Strategic planning application stage II referral


The proposal

Demolition of existing 6 storey office building and erection of a part 4, 6/7/8/9 storey hotel with 90 bedrooms.

The applicant

The applicant is Chart Forte Court (UK) Ltd and the architect is Dexter Moren Associates.

Strategic issues

Outstanding issues in relation to energy and transport were resolved satisfactorily.

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 4 February 2014 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 the following Categories of the Schedule to the Order 2008:

- Category 1C: “Development which comprises or includes the erection of a building of one or more of the following descriptions – (c) more than 30 metres high and is outside the City of London.” and,

- Category 3E: “Development – (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500sqm of floor space for a use falling within any of the following classes in the Use Classes Order – (xii) class C1 (hotels).”
On 7 March 2014 the Mayor considered planning report D&P/3368/01, and subsequently advised Ealing Council that the application did not comply with the London Plan, for the reasons set out in paragraph 35 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies.

A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 12 March 2014 Ealing Council decided that it was minded to grant planning permission and on 14 March 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 Ealing Council under Article 6 to refuse the application 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 27 March 2014 to notify the Council of his decision and to issue any direction.

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

Update

At the consultation stage Ealing Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 35 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies:

- **Principle of use**: The proposal for a change of use from office to hotel is supported.
- **Sustainable development/energy**: Further information in regard to efficiency measures, district heating network, CHP and renewable energy should be provided.
- **Transport**: TFL has identified several strategic transport concerns as detailed above and further discussion is required to ensure compliance with the transport policies of the London Plan.

**Sustainable development/energy**

The applicant has provided some further information in response to the energy issues raised at stage I. While there is some concern regarding the choice of technology and lack of information regarding possible connection to a future district heat network, the proposal exceeds the 40% carbon dioxide savings target set out in the London Plan. Given the scale of the development proposed and the characteristics of the site the proposed energy strategy is acceptable and has been secured by the Council.

**Transport for London’s comments**

At Stage 1 consultation, TFL raised a number of issues including mode share assessment, pedestrian (PERS) and bus stop accessibility audit, disabled, servicing vehicle and coach parking. The applicant has subsequently provided further details confirming that the proposal would generate about 50 fewer trips than the existing office building; this is accepted by TFL. Ealing Council has therefore agreed that pedestrian (PERS) and bus stop accessibility audits are not necessary. They have nevertheless secured a contribution of £25,000 towards local public realm improvements and a further £25,000 toward local highway and public transport improvements which TFL supports.

TFL is content that the applicant has agreed to provide one servicing only bay within the site; as well as an on-street coach pick up/drop off bay; the provision of these facilities secured by planning conditions.

TFL is also satisfied that Ealing Council has secured 6 disabled parking spaces, cycle parking, submission of construction management plan, construction logistics plan, delivery and servicing
plan and works to remove redundant vehicular crossover by planning conditions. In addition, a travel plan and a business permit exemption are secured through the section 106 agreement.

10 In summary, TfL concludes that that the proposals are in conformity with London Plan transport policies.

Response to consultation

11 202 neighbours, including properties and residents on Uxbridge Road, Mattock Lane, Pursewarden’s Close, Arden Road, Denmark Road, Dane Road and St Helen’s Road were notified of the proposal by mail. The proposal was the subject of a Site Notice and an advertisement identifying the proposal as a major development and a departure from the development plan in the local press.

12 Response from residents and the neighbourhood:

- Only one response was received, from the Project Manager of 113 Uxbridge Road, the site to the west, where a new office building is currently under construction on the grounds that they should have been notified of the application under Certificate B.
- The agent has responded on this point that they have discussed it with their client’s solicitor and that the owners of Number 113 only have a right to park at the rear of Number 111 and a right of access to that parking area and do not have any leasehold interest nor any other proprietary interest.
- Notwithstanding the above, this is a legal matter rather than a planning issue, which the objector has been informed of by telephone. The proposed redevelopment of 113 Uxbridge Road does not include any parking provision on 111 Uxbridge Road. Nevertheless, the loss of existing parking to 111 Uxbridge Road needs to be assessed in planning terms. The application for the redevelopment of this site includes 3 disabled parking spaces on site, with no parking on 113 Uxbridge Road. Given the above, the loss of this parking area is considered acceptable in planning terms.
- Angie Bray MP: No response.
- Ward Councillors: No response.
- Ealing Civic Society: No response.
- Ealing BID Company Ltd: No response.
- Ealing Chamber of Commerce: No response.
- Ealing Green Conservation Area Panel: No response.
- Five Roads Forum: No response.
- Save Ealing Centre: No response.
- Twentieth Century Society: No response.
- Walpole Residents Association: No response.

13 Response from external/statutory consultees:

- English Heritage Archaeological Advisor: No objection subject to condition and informative.
- Environment Agency: No objection.
- London Fire Brigade: No objection, but offered advice if burning is proposed for disposing of waste materials.
- Thames Water: No objection subject to conditions and informatives.
Concerns raised which have relevant planning issues have been resolved and/or addressed via appropriate conditions.

**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. 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 guidance in Circular 03/2009 (’Costs Awards in Appeals and Other Planning Proceedings’) 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.

**Conclusion**

Outstanding issues are addressed. The proposed development is acceptable in strategic planning terms.

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Strategic planning application stage 1 referral

The proposal
Demolition of existing 6 storey office building and erection of a part 4,6/7/8/9 storey hotel with 90 bedrooms.

The applicant
The applicant is Chart Forte Court (UK) Ltd and the architect is Dexter Moren Associates.

Strategic issues
Principle of land use & tourism/hotel, energy and transport are the most relevant strategic planning issues which are dealt within this report.

Recommendation
That Ealing Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 35 of this report; but that the possible remedies set out in that paragraph of the report could address these deficiencies.

Context
1 On 4 February 2014 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 10 March 2014 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under:

- Category 1C of the Schedule to the Order 2008: “Development which comprises or includes the erection of a building of one or more of the following descriptions – (c) more than 30 metres high and is outside the City of London.” and,
• Category 3E of the Schedule of the Order 2008: “Development – (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500sqm of floor space for a use falling within any of the following classes in the Use Classes Order – (xii) class C1 (hotels).”

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

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The application site located in Ealing Metropolitan Town Centre, at 111 Uxbridge Road, and has an area of 745sqm. Currently the site accommodates ‘Park House’ a 1960s office building with little architectural merit and is vacant. This part of Uxbridge Road comprises a sequence of buildings most of which are in some form of commercial use, mostly offices or hotels. These include the redevelopment of the area with consented schemes; at 113 Uxbridge Road for a 7 storey office building and the nearby 21 and 8 storey residential towers and hotel of the Apex development.

6 The A4020 Uxbridge Road, forms part of the Strategic Road Network (SRN), Gunnersbury Avenue, located 1.7km to the east, forms part of the Transport for London Road Network (TLRN). The site is well served by buses with a total of seven bus routes available from the bus stop located 50m to the west on the A4020. Ealing Broadway station is located approximately 940m to the north east of the site and provides access to the Central and District London Underground lines. National Rail services to Paddington are available from both this station and West Ealing, the latter being located 700m to the north west. The site has therefore been estimated to have an excellent public transport accessibility level (PTAL) of 6b, on a scale of 1-6 where 6 is most accessible. In 2018 both rail stations will also benefit further from Crossrail services.

Details of the proposal

7 This application seeks a full planning permission for the demolition of the existing office building (class B1a) and erection of a part 4,6/7/8/9 storey hotel with 90 bedrooms, 7 disabled car parking spaces to rear accessed off Culmington Road; landscaping and ancillary works.

Case history

8 Most recently, on 15 November 2013, the site obtained approval for a change of use from office (use class B1a) to residential use (use class C3) under class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (prior approval process) – application reference PAN/2013/4076.

Strategic planning issues and relevant policies and guidance

9 The relevant issues and corresponding policies are as follows:

- Principle of land use London Plan
- Tourism/hotel London Plan; Good Practice Guide on Planning for Tourism (DCLG)
- Sustainable development London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy
- Transport London Plan; the Mayor’s Transport Strategy; Land for Industry and Transport SPG
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 2012 Ealing Core Strategy, Development Management DPD 2013, Development Sites DPD 2013, and the 2011 London Plan (with Alterations, 2013).

The following are also relevant material considerations:

- The draft Further Alterations to the London Plan (January 2014).

**Principle of land use: change of use from office to hotel**

The applicant stated that the 1960s office building which is to be demolished has been vacant for years and despite extensive marketing over the years by Longford, Regus and Michael Rogers, it has not been successful in achieving a fully let building.

The applicant demonstrated that there are a number of reasons why the building has not let including, too small floor plates, poor floor to ceiling height, the appearance of the building, not being fully DDA compliant and as a headquarters building it is spread over too many floors. There is already a significant level of office accommodation available within the Borough and surrounding areas, such as the Ealing Cross building that have sufficient capacity to meet the limited office demand in the area. In total there is in the region of 24,571sqm of available office floor space within the local area accommodated within 21 separate buildings. The level of office floor space contained within Park House comprises only 3.75% (922sqm) of this total level of availability.

The applicant pointed out that the site is particularly suited to hotel development as a result of its town centre location, its accessibility and Ealing’s wider strategic location within London. The upper economy hotel brand is underrepresented within the borough and this site provides an opportunity to deliver a hotel that directly responds to market requirements in Ealing as well as meeting relevant planning policy requirements. There is currently an agreement in place for the hotel to be operated by Hampton by Hilton - an upper economy hotel.

The applicant has also demonstrated that the hotel development at the site would bring with it a number of benefits to the local and wider area including employment opportunities for local people, increased spending within the local area including Ealing town centre and the regeneration of the site with a viable and long term use.

Considering the above arguments and given the fact that there is evidence at a strategic planning level of a limited demand for office use outside central London, the proposal for a change of use from office to hotel on the site is supported in principle. Overall the proposed development will have a positive impact on the site and its immediate and wider context.

The Council’s committee report has also justified the loss of an employment use in the office quarter and Town Centre on a site allocated for `office-led redevelopment’ in the Development Sites Development Plan Document as an exceptional case due to the fact that the majority of the offices on site have been vacant since early 2013, and the loss in this instance is considered to be relatively small, and could be absorbed across the wider officer quarter (and allocations), without compromising the ability to achieve a critical mass of office floor space.

The committee report pointed out that as an alternative to an office use, the retention of this space in a commercial activity such as a hotel is considered preferable, and will be key to retaining a link between other commercial activities (primarily retail) in Ealing Broadway and West Ealing. A hotel use would also importantly complement Ealing’s shopping market. It should also be noted that a Prior Approval Notice has been granted for the use of the existing building for residential (see history). The use of the site as a hotel would be preferable to residential in this
location in land use terms, given its commercial nature and that whilst not an employment use, there would be people employed on site. Notwithstanding the above, a section 106 contribution of £15,000 for training and employment is suggested to help mitigate the loss of a building in employment use.

**Sustainable development/energy**

**Energy efficiency standards**

19  The development is estimated to achieve a reduction of 22 tonnes per annum (7%) in regulated CO₂ emissions compared to a 2010 Building Regulations compliant development. A BRUKL sheet for the scheme including efficiency measures alone should be provided to support the savings claimed.

**District heating**

20  The applicant has not carried out an investigation on the availability of district heating in the area. The London Heat Map shows that the site is located within the Ealing Metropolitan district heating opportunity area and that a district heating main is proposed to run along Uxbridge Road. Connection to the network should be prioritised and evidence of correspondence with the network developer including details of timescales and design requirements for connection should be provided.

21  The applicant is proposing a heat network to provide the domestic hot water and a Variable Refrigerant Flow (VRF) system to provide the space heating and cooling. This approach is not supported. The applicant should ensure that the design allows easy connection (immediately or in the future) to a district heating system to provide both domestic hot water and space heating.

22  The applicant should revise the design to ensure that the system allows connection to district heating for both space heating and domestic hot water. The site heat network should be supplied from a single energy centre.

**Combined Heat and Power (CHP)**

23  The applicant has stated that the feasibility of CHP has been investigated, however no information has been provided to support this statement. Evidence should be provided, including monthly load profiles and likely demands to be met by CHP, to demonstrate that this technology has been properly investigated before moving to the “be green” step of the energy hierarchy.

**Renewable energy technologies**

24  The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a communal heat recovery heat pump to provide the domestic hot water, and a VRF heat pump system to provide space heating and cooling to the guest rooms.

25  A reduction in regulated CO₂ emissions of 135 tonnes per annum (43%) will be achieved through this third element of the energy hierarchy. Further information on the sizing of the systems and loads to be met should be provided to support the savings claimed.

**Overall Carbon Savings**

26  A reduction of 158 tonnes of CO₂ per year in regulated emissions compared to a 2010 Building Regulations compliant development is expected, equivalent to an overall saving of 47%.

27  The carbon dioxide savings exceed the targets set within Policy 5.2 of the London Plan, however the comments above should be addressed before compliance with London Plan energy policy can be verified.
Transport for London’s Comments

28 Due to the relatively small scale and nature of the development proposals, the anticipated impacts on the road and bus networks are likely to be acceptable.

29 The proposal to provide seven accessible parking spaces for disabled users is also considered acceptable.

30 The proposed development is within the London Borough of Ealing where the proposed Mayoral CIL charge is £35 per square metre. It is also noted that the site is within 1km of West Ealing station which will be served by Crossrail; however no Crossrail SPG contribution would be applicable as the proposal is for a hotel.

31 TfL however considers that the following issues are currently not adequately addressed and these will be raised with the Council directly and should be addressed before the scheme is referred back to the Mayor:

- Undertake mode share assessment to confirm the acceptability of the impact on public transport services;
- Undertake an accessibility audit of local bus stops to identify any necessary upgrade or improvements;
- Undertake a pedestrian review (PERS) audit to identify any necessary improvements of pedestrian routes to local amenities and transport nodes;
- Designate the proposed shared use accessible/service bay for servicing use only.
- Secure the provision of on-street coach pick up/drop off point on Culmington Road.
- Secure the construction management plan, construction logistics plan, delivery & servicing plan and a travel plan via appropriate conditions/s106 agreement.

Local planning authority’s position

32 Ealing Council planning officers are recommending the application for approval.

Legal considerations

33 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

34 There are no financial considerations at this stage.

Conclusion

35 London Plan policy on principle of land use: change of use from office to hotel use, energy and transport are most relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of use**: The proposal for a change of use from office to hotel is supported.
- **Sustainable development/energy**: Further information in regard to efficiency measures, district heating network, CHP and renewable energy should be provided.

- **Transport**: TfL has identified several strategic transport concerns as detailed above and further discussion is required to ensure compliance with the transport policies of the London Plan.

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

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