedestrian and cycle routes, which should be improved and secured via financial contributions.

93 Pedestrian and cycle access are afforded via dedicated paths from Ruislip Road East. The existing vehicle access points are retained but modified to accommodate a one-way traffic

operation for large vehicles with entry via the western access and exit from the eastern access point. Entry and exit for the basement car park would be via the western vehicle access point. The basis for modifying the access points is understood; however, there is a concern that the proposed widening of the existing vehicle access points will increase the potential for vehicle-pedestrian conflict. The applicant should demonstrate how this concern would be alleviated by undertaking a Stage 1 Road Safety Audit to demonstrate accordance with the Mayor's Vision Zero ambition. The proposed highway works on Ruislip Road East should also be secured via legal agreement.

#### Trip generation and transport impacts

94 Bus trip rates arising from the development are expected to be higher than forecasted in the applicant's Transport Assessment (TA) given that residents will be using buses to access the nearby tube and rail services at stations as stated in the applicant's TA. Most of the forecasted rail trips are therefore expected to start and end with a bus journey. The applicant is therefore required to re-run the bus impact assessment to reflect to enable officers to determine what level of mitigation is required. The additional rail trips are modest and will create no significant impacts on the station and rail services. The traffic impact assessment identifies capacity issues on Ruislip Road East, Argyle Road (southbound arm), which currently experiences congestion but will be worsened by the development, albeit it slightly. Improvements to this roundabout are therefore likely to be required to address the capacity issues which would require financial contributions.

#### Delivery and servicing, construction and travel plan

95 A Delivery and Service Plan should be secured by condition and include consideration of management of home deliveries. A Construction Logistics Plan (CLP) will need to be secured by condition. Given the other development in the area, the CLP will need to include co-ordination arrangements to ensure management of cumulative impacts. The submitted Travel Plan is acceptable and the final Travel Plan and all agreed measures should be secured, enforced, monitored and reviewed through the Section 106 agreement.

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

96 Ealing Council planning officers are reviewing the scheme and expect to take the application to Planning Committee later this year. At the time of writing, approximately 1,650 objections have been received by the Council, including from MP James Murray and Assembly Member Sian Berry. An online petition entitled 'Save Gurnell' at has received over 4,200 signatures. There have also been a number of direct representations to the Mayor at this point in time. Full details of the public consultation responses received will be set out to the Mayor at Stage 2.

### **Legal considerations**

97 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. 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**

98 There are no financial considerations at this stage.

## Conclusion

99 The London Plan and the Mayor's Intend to Publish London Plan policies on MOL, indoor and outdoor sport, leisure and recreational facilities, public open space, playing pitches, housing and affordable housing, play space, urban design, residential density, residential quality, heritage, tall buildings, inclusive design, climate change, energy, flood risk, sustainable urban drainage, urban greening and transport are relevant to this application. At this stage the proposals do not comply with the London Plan and the Mayor's Intend to Publish London Plan, as set out below:

- **Principle of development:** The application proposes inappropriate development on MOL which is contrary to national, local and strategic policy and represents a departure from the development plan. Whilst the harm to the openness of the Metropolitan Open Land (MOL) has been minimised by restricting development to the previously developed parts of the site which already contain inappropriate development, the application would cause additional harm to openness through the increased building footprint and the visual impact of the scheme. Very special circumstances must therefore be demonstrated which clearly outweigh this harm. Whilst there could be exceptional circumstances in this specific case which could potentially constitute very special circumstances, further detailed discussion and agreement is required regarding the applicant's build costs, the phasing and means of securing the re-provision of indoor and outdoor sport and recreational facilities, landscape, biodiversity and pedestrian and cycle enhancements, as well as agreement on the flood risk strategy to ensure that the proposed public benefits are robustly secured and to fully demonstrate the applicant's case for very special circumstances in this particular instance.
- **Housing and affordable housing:** 34% affordable housing, comprising a 55:45 tenure mix between London Affordable Rent and London Shared Ownership units (by habitable room). The affordable housing offer has been significantly improved since pre-application stage through the use of GLA grant funding and this has been verified as the maximum viable level of affordable housing that the scheme can support taking into account the overall construction costs. Affordability levels should be secured, together with an early and late stage viability review mechanism.
- **Urban design and heritage:** The design, layout, height, density and residential quality is acceptable and the application would not harm heritage assets.
- **Environment and climate change:** Further information is required in relation to energy, flood risk, drainage and urban greening.
- **Transport:** An updated bus impact assessment reflecting bus trips to nearby stations should be provided to enable TfL to determine the development's impact on the local bus network, and the level of mitigation that will be required. A Stage 1 Road Safety Audit of the proposed vehicle access points is required. A Car Park Management Plan, Electric vehicle charging provision, Travel Plan, delivery and servicing plan and construction logistics plan should be secured.

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

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# MAYOR OF LONDON

**Greg Gray**  
Ealing Council  
Development Management  
Perceval House  
14 Uxbridge Rd, Ealing  
London W5 2HL

**Our ref:** GLA/6466/02  
**Your ref:** Ref: 201695FUL  
**Date:** 17 May 2021

Dear Greg,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**  
**Gurnell Leisure Centre, Ruislip Road East**  
**Local Planning Authority reference: 201695FUL**

I refer to your correspondence of 11 May 2021 informing the Mayor that the local planning authority is minded to refuse planning permission for the above planning application. I refer you also to the notice that was dated 11 May 2021 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case (GLA ref: 6466/02, copy enclosed), I am content to allow the local planning authority to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to take over the application for my own determination.

Yours sincerely,



**Sadiq Khan**  
Mayor of London

cc Dr Onkar Sahota, London Assembly Constituency Member  
Andrew Boff, Chair of London Assembly Planning Committee  
National Planning Casework Unit, MHCLG  
Danny Calver, TfL  
Gregor Mitchell, Eco World  
Bob McCurry, Barton Wilmore



**Gurnell Leisure Centre, Ruislip Road East**

in the London Borough of Ealing  
planning application no. 201695FUL

**Strategic planning application stage 2 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 the existing leisure centre and the mixed use redevelopment of the site to construct a replacement leisure centre with associated car and coach parking, together with landscape works to public open space; and facilitating residential development (599 residential units), retail floorspace, play space, cycle and car parking, refuse storage, access and servicing.

**The applicant**

The applicant is **Be:Here Ealing Ltd** and the architect is **3DReid**

**Key dates**

**Pre-application meetings:** Pre-application meetings took place during 2017, 2018 and 2019.

**Stage 1 representation issued:** 14 September 2020

**Ealing Council Planning Committee:** 17 March 2021

**Strategic issues**

Ealing Council has resolved to refuse planning permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice, **there are no sound planning reasons for the Mayor to intervene** in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

Should the scheme be considered at appeal or a revised application submitted the applicant should have regard to the outstanding matters relating to principle of development, housing and affordable housing, urban design, climate change and transport (paragraphs 34 to 45).

**The Council's decision**

Ealing Council has resolved to refuse planning permission.

**Recommendation**

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

## Context

1 On 3 June 2020, 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.

2 The application was referred under the following categories of the Schedule to the Order 2008:

- *Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."*
- *Category 1B(c): "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - outside Central London and with a total floorspace of more than 15,000 square metres."*
- *Category 1C: "Development which comprises or includes the erection of a building of...more than 30 metres high and is outside the City of London."*
- *Category 3D: "Development (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building."*

3 On 14 September 2020, the Mayor considered planning report GLA/4287/01 (link here)<sup>1</sup> and subsequently advised Ealing Council that the application does not comply with the London Plan and the Mayor's Intend to Publish London Plan, for the reasons set out in paragraph 99; however, the possible remedies set out in this report could address these deficiencies. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are set out therein, unless stated in this report.

4 On 17 March 2021, Ealing Council Planning Committee considered an officer's report on this application, recommending that planning permission be granted. The Planning Committee resolved to refuse the application. The Council formally referred the application back to the Mayor on 11 May 2021.

5 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; or, issue a direction to the 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 24 May 2021 to notify the Council of his decision and to issue any direction.

6 The Council's draft decision notice cites the following single reason for refusal:

*"The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt (and by implication MOL which according to the London Plan is treated in the same way) and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness and by definition harm caused by the scale, massing and design of the development proposal. The benefits of the proposed development are therefore not deemed to outweigh the by definition harm to the MOL. Consequently, the very special circumstances necessary to justify the development do not exist."*

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<sup>1</sup> <https://gla.force.com/pr/s/planning-application/a0i4J0000003TrfQAE/20204287s1>

## Consultation stage issues summary

7 At consultation stage on this application, Ealing Council was advised that the application did not comply with the London Plan and Intend to Publish London Plan for the reasons set out below:

- **Principle of development:** The application proposes inappropriate development on MOL which is contrary to national, local and strategic policy and represents a departure from the development plan. Whilst the harm to the openness of the Metropolitan Open Land (MOL) has been minimised by restricting development to the previously developed parts of the site which already contain inappropriate development, the application would cause additional harm to openness through the increased building footprint and the visual impact of the scheme. Very special circumstances must therefore be demonstrated which clearly outweigh this harm. Whilst there could be exceptional circumstances in this specific case which could potentially constitute very special circumstances, further detailed discussion and agreement is required regarding the applicant's build costs, the phasing and means of securing the re-provision of indoor and outdoor sport and recreational facilities, landscape, biodiversity and pedestrian and cycle enhancements, as well as agreement on the flood risk strategy to ensure that the proposed public benefits are robustly secured and to fully demonstrate the applicant's case for very special circumstances in this particular instance.
- **Housing and affordable housing:** 34% affordable housing, comprising a 55:45 tenure mix between London Affordable Rent and London Shared Ownership units (by habitable room). The affordable housing offer has been significantly improved since pre-application stage through the use of GLA grant funding and this has been verified as the maximum viable level of affordable housing that the scheme can support taking into account the overall construction costs. Affordability levels should be secured, together with an early and late stage viability review mechanism.
- **Urban design and heritage:** The design, layout, height, density and residential quality is acceptable and the application would not harm heritage assets.
- **Environment and climate change:** Further information is required in relation to energy, flood risk, drainage and urban greening.
- **Transport:** An updated bus impact assessment reflecting bus trips to nearby stations should be provided to enable TfL to determine the development's impact on the local bus network, and the level of mitigation that will be required. A Stage 1 Road Safety Audit of the proposed vehicle access points is required. A Car Park Management Plan, Electric vehicle charging provision, Travel Plan, delivery and servicing plan and construction logistics plan should be secured.

## Update

8 Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. An update against the issues raised at consultation stage is set out below.

## Relevant policy and guidance update

9 On 2 March 2021 the Mayor published his new London Plan (2021). This now becomes part of the statutory development plan and replaces the London Plan (2016), which is no longer a relevant material consideration, as the spatial development strategy for London.

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

10 The initial statutory test regarding the Mayor's power to take over and determine applications referred under Categories 1 and 2 of the Schedule to the Mayor of London Order 2008 is a decision about who the decision maker in respect of the application should be, rather than whether planning permission should ultimately be granted or refused.

11 The relevant statutory tests comprise the following three parts, all of which (subject to paragraph 13 below) must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there must be sound planning reasons for issuing a direction.

12 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

13 Article 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not apply. As set out above, the application is for up to 599 residential units. Therefore, only parts (a) and (c) of the statutory tests are engaged in respect of the present application.

14 Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant Council has achieved their targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the Council has achieved any other relevant development plan targets.

15 This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

### **Statutory test 7(1)(a): Significant impact on the implementation of the London Plan**

16 The proposed development would have significant impacts on the implementation of the London Plan, as set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the "spatial development strategy", namely the current adopted London Plan 2021 and this is therefore the focus to the consideration of Article 7(1)(a) set out below and the conclusion of compliance with it.

17 The proposed development would provide 599 residential homes, of which, 98 would be in London Affordable Rent (LAR) tenure and 98 in London Shared Ownership (LSO) tenure. This equates to 33% by unit (34% by habitable room). The tenure split is 50-50 by unit, 55-45 by habitable room. The quantum of housing proposed is therefore of a scale that would have a significant impact on the implementation of London Plan in terms of overall housing and affordable housing provision, noting the targets and housing completions monitoring data set out below.

18 The application also seeks full planning permission for the demolition and redevelopment of Gurnell Leisure Centre. Gurnell is one of only four indoor 50-metre swimming pools in the capital and therefore has a greater than local significance in terms of swimming provision, as recognised in the Mayor's Stage 1 consultation response. The replacement indoor leisure centre would be 12,955 sq.m. in size and would have a sub-regional role and importance in terms of swimming provision. It also proposes the demolition, relocation and reprovision of a number of outdoor sport and recreational facilities within the Brent Valley Park, including a BMX track, skate park and playing fields. In addition to this, the application also proposes a substantial quantum of new buildings on Metropolitan Open Land (MOL). MOL has the same planning status as the Green Belt in London and the London Plan seeks to protect MOL in line with the NPPF. As such, the development could have a significant impact on the implementation of the London Plan in terms of housing, affordable housing, sports and recreation facilities, Metropolitan Open Land and public open space. As such, it is considered that the test set out in Article 7(1)(a) of the Order 2008 is met.

### **Statutory test 7(1)(c): Sound planning reasons for intervening**

19 Paragraph (c) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers there to be sound planning reasons to exercise his power to become local planning authority in respect of determining the application. Having regard to the details of the proposal, the Council's committee report, its draft reason for refusal, as well as noting the Council's performance against the London Plan housing targets, as set out in paragraphs 17 to 27 below and the issues raised at Stage 1, it is concluded that there are no sound planning reasons to intervene in this case.

### **Matters which the Mayor must take into account**

20 In deciding whether to give a direction under Article 7, the Mayor must take account of the Council's current and past performance against development plan targets for new housing and affordable housing. The Mayor must also take account of any other targets set out in the development plan which are relevant to the subject matter of the application.

#### London Plan policy context – housing and affordable housing

21 London Plan 2021 Policy H1 seeks to ensure the delivery of 522,870 net additional homes between 2019/20 and 2028/29. To meet the 10-year housing targets, Policy H1 states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially from sites with PTALs 3 to 6 which are located within 800 metres distance of a station or town centre boundary.

22 In terms of affordable housing, London Plan 2021 Policy H4 sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. The 2017 London Strategic Housing Market Assessment (SHMA) shows that there is a need for approximately 43,500 affordable homes a year.

23 The London Plan 2021 targets apply for monitoring purposes from 2019/20 onwards and housing delivery during preceding years is monitored against the minimum housing targets set out in the 2016 London Plan. The London Plan sets out a minimum annual monitoring target for 42,389 homes a year across London and a minimum target for 17,000 net affordable homes each year.

#### *Recent delivery – London-wide housing completions*

24 Table 1 below sets out the London-wide delivery against the applicable London Plan housing targets in place during 2016/17 to 2018/19, which are those set out in the 2016 London Plan. The housing completions figures are derived from the London Development Database (LDD) and the 3-year timescale shown is the most recent years for which housing completions data is available. Overall housing supply is based on net conventional housing completions (in Class C3 use), together with net housing supply from non self-contained housing (eg. student

accommodation and other specialist accommodation); and net housing supply from long-term vacant homes returning to use. Affordable housing delivery is assessed as a percentage of net conventional housing completions. As set out above, the monitoring target in place during this period are the housing targets in the 2016 London Plan in terms of overall housing supply and affordable housing supply.

Table 1 – Overall and affordable housing completions in London against London Plan targets

	<b>FY2016-2017</b>	<b>FY2017-2018</b>	<b>FY2018-2019</b>	<b>Total</b>	<b>Delivery</b>
<i>Homes target</i>	42,389	42,389	42,389	127,167	<b>88% of target</b>
<b>Homes delivered</b>	<b>44,846</b>	<b>31,692</b>	<b>35,795</b>	<b>112,333</b>	
<i>Affordable homes target</i>	17,000	17,000	17,000	51,000	<b>35% of target</b>
<b>Affordable homes delivered</b>	<b>6,827</b>	<b>4,431</b>	<b>6,648</b>	<b>17,906</b>	

(Source: London Development Database. Net housing supply from long-term vacant homes derived from MHCLG data)

25 As shown in Table 1, whilst overall housing delivery exceeded the London Plan target during 2016, the three-year average rate of housing delivery falls short of the target for net additional housing. The delivery of new affordable housing on a pan-London basis is significantly below the 2016 London Plan target of 17,000 net additional affordable homes a year.

#### *Recent delivery – Ealing Council*

26 The London Plan 2021 has now been published and this sets Ealing an increased 10-year housing target for 21,570 net housing completions between 2019/20 to 2028/29. On an annualised basis, this equates to 2,157 net additional homes a year and will apply to monitoring from 2019/20 onwards. However, the monitoring of housing completions during the most recent three years for which housing completions data is available is based on the 2016 London Plan. The 2016 London Plan set Ealing a minimum 10-year housing target of 12,972 net additional homes between 2015 and 2025, which equates to an annual monitoring target of 1,297 net additional homes per year.

27 In terms of affordable housing, Ealing Development Management Policy 3A states that affordable housing will be sought on sites of 10 or more residential units and will be negotiated on the basis of 50% provision at a 60/40 split between social or affordable rent and intermediate provision.

28 Table 2 below sets out net housing completions within Ealing (based on local planning authority boundary) during the financial years 2016/17 to 2018/19. The figures in Table 2 include net housing supply from all sources, including conventional, non-conventional and long-term vacant homes returning to use. This shows that overall housing delivery within Ealing has exceeded the minimum London Plan target during this monitoring period. However, it should be noted that the housing targets (both local and strategic) are expressed as minimums, with a clear expectation that the Mayor and boroughs will seek to exceed these targets where possible.

Table 2 - Ealing net housing completions against London Plan housing target

<b>Net housing completions</b>	<b>FY2016-2017</b>	<b>FY2017-2018</b>	<b>FY2018-2019</b>	<b>Total</b>	<b>Delivery</b>
<i>Homes target</i>	1,297	1,297	1,297	3,891	<b>120%</b>
Net housing completions (all sources of supply)	1,498	1,120	2,062	4,680	

(Source: London Development Database, with net housing supply from long-term vacant homes derived from MHCLG data)

29 Table 3 sets out net affordable housing completions during this period, as a percentage of total conventional housing completions in Class C3 use, in all tenures. This shows that only 21% of net conventional housing supply comprised affordable housing. This falls short of the affordable housing targets set by local and strategic planning policy. In particular, during 2017-18, there were only 57 net additional affordable housing completions, which equates to 5% of conventional housing delivery.

Table 3 - Ealing net housing completions against London Plan housing target

<b>Net housing completions</b>	<b>FY2016-2017</b>	<b>FY2017-2018</b>	<b>FY2018-2019</b>	<b>Total</b>
Net affordable housing completions	399	57	520	976
Conventional housing completions (Class C3 use)	1,254	1,124	1,733	4,111
<b>Net affordable housing completions as a percentage of total net conventional housing completions</b>	<b>27%</b>	<b>5%</b>	<b>25%</b>	<b>21%</b>

(Source: London Development Database)

30 Although the London Plan 2021 target did not apply in the years above, it is important to note that this target has increased substantially – almost doubling the annualised housing requirement within the borough. This will require significant increases in both housing completions in Ealing to meet this target. Housing approvals data (planning permissions) in Ealing during this period is set out below in Table 4, which demonstrates that the Council is approving significantly higher numbers of overall and affordable homes compared to the housing completions figures on which delivery against housing targets is measured.

Table 4 - Ealing housing approvals

<b>Housing approvals</b>	<b>FY2016-2017</b>	<b>FY2017-2018</b>	<b>FY2018-2019</b>	<b>3 year total</b>
Net housing approvals (all sources of supply)	4,835	5,866	2,173	12,874
Net conventional housing approvals	2,235	4,584	2,161	8,980
Net affordable approvals	326	800	1,208	2,334
<b>Affordable as a % of conventional housing approvals</b>	<b>15%</b>	<b>17%</b>	<b>56%</b>	<b>26%</b>

31 Ealing Council is meeting the Housing Delivery Test requirements, based on the most recently published MHCLG measurement and completions dataset (2020). The housing delivery test monitoring only looks at overall housing completions and does not consider affordable housing completions.

## Article 7 tests conclusion

32 For the Mayor to issue a direction that he is to be the local planning authority, all relevant statutory tests must be met. In this case, due to the particular circumstances of the application, there are no sound planning reasons for the Mayor to intervene in this case, as set out above. As the tests have not been met, there is no basis to issue a direction under Section 2A of the Town and Country Planning Act 1990.

## **Outstanding issues**

33 Should the scheme be considered at appeal or a revised application be submitted, the applicant should have regard to the following matters considered in this report and the comments set out within the Mayor's Stage 1 planning report of 13 July 2021 (reference GLA/4778/01)

## **Principle of development**

34 From an early stage in the pre-application stage, the applicant, Council and GLA officers all agreed that the application comprises inappropriate development on MOL, which is contrary to national, local and strategic policy and therefore represents a departure from the development plan. At Stage 1, GLA officers concluded that, whilst the harm to the openness of the MOL has been minimised by restricting development to the previously developed parts of the site, in line with GLA pre-application advice, the application would cause additional harm to openness through the increased building footprint and the visual impact of the scheme. As such, very special circumstances are therefore required which must clearly outweigh this harm and other non-MOL related harms.

35 Overall, GLA officers acknowledged at Stage 1 that there could be exceptional circumstances in this specific case which could potentially constitute very special circumstances. However, to fully demonstrate the applicant's case for very special circumstances and to ensure that the proposed public benefits are robustly secured, further discussion was required on a number of issues. This included the phasing and means of securing the re-provision of indoor and outdoor sport and recreational facilities, landscape, biodiversity and pedestrian and cycle enhancements. Further discussion was also required on the flood risk strategy, given the Environment Agency's (EA) initial objection to the application. In addition, further discussion was required on the applicant's build cost assumptions and overall Financial Viability Appraisal (FVA).

36 In relation to these outstanding matters, further flood risk modelling has been undertaken in discussion with the EA since Stage 1 and the EA now no longer object to the application, as set out below. With respect to viability, Ealing Council has concluded that the quantum of residential development does not exceed that which is necessary to financially facilitate the delivery of the replacement leisure centre, taking into account the applicant's FVA and the Council's independent assessment. This conclusion is not disputed by GLA officers. Furthermore, the Council's draft S106 Heads of Terms and draft conditions would have ensured the phasing and delivery of the proposed public benefits associated with the application and to mitigate the impact of the development.

37 In their Planning Committee report dated 17 March 2021, Ealing Council planning officers concluded that the harm to MOL and other harms arising from the application has been minimised and appropriately justified. When weighed in the balance against the benefits of the scheme, Ealing Council planning officers concluded that the benefits clearly outweigh the harms and that very special circumstances do exist to justify this development. GLA officers note that the Council's Planning Committee did not agree with this conclusion and instead resolved to refuse the application for the sole MOL related reason for refusal set out above.

38 GLA officers recognise that, given the site's location and planning status as MOL and the quantum of enabling development proposed, the overall planning balance is very finely weighted in this instance and, in the absence of an LPA resolution to grant (including agreed advanced drafting of a S.106 legal agreement), it is not possible for GLA officers to verify whether the very special circumstances test has been met. Furthermore and as discussed above, GLA officers consider that there are no sound reasons to intervene in this case. Nevertheless, should the application be considered and approved at appeal, the obligations and conditions proposed in Ealing Council's Planning Committee Report and Addendum should be secured.



## **Housing and affordable housing**

39 At pre-application stage, the applicant was advised that the quantum of housing on site should be minimised and limited to that which was needed to ensure the viable delivery of the leisure centre, whilst also minimising the impact on the openness of the MOL. During pre-application stage discussions the proposal did not include any affordable housing due to the viability constraints and need to minimise the quantum of inappropriate development on MOL. Since this time, the applicant's affordable housing offer was significantly improved through the use of GLA grant funding (12.544 million). The scheme also included a £12.5 million LB Ealing grant towards the leisure centre. This would have facilitated the provision of at least 196 affordable homes (35% by habitable room) with a broadly 50:50 split between London Affordable Rent and London Shared Ownership.

40 The quantum of proposed affordable housing has been verified as the maximum viable level of affordable housing that the scheme can support. Both the applicant's FVA and the Council's independent assessment have been published by the Council, which is supported in accordance with the transparency provisions set out in the Affordable & Viability SPG. The Council's draft S106 Heads of Terms would have secured the affordable housing provision in line with the required affordability levels, with both early and late stage viability review mechanisms. Should the application be considered at Appeal, these requirements and obligations would need to be secured. There are therefore no outstanding issues in relation to housing and affordable housing.

## **Urban design and heritage**

41 The Mayor's Stage 1 report noted that the site is not within a specifically identified area where the Council has stated that tall buildings are considered appropriate. On this basis the application does not comply with Part B of London Plan Policy D9. However, on balance, GLA officers concluded that the height of the scheme is acceptable in this particular instance, taking into account relevant material considerations including visual, heritage, functional, environmental and cumulative impacts, in accordance with the qualitative criteria set out in Policy D9 of the London Plan 2021 and the specific circumstances of the application.

42 Since the Mayor's initial Stage 1 consultation response was issued, the London Plan 2021 has been published incorporating further modifications to Policy D9 made by the Secretary of State which were issued on 10 December 2020. The revisions to Policy D9 do not raise any new planning policy issues which were not already taken into account in the assessment and conclusions reached by GLA officers at Stage 1.

43 The Council's draft set of conditions included in their Planning Committee Report would have secured the detailed design of building facades and the quality of public spaces, including their management, together with a fire statement. Conditions and obligations were also included in relation to the park improvements, replacement BMX track and park facilities, including a new bridge over the River Brent and landscape improvements, with financial contributions secured to ensure the delivery of these public benefits. Should the application be considered at appeal, these conditions and obligations would need to be secured.

## **Climate change**

44 Further information was required in relation to energy, flood risk, drainage and urban greening, which was provided by the applicant following the Mayor's Stage 1 report which is acceptable and ensures overall compliance with the London Plan 2021. The Council's draft conditions set out in the Planning Committee Report included appropriate conditions relating to trees, biodiversity and ecology, flood risk and drainage, energy, overheating, whole life carbon assessment and air quality. A carbon offset payment was secured to ensure compliance with the zero carbon standard in the London Plan 2021, calculated on the basis of the updated £95 per tonne price, with provision for post-construction monitoring, in line with the Be Seen criteria. This is

acceptable. Should the application be considered at appeal, these conditions and obligations would need to be secured.

## Transport

45 Since Stage 1, the impact on bus services has been discussed further. However, no specific financial contribution was sought by the Council. It should be noted that bus network improvements, including but not limited to local bus priority measures aimed at improving journey times are under review by TfL and a contribution towards such improvements may be sought should the application go to appeal or a revised application be submitted. The Council's Planning Committee Report Addendum envisaged obligations being secured in respect of cycle infrastructure, footpaths improvements and a new River Brent footbridge crossing, CPZ restrictions, and a range of traffic calming, junction improvement and street lighting improvements. Conditions were proposed in the Council's Planning Committee report in relation to cycle parking, car parking, deliveries and servicing, construction logistics and a travel plan, in line with the Mayor's Stage 1 consultation response. These would need to be secured should the scheme be determined at appeal.

## Response to consultation

### Response from neighbours

46 Ealing Council undertook public consultation on the planning application in accordance with the statutory and Council requirements by displaying a site notice and advertising the application via a press notice and sending formal consultation notification letters sent to 250 neighbouring properties. At the time of publishing their Planning Committee report the Council had received 1,893 comments on the application. Of these, 1,874 were objections, 6 neutral comments and 13 supportive comments. The comments objecting to the proposals are summarised as follows by issue:

#### **Principle of inappropriate development on Metropolitan Open Land:**

- Inappropriate development on MOL contrary to national, strategic and local policies.
- Substantial harm to openness, visual and spatial impact, and erosion of MOL.
- Public benefits (affordable housing) grossly outweighed by harm
- Towers are too tall for an MOL site and will create a massive wall and block visual amenity into the park.
- Buildings should be restricted to the footprint of the existing leisure centre.
- There is no plan-led approach to justify building on MOL. Major change such as this should be considered through the Local Plan process.
- Housing targets are achievable without needing to build on MOL.
- This proposal paves the way for further development of green spaces and MOL.

#### **Redevelopment of the indoor leisure centre:**

- Concerns about the duration of time during which the swimming pool will remain closed with no alternative given to residents. Too long for the area to be without a leisure centre.
- Closure of the pool which is a vital local resource. Impact of closure on families, young children, teenagers and old residents, school swimming lessons, mental and physical health impacts.
- No guarantee as to when any new facility will be open. Long term risk of losing only Olympic sized (50 metre) pool in West London.
- The existing pool is well-used, fit for purpose / good as it is. There is no need to replace it. It should be reopened as soon as possible.
- The proposed new leisure centre offers little improvement to the existing one in terms of the size and facilities.
- Demolishing and rebuilding is not a sustainable way to maintain assets.
- Has the Council considered whether the existing leisure centre can be renewed or reconstructed without the unreasonable development?

- No comparable costs have been provided on what restorative work is needed for the current facilities at Gurnell Leisure Centre.

#### **Impact on outdoor sport, recreational facilities and public open space:**

- Loss of skate park loved by local youngsters, which keeps them busy, fit and social.
- Location of replacement skate park would cause further harm to the local area.
- Reduction of green space which should be preserved / protected.
- Housing estates opposite this land are severely short of space and rely on the green areas provided to exercise and maintain their mental health.
- Negative impact on users - the elderly that jog around the open space and kids playing football, picnics, skateboarders, scooters, bikers, children using the park.
- Loss of two football pitches is inappropriate.
- Loss of playground and open space to new buildings.

#### **Urban design and tall buildings:**

- Overdevelopment which is out of keeping with the character of the area
- Too tall, excessive / unacceptable height; will be an eyesore
- Buildings will be overbearing and would tower over the park, negatively affecting people's enjoyment of the open space. Too many tall buildings too close together, would obstruct views of the park and block sunlight onto open space and cause overshadowing.
- Architectural design is unattractive, dull, unimaginative, too simplistic, not sympathetic, reminiscent of Modernist blocks of 1960s.
- Development would be an eyesore; would cause ghettoization of high rise buildings; Avoid the 'Croydonisation' of the Queen of the Suburbs.
- There is no plan-led / planning policy justification for tall buildings on this site.
- The proposal fails to comply with Ealing's planning policy on tall buildings.
- The development does not meet the revised guidance that Government has given in relation to housing density.
- Concerns about density, quality of life, residential quality, unsuitable for family housing.
- Tall buildings may be a cause for increased fire risks

#### **Impact on neighbouring amenity:**

- Impact of development on Peal Gardens and other nearby properties - loss of sunlight / daylight, privacy, overshadowing, overlooking of private gardens, outlook and visual amenity, noise, pollution, traffic, impacts on quality of life.

#### **Housing and affordable housing:**

- Insufficient affordable housing and the lack of family sized affordable housing.
- Affordable housing policy requirements would not be met (50% on public sector land).
- Affordable housing is completely segregated from the rest of the development
- Affordable/Social housing will not be delivered
- This is an area of family houses. We do not need an influx of studio and one-bedroom flats
- Unaffordable housing - Ealing doesn't need more high-rise luxury flats. Gentrification.

#### **Climate change:**

- Building large new buildings in concrete releases huge amounts of CO<sub>2</sub>. The existing building is functional, stylish and much loved. Destroying it would be anti-environmental
- Disregards London, Local and Climate change emergency plans
- Development could be responsible for several giga-tonnes of CO<sub>2</sub> emissions
- Development should be carbon neutral, net zero carbon.
- Air pollution will be injurious to older people living in the area

#### **Trees and biodiversity:**

- Loss of trees and open space. Impact on natural habitats and designated SINC. Impact on the natural character and quality of the Brent River Park, regionally important linear open space and natural habitat.
- Environmental impact, loss of nature conservation area, destruction of bat habitats and cutting down 158 trees. Light, noise, and air pollution.
- An EIA has not been undertaken to evaluate the inevitable ecological loss.
- Preliminary Ecological Appraisal submitted is inadequate in terms of detail on impacts or enhancements.

#### **Flood risk and drainage:**

- Pressure on local area's flood risk. Impact on surface water that will lead to flooding. The site is liable to flooding. The applicant's FRA lacks information and modelling, no information on sewage flooding, basement flood risks and will not provide adequate mitigation to prevent flooding or protect public safety.

#### **Social and physical infrastructure:**

- Overstretched local services such as schools, GP surgeries, hospitals, police and Council services. Cumulative impact of this and other developments across the borough.

#### **Transport:**

- Under provision of car parking spaces - Parking spaces of 168 for 599 units is questionable given PTAL and distance to tube stations
- Overspill parking will exacerbate parking on surrounding streets, including Gurnell Grove estate. This will require CPZ's on streets where there are currently none, resulting in local residents paying for parking
- Increased traffic flow and congestion which will exacerbate congestion on Junction with Ruislip Road and Argyle Road and up to the A40 which is already severely congested.
- Impact on public transport capacity.
- Proposed cycle parking in this development doesn't meet the planning standards in the London Plan or the design requirements set in the LCDS.

#### **Other issues:**

- Concern that the facilities will be 'mothballed' and will not be delivered due to financial issues. The project will take too long to complete. Concern that the Council is not getting a good deal from developers.
- Lack of transparency on development agreement, financing and bidding process. Funding arrangements are unclear.
- Lack of public consultation on this fundamental change of policy.
- This development is not meeting the needs of BAME residents satisfactorily

#### **Response from statutory and non-statutory bodies**

47 The following responses were received from statutory consultees and other organisations:

- **Environment Agency:** Submitted an initial objection on grounds of flood risk which was removed following the submission of an updated hydraulic model and flood risk assessment which addressed the EA's initial concerns. Recommended that the developer seek to improve the morphology and ecology of River Brent through the site either by direct improvements or contributions to protect a 10-metre-wide buffer zone around the River Brent, which should be secured by condition.
- **Natural England:** Do not wish to provide comments. Standard advice provided.
- **Sport England:** Initial holding objection raised in respect of playing fields but was later withdrawn and Sport England now accept that the proposals broadly align with either Exceptions 4 or 5 of its Playing Field Policy. Supportive of the redevelopment of the leisure centre, the principle of which has been established in the Council's Sports

Facility Strategy. No objection to redevelopment and relocation of the existing BMX track, subject to a Grampian style phasing condition to ensure that the replacement BMX track is implemented prior to the existing track being demolished to ensure continuity of provision.

- **Historic England:** Do not wish to provide any comments.
- **GLAAS:** Requested the submission of an updated Desk Based Assessment (DBA) report and a Geotechnical Monitoring report, which was provided. No objection, subject to a condition and informative.
- **NHS Property Services:** Request a financial contribution towards the maintenance and improvement to health care facilities in the area (*which was included in the draft Heads of Terms*)
- **Thames Water:** No objection, subject to conditions being included in relation to water supply and phasing, waste and foul water ad measures to minimise groundwater discharge into sewers.
- **Network Rail:** No objections, subject to conditions.
- **Highways England:** No objection.
- **NATS:** No safeguarding objection.
- **Heathrow Safeguarding:** No safeguarding objection.
- **London Fire Brigade:** Plans should conform to Building Regulations and sprinklers are strongly recommended. Advised on fire brigade access requirements and water mains and hydrants.
- **Metropolitan Police and Secure by Design Officer:** No objections, subject to Secure by Design condition.
- **Ealing Cycling Campaign:** Objection. Cycle parking provision fails to meet the minimum cycle parking standards required and design guidelines set in the London Cycling Design Standards (LCDS).

#### **Cllr Gregory Stafford (Conservative – Leader of the Opposition)**

- planning policy states that the MOL should be protected from inappropriate development.
- Even if there was a good reason to build on MOL - which there isn't - the massing and height of the buildings is totally inappropriate. It will result in overlooking, loss of privacy and overshadowing to neighbouring properties. The proposed development is overbearing, out of scale and out of character in terms of its appearance compared with existing development in the local areas. The 17-storey tower stands over 50m tall and will overshadow the park.
- the development will generate more noise and air pollution and will result in a significant loss of 158 mature trees.
- Finally, even if all the above is ignored due to a desire to build new homes, the amount of Affordable Housing falls well below the strategic targets of 50%.
- In summary, this is over development, on land that should not be built on and which fails to provide the genuinely affordable homes that the Borough needs.

#### **James Murray MP (Member of Parliament for Ealing North)**

I object to this application on behalf of a very large number of constituents who have raised the following key concerns about the proposed development:

- Pressure on local services like schools and healthcare and the local transport network, given low PTAL and public transport capacity and frequency from nearest stations (2 trains per hour)
- There is concern that the scheme represents overdevelopment of the MOL, harming openness.
- Concern that the proposed affordable rented housing only includes 12 three-bedroom sized homes out of 98 in total.

**Sian Berry (Green Party Member of the London Assembly):**

The proposal is a departure from the Development Plan Policies on MOL and public open space and is contrary to London Plan Policies which protect MOL and SINC. Furthermore, as Ealing Council has declared a Climate Emergency, any development that has a negative impact on London's biodiversity, as this application certainly would, should be refused.

**'Save Gurnell' Community Group:** objected to the application (and the separate planning application for the replacement BMX cycle track) on the following summarised grounds:

- The Environmental Impact Assessment (EIA) Screening process and its conclusion that an Environmental Statement (ES) was not required was flawed. An ES should be produced, given the significant urbanising effect of the proposals and their scale and impact.
- The Council's justification for the project is flawed. A strong Business Case for the proposals has not been demonstrated. Alternative options were not properly examined, for example refurbishment. The needs of the community have not been considered.
- The Council will be carrying all the risk, being responsible for the leisure centre and affordable housing. Private residential development is now 'facilitating development', rather than 'enabling development', as it only part funds the new leisure centre. There is no guarantee that the residential development will secure the new leisure centre and therefore a departure from planning policy should not be justified on this basis.
- The cost of the new leisure centre is significantly higher than similar projects with only marginal improvements in the facility over the current leisure centre. Basement costs are significant on this project. This represents poor value for money for a major community asset. The Financial Viability Appraisal (FVA) concludes that the scheme is not viable. This demonstrates that the project should not be pursued.
- The development will result in substantial harm to and erosion of the MOL. Significant harm will be caused, and the benefits of this development do not clearly outweigh the harm caused. Although the development has been restricted to the previously developed land, there is still an impact on the usability of the MOL due to overshadowing, visual impacts, additional users.
- There is also other harm, including flood risk, loss of trees, biodiversity impacts, loss of sports pitches, noise, air quality, daylight / sunlight, transport, parking displacement, wind microclimate, heritage, light pollution, housing, as well as deliverability concerns which must be set against any public benefits in the planning balance.
- The public benefits have been overstated and by the applicant:
  - There is no significant enhancement to the outdoor recreational facilities or use of the park.
  - The design quality improvements are not agreed.
  - Benefits from additional lanes and studios are massively overstated.
  - Housing does not meet 50% affordable target, is GLA funded and also not required to meet housing targets given the Council's significant pipeline.
- The harmful impacts have not been evidenced fully in the application documents or assessed appropriately.
- Very special circumstances do not exist. Therefore, planning permission should not be granted.
- The project should be revisited from first principles and alternative options reviewed.

**Ealing Civic Society:** objected to the application on the following grounds:

- Unacceptable overdevelopment, encroachment on MOL, unsympathetic to the surrounding neighbourhood. Excessively tall blocks. Uninspired design and appearance reminiscent of failed 1960/70s local authority towers which have been torn down, eg the South Acton Estate.
- Very special circumstances have not been demonstrated to outweigh the harm caused to the MOL. If the site needs to be redeveloped, this should be considered through the plan making process and not via a planning application.
- EIA – the Council's conclusion in the Screening Opinion that this development does not require an EIA is surprising, given scale, size and impact on MOL, infrastructure, traffic and a designated SINC which covers the site.
- The density is excessive for the location, PTAL and setting.
- Overprovision of smaller flats and lack of family sized accommodation.

- Balconies are insufficiently sized at 3 sq.m.
- Under-provision of car parking for leisure centre.

**Birkdale Area Residents Association** objected to the application on the following grounds:

- MOL and public open space – land should be safeguarded and preserved for generations to be enjoyed by the public. Pressure on green spaces that are available in the wider area.
- Height, massing and architecture fails to complement the surrounding character / housing stock in the area. No architectural merit. Visual impact on views within and across open space.
- Lack of family homes and affordable family homes.
- Traffic assessment is flawed, based on outdated information and car ownership data.
- Flood Risk issues would be exacerbated.
- Removal of trees, loss of habitat without compensation, adverse effect on SINC.

**Pitshanger Community Association** objected to the application on the following grounds:

- Vast overdevelopment of the site, resulting in significant long-term detrimental impact on the character and amenity of the area
- Lack of family housing, which is needed in the area.
- Harmful impact on MOL, contrary to national and development plan policies
- Loss of trees and habitat
- Height and massing which is out of keeping with the low rise surrounding character and context

**West Ealing Neighbours:** Objected to the application on the following grounds:

- loss of MOL and green space which should be protected;
- gross overdevelopment and height which is out of keeping with the surrounding area;
- lack of affordable housing provision, which fails to meet the 50% affordable housing target and only provides 12 family sized affordable rent homes.
- Lack of provision of family sized homes, overprovision of studio and one and two-bedroom flats
- Detrimental impact on the local environment through the loss of 158 trees and loss of habitat for wildlife.

**Hanwell Village Green Conservation Area:** Objected to the development on grounds of:

- Impact on the MOL, public open space and flood plain which should not be built on, as well as loss of trees.
- Height and scale – blocks are too tall and bulky and out of character with the area.
- The development is too dense: 599 flats packed into 1.4 hectares
- Lack of family sized housing. The majority of flats are studios and 1 and 2-bedroom sized flats.
- Can't LB Ealing fund the leisure centre themselves without the towers.

**Open Spaces Society:**

- Strongly object to the proposed development. Particular concern about the adverse effect this will have on the Brent River Park.
- The proposed buildings would tower over the park and blight it, ruining people's enjoyment of this beautiful open space.
- It would also lead to increased traffic and pollution in the area and put walkers and cyclists at risk.
- This is the wrong place for a development of such massive proportions. We urge the council to reject the application.

#### Online petition

48 An online petition entitled: '**Save Gurnell – Stop The Gurnell Overdevelopment**' registered on website 'Change.org' has (as of 29 April 2021) received over 4,800 signatures.

#### Direct representations (prior to Stage 2)



49 Since the application was submitted in June 2020, the GLA has received over 150 individual representations on the application from members of the public objecting to the application. These outline a variety of objections to the scheme which reflect the main concerns raised in response to the neighbour consultation which are summarised above.

50 On 30 September 2020, **Save Gurnell Community Group** wrote to the Mayor responding to the Mayor's Stage 1 consultation response to reiterate their concerns and comment on a number of the conclusions reached by GLA officers in the Stage 1 report, including:

- the Mayor's Stage 1 report concludes that the reprovision of the leisure centre is a key driver for the proposal which could justify harm to MOL. However, the Save Gurnell Community Group does not believe that LB Ealing has demonstrated with evidence that this is the case or provided evidence that the refurbishment of the existing building is unviable. Furthermore, the range of potential funding options have never been fully considered, examined or evidenced.
- Concerns about build costs - the estimated cost for the scheme has spiralled and exceeds those of other similar projects in SE England, with comparative schemes identified.

#### Direct Representation (at Stage 2)

51 Following the referral of the application to the Mayor by Ealing Council, the Mayor has received further written representation from **Save Gurnell Community Group** urging him to allow Ealing Council Planning Committee's draft decision to proceed unchanged. The representation sets out Save Gurnell Community Group's objection to the development which are summarised above and put forward their view that the application should be refused for the following reasons:

- Inappropriate development on MOL – harm to MOL and other adverse impacts is not clearly outweighed by very special circumstances
- Departure from the Development Plan – on grounds of land use and building heights
- Massing, bulk, density, scale and design is not acceptable, poor, excessive, with no Design Review Panel.
- Housing – insufficient social housing, lack of tenure integration, poor residential quality in terms of single aspect north facing units, lack of family sized housing.
- Flood risk
- Financial viability and deliverability issues
- That the scheme is therefore in conflict with the following London Plan 2021 policies:
  - Policy G3 Metropolitan Open Land
  - Policy G4 Open Space
  - Policy D9 Tall Buildings
  - Policy D3 Optimising site capacity through the design-led approach
  - Policy D4 Delivering good design
  - Policy H6 Affordable housing tenure
  - Policy SP4 Play and informal recreation

Save Gurnell Community Group also point out that this is a leisure centre led (not housing-led) development in which the developer is not providing any affordable homes.

#### Consultation conclusion

52 The issues raised by those consulted have been considered in this report, the Mayor's Stage 1 report, and Ealing Council's Committee Report and Addendum. Having had regard to this, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or consultation stage report GLA/4287/01 and the Council's committee report and addendum.

### **Draft planning obligations**

53 The Council's Planning Committee Report and Addendum briefing note set out the following planning obligations which would have been secured as part of the S106 agreement:

#### Non-Financial obligations:

- No work to commence on the private residential component of the development (save for the construction of the shared substructure) until construction works have commenced on the new Leisure Centre.
- At least 196 affordable flats equating to 32.7% by units or 34.5% by habitable rooms in the form of 98 London Affordable Rent and 98 Shared Ownership intermediate units, with capped rent costs and held in perpetuity as set out in Mayor of London guidance,
- Affordable dwellings will be prioritised by LBE for people living and/or working in the Borough,
- Affordable housing review mechanism on 75% occupancy of market units up to a maximum of 50% affordable dwellings at LAR or DMR rent levels,
- Car club provision
- Participation for LB Ealing residents in an Apprentice and Placement Scheme to provide a minimum 20 apprenticeships opportunities with a minimum 10 placements offered to displaced applicants.
- Restoration of roads and footways damaged by construction,
- Restriction of Parking Permits - precluded from obtaining a parking permit and visitor parking vouchers to park within existing or future CPZs in the area
- Agreement under ss38 and 278 of the Highways Act in accordance with a specification to be agreed with the council,
- Payment of the Council's reasonable legal and other professional costs incurred preparing the s106 agreement,
- Financial contributions to be index-linked, with staged payments at first residential occupation and 50% occupancy,
- Administrative costs for monitoring the legal agreement.

#### Financial Obligations:

- Cost of the construction and maintenance of the Park Landscaping Plan, including flood management and other works: £1,829,403,
- Contribution to replacement of BMX track: £80,000
- Contribution to footbridge over River Brent: £100,000,
- Economic Development: £88,000
- Carbon off-set: £693,576,
- Post construction Energy Monitoring and Equipment cost: £19,012
- NHS Property Services: £200,000 directed to health care facilities within 1 mile of the application site
- Air Quality monitoring: £136,006
- CPZ Review and Parking Stress Measures: £50,000
- Cycle/pedestrian crossing improvements on Ruislip Road East: £50,000
- Ruislip Road East resurfacing: £90,000
- Argyle Road accident remediation: £50,000
- Junction improvements: £150,000
- Traffic calming on residential streets: £50,000

- Cycle Infrastructure: £90,000
- Travel Plan Monitoring: £5,000
- Allotments Space: £70,241
- Street lighting and Ruislip Road East/Argyle Road roundabout improvements: £200,000
- Education, £800,304.92 directed to primary phase education provision at Stanhope School with a reserve of Greenford Green or other local education provision. Secondary phase education provision at Elthorne Park High School with a reserve of John Chilton School or other secondary phase education provision.

## **Legal considerations**

54 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor 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. 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.

55 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act. The Council's committee report considers the impact of the proposed development on equalities.

## **Financial considerations**

56 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**

57 Having regard to the details of the application, the matters set out in the committee report, addendum and Ealing Council's draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

58 Should the scheme be considered at appeal or a revised application submitted the outstanding matters relating to Metropolitan Open Land, affordable housing, urban design, inclusive design, sustainable infrastructure and transport should be addressed accordingly; and the draft planning conditions and obligations set out in this report, the Mayor's Stage 1 report reference GLA/4287/01 and the Council's Committee Report and Addendum should be appropriately secured.

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

**Lucinda Turner – Assistant Director, Planning**

email: [Lucinda.turner@london.gov.uk](mailto:Lucinda.turner@london.gov.uk)

**John Finlayson, Head of Development Management**

email: [john.finlayson@london.gov.uk](mailto:john.finlayson@london.gov.uk)

**Allison Flight, Deputy Head of Development Management**

email [alison.flight@london.gov.uk](mailto:alison.flight@london.gov.uk)

**Graham Clements, Team Leader**

email: [graham.clements@london.gov.uk](mailto:graham.clements@london.gov.uk)

**Andrew Russell, Principal Strategic Planner (case officer)**

email: [andrew.russell@london.gov.uk](mailto:andrew.russell@london.gov.uk)

---

[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 17 May 2021 18:49  
**To:** [REDACTED]  
**Subject:** RE: Gurnell Leisure Centre Stage 2 decision and report GLA Ref 6466; LPA Ref: 201695FUL)

Thanks [REDACTED]  
Regards,  
[REDACTED]

---

**From:** [REDACTED]@london.gov.uk>  
**Sent:** 17 May 2021 16:56  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]

**Subject:** Gurnell Leisure Centre Stage 2 decision and report GLA Ref 6466; LPA Ref: 201695FUL)

Hi [REDACTED]  
Please find attached the Mayor's decision letter and Stage 2 report on the Gurnell Leisure Centre application – LPA Ref: 201695FUL.  
I'm also cc'ing the applicant.  
Thanks

[REDACTED]  
**Principal Strategic Planner, Development Management**  
GREATERLONDONAUTHORITY  
City Hall, The Queen's Walk, London SE1 2AA

[REDACTED]  
[london.gov.uk](https://www.london.gov.uk)

[REDACTED]@london.gov.uk

[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 11 May 2021 16:17  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: GLA Gurnell Stage 2 referral

Thanks [REDACTED].  
Regards,  
[REDACTED]

---

**From:** [REDACTED]@london.gov.uk>  
**Sent:** 11 May 2021 16:16  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: GLA Gurnell Stage 2 referral

Hi [REDACTED].  
The report will go to the Mayor on the 17<sup>th</sup>  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 11 May 2021 15:19  
**To:** [REDACTED]@london.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: GLA Gurnell Stage 2 referral

OK [REDACTED]  
[REDACTED] is taking another Stage 2 of mine to the Mayor on 17<sup>th</sup>.  
Regards,  
[REDACTED]

---

**From:** [REDACTED]@london.gov.uk>  
**Sent:** 11 May 2021 15:08  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: GLA Gurnell Stage 2 referral

Hi [REDACTED]  
I wasn't aware there was a meeting on 17<sup>th</sup> but I'm currently seeing if it can go to that Agenda, given it was drafted and ready to go.  
Will report back.  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 11 May 2021 14:10  
**To:** [REDACTED]@london.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: GLA Gurnell Stage 2 referral

OK [REDACTED]  
Is this because the Mayor has a busy Agenda already for 17<sup>th</sup>?  
Regards,  
[REDACTED]

---

**From:** [REDACTED]@london.gov.uk>  
**Sent:** 11 May 2021 11:32  
**To:** [REDACTED]@ealing.gov.uk>  
**Subject:** RE: GLA Gurnell Stage 2 referral

Hi [REDACTED]

The report is drafted, and I'm assuming it can go to the Mayor on Monday 24<sup>th</sup> May. But still waiting for it to be clarified that there will be a meeting on that day.

Thanks

[REDACTED]  
Principal Strategic Planner, Development Management  
GREATERLONDONAUTHORITY  
City Hall, The Queen's Walk, London SE1 2AA

[REDACTED]  
[london.gov.uk](mailto:[REDACTED]@london.gov.uk)

[REDACTED]@london.gov.uk

---

From: [REDACTED]@ealing.gov.uk>

Sent: 11 May 2021 11:05

To: [REDACTED]@london.gov.uk>

Subject: RE: GLA Gurnell Stage 2 referral

Hi [REDACTED],

Now that the Mayor is ensconced, can you let me know please if you will be taking the Stage Referral to him on 17<sup>th</sup> May?

Regards,

---

From: [REDACTED]@london.gov.uk>

Sent: 26 April 2021 14:03

To: [REDACTED]  
[REDACTED]  
[REDACTED]

Cc: [REDACTED]  
[REDACTED]  
[REDACTED]

Subject: RE: GLA Gurnell Stage 2 referral

Hello [REDACTED],

Thanks for your email. That's noted.

As mentioned on the phone last week, I will validate the Stage 2 referral formally as soon as I know the confirmed date for the first Regular Mayor's Planning Meeting during the next Mayoral term.

This should be confirmed not too long after the Mayoral election and I will email to confirm as soon as possible.

Thanks

[REDACTED]  
Principal Strategic Planner, Development Management  
GREATERLONDONAUTHORITY  
City Hall, The Queen's Walk, London SE1 2AA

[REDACTED]  
[london.gov.uk](mailto:[REDACTED]@london.gov.uk)

[REDACTED]@london.gov.uk

---

From: [REDACTED]@ealing.gov.uk>

Sent: 26 April 2021 10:45

To: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Subject: RE: GLA Gurnell Stage 2 referral

[REDACTED]  
Can I request please, now that the LB Ealing Planning Committee has agreed the Minutes and refusal reason, that the Stage 2 referral be reinstated/recommended.

Regards,

[REDACTED]



\*\*\*\*\*

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[www.mimecast.com](http://www.mimecast.com)

\*\*\*\*\*



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A healthy,  
great place



**From:** [REDACTED]  
**Sent:** 15 April 2021 16:23

**To:** [REDACTED] [london.gov.uk](mailto:london.gov.uk); [REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** GLA Gurnell Stage 2 referral  
[REDACTED]

Further to your email below, I write to request please that the Stage 2 referral be withdrawn.  
I will write to you again when the Council wants to make the formal referral.

Regards,  
[REDACTED]

\*\*\*\*\*

Please consider the environment before printing this email.

The content of this email and any attachment transmitted within are confidential and may be privileged. If you are not the intended recipient and have received this email in error, please notify the sender and delete this message along with any attachments immediately. Unauthorised usage, disclosure, copying or forwarding of this email, its content and/or any attachments is strictly forbidden.

This footnote also confirms that this email message has been swept by Mimecast for the presence of computer viruses.

[www.mimecast.com](http://www.mimecast.com)

\*\*\*\*\*

From: [REDACTED] <[REDACTED]@london.gov.uk>

Sent: 13 April 2021 09:45

To: [REDACTED] <[REDACTED]@bartonwillmore.co.uk>; [REDACTED]

[REDACTED] <[REDACTED]@bartonwillmore.co.uk>

Cc: [REDACTED] <[REDACTED]@ealing.gov.uk>; [REDACTED]

**Subject:** GLA Gurnell Stage 2 referral

Hi [REDACTED]

Just to let you know that Ealing LPA has referred the Gurnell Leisure Centre Stage 2, following the Committee's resolution to refuse planning permission. I will be taking to the Mayor's Planning Meeting on Monday 26 April. I've seen all the further content on line in terms of the LSH supplementary letter on the FVA and the additional representations submitted since our Stage 1 consultation response. But if there is anything else you want to send me to cover off issues raised at Stage 1, beyond what is covered in the Committee Report, please let me know. My Stage 2 report will need to be finalised early next week.

I'm cc'ing [REDACTED] at TfL and [REDACTED] in our viability team, so they are aware of my timescales.

Thanks

[REDACTED]  
**Principal Strategic Planner, Development Management**  
GREATERLONDONAUTHORITY  
City Hall, The Queen's Walk, London SE1 2AA

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 08 April 2021 15:08  
**To:** [REDACTED]  
**Subject:** RE: Gurnell LC - Stat consultees

Thanks [REDACTED]

I've just got the all clear that we can process the Stage 2 during the pre-election period.

I am going to take the report to the Mayor's Meeting on 26 April, as I've missed the boat on the 19<sup>th</sup> April agenda.

So I will send you a formal email to confirm the receipt / validate your Stage 2 referral on Tuesday 13 April – thereby triggering our 14 day period from that date.

Thanks

[REDACTED]

**Principal Strategic Planner, Development Management**  
GREATERLONDONAUTHORITY  
City Hall, The Queen's Walk, London SE1 2AA

[REDACTED]  
**london.gov.uk**  
[REDACTED]@london.gov.uk

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 08 April 2021 14:27  
**To:** [REDACTED]@london.gov.uk>  
**Subject:** Gurnell LC - Stat consultees [Consultation responses available via <https://pam.ealing.gov.uk/online-applications>]

[REDACTED]  
I attach consultee responses and a copy of the Briefing Note with updates for the committee Report.  
Regards,  
[REDACTED]

Briefing Note

**ITEM 01 – Gurnell Leisure Centre, Ruislip Road East, West Ealing, W13 0AL – 201695FUL**

**Amended Recommendation**

Page 1 to read:

**Recommendation: Grant planning permission subject to conditions and the prior completion of a s106 agreement following:**

- a. **referral to the Secretary of State for consideration whether to call-in the application for his decision**
- b. **Stage 2 referral to the Mayor of London.**

*(Officer Note. Removal of words 'if declined' to clarify that procedurally referral to the SoS and Mayor can be carried out simultaneously).*

Page 4:

Recommendation: Grant planning permission subject to conditions and the prior completion of a s106 agreement following:

- c. referral to the Secretary of State for consideration whether to call-in the application for his decision
- d. Stage 2 referral to the Mayor of London.
  - A. Non-Financial obligations:
    1. At least 196 affordable flats equating to 32.7% by units or 34.5% by habitable rooms in the form of 98 London Affordable Rent and 98 Shared Ownership intermediate units, with capped rent costs and held in perpetuity as set out in Mayor of London guidance,
    2. Affordable dwellings will be prioritised by LBE for people living and/or working in the Borough,
    3. Affordable housing review mechanism on 75% occupancy of market units up to a maximum of 50% affordable dwellings at LAR or DMR rent levels,
    4. No work to commence on the private residential component of the development (save for the construction of the shared substructure) until construction works have commenced on the new Leisure Centre.
  3. Car club provision,
  4. Participation for LB Ealing residents in an Apprentice and Placement Scheme to provide a minimum 20 apprenticeships opportunities with a minimum 10 placements offered to displaced applicants,
  5. Restoration of roads and footways damaged by construction,
  6. Restriction of Parking Permits - precluded from obtaining a parking permit and visitor parking vouchers to park within existing or future CPZs in the area
  7. Agreement under ss38 and 278 of the Highways Act in accordance with a specification to be agreed with the council,
  8. Payment of the Council's reasonable legal and other professional costs incurred preparing the s106 agreement,
  9. Financial contributions to be index-linked, with staged payments at first residential occupation and 50% occupancy,
  10. Administrative costs for monitoring the legal agreement.

**B. Financial Obligations:**

- a. Cost of the construction and maintenance of the Park Landscaping Plan, including flood management and other works: £1,829,403,
- b. Contribution to replacement of BMX track: £80,000
- c. Contribution to footbridge over River Brent: £100,000,
- d. Economic Development: £88,000
- e. Carbon off-set: £693,576,
- f. Post construction Energy Monitoring and Equipment cost: £19,012

**Briefing Note**

- g. NHS Property Services: £200,000 directed to health care facilities within 1 mile of the application site
  - h. Air Quality monitoring: £136,006
  - i. CPZ Review and Parking Stress Measures: £50,000
  - j. Cycle/pedestrian crossing improvements on Ruislip Road East: £50,000
  - k. Ruislip Road East resurfacing: £90,000
  - l. Argyle Road accident remediation: £50,000
  - m. Junction improvements: £150,000
  - n. Traffic calming on residential streets: £50,000
  - o. Cycle Infrastructure: £90,000
  - p. Travel Plan Monitoring: £5,000
  - q. Allotments Space: £70,241
  - r. Street lighting and Ruislip Road East/Argyle Road roundabout improvements: £200,000
  - s. Education, £800,304.92 directed to primary phase education provision at Stanhope School with a reserve of Greenford Green or other local education provision. Secondary phase education provision at Elthorne Park High School with a reserve of John Chilton School or other secondary phase education provision.
- (Officer Note: To correct inadvertent omissions from the recommended obligations, LLR should say LAR, add Education and NHS responses and removal of words 'if declined' to clarify that procedurally referral to the SoS and Mayor can be carried out simultaneously).*

**Page 90**

**1. MOL harms**

Should read:

- By definition harm.

**Page 111**

**Recommendation: Grant planning permission subject to conditions and the prior completion of a s106 agreement following:**

- a. referral to the Secretary of State for consideration whether to call-in the application for his decision
- b. Stage 2 referral to the Mayor of London.

*(Officer Note. Removal of words 'if declined' to clarify that procedurally referral to the SoS and Mayor can be carried out simultaneously).*

**Report:**

**Pages 96 and 97:**

*(Officer Note: For clarity, it is acknowledged that Block F is a 'tall building' as defined in London Plan Policy D9, along with the others and needs to be assessed as such in combination with the rest of the residential development comprised in the application. The applicant has carried out an assessment of the impacts of the proposed tall buildings in accordance with the Policy D9 criteria).*

**Further Written Representations**

**Neighbour notification**

A further 107 representations (bringing the total to 1893) have been received since preparation of the Report (1874 objections, 13 support, 6 neutral).

Further comments:

- Natural England (NE) consider the surveys to be out of date. They state a bat survey should be carried out prior to decision and ecological appraisal and metric has not considered full extent of ecological destruction; Historic England has asked for more geotechnical information for archaeological monitoring; TfL and Mayors Stage 1

Briefing Note

require more information on transport and Safety Audit, parking management bus trip generation and Urban Greening.

*(Officer Note: The representation appears to arise in large part from referencing the inclusion of the relocated BMX track elsewhere on the application site where there may be other environmental issues. It is noted in the Report that the BMX track re-location does not form part of this application and is illustrative only as to no more than a potential alternative location. Relocation is the subject of a separate application and is to be determined on its individual merits. BMX relocation condition 49 likewise does not specify an location either. Accordingly, it would be wrong to conflate the two in respect of considering whether there are any environmental impacts. In the same vein given the BMX relocation did not form part of the Request, the EIA Scoping Opinion issued by the LPA is not defective for failing to consider or incorporate consideration of the effects of any alternative location and there is no basis to conclude that the decision was incorrect.*

*The bat survey was updated in November 2020 after a second NE consultation response was received in September (arising from, as the response states: 'a member of the public raising concerns about the destruction of a priority habitat (deciduous woodland) within a Local Site. They are also concerned about the impacts upon any protected species present, particularly as the ecological surveys can be considered out of date.' NE repeated its response, namely: 'Natural England has no comments to make on this application...(because)... the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes '*

*It continued: 'Natural England has not assessed this application for impacts on protected species'. This is because, in determining a planning application, it is the responsibility of the Local Planning Authority, to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate.'*

*The NE response does not state that the metric has not considered the full extent of ecological destruction as claimed but instead directs the reader to their metric, as another way of calculating impacts. The NE advice has been followed. Bat Survey, ecology and biodiversity net gain reports have been submitted and are considered satisfactory. Further, given the applicant's Bats and Ecology reports were prepared by an independent practice of Chartered Ecologists and Environmental Managers, it is not considered necessary for the Council to seek further independent advice.*

*Impacts on the SINC (which follows the line of the River) following the proposed removal of 700sqm (less than 1% of the total SINC area) were noted by LBE Leisure who support removal and note that the EA is requesting tree reduction along the River banks in any event to help improve its morphology and ecology. This will ultimately be beneficial to the SINC. Condition are proposed for a river management scheme and ecological mitigation and management.*

*Conditions are nevertheless proposed to undertake further bat surveys as a precaution and for an ecological mitigation plan to secure measures and management including the installation of new biodiverse habitat, tree and shrub planting and installation of bird boxes and bat boxes.*

*TfL information on transport, Safety Audit, parking management bus trip generation were addressed and included in recommended conditions and s106 financial contributions are considered appropriate.*

*Historic England Archaeological Investigation requirements are addressed by condition).*

**Dr Nuna Staniaszek**

I am writing to flag up my concern and strongly object to the proposed development at the Gurnell site in Ealing. This proposal is far too high, overbearing and totally out of keeping with the low rise housing in this area, and extremely worrying for local residents who see it, along with other proposed high rise developments, as a threat to the whole character of the borough and how we live.

**Briefing Note**

The housing proposed in this development is not what Ealing needs - small flats rather than family accommodation, with very poor amenities and lack of natural light in the small rooms, and very limited affordability despite what the developers say. In addition the communities in this development will be segregated not only through their housing but also by being excluded from "communal areas" like the roof garden and community hub which will be for private residents only. This will create "poor doors" and divisions within the community. This is simply not acceptable.

This area already suffers from high congestion and is not appropriate for a housing development of hundreds of flats that will only make the situation worse. There are also no provisions for additional services in terms of doctors, dentists, schools etc which are already oversubscribed.

The proposals also go against Ealing's own plan and do not conform to the Net Zero pledge - in which case why are they even being considered?

In addition, if you visited this site earlier this year you will have seen that it is prone to flooding and not suitable for building development. And yet Ealing Council did not consider it necessary to conduct an Environmental Impact Assessment. This site is on Metropolitan Open Land, and the development will destroy mature trees and habitats used by protected bat species.

My urgent request to you is to consider if developments like this are beneficial to Ealing and its residents - this is not the type of building or housing unit that is appropriate for Ealing needs, it only works in favour of the developers and not of the people who live in the area or indeed the people who might potentially live there. What we need is good family housing that will engender a sense of community, blend in with the existing surroundings and not cause major issues of congestion and overstretched services. There are studies that have identified the mistakes of the 60s in building tower blocks and the adverse effects they have on people, their mental health, crime and antisocial behaviour, and the problems they cause for local communities. Please do not allow these mistakes to be repeated and to introduce more problematic areas into our borough.

In addition, we must consider the changing priorities resulting from the pandemic - high rise tower blocks and loss of green environment is not what we need for a better future.

I strongly urge you to act in support the views of thousands of local residents as expressed in the consultation, and not allow these proposals to go forward on this area of Metropolitan Open Land. Please retain the character, heritage and reputation of our borough and conserve our precious local green environment.

Yours sincerely

Dr Izabella Staniaszek

*(Officer Note: Planning considerations raised are addressed in the Report).*

**Gulshan Sangha**

It is incredulous the level of redevelopment that is taking place across Ealing

Residents are impotent and are no longer represented or listened to...

You should hang your heads in shame... That as elected members you have against the wishes of your constituents you have embarked on such an aggressive level of development across the borough despite repeated objections.

You have robbed us of libraries, recycle centres, youth services, sports facilities, community services, a clean and looked after borough...

It is no longer a joy to live in this borough

G sangha

**Page 71: External Consultees:**



Briefing Note

GLA	<p>Stage 1 report and letter:</p> <p><b>Principle of development:</b> The application proposes inappropriate development on MOL which is contrary to national, local and strategic policy and represents a departure from the development plan. Whilst the harm to the openness of the Metropolitan Open Land (MOL) has been minimised by restricting development to the previously developed parts of the site which already contain inappropriate development, the application would cause additional harm to openness through the increased building footprint and the visual impact of the scheme. Very special circumstances must therefore be demonstrated which clearly outweigh this harm. Whilst there could be exceptional circumstances in this specific case which could potentially constitute very special circumstances, further detailed discussion and agreement is required regarding the applicant's build costs, the phasing and means of securing the re-provision of indoor and outdoor sport and recreational facilities, landscape, biodiversity and pedestrian and cycle enhancements, as well as agreement on the flood risk strategy to ensure that the proposed public benefits are robustly secured and to fully demonstrate the applicant's case for very special circumstances in this particular instance.</p> <p><b>Housing and affordable housing:</b> 34% affordable housing, comprising a 55:45 tenure mix between London Affordable Rent and London Shared Ownership units (by habitable room). The affordable housing offer has been significantly improved since pre-application stage through the use of GLA grant funding and this has been verified as the maximum viable level of affordable housing that the scheme can support taking into account the overall construction costs. Affordability levels should be secured, together with an early and late stage viability review mechanism.</p> <p><b>Urban design and heritage:</b> The design, layout, height, density and residential quality is acceptable, and the application would not harm heritage assets.</p> <p><b>Environment and climate change:</b> Further information is required in relation to energy, flood risk, drainage and urban greening.</p> <p><b>Transport:</b> An updated bus impact assessment reflecting bus trips to nearby stations should be provided to enable TfL to determine the development's impact on the local bus network, and the level of mitigation that will be required. A Stage 1 Road Safety Audit of the proposed vehicle access points is required. A Car Park Management Plan, Electric vehicle charging provision, Travel Plan, delivery and servicing plan and construction logistics plan should be secured.</p> <p><i>(Officer Note: The matters raised are addressed in the report. A detailed UGF assessment has been submitted and assessed. Requested conditions and informative are included in the recommendation).</i></p>
-----	---

*(Officer Note. GLA Stage 1 Report inadvertently omitted from the Report).*

**Page 98:**

**Impacts on Privacy, Outlook and Visual Amenity**

Amend first paragraph 3<sup>rd</sup> line to read: Nos 1-4 Peal Gardens (a two storey block of 4 flats) and lie to the east a minimum of 16m away.

**Page 99:**

Amend 2<sup>nd</sup> paragraph to read: Turning to dwellings on the south side of Ruislip Road East facing the new leisure centre and residential Blocks A, C, D and E, separation distances

**Briefing Note**

range from:

- 32m (Block E to Nos.15-31 Ruislip Road East to 52m to Block D),
  - 60 to 64m to Block C and the new Leisure Centre to Pelham Place and Osprey Court.
- (Officer Note: Correction of distances. The majority still more than exceed the normal 25m upper limit. The flats at 1-4 Peel Court although 16m away, have no flank windows facing the site).*

**Page 107**

A total of 141 individual trees and two groups trees are proposed to be removed...

*(Officer Note: Correction. 141 trees felled, not 158. It should be noted that 198 new trees are to be planted, increasing the existing number from 387 to 444).*

**Page 111**

**Recommendation: Grant planning permission subject to conditions and the prior completion of a s106 agreement following:**

**c. referral to the Secretary of State for consideration whether to call-in the application for his decision**

**d. Stage 2 referral to the Mayor of London.**

*(Officer Note. Removal of words 'if declined' to clarify that procedurally referral to the SoS and Mayor can be carried out simultaneously).*

**Appendix 1**

Delete condition 44, Ecological Mitigation and Management Plan (EMMP), as repetition of condition 9 and renumber remainder accordingly.

[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 07 April 2021 11:02  
**To:** [REDACTED]  
**Subject:** RE: Gurnell LC (GLA/4287/01): LBE Planning Committee Decisions 17 March 2021

Around now [REDACTED] if you want to call – [REDACTED]  
[REDACTED]

---

**From:** [REDACTED]@london.gov.uk>  
**Sent:** 07 April 2021 09:44  
**To:** [REDACTED]@ealing.gov.uk>  
**Subject:** RE: Gurnell LC (GLA/4287/01): LBE Planning Committee Decisions 17 March 2021

Thanks [REDACTED]  
Are you around for a quick chat this morning?  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 06 April 2021 13:46  
**To:** [REDACTED]@london.gov.uk>  
**Cc:** [REDACTED]

**Subject:** Gurnell LC (GLA/4287/01): LBE Planning Committee Decisions 17 March 2021

Dear [REDACTED]  
I refer to the attached Planning Committee decision to refuse this application.  
Can I request please, by 13<sup>th</sup> April 2021, a Direction from the Mayor as to whether he wishes the application to be referred to him.  
If you need longer please let me know.  
Regards,  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 29 March 2021 16:27

**To:** [REDACTED]@ealing.gov.uk>; [REDACTED]@ealing.gov.uk>; [REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Planning Committee Decisions 17 March 2021

Dear All,  
Please find attached committee decisions from the planning committee 17 March 2021.  
Kind regards,  
[REDACTED]  
Planning Process Team  
Regeneration and Planning Services  
Email: [Planning@ealing.gov.uk](mailto:Planning@ealing.gov.uk)

\*\*\*\*\*

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## **Planning Committee: 17<sup>th</sup> March 2021**

### **Decisions**

#### **ITEM 01 - Gurnell Leisure Centre Ruislip Road East West Ealing W13 0AL - 201695FUL**

#### **Recommendation – Overturned – planning permission refused for the following reasons:**

The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt (and by implication MOL which according to the London Plan is treated in the same way) and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness and by definition harm caused by the scale, massing and design of the development proposal. The benefits of the proposed development are therefore not deemed to outweigh the by definition harm to the MOL. Consequently, the very special circumstances necessary to justify the development do not exist.

**Issue the DRAFT decision notice. {NB We must still refer our draft decision to the Mayor for a direction before we can issue the final decision notice}.**

## **Planning Committee: 17<sup>th</sup> March 2021**

### **Decisions**

#### **ITEM 02 - C P House 97-107 Uxbridge Road Ealing W5 5TL - 210030FUL**

**Recommendation agreed to Grant subject to s106, 38 and 278 legal agreements and conditions (including new and amended conditions and amended Head of Term in the briefing notes), and Stage II referral to the Greater London Authority (GLA).**

**NB. Note addition of new condition 39 and amended conditions 5,10,17, 19, 20 in the briefing notes.**

**Prepare draft decision notice (signed/undated). Do not issue the decision notice.**

## **Planning Committee: 17<sup>th</sup> March 2021**

### **Decisions**

#### **ITEM 03 - Dawley House 91 - 95 Uxbridge Road Ealing W5 5TH - 201022FUL**

**Recommendation agreed to Grant subject to s106 legal agreement and conditions (including new Head of Term in the briefing notes), and Stage II referral to the Greater London Authority (GLA).**

**Prepare draft decision notice (signed/undated). Do not issue the decision notice.**

## **Planning Committee: 17<sup>th</sup> March 2021**

### **Decisions**

#### **ITEM 04 - The Straight Southall UB1 1QX - 205101REM**

**Recommendation agreed to Grant approval of the Reserved Matters subject to deed of variation (to secure carbon offset contribution) to the s106 legal agreement and conditions.**

**Prepare draft decision notice (signed/undated). Do not issue the decision notice.**



[REDACTED]

---

**From:** [REDACTED] GrayG@ealing.gov.uk>  
**Sent:** 19 March 2021 11:34  
**To:** [REDACTED]  
**Subject:** Gurnell Leisure Centre Application 201695FUL

[REDACTED],  
For information, confirming the application was refused at committee on Wednesday.  
Regards,  
[REDACTED]

---

**From:** [REDACTED]@communities.gov.uk>  
**Sent:** 18 March 2021 10:46  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED],  
Thank you for the details, as the committee have decided to refuse the application the Secretary of State will be taking no further action on this application. The LPA are free to issue the decision in line with your processes.  
Many thanks  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 18 March 2021 10:42  
**To:** [REDACTED]@communities.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED],  
The Planning Committee resolved to refuse the application.  
Regards,  
[REDACTED]  
Major Developments Team  
London Borough of Ealing

\*\*\*\*\*

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**From:** [REDACTED]@communities.gov.uk>  
**Sent:** 18 March 2021 10:38  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED],  
Are you able to advise me of the position regarding this application following yesterday's committee meeting.  
Regards  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 09 March 2021 21:01  
**To:** [REDACTED]@communities.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED],

Documents are now ready for the Planning Committee meeting on Wednesday 17 March 2021 at 7:00pm.  
Please use the link below to view the documents.  
[Planning Committee meeting 17/03/2021](#)

Yours sincerely,  
[REDACTED]  
Major Developments Team  
London Borough of Ealing

\*\*\*\*\*

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**From:** [REDACTED]@communities.gov.uk>  
**Sent:** 16 February 2021 13:47  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED],  
Thank you for the confirmation of the latest position, I'll wait for further details from you nearer the committee date.  
Regards  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 16 February 2021 12:51  
**To:** [REDACTED]@communities.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED],  
It is currently our intention to take the application to the next Planning Committee meeting on 17<sup>th</sup> March 2021.  
Yours sincerely,  
[REDACTED]  
Major Developments Team  
London Borough of Ealing

\*\*\*\*\*

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**From:** [REDACTED]@communities.gov.uk>  
**Sent:** 16 February 2021 12:01  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]@ealing.gov.uk>  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED]  
I refer to my email below.  
I note that it's been a while since I heard anything about this proposal, I would be grateful if you could advise me on the current position of the application.  
Many thanks  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 17 July 2020 08:43  
**To:** [REDACTED]@ealing.gov.uk>  
**Cc:** [REDACTED]@ealing.gov.uk>  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED]  
Thank you for this confirmation and our telephone call yesterday which was most helpful. The position on the application is understood and I await further details from you once you know the committee date. As confirmed yesterday I will obtain the documents from the website, if I have any difficulties finding the documents I'll let you know.  
Many thanks  
[REDACTED]

---

**From:** [REDACTED]@ealing.gov.uk>  
**Sent:** 16 July 2020 17:32  
**To:** [REDACTED]@communities.gov.uk>  
**Cc:** [REDACTED]@ealing.gov.uk>  
**Subject:** RE: London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear [REDACTED],  
Further to our telephone conversation today, I enclose a link below to the planning application on the LBEaling Planning Services website:  
<https://pam.ealing.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q9K21JJM0GW00>  
As I explained, the application is still under consideration by Officers, including awaiting the GLA Stage 1 referral.  
Yours sincerely,  
[REDACTED]  
Major Developments Team  
London Borough of Ealing

\*\*\*\*\*

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**From:** [REDACTED] <[REDACTED]@communities.gov.uk>  
**Sent:** 15 July 2020 17:53  
**To:** [REDACTED] <[REDACTED]@ealing.gov.uk>  
**Subject:** London Borough of Ealing: Consultation Letter for Application 201695FUL  
**Dear** [REDACTED]

Thank you for your email regarding the above planning application.

I confirm that the Secretary of State is in receipt of third party requests to consider call-in of the application and will be considering the case if the committee are minded to approve the planning application.

Unfortunately your website does not give details on when the application is being considered and if this proposal will be referred to the GLA. I would be grateful if you could advise me of the current situation regarding this case.

Regards

[REDACTED]  
Planning Casework Manager  
Planning Casework Unit

[REDACTED]  
Address: 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW

For PCU General Enquiries:  
Tel: 0303 444 8050  
Email: [pcu@communities.gov.uk](mailto:pcu@communities.gov.uk)

-----Original Message-----

**From:** [REDACTED] <[REDACTED]@ealing.gov.uk>  
**Sent:** 15 July 2020 12:22  
**To:** PCU <[PCU@communities.gov.uk](mailto:PCU@communities.gov.uk)>  
**Subject:** London Borough of Ealing: Consultation Letter for Application 201695FUL

Dear Sir/Madam,  
Town & Country Planning (Development Management Procedure) Order, Direction & Circular

I refer to attached the consultation letter, which was sent to PCU on 4th June 2020, for the major planning application described below, being a departure from the development plan:


**SITE ADDRESS:**  
Gurnell Leisure Centre, Ruislip Road East, West Ealing, London, W13 0AL

**PROPOSAL:**  
Demolition of all existing buildings and erection of replacement leisure centre (Use Class D2), facilitating affordable and market housing residential development (Use Class C3) in 6 blocks, flexible retail floorspace (Use Classes A1 - A3), plant room and energy centre, leisure centre coach parking, basement residential and leisure centre cycle and car parking, refuse/recycling storage, new servicing, vehicular and pedestrian accesses and associated highway

works, new and replacement play space, public realm and public open space, landscaping and associated ground works to existing public open space.

I should be grateful if you would advise me as soon as possible please whether, in the event that the local planning authority might be minded to grant permission, the PCU intends to issue a holding direction.

Yours sincerely,

  
Major Developments Team  
London Borough of Ealing

\*\*\*\*\*

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# Mayor's Planning Meeting

## 17<sup>th</sup> May 2021, 14:00 – 15:00

### Microsoft Teams

## Agenda

### Declarations of interest

The Mayor is reminded to make the appropriate oral declaration if he has any personal or prejudicial interests (as defined in the GLA Code of Conduct) in any item either at the start of proceedings, or before the matter is discussed, or when it becomes apparent to him at the meeting.

### Planning Application – Stage II

	Item		LPA	Ref	CO
1	<b>Perceval House, 14-16 Uxbridge Road</b> Redevelopment of the site by erection of buildings up to 26 storeys in height to provide 477 homes (50.5% AH hab room) 17, 249 sq m of offices/customer service space, library and 1412 sq m of flexible commercial space		Ealing	6744	MJ
2	<b>Croydon College Annexe, College Road</b> Redevelopment of the site by erection of part 4, part 12 storey building to provide creative and cultural uses with ancillary exhibition space at ground and first floor levels with 93 homes (28% AH) on upper floors		Croydon	6310	VC
3	<b>Tolworth Tower, Tolworth Broadway</b> Redevelopment and refurbishment of existing building including erection of 15 and 19 storey buildings to provide 499 homes (0% AH) commercial space and public plaza		Kingston upon Thames	0302	VC

4	<b>Wickham Park House, Bethlem Royal Hospital Wickham Road</b> Erection of single storey building to accommodate National Autism Unit		Bromley	6560	TT
5	<b>196-200 The Broadway, Wimbledon</b> Redevelopment of the site by erection of buildings up to nine storeys in height to provide 135 homes (0% AH) , 121 room homeless persons hostel together with flexible commercial and community floorspace		Merton	6621	EL
6	<b>25 Lavington Street</b> Redevelopment of the site including partial demolition of existing buildings and erection of two buildings of 10 and 15 storeys in height to provide offices, retail, flexible retail and leisure uses		Southwark	6641	TO
7	<b>Gurnell Leisure Centre, Ruislip Road East</b> Redevelopment of the site including replacement leisure centre and residential development to provide 599 homes (35% AH)		Ealing	6466	AR
8	<b>2-3 Finsbury Avenue</b> Redevelopment of the site by erection of a 38 storey building (with 3 basement levels) to provide 106,615 sq m of office led commercial floorspace		City of London	0084	AP
<b>Planning Application – Combined Stage 1 and 2</b>					
	<b>Item</b>		<b>LPA</b>	<b>Ref</b>	<b>CO</b>
9	<b>Global Switch House, 3 Nutmeg Lane</b> Erection of ten storey extension to existing data centre		Tower Hamlets	6523	COS

<b>Planning Application – Stage I</b>					
	<b>Item</b>		<b>LPA</b>	<b>Ref</b>	<b>CO</b>
10	<b>Land to east of Shakespeare Road</b> Demolition of existing waste transfer station and redevelopment of the site by erection of three buildings of 5, 10 and 11 storeys in height to provide 218 homes (35% AH)		Lambeth	0052	AR

11	<b>363 Edgware Road</b> Redevelopment of the site by erection of a building up to 19 storeys in height to provide 165 homes (19% AH) together with commercial use at ground floor level		Brent	<b>0437</b>	AP
12	<b>Elephant and Castle Shopping Centre 26-38 New Kent Road and Arches 6 and 7 Elephant Road</b> S73 application for amendments to planning permission for redevelopment of shopping centre to allow alterations to office, leisure, retail and educational floorspace and residential mix and quantum		Southwark	<b>0461</b>	SG
13	<b>Sturts Yard, 48-48A Eagle Wharf Road</b> Redevelopment of the site by erection of buildings ranging from 2 to 7 storeys in height to provide a self storage facility, offices together with 139 homes (11% AH)		Hackney	<b>0428</b>	SS
14	<b>London South East College, 95 Plumstead Road</b> Demolition of existing college buildings and erection of six buildings ranging from 5 to 13 storeys in height to provide 294 homes (52 % AH hab room) and 325 sqm of flexible commercial floorspace and erection of new five storey college building		Greenwich	<b>0456</b>	RH
15	<b>Exchange House, 12 Primrose Street</b> Formation of external terrace to main roof		City of London	<b>0349</b>	PD
16	<b>53-59 High Street, New Malden</b> Redevelopment of the site by erection of a part 5, part 9 storey building to provide 49 homes and 592 sq m of flexible commercial floorspace		Kingston Upon Thames	<b>0442</b>	PD
17	<b>Land North of Dobbies Garden Centre, Oakley Road</b> Redevelopment of former car park to provide 9 homes (0 % AH)		Bromley	<b>0306</b>	RR
<b>DECISION DELEGATED TO DEPUTY MAYOR</b>					
<b>Planning Application Stage 1</b>					
	<b>Item</b>		<b>LPA</b>	<b>Ref</b>	<b>CO</b>



18	<b>Beam Park, Phase 2 , New Road , Rainham</b>  Full planning application for amendments to two sites by increase in height of Block I and replacement of Block Y with building up to 10 storeys in height in Phase 2A to provide increase in homes from 91 to 190 (43% AH on uplift)		Havering	0380	VC
----	---	--	----------	------	----

# the proposal

Demolition of the existing leisure centre and the mixed use redevelopment of the site to construct:

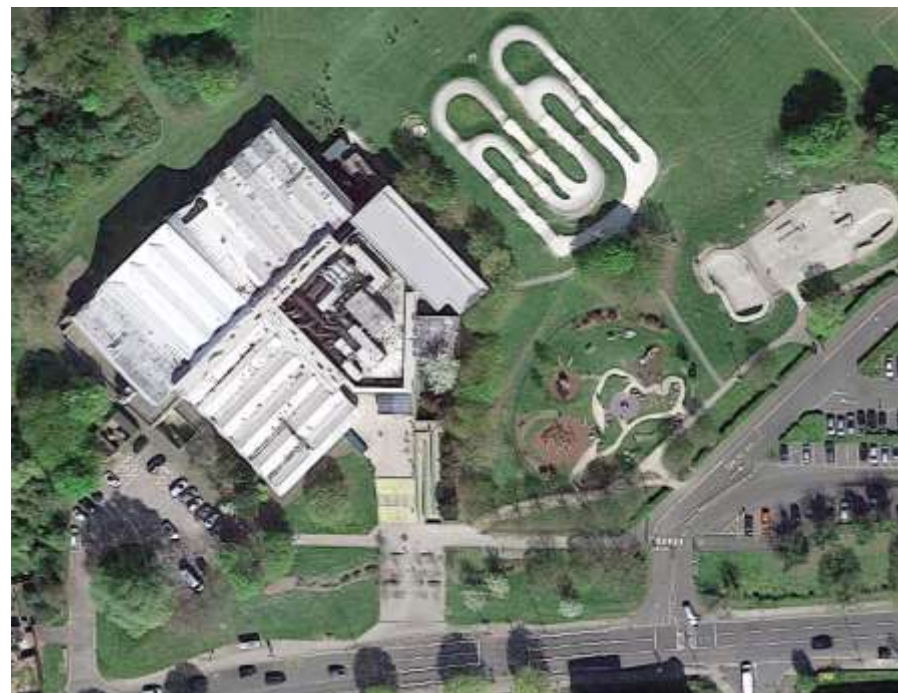
- **a replacement leisure centre** with associated car and coach parking, together with landscape works to public open space;
- **facilitating residential development (599 residential units)**, retail floorspace, play space, cycle and car parking, refuse storage, access and servicing.

# Site location and context





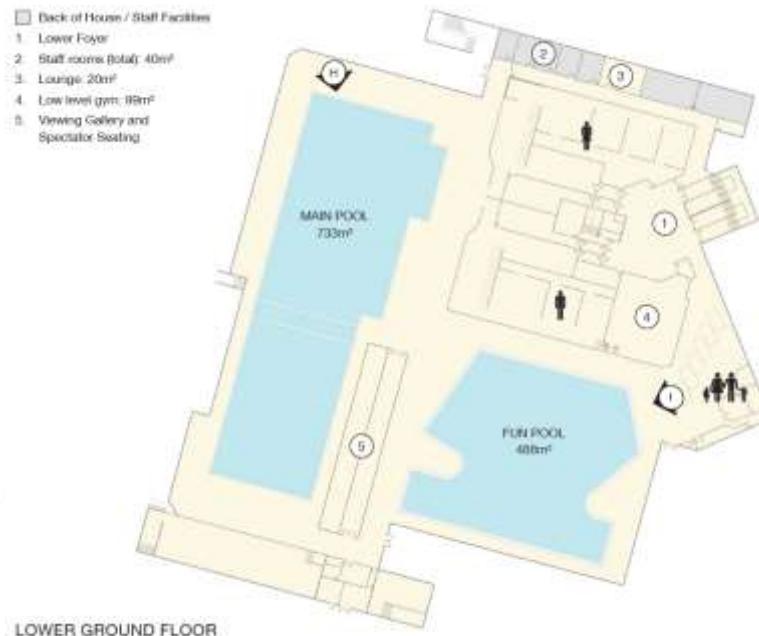
# Existing site



# Existing leisure centre



H. Main Pool with Gallery Above





# Proposed development

to enhance  
facilities and  
the masterplan  
parkland uses

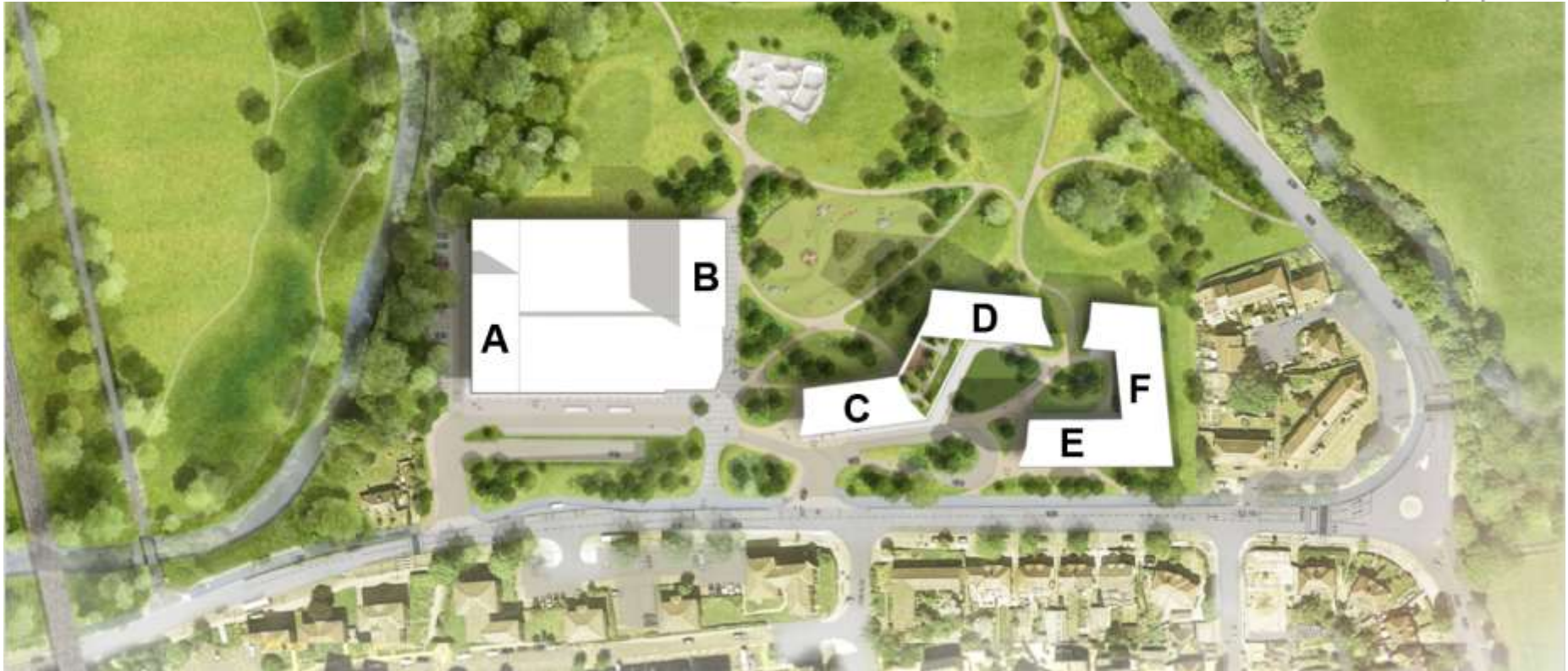


GREATER **LONDON** AUTHORITY



Table 1 – height and tenure of blocks

Block	Height (storeys)	Height in metres	Residential units	Housing tenure
Block A	15	47 metres	98	London Affordable Rent
Block B	15	47 metres	98	Shared ownership
Block C	13	41 metres	104	Private sale
Block D	17	53 metres	158	Private sale
Block E	10	31 metres	87	Private sale
Block F	6	19 metres	54	Private sale







GREATER**LONDON**AUTHORITY





The leisure centre entrance approach, with the park beyond





The 50 m competition pool enjoys views of the park





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# Outdoor recreational facilities and MOL improvements





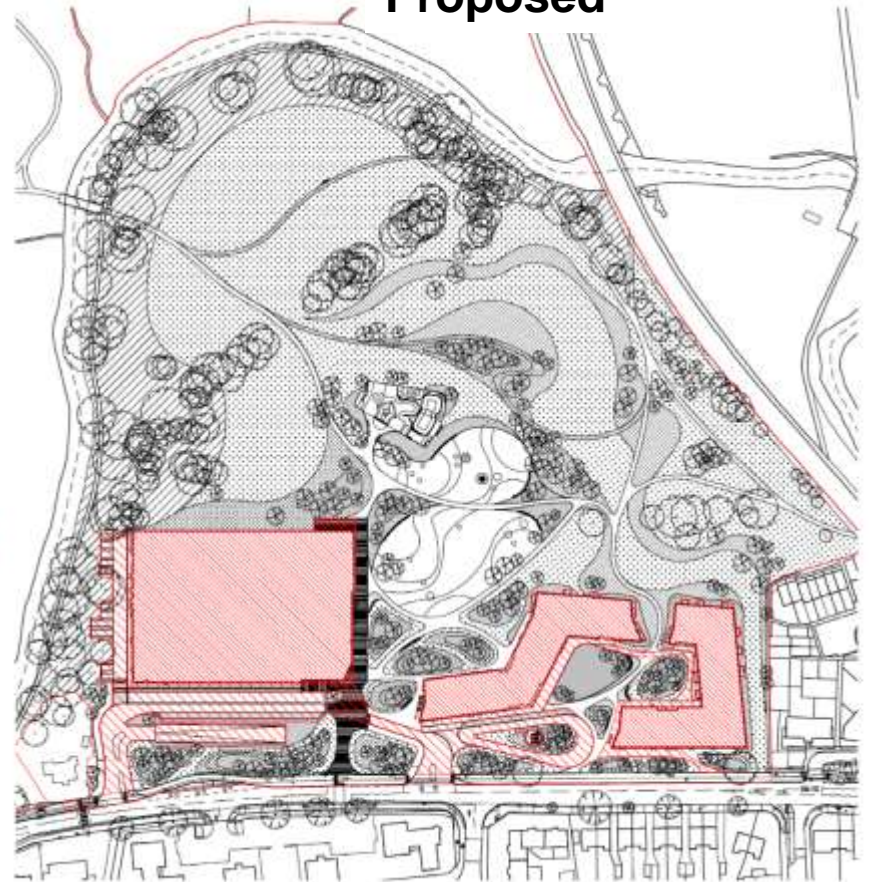
# Harm to Metropolitan Open Land

	Existing	Proposed	Net change
Building footprint (sq.m.) GEA	3,919	9,549	+ 5,630
Previously developed land* (sq.m.) GEA	14,215	14,292	+ 77
Building heights storeys	2-storey	6, 10, 13, 15, 17	

**Existing**



**Proposed**





# Visual impact



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# Very special circumstances case

- Need to upgrade the existing leisure centre
- Requirement for facilitating residential development to part fund these costs
- Lack of suitable and available alternative sites
- Inappropriate development in MOL has been minimised and restricted to the previously developed parts of the site
- Demand for indoor sporting facilities
- Benefits associated with an enhanced indoor sport facility and outdoor recreational, sporting and play space facilities and enhanced overall quality and usability of the MOL
- Housing and affordable housing delivery

# Stage 1 - MOL

- **Harm to the openness of the Metropolitan Open Land (MOL) has been minimised** by restricting development to the previously developed parts of the site which already contain inappropriate development.
- However, **the application would cause additional harm to openness through the increased building mass and footprint and the visual impact.**
- **Very special circumstances must therefore be demonstrated which clearly outweigh this harm.**
- There could be exceptional circumstances in this specific case which could potentially constitute very special circumstances. However, further detailed discussion and agreement is required to ensure that the proposed public benefits are robustly secured and to fully demonstrate the applicant's case for very special circumstances in this particular instance.

# Affordable housing

- Public sector land – 50% expectation
- Pre-application stage: 0% affordable housing was proposed
- Stage 1: 34% by habitable room (33% by unit)
- Broadly 50-50 tenure split - London Affordable Rent / Intermediate London Shared Ownership
- Public subsidy:
  - LB Ealing grant funding contribution (£12.5 million)
  - GLA grant funding for affordable housing (£12.5 million)
- The applicant's FVA and Council's independent assessment have been scrutinised.
- GLA officers consider:
  - the scheme is providing the maximum viable level of affordable housing
  - scale of facilitating residential development is required on viability grounds.

# Public consultation

**1,874 objections**

**13 support**

**6 neutral**

- Objections:

- Harmful inappropriate development on MOL
- Closure and redevelopment of the leisure centre
- Impact on outdoor sport and recreational facilities, public open space
- Design quality, tall buildings, visual and townscape impacts
- Impact on residential amenity
- Housing and affordable housing
- Impact on climate change policies, loss of trees and biodiversity impacts
- Flood risk and drainage
- Social and physical infrastructure capacity
- Transport – car parking, traffic flow, cycling, public transport capacity
- Deliverability, transparency, consultation process

# Public consultation

- Online petition – 4,800 signatures ‘Save Gurnell – Stop the Gurnell Overdevelopment’
- Objections:
  - Cllr Gregory Stafford - Conservative Leader of Opposition
  - James Murray MP
  - Sian Berry Assembly Member (Green Party)
  - Save Gurnell Community Group
  - Ealing Civic Society
  - Ealing Cycling Campaign
  - Birkdale Area Residents Association
  - Pitshanger Community Association
  - West Ealing Neighbours
  - Hanwell Village Green Conservation Area
  - Open Spaces Society
  - Initial objections from Sport England and the Environment Agency both withdrawn

# stage II decision

Ealing Council has resolved to **refuse** the application

One reason for refusal: “The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt (and by implication MOL which according to the London Plan is treated in the same way) and should not be approved except in very special circumstances. In addition, **there are adverse impacts on openness and by definition harm caused by the scale, massing and design of the development proposal. The benefits of the proposed development are therefore not deemed to outweigh the by definition harm to the MOL. Consequently, the very special circumstances necessary to justify the development do not exist.**

- Outstanding issues relating to housing and affordable housing, urban design, heritage, transport and climate change resolved.

## Article 7 Conclusion:

- 7a – the application would have a significant impact on the implementation of the London Plan
- 7c – there are no sound planning reasons for intervening

**Recommendation** – allow Ealing Council to **refuse**.