**Strategic planning application stage II referral**


**The proposal**

Outline planning permission (layout and access) and conservation area consent for the demolition of existing buildings (except existing cinema facade) and redevelopment of the site to provide multi-screen cinema of up to 2,503 sq.m, incorporating up to 900 sq.m. other class D2 leisure space, between 4,509 sq.m. and 4,934 sq.m. mixed commercial floorspace (classes A1/A2/A3/A4/D2) at ground and first floor level, gallery space (class D1) and between 143 and 161 residential units in buildings of between 5 and 7 storeys in height with associated plant and servicing, works to public realm including outdoor performance space, disabled car parking spaces and alterations to and creation of new vehicular and pedestrian access routes. Change of use of unit to the rear of no.49 New Broadway to bicycle store and change of unit to the rear of No 55 New Broadway to management office suite. Reserved matters for appearance, landscaping and scale.

**The applicant**

The applicant is **LS Ealing Leisure Ltd** and the architect is **TP Bennett**.

**Strategic issues**

The principle of a **mixed use development** with leisure and residential uses in **Ealing Town Centre** is in accordance with strategic and local objectives and is supported. The **affordable housing, design, inclusive design, energy and transport matters** have been satisfactorily resolved through the provision of further information and through the use of **planning conditions** and provisions in the draft **section 106 agreement**.

**The Council’s decision**

In this instance Ealing Council has resolved to grant permission.

**Recommendation**

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

1. On 3 October 2013 the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A and 1B of the Schedule to the Order 2008:

1A - Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats;

1B - Development which comprises or includes the erection of a building outside Central London and with a total floorspace of more than 15,000 square metres.

2. On 13 November 2013 the Mayor considered planning report D&P/3266/01, and subsequently advised Ealing Council that the application did not fully comply with the London Plan, but that the possible remedies set out in paragraph s 68 and 69 of that report could address these deficiencies.

3. A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, further information has been provided (see below). On 18 December 2013 Ealing Council decided that it was minded to grant planning permission for the application and on 20 June 2014 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Council under Article 6 to refuse the application or issue a direction to Ealing Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 3 July 2014 to notify the Council of his decision and to issue any direction.

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

Update

5. At the consultation stage Ealing Council was advised that the application did not fully comply with the London Plan but that the following possible remedies could address these deficiencies:

- **Principle of use**: The principle of a leisure-led with residential mixed use development is supported in this town centre location.

- **Housing**: The offer of between to 19.5% or 17.4% discount market sale is currently under independent review and the Council should share the results of this and confirm housing mix is appropriate to meet local housing need. It is not clear that the residential quality is in accordance with the Mayor’s Housing Design Guide and further indicative plans are requested. Further discussion and amendments are required and provision for play space needs to be addressed.

- **Urban design and heritage**: Given the outline nature of the proposals, the design principles set out in the draft Ealing Cinema SPD and the relevant elements of the Mayor’s London Housing Design Guide should be secured through the legal agreement to serve as a design code for the development. The loss of the locally listed YMCA building is regrettable but has been justified in terms of the wider regeneration benefit, provided further images of the southern part of the site are provided and the quality of the proposals are secured through a design code.
• **Inclusive design**: The inclusive design provisions are welcomed but further information on the lifetime homes should be provided. This and the 10% wheelchair accessible flats should be secured by condition.

• **Climate change**: The applicant has broadly followed the energy hierarchy to achieve carbon dioxide emission reductions of 26%. Sufficient information has been provided to understand the proposals as a whole however, further information is required in relation to the CHP and energy centre. The sustainable drainage elements should be addressed and the wider sustainability measures proposed should be secured by way of condition.

• **Transport**: Additional trip generation and information is required. A PERS should be undertaken and contributions towards any identified improvements and Legible London signing secured through the section 106 agreement. Conditions, as detailed above are also required.

It was also noted that given the outline nature, much of the detail of the proposal is to be decided at a later stage through the reserved matters applications. As such, and to provide comfort to the Mayor, it is recommended that provisions are made in the section 106 agreement to secure the design and residential quality (through a design code) and the housing, climate change, inclusive design and transport elements of the proposal in line with the London Plan. Paragraphs 7 to 22 below demonstrate how these matters have been addressed through the provision of further information and provisions within the legal agreement since the consultation stage.

**Housing**

7 The affordable housing offer of between to 19.5% or 17.4% discount market sale has been independently reviewed and the results shared with GLA officers. This has verified that the proposals are providing the maximum reasonable amount of affordable housing in line with London Plan policy 3.12. The minimum provision of 28 units (with the income threshold of £66,000 per annum) has been secured as part of the legal agreement and a review mechanism has been negotiated to secure a further commuted sum, capped at £1.02 million upon completion of the 80% of the private sale units. The Council has also confirmed that housing mix is appropriate to meet local housing need.

8 Provision has also been made through planning conditions and the revised requirement for a design code to secure the residential quality in line with the Mayor’s housing design guide standards. A financial contribution has also been secured towards off-site provision of children’s play space.

9 As such, the affordable housing, residential quality and play space matters previously raised have been adequately addressed in line with London Plan policy.

**Urban design and heritage**

10 At stage one it was noted that given the outline nature of the proposals, the design principles set out in the draft Ealing Cinema SPD and the relevant elements of the Mayor’s London Housing Design Guide should be secured through the legal agreement to serve as a design code for the development. This revised design code has been secured by condition as part of the reserved matters applications and is welcome. Further images of the proposal from Mattock Lane have also been provided to reassure that there is no harm to the setting of the Ealing Green Conservation Area as a result of the development.

11 There are no outstanding urban design and heritage matters.

**Inclusive design**
12 Planning conditions have been applied to secure wheelchair and lifetime homes in line with London Plan policy. A planning condition has also been applied to provide an inclusive change facility with public toilets as part of the reserved matters application and this is welcome in line with London Plan policy 7.2.

**Climate change**

13 It was previously noted that while the general approach was supported, further information was required on the energy efficiency rates achieved, the CHP load profiles, energy centre and proposed use of photovoltaic (PV) cells.

14 Further information has been provided to demonstrate that the efficiency measures are feasible. Detailed load profiles have also been supplied for the proposed CHP and the proposed energy centre has been detailed on plan. The applicant has confirmed that all units will be connected to the district heat network and that the future connection to the Ealing Town Centre Heat and Power network is safeguarded. A condition has also been attached to secure the proposed future connection to Heating, Cooling and power networks and to ensure that all the commercial units are designed to connect into the site wide CHP system.

15 All matters relating to climate change mitigation have been satisfactorily resolved and the proposals therefore comply with London Plan policy 5.7. The sustainable drainage elements have also been addressed through the use of planning conditions.

**Transport**

16 At stage 1, Transport for London (TfL) considered the proposed level of car and cycle parking to be acceptable. It has since been confirmed that provision for electric vehicle charging points will be considered in detail through the reserved matters submission, and that occupiers of the development (other than Blue Badge holders) will not be entitled to a parking permit, both of which are supported.

17 TfL additionally requested that a delivery and servicing plan and construction management plan be secured by condition and this has been confirmed in the committee report. A travel plan has also been secured in the s106 heads of terms as requested, alongside a £5,000 monitoring fee and car club membership for residents for the first three years of occupation of each new dwelling.

18 TfL requested contributions towards improving the public realm in the local area. £55,000, payable to Ealing Council, has now been secured in the heads of terms towards improvements on New Broadway and Bond Street. TfL also requested contributions towards the installation of ‘Legible London’ wayfinding signs. The Council has since advised that this is not required in connection with this planning application as an existing programme of improvement works is already underway. This is accepted by TfL.

19 At Stage 1, TfL raised concern regarding the proposed on-street servicing arrangements. As the use of the existing bus stand is no longer an option being considered by the Council, the proposed servicing arrangements are now considered acceptable.

20 As stated at stage 1, the site is located within the area where section 106 contributions for Crossrail should be sought. While the committee report notes the request, it does not secure it under the existing heads of terms. Ealing Council is reminded however that the full sum must be expressed in the final agreement, as without it, the development would be considered contrary to London Plan policy and therefore unacceptable. The planning permission subject to
grant must reflect the obligation for the applicant to contribute towards the Mayoral Community Infrastructure Levy.

21 Given the above and subject to the Crossrail contribution confirmation, the proposed development could be considered to be in general accordance with the transport policies of the London Plan.

Response to consultation

22 Consultation letters were sent to 698 neighbouring properties and businesses in relation to the outline planning application and conservation area consent applications. The proposals were also advertised by press notices and a public exhibition held at Ealing Broadway Shopping Centre. In total, thirty eight responses were received as a result of this consultation: twenty three of which were objections and fifteen of which were in support of the application. The supporting representations have welcomed the principle of providing a new cinema and community/arts space. The objections raised may be summarised as follows:

1. Parking impacts.
2. Scale and building heights excessive.
3. Buildings not in keeping with local area.
4. Density is too high/too low.
5. Amenity impacts (increased noise and rubbish) and overlooking concerns.
6. Lack of private amenity space for residential units and need to upgrade Barnes Pikle.
7. Harm to Conservation Area, unacceptable loss of locally listed YMCA building.
8. Cinema is too small and there are too many restaurants.
9. Insufficient affordable housing provision and mono-tenure is not policy compliant.
10. Proposals do not meet requirements of the Ealing Cinema SPD and loss of employment/office space is contrary to policy.
11. Insufficient performance space.
12. Cycling needs should be considered.
13. Increased pressure on social infrastructure from residential units.

23 The Save Ealing’s Centre group objected to the loss of the YMCA building, the insufficient provision for performance and arts space and the excessive massing of the building onto Mattock Lane. The Ealing Civic Society commented that the proposals represented an overdevelopment of the site that is out of character with Conservation Areas and raised concern with underprovision for arts and the quality of the proposed open air performance space. These matters have been satisfactorily addressed in the stage 1 and committee reports and through the use of planning conditions. Statutory consultees have responded as follows:

- **English Heritage**: broadly supportive of wider benefits of the scheme and satisfied that the retention of YMCA building would lead to problems with floor heights. But concern regarding impact on conservation area of the proposed lightbox above retained façade and of the frontage of the development on Mattock Lane. Conditions are
proposed in the committee report to address matters raised in greater detail at the reserved matters stage.

- **English Heritage (archaeology)**: noted that archaeological assessment or conditions required.

- **Ealing Green and Ealing Town Centre Conservation Advisory Panel**: support the outline application provided the applicant and Council fully consult on full application before consent is given.

Planning conditions have been attached to the draft decision notice to address concerns relating to impact on heritage assets and conservation areas.

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

Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. These tests are

a) the development or any of the issues raised by the development to which the PSI application relates is of such a nature or scale that it would have a significant impact on the implementation of the spatial development strategy;

b) the development or any of the issues raised by the development to which the application relates has significant effects that are likely to affect more than one London Borough;

c) and there are sound planning reasons for issuing a direction.

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

**Legal considerations**

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

**Financial considerations**

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

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

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

The principle of a mixed use development with leisure and residential uses in Ealing Town Centre is in accordance with strategic and local objectives and is supported. The affordable housing, design, energy and transport matters have been satisfactorily resolved through the provision of further information and through the use of planning conditions and provisions in the draft section 106 agreements.

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Strategic planning application stage 1 referral


The proposal

Outline planning permission (layout and access) and conservation area consent for the demolition of existing buildings (except existing cinema facade) and redevelopment of the site to provide multi-screen cinema of up to 2,503 sq.m, incorporating up to 900 sq.m. other class D2 leisure space, between 4,509 sq.m. and 4,934 sq.m. mixed commercial floorspace (classes A1/A2/A3/A4/D2) at ground and first floor level, gallery space (class D1) and between 143 and 161 residential units in buildings of between 5 and 7 storeys in height with associated plant and servicing, works to public realm including outdoor performance space, disabled car parking spaces and alterations to and creation of new vehicular and pedestrian access routes. Change of use of unit to the rear of no.49 New Broadway to bicycle store and change of unit to the rear of No 55 New Broadway to management office suite.

Reserved matters for appearance, landscaping and scale.

The applicant

The applicant is LS Ealing Leisure Ltd and the architect is TP Bennett.

Strategic issues

The principle of a mixed use development with leisure and residential uses in Ealing Town Centre is in accordance with strategic and local objectives and is supported.

Affordable housing is proposed in the form of on-site Discount Market Sale. The offer of 17.4% to 19.5% has been supported by a viability statement which is currently under independent review. The housing mix provided is indicative only and contains an overprovision of studios. It should be demonstrated that the Council’s local housing needs will be met. The design principles will need to be secured through the legal agreement as a design code to ensure any impacts on the conservation area and nearby heritage assets are minimised and to ensure a high standard of residential quality.

Further discussion regarding inclusive design, play space, energy, parking and transport impact, section 106 contributions is also required to ensure that the scheme fully accords with London Plan.

Recommendation

That Ealing Council be advised that the application does not currently comply with the London Plan, with the reasons and remedies set out in paragraphs 68 and 69 of the report.
Context

1. On 3 October 2013 the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 13 November 2013 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2. The application is referable under Categories 1A and 1B of the Schedule to the Order 2008:

   1A - Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats;

   1B - Development which comprises or includes the erection of a building outside Central London and with a total floorspace of more than 15,000 square metres.

3. Once Ealing Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself. The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

4. The 1.05 hectare site is irregular in shape and defined to the north by New Broadway, Bond Street to the east, Mattock Lane to the south and Barnes Pikle to the west. It is currently made up of several cleared and backland sites containing a number of standalone buildings to the south. The former Empire Cinema dating from 1934 was partially demolished in 2009, with the front facade retained. This retained facade is opposite the Grade II listed Town Hall and immediately adjacent to a group of buildings with facade value on New Broadway and some locally listed buildings on Bond Street. The application site is located within two conservation areas: the Ealing Town Centre Conservation Area which covers the northern half of the site and the Ealing Green Conservation Area which covers the southern element of the site.

5. The proposal includes the acquisition and demolition of a number of buildings within the development boundary, including the YMCA building, Walpole House (West London University) and Flava’s Bar and Grill which due to their position, condition, type of use or configuration, do not fit within the new scheme.

6. The northern boundary of the site is approximately 630 metres southwest of Ealing Broadway Station, which provides London Underground Central and District Line services to destinations including Epping and Hainault via Central London (Central Line) and Richmond, Wimbledon and Upminster via Central London (District Line). Ealing Broadway also provides access to national rail services to destinations including London Paddington, Greenford, Banbury, Oxford and Twyford. The site is also serviced by a number of local bus services on New Broadway and Bond Street. Crossrail is due to be operational from Ealing Broadway Station from 2018 onwards, and will provide high speed rail links between Maidenhead in the west and Shenfield/Abbey Wood in the east, via Central London. This generates a public transport accessibility level (PTAL) of 6a (on a scale of 1 to 6, where 6 is the most accessible).

7. The site is not located in an area designated at the local level as being at risk of flooding, and is designated as Flood Risk Zone 1 by the Environment Agency. The site is located within a
locally designated Archaeological Interest Area and is within an Air Quality Management Area (AQMA).

**Details of the proposal**

8. The redevelopment proposals seek to create a new cultural and community quarter for Ealing Town Centre. The development is proposed to provide up to 2,503 sq.m. of leisure floorspace including a multiplex cinema (Use Class D2), with between 4,509 sq.m. and 4,934 sq.m. of mixed commercial uses (including retail, restaurants, cafes and leisure) at ground and first floor level.

9. This will be delivered in four buildings:

   - **Block A** is proposed to utilise the retained locally listed facade of the former cinema, and will deliver a building of up to seven storeys set back behind this. Commercial uses will be provided at ground floor level, with between 60 and 74 private residential dwellings on the six upper floors, which will be stepped back from both the north and south elevations, so the highest element is to the centre of the block, reducing its impact to both New Broadway and the rear of properties on Mattock Lane.

   - **Block B** is proposed to be up to six storeys in height. Commercial floorspace will be located at ground floor, with between 16 and 20 private residential dwellings above, depending on building height.

   - **Block C** will comprise commercial units fronting onto Bond Street, and up to 28 affordable residential units will be located above (also accessed from Bond Street). This block would be up to six storeys in height, with a step-back from the north and east
elevations at the upper floors and the former Walpole Picturehouse Arch, which is currently located in a temporary position adjacent to No.2 Mattock Lane, would be incorporated into the facade of Block C to provide a new, high quality pedestrian entrance to the development from Bond Street.

- Block D forms the southern entrance to the scheme and faces Ealing Green. It is proposed to be up to five / six storeys in height, and will comprise two set-backs to ensure an acceptable relationship to the conservation area and nearby listed buildings. Commercial units are proposed at ground floor level, with frontages onto Mattock Lane and facing west within the development. The proposed cinema will be located at first floor level and up to 39 units of residential accommodation will be located at the upper floors.

10. The proposed development includes the demolition of the vacant locally listed YMCA building (Nos.14-16 Bond Street), Walpole House (Nos.18-22 Bond Street), which is currently occupied by the University of West London for administrative purposes, and Flavas Lounge Bar and Grill (No.1 Mattock Lane). Other existing buildings are proposed to undergo changes of use as follows: the rear of No.49 New Broadway (currently in residential use) would be converted to a cycle store and the rear of No.55 New Broadway (currently in storage use) would be converted to a management office suite.

Case history

11. Full planning permission for a 16 screen cinema with cafe and foyer areas was granted on the site in 2008. A number of applications to approve details reserved by condition were submitted in 2008 and subsequent applications for a minor material amendment and a non-material amendment (to increase the number of screens to 20 and add A3 units at ground floor level) were approved in November 2010 and November 2011 respectively. The planning permission was implemented through the demolition of the majority of the cinema building. The locally listed facade has been retained and is currently supported by girders on site. The land assembly is complex and ownership of the cinema site is now in the hands of receivers. Other sites within the wider application site are in a number of land ownerships and Ealing Council has resolved to use its compulsory purchase powers should negotiations with land owners fail to deliver the required assembly for the proposals to progress.

12. There is no planning history of a strategic nature although informal officer-led pre-application discussions have taken place in the lead up to application submission. Officers confirmed support for the principle of redevelopment of this town centre site, subject to clarification on a number of technical points, including affordable housing and transport.

Strategic planning issues and relevant policies and guidance

13. The relevant issues and corresponding policies are as follows:

- Principle of development: London Plan
- Housing – affordable housing: London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Providing for Children and Young People’s Play and Informal Recreation SPG
- Density: London Plan; Housing SPG
- Heritage: London Plan;
- Urban design: London Plan;
14. 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 Core Strategy 2012 and the 2011 London Plan (as altered October 2013).

15. The following are also relevant material considerations:

- The draft Ealing Development Sites Development Planning Document (DPD), Development Management DPD and Policies map (due to be adopted in October 2013).
- Draft Ealing Cinema Supplementary Planning Document (SPD) (September 2013).

**Principle of development**

16. The site is located on the western edge of Ealing Town Centre, which is classified as a Metropolitan Centre in the London Plan. London’s town centres are a key spatial priority of the London Plan, providing access to a range of services and enabling all parts of London to make a greater contribution to London’s economic success. London Plan policy 2.15 (town centres) sets out that development proposals should sustain and enhance the vitality and viability of the centre and support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and cultural services.

17. The site is locally designated in the emerging Ealing Council Development Sites DPD for “mixed use development appropriate to the town centre, including multi-screen cinema, retail, commercial and residential”. The draft Ealing Cinema SPD supports a masterplan approach to bring about the comprehensive redevelopment of the site and notes the opportunity offered by the site to revitalise Ealing town centre through the development of a new cultural quarter. Leisure uses contribute to London’s evening economy and ensure that town centres remain lively beyond shopping hours and as such the proposed uses are supported in line with London Plan policy 4.6 (support for and enhancement of arts, culture, sport and entertainment) which sets out that developments should address deficiencies in facilities and London Plan policy 4.8 (supporting a successful and diverse retail sector) which supports a strong, partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres.

18. The proposals to create a new cultural quarter with residential uses are in line with strategic objectives to ensure a wide range of uses to enhance the vitality and viability of the town centre. There is no strategic concern relating to the loss of office space on the site.
Housing

19. As the application is in outline form, the proposed indicative housing mix to be delivered within a range of parameters as follows:

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20. The scheme proposes a range of between 143 and 161 new homes, which would provide between 16% and 18% of Ealing’s annual housing target of 890 homes and this is welcomed in principle.

Affordable housing

21. The scheme is proposing to deliver 28 discount market sale units within Block C, which equates to 19.5% or 17.4% affordable housing (of 100% intermediate tenure) depending on the total number of units delivered. In order to accord with the Council’s policy and London Plan requirements that it be demonstrated that the maximum reasonable amount of affordable housing is being delivered, the applicant has submitted a viability assessment to the Council to support its assertions that an appropriate affordable housing offer is being made and that the proposal cannot support further section 106 contributions. The Council is currently undertaking an independent assessment of this viability report, the results of which would need to be shared with GLA officers before the Stage 2 referral.

Housing mix

22. As noted in the London Plan, there are circumstances where boroughs should consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation, to maximise affordable housing provision. Given the outline nature of the application it is suggested that a minimum level of delivery for affordable housing and the mechanism for the sale of and for maintaining the long-term affordability of the proposed units is secured through the draft section 106 agreement and the draft clauses for this would need to be provided to the GLA as part of the Stage 2 referral.

23. While the residential parameters for the scheme propose a range in the number of units that may be delivered; both the minimum and maximum parameters provide a similar mix. This mix is as follows: 20% studios, 38% one bedroom units, 34% two-bedroom units and 6% three-bedroom units. This is heavily skewed towards one and two-bedroom units (a total of 72%) and the family provision falls below the Council’s target and that set out in the Mayor’s Housing Strategy. Whilst it is acknowledged that this is a relatively high density development in a central location, with limited amenity space, such occurrences are common to many parts of London where families already choose to live. While the proposed town centre uses may not be compatible with family accommodation, given the proximity of the southern part of the site to open spaces such as Walpole Park and subject to the views of the Council, the applicant should explore the potential to increase the proportion of larger family sized units accessed from
Mattock Lane. It should also seek to reduce the number of studio apartments provided. Ealing Council should also confirm that the proposed mix will meet local housing need.

Residential quality

24. The applicant has provided an indicative floor plan for block A to demonstrate that the flats would meet the space standards set out in table 3.3 of the London Plan. However, the applicant should also provide indicative floor plans for the other proposed blocks. The Mayor’s Housing Design Guide sets out a number of other criteria which help ensure an acceptable standard of accommodation for future residents and it is noted that there are areas where the scheme does not meet best practice guidance. There is some concern that the layout of the units along double-loaded corridors results in a high number of single aspect units and an unacceptable number of units per core (13 units per core in the indicative layout). Confirmation is required that there are no single aspect north facing units in block B. Amendments will be expected in order to eliminate any single aspect north facing units and to reduce the number of single aspect units overall.

25. Given the outline nature of the proposals, it is suggested that the ten design principles as set out in the draft Ealing Cinema SPD along with those in the Mayor’s housing design guide are secured as a design code through the section 106 agreement. This will provide reassurance that the development will deliver a high standard of residential quality when the reserved matters are brought forward.

Children’s play space

26. The applicant has not considered the child occupancy of the development but based on the Mayor’s playspace SPG, around 17 children are predicted to live in the development of which 10 would be under the age of 5. This gives rise to a total child playspace requirement of 170 sq.m. of which 100 sq.m. should be provided on site. The roof terraces and balconies of the blocks could provide amenity and informal playspace if required but the applicant should address the issue in greater detail to ensure compliance with London Plan policy 3.6.

27. However, it is noted that the current provision is based on the low affordable housing offer presently suggested, and the required amount would be subject to change were further affordable housing to be provided in the development. As such, further amendments may be necessary if it is not possible to cater for the needs of residents on site and provision should be secured through the draft legal agreement or by condition.

Density

28. The site has a public transport accessibility level (PTAL) of 6a, and is classified as central in character whereby a density range of between 650-1,100 habitable rooms per hectare is suggested in the London Plan. The submitted material suggests a density of 366 habitable rooms per hectare (161 dwellings per hectare) which is well below the suggested density range for a site in this location. However, it is acknowledged that there a number of heritage constraints in the surrounding area which impact on the potential scale and massing of the proposals and that the site is being optimised to deliver a range of uses which require large amounts of the site floorspace. As such, the proposed density is likely to be acceptable.

Urban design and heritage impacts

Site layout

29. The applicant has sought to incorporate the required uses on the site while retaining the historical elements and this is welcome as it allows the site to be ‘read’ in terms of its historical
continuity of use for leisure purposes. The proposed layout makes effective use of the available space across the sites to deliver a range of uses and a new area of public realm which will enable this to become a successful urban quarter in Ealing town centre. The layout of the blocks and the creation of new entrances onto Bond Street and a generous north-south route through the site from Mattock Lane to New Broadway will greatly enhance the permeability and legibility of the site. The proposal will deliver active frontages onto each of the site edges and this is welcomed however, further confirmation on how the service, storage and back of house uses will be accommodated should be provided.

30. As this is an outline application and these factors are key to the successful layout and functioning of the site, these elements should be secured in a design code.

Scale and massing

31. The proposed height and scale is greater than some of the existing uses in the surrounding area, however, subject to quality indicators being secured through a design code, this is not necessarily of concern. While it is acknowledged that there will be an impact on the conservation area, it is accepted that efforts have been made to ensure that the scale of the blocks on the southern part of the site (Block D) are sympathetic to the neighbouring heritage assets while shielding the massing of the north of the site from view. Further CGIs of the frontage on Mattock Lane are requested to demonstrate that the impact on Ealing Green Conservation Area is minimal.

Appearance

32. Given the outline nature of the application, the proposed detail of the final finish has not yet been decided. The applicant has provided some CGI images to demonstrate the intention of the final design, but given that discussions are on-going with English Heritage, it is recommended that these matters are covered by condition. Materials used should be of a simple palette and should be secured in the design code.

Heritage impacts

33. The site is partially located within the Ealing Town Centre Conservation Area (northern portion of the site) and the Ealing Green Conservation Area (southern portion of the site and Bond Street). The retained facade of the former cinema building is locally listed, as is the YMCA building, which is proposed to be removed. There are also a number of listed and locally listed buildings in the vicinity of the site (such as Grade II listed Ealing Town Hall and Grade II* listed Pitzhanger Manor).

34. Policy 7.8 of the London Plan requires developments to identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and notes that developments affecting heritage assets should conserve their significance. As such, while the loss of the locally listed YMCA building is regrettable, the preservation of the Walpole Picture Arch and the Cinema facade within the scheme, to some point mitigates against this loss. The Heritage Appraisal submitted in support of this application also notes that this building has a modest architectural value and it is noted that the loss of the YMCA building allows for the land assembly necessary to deliver the significant public benefits of the scheme.

35. The proposed demolition of Flava’s Lounge Bar and Grill is not considered contentious in heritage terms although the loss of several trees is acknowledged and provision for the replacement of these within the site should be made in line with London Plan policy 5.10.

36. The proposed bulk and massing of this building has evolved significantly following comments from English Heritage and the London Borough of Ealing. The height of the building
has been reduced and its upper floors set back in order to reduce the impact of the building on the surrounding context. The block is now intended to be a subservient structure, albeit a new addition, that complements the surrounding built environment and would be subservient to the principal heritage assets of Pitzhanger Manor and Walpole Park. It is not considered that the proposed scheme would harm the Ealing Green Conservation Area, however, further images of the proposed frontage along this edge of the site are requested.

37. As such, it is considered that the loss of the YMCA building may be acceptable on balance. However, if the quality of the overall proposal is to be used to justify its loss, then a design code must be secured to ensure that the proposal lives up to the expectation of delivering exceptional design quality and to ensure no further harm is caused to the conservation areas and neighbouring heritage assets. This design code should cover the design principles as set out in the draft Ealing Cinema SPD as well as the outline development parameters and indicators for design and residential quality. It should be secured through the draft legal agreement.

**Inclusive design**

38. The application is accompanied by an access statement, which covers the basic principles of access across the site, pedestrian routes, and drop off points. Inclusive design is not addressed in detail and it is instead noted that detailed design of the public realm, to be submitted for approval at the reserved matters stage, will ensure that the public realm is accessible and usable for all. The site is largely level and there should be no barriers to providing level access across the site. The proposal increases permeability through the site, which is welcomed, and level access is provided to the retail and leisure uses provided at ground floor. Given the range of uses and level of activity, a careful landscaping strategy will be required to ensure that pedestrian mobility is not impaired by street furniture and planting. The proposals to include a dropped seating area must be fully accessed in terms of accessibility – in particular no slanting steps should be included.

39. London Plan paragraph 2.72 also sets out that developments should make provision for civic facilities such as accessible toilets, baby changing facilities and changing rooms and given the town centre location, the applicant should make provision for these within the proposals.

40. The applicant has confirmed that 10% wheelchair units would be provided, across a range of unit sizes and tenures, with second lifts also provided in all cores. The access statement shows the typical flat layout of the wheelchair accessible home and but has not explained how these can be adapted to meet future requirements, together with details of how each of the 16 points for Lifetime Homes will be met. This should be provided. Given the outline nature of the proposal appropriately worded conditions should also be used to secure the inclusive design elements as part of any planning permission.

41. In terms of parking provision, the scheme proposes 13 allocated accessible parking bays – all at street level and in close proximity to the lift core for Block A. This is in accordance with the Housing SPG, but a parking management plan should also be secured by planning condition to include a mechanism to ensure that the supply and demand of the blue badge bays are regularly monitored and provision reviewed.

42. Planning conditions are required to secure the inclusive design elements of the proposal and provision for civic amenities should be addressed to ensure compliance with London Plan policy 4.5.

**Climate change mitigation**

43. The applicant has followed the energy hierarchy and is proposing to reduce carbon emissions by 26%, thus exceeding the London Plan requirement. In total, 15% savings will be
achieved from energy efficiency measures - both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include reduced thermal bridging, mechanical ventilation with heat recovery, variable speed drives and efficient controls. The demand for cooling will be minimised through openable windows and solar control glazing.

**District heating**

44. The applicant has identified that the proposed Ealing district heating network is within the vicinity of the development and is proposing to connect to the network. Connection to the network should continue to be prioritised and evidence of correspondence with the network operator should be provided. Should timescales not allow immediate connection the applicant has provided a commitment to ensuring that the residential element of the development is designed to allow future connection to a district heating network should one become available. The applicant should commit to ensuring that all elements of the development (domestic and non-domestic) are suitable for connection to a district heating network should one become available.

45. The applicant is proposing to install a site heat network. However, the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network. A drawing showing the route of the heat network linking all buildings on the site should be provided. The site heat network should be supplied from a single energy centre. Further information on the floor area and location of the energy centre should be provided.

**Combined Heat and Power**

46. The applicant is proposing to install a 30 kWe gas fired combined heat and power (CHP) unit as the lead heat source for the domestic buildings. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO2 emissions of 40.6 tonnes per annum (11%) will be achieved through this second part of the energy hierarchy (see table below). Given the small nature of the system, the applicant should provide further information on the electricity sale strategy and management arrangement for the CHP. The applicant should also investigate the opportunity to serve the non-domestic uses from the CHP system with the aim to optimise plant size and efficiency.

**Renewable energy technologies**

47. The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 100 sq.m. of photovoltaic (PV) panels on the south facing roof of the building. A plan showing the proposed location of the PV has been provided.

48. The applicant states that the commercial units and cinema will be provided with capped incoming services only, meaning that only the design values relating to building fabric and air permeability will be specified. The applicant is however proposing to recommend within the green building guide to the buildings the specification of an air source heat pump system to provide heating and cooling in the non-domestic buildings.

49. Further information should be provided as requested and the energy strategy should be secured through the draft legal agreement.

**Climate change adaptation**

50. The applicant has submitted a sustainability statement, carried out in accordance with Ealing Council and GLA guidance, and including relevant Code for Sustainable Homes and BREEAM pre-assessments. It is intended that all homes meet Code for Sustainable Homes Level
4 and ‘Very Good’ for the commercial units, and the energy strategy sets out a number of techniques proposed to reduce energy consumption and cut carbon emission in line with the Mayor’s standards.

**Flood Risk**

51. A Flood Risk Assessment (FRA) has been undertaken by ARUP, this confirms that the site is within Flood Zone 1. As such the principle of the development is acceptable in flood risk terms.

**Surface Water Run-off**

52. The FRA suggests that the site cannot be attenuated to greenfield run-off rates in line with the Mayors preferred standard as set out in his Sustainable Design and Construction SPG. Instead the FRA identifies approximately one third of the site for attenuation to greenfield run-off rates using a combination of permeable paving, green roof and below ground geo-cellular storage. The remaining two thirds of the site is proposed to have un-restricted run-off, but contains an emergency flood storage area.

53. This proposal appears to fall short of the Mayor’s essential standard in the SPG and fails to comply with London Plan Policy 5.13, although consideration of an emergency surface water storage area is welcomed and the location within a town centre is recognised as likely to restrict the number availability of SUDS options. It is considered that there is scope for further green roof, and or permeable paving in the remainder of the site. The applicant should examine these options prior to any Stage 2 referral to the Mayor.

54. The specified surface water management measures should be secured using an appropriate planning condition.

**Transport**

55. Transport for London (TfL) welcomes the car free nature of the development in line with policy 6.13, and the 13 on-site spaces for Blue Badge holders. In addition, Electric vehicle charging points (ECVP’s) in line with London Plan standards should be secured by planning condition. Future occupants of the development should also be excluded from eligibility for on-street local car parking permits, to be secured by the legal agreement. The proposed levels of cycle parking provision on site are agreed and supported.

56. The trip generation for the retail uses needs to be revisited to comply with London Plan policy, as detailed in TfL’s initial comments provided to the Council. TfL requires this information to be submitted in order to determine whether or not the impacts of the proposals on the transport network are acceptable.

57. ‘Ealing Broadway Interchange Study’ (June 2013) commissioned jointly by TfL and Ealing Council appraises options for improving the quality of the interchange and environment at Ealing Broadway. TfL would encourage Ealing Council to secured contributions towards the improvements identified as part of this report.

58. One of the options includes the development of a bus stand on the west side of Bond Street, to enable a reduction in bus standing on Haven Green. Therefore, TfL invites the applicant to reconsider the proposed on-street servicing arrangements for this development, as detailed in appendix I of the Transport Assessment, to ensure that they do not prevent the delivery of a bus stand at this location and impact on traffic delays. TfL would welcome the opportunity to work with the Council and applicant to agree an appropriate alternative arrangement.
59. TfL also requests a £10,000 contribution towards the bus shelter upgrade at bus stop 743 on New Broadway as part of the bus infrastructure modernisation programme and in accordance with London Plan policy 6.7 and 6.10. Additionally a contribution towards the Legible London scheme is required. The necessary number of signs and level of contribution should be agreed with Ealing Council.

60. The Travel Plan should be secured through a section 106 agreement and a Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) should be secured by condition.

61. The Mayor has introduced a London wide Community Infrastructure Levy (CIL) to contribute towards the funding of Crossrail. The rate for Ealing is £35 per square metre (gross internal area). The required CIL should be confirmed by the applicant and council once the components of the development have been finalised.

62. As the application site lies within 1 kilometre of Ealing Broadway rail station, which will be served by Crossrail in 2019, a contribution is required towards Crossrail in line with London Plan 6.5 and the methodology outlined in the Mayor’s ‘Use of planning obligations in the funding of Crossrail’ Supplementary Planning Guidance (SPG). Based on the proposed floorspace figures provided by the applicant, a contribution of between (dependent on which quantum and land use matrix is implemented) £53,648 and £60,448 is required and should be paid upon commencement of the development secured as part of a section 106 agreement. Any payment towards the Mayor’s CIL will be treated as a credit towards the amount required under the SPG.

63. To ensure that the development is consistent with the transport policies of the London Plan, the following matters should be addressed and where appropriate secured through a condition and/or the legal agreement:

64. Submission of a trip generation methodology for the commercial use assessing the worst case scenario

- £10,000 towards an upgraded bus shelter on New Broadway
- Contributions towards the installation of wayfinding, ‘Legible London’ signs are required
- Provision of electric vehicle charging points to be secured
- Provision of a Residential and Framework Travel Plan to be secured
- Provision of a Delivery and Servicing Plan to be secured
- Re-assess on-street servicing arrangement proposed for Bond Street
- Provision of a Construction Logistics Plan to be secured
- Contributions towards the Mayoral CIL are required
- Contributions towards Crossrail

**Local planning authority’s position**

65. The Council is presently reviewing the application, and awaiting independent evaluation of the submitted viability report. It supports the provision of a cultural quarter on the site as a key corporate objective.
Legal considerations

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

Financial considerations

67. There are no financial considerations at this stage.

Conclusion

68. London Plan policies on town centres, housing, urban design and heritage, climate change and transport are relevant to this application. The application complies with some London Plan policies but not with others, as detailed below:

- **Principle of use**: The principle of a leisure-led with residential mixed use development is supported in this town centre location.

- **Housing**: The offer of between 19.5% or 17.4% discount market sale is currently under independent review and the Council should share the results of this and confirm housing mix is appropriate to meet local housing need. It is not clear that the residential quality is in accordance with the Mayor’s Housing Design Guide and further indicative plans are requested. Further discussion and amendments are required and provision for play space needs to be addressed.

- **Urban design and heritage**: Given the outline nature of the proposals, the design principles set out in the draft Ealing Cinema SPD and the relevant elements of the Mayor’s London Housing Design Guide should be secured through the legal agreement to serve as a design code for the development. The loss of the locally listed YMCA building is regrettable but has been justified in terms of the wider regeneration benefit, provided further images of the southern part of the site are provided and the quality of the proposals are secured through a design code.

- **Inclusive design**: The inclusive design provisions are welcomed but further information on the lifetime homes should be provided. This and the 10% wheelchair accessible flats should be secured by condition.

- **Climate change**: The applicant has broadly followed the energy hierarchy to achieve carbon dioxide emission reductions of 26%. Sufficient information has been provided to understand the proposals as a whole however, further information is required in relation to the CHP and energy centre. The sustainable drainage elements should be addressed and the wider sustainability measures proposed should be secured by way of condition.

- **Transport**: Additional trip generation and information is required. A PERS should be undertaken and contributions towards any identified improvements and Legible London signing secured through the section 106 agreement. Conditions, as detailed above are also required.
69. Given the outline nature, much of the detail of the proposal is to be decided at a later stage through the reserved matters applications. As such, and to provide comfort to the Mayor, it is recommended that provisions are made in the section 106 agreement to secure the design and residential quality (through a design code) and the housing, climate change, inclusive design and transport elements of the proposal in line with the London Plan.

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