Strategic planning application stage II referral


The proposal

Hybrid full and outline application for the demolition of Rome House and Castle House and the residential redevelopment of the site (including affordable housing), within six apartment buildings and a row of terraced town houses, shared surface access, public and private open space, cycle parking and car parking spaces:

(i) Full details submitted for Phase 1 comprising 142 residential units within three buildings ranging from three to thirteen storeys, 37 undercroft car parking spaces, shared surface access road and amenity space.

(ii) Outline approval sought for access, layout, landscaping and scale of phase 2, with matters of appearance reserved, comprising circa 154 flats and 18 town houses with cycle parking and car parking spaces.

The applicant

The applicant is Telereal Trillium, the architect is CJCT and the agent is WYG Planning.

Key dates

Pre-application: 24 February 2015
Stage 1 reporting: 23 September 2015
Planning Committee date: 15 June 2016

Strategic issues summary

**Housing mix:** The applicant has provided a housing mix for phase 2 and assurance has been provided that the overall development will deliver a high proportion (30%+) of family units (Paragraphs 6-7).

**Affordable housing:** The final affordable housing offer for phase 1 is 23.4% by habitable room (25% by residential units) with phase 2 having a review mechanism which will secure up to 35% affordable units subject to a FVA and review. The final amount of affordable housing will be potentially 30% across the entire development (Paragraphs 8-16).

**Urban design:** The applicant as request has provided design coding and parameter plans for phases, which are secure by condition and has adopted the required design layout changes.
Assurance has also been provided over on-site and off-site pedestrian access (Paragraphs 18-21).

**Transport:** A higher level of parking provision for phase 2 has been accepted because of a large proportion of family-type accommodation; cycle parking as requested has been increased; and £3,000 per phase has been secured for travel plan monitoring and £300,000 toward local pedestrian, cycling, public transport and public realm improvements (Paragraphs 24-28).

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

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

2. On 23 September 2015 the Mayor considered planning report D&P/3583/01, and subsequently advised Ealing Council that the application did not comply with the London Plan, for the reasons set out in paragraph 67 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies.

3. A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 15 June 2016 Ealing Council decided that it was minded to grant planning permission and on 8 November 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Ealing Council under Article 6 to refuse the application or issue a direction to Ealing Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 21 November 2016 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 while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 67 of the report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Housing mix:** The housing mix for the outline application for phase 2 is required and the overall housing mix should be established. The range of unit sizes for phase 1 includes a high proportion small units and this mix should be reviewed to provide units in line with the aims of Policy 3.11 or demonstrate that the overall housing mix with phase 2 delivery will result in a higher proportion of 3 bed units.

- **Affordability housing:** The applicant has completed a viability appraisal and this establishes an initial affordable housing offer of 20% (62 residential units). The applicant’s viability assessment should be independently reviewed on behalf of Ealing Council.

- **Children & young person’s play:** The applicant has not completed as assessment of child yield using the Mayor’s Shaping Neighbourhoods: Play and Recreation SPG (2012) and this should be provided for both phases and overall strategy established. Although phase 2 is for an outline application, the applicant should calculate the space requirements and location of play space provision and this should be secured by condition.

- **Urban design:** The overall approach to the masterplan layout is supported but detailed aspects of the scheme require further refinement before stage 2. Assurance is required in relation to securing the design quality of phase 2 through parameter plans and design coding which should be secured by condition.

- **Access:** The applicant’s design & access statement establishes that 10% of all units will be wheelchair accessible or adaptable for the outline phase this commitment should be secured by condition. The applicant should demonstrate how Accessible London SPD guidance on safe zones and levels has been considered and integrated within the shared surface public realm.

- **Energy:** The carbon dioxide savings meet the target set within Policy 5.2 of the London Plan however the comments provided should be addressed before compliance with London Plan energy policy can be verified.

- **Transport:** TfL require the level of car parking is reduced or explain the high ration for phase 2; the level of cycle parking should be increased; a PERS audit should be undertaken to assist Ealing in securing improvements to links to The Avenue; the Delivery and Servicing Plan (DSP) should be secured by condition; and construction Management Plan (CMP) and a Construction Logistics Plan (CLP) should be provided and both of these plans should be secured by condition and/or through the s106 agreement.

Housing mix

6 As requested at stage 1 the applicant has provided a housing mix analysis for the outline application for phase 2 development and for the overall scheme. The phase 2 outline application housing mix (Table 1) includes a high proportion of family units (43%) and this helps to balance the small proportion delivered in phase 1.
### Table 1: Housing Mix: Phase 2 outline application

<table>
<thead>
<tr>
<th>Size</th>
<th>Units</th>
<th>Total %</th>
<th>Habitable Rooms</th>
<th>Total %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1B2P</td>
<td>51</td>
<td>31</td>
<td>102</td>
<td>17</td>
</tr>
<tr>
<td>2B3P</td>
<td>11</td>
<td>7</td>
<td>33</td>
<td>5</td>
</tr>
<tr>
<td>2B4P</td>
<td>31</td>
<td>19</td>
<td>93</td>
<td>15</td>
</tr>
<tr>
<td>3B5P</td>
<td>43</td>
<td>26</td>
<td>215</td>
<td>36</td>
</tr>
<tr>
<td>3B6P</td>
<td>10</td>
<td>6</td>
<td>50</td>
<td>8</td>
</tr>
<tr>
<td>4B6P</td>
<td>18</td>
<td>11</td>
<td>108</td>
<td>18</td>
</tr>
<tr>
<td><strong>Total No. Units</strong></td>
<td><strong>164</strong></td>
<td><strong>100</strong></td>
<td><strong>601</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

7. The overall housing mix (Table 2) will deliver 30%+ provision of 3 bed units which responds positively to concerns raised at stage 1 in relation to the low proportion of family units and this aspect of the development is therefore compliant with the London Plan.

### Table 2: Full Housing Mix

<table>
<thead>
<tr>
<th>Size</th>
<th>Units</th>
<th>Total %</th>
<th>Habitable Rooms</th>
<th>Total %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1B2P</td>
<td>112</td>
<td>37</td>
<td>336</td>
<td>26</td>
</tr>
<tr>
<td>2B3P</td>
<td>18</td>
<td>6</td>
<td>54</td>
<td>4</td>
</tr>
<tr>
<td>2B4P</td>
<td>84</td>
<td>27</td>
<td>420</td>
<td>32</td>
</tr>
<tr>
<td>3B5P</td>
<td>63</td>
<td>21</td>
<td>315</td>
<td>24</td>
</tr>
<tr>
<td>3B6P</td>
<td>7</td>
<td>2</td>
<td>42</td>
<td>3</td>
</tr>
<tr>
<td>4B6P</td>
<td>22</td>
<td>7</td>
<td>132</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total No. Units</strong></td>
<td><strong>306</strong></td>
<td><strong>100</strong></td>
<td><strong>1,299</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

### Affordable housing

**Initial affordable offer**

8. At stage 1 the applicant completed a Financial Viability Assessment (FVA) which established an initial affordable housing offer of 20% (63 residential units) with 29 units delivered at phase 1 and 34 provided at phase 2. It was indicated by the applicant that this affordable offer was made despite its viability appraisal indicating the scheme should have zero affordable - given the existing rent from BT, the existing use value of the site is high, and the residual land value of the site, falls below the EUV.

**Revised offer**

9. The applicant’s FVA has been independently reviewed on behalf of Ealing Council. Following negotiation during the s106 preparation the final offer is 25% affordable units (23.4% by habitable rooms) within phase 1 (full application) with as requested at stage 1 a review mechanism for the outline phase 2 affordable housing which will be tested to deliver a minimum of
35% affordable (61 residential units with mix to be determined). This is secured in the s106 agreement. The overall affordable offer development could be 30% by unit (93 units) should this be achieved.

Table 3: Phase 1 Affordable housing mix

<table>
<thead>
<tr>
<th>Size</th>
<th>Affordable Rent</th>
<th>Shared Ownership</th>
<th>Total units</th>
<th>Habitable rooms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Units</td>
<td>Habitable Rooms</td>
<td>Total</td>
<td>%</td>
</tr>
<tr>
<td>1B2P</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td>56</td>
</tr>
<tr>
<td>2B3P</td>
<td>4</td>
<td>12</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>2B4P</td>
<td>2</td>
<td>6</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>3B5P</td>
<td>2</td>
<td>10</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>3B6P</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>53</td>
<td>43</td>
<td>100</td>
</tr>
<tr>
<td>Total %</td>
<td>53</td>
<td>55</td>
<td>47</td>
<td>45</td>
</tr>
</tbody>
</table>

10 The affordable mix for phase 1 (full application) has been increased from 29 affordable units to 36 units and the previous offer relating to 34 phase 2 units will be subject to a review mechanism. A strategy has been adopted for Phase 2 including the quantum and mix and its speed of delivery dependent upon the decommissioning process by BT of the exchange. In this instance, it is intended to seek viable delivery of up to 35% at Phase 2.

11 For the affordable rent units, a weekly gross rent has been calculated which is 43% to 67% of market rent depending on unit size (see table 4 below). The affordable rent levels are derived from Ealing Council’s Tenancy Strategy 2012–2015.

Table 4: Affordable rent levels

<table>
<thead>
<tr>
<th>Size</th>
<th>Units</th>
<th>Rent/PW</th>
<th>Market</th>
<th>AR as % of market</th>
</tr>
</thead>
<tbody>
<tr>
<td>1B2P</td>
<td>10</td>
<td>£200</td>
<td>£300</td>
<td>67%</td>
</tr>
<tr>
<td>2B3P</td>
<td>4</td>
<td>£225</td>
<td>£350</td>
<td>64%</td>
</tr>
<tr>
<td>2B4P</td>
<td>2</td>
<td>£250</td>
<td>£400</td>
<td>63%</td>
</tr>
<tr>
<td>3B5P</td>
<td>2</td>
<td>£210</td>
<td>£450</td>
<td>47%</td>
</tr>
<tr>
<td>3B6P</td>
<td>1</td>
<td>£225</td>
<td>£525</td>
<td>43%</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12 For the shared ownership, the affordability levels have been calculated in line with the GLA income affordability thresholds of £90,000 household income for all unit sizes. The gross income levels are summarised in the table below.
Table 5: Shared ownership by unit type and income thresholds

<table>
<thead>
<tr>
<th>Size</th>
<th>Units</th>
<th>OMV Current</th>
<th>Initial Share</th>
<th>Rent</th>
<th>Service charge</th>
<th>Gross income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1B2P</td>
<td>10</td>
<td>£425,000</td>
<td>25%</td>
<td>2.50%</td>
<td>£1,345</td>
<td>£57,000</td>
</tr>
<tr>
<td>2B3P</td>
<td>2</td>
<td>£500,000</td>
<td>25%</td>
<td>2.50%</td>
<td>£1,750</td>
<td>£67,500</td>
</tr>
<tr>
<td>2B4P</td>
<td>4</td>
<td>£525,000</td>
<td>25%</td>
<td>2.50%</td>
<td>£1,940</td>
<td>£72,800</td>
</tr>
<tr>
<td>3B6P</td>
<td>1</td>
<td>£650,000</td>
<td>25%</td>
<td>2.50%</td>
<td>£2,250</td>
<td>£90,000</td>
</tr>
</tbody>
</table>

13 The shared ownership costs assume 10% deposit for a 25% share with mortgage costs of 7% per annum including capital repayment over 25 years and housing costs as 40% of net income.

S106 agreement viability review

14 The s106 agreement secures the affordable housing and states that prior to commencement of phase 2 of the development a financial viability review shall be submitted to Ealing Council to test whether or not it is viable to provide affordable housing in respect of that phase in accordance with relevant policy at the time of the grant of the planning permission.

15 Upon submission of the viability review Ealing Council shall have 6 weeks to review the appraisal and then respond as to whether the appraisal is agreed or further information is required. If further information is required then the applicant shall provide such information as the Council shall reasonably require within 14 days of such request. Where the viability review identifies that affordable housing is viable the applicant shall provide affordable housing up to a maximum of 35% of the total number of dwellings permitted pursuant to phase 2 of the development in accordance with the details contained in the viability assessment for the relevant phase and in relation to such tenure mix and unit size.

Conclusion

16 The applicant’s FVA has been subject to independent review and negotiation during the s106 preparation process and the final offer secures 23.4% affordable by habitable room (25% by units) for phase 1 and that a review mechanism relating to phase 2 is secured in the s106 agreement which will secure up to 35% affordable subject to review. The overall affordable housing offer if 35% is secured in phase 2 would result in the scheme delivering 30% affordable by unit (93 units). This is the independently reviewed and negotiated maximum achievable affordable housing offer and is therefore compliant with the London Plan.

Children & young person’s play

17 Since stage 1 the applicant has completed as assessment of child yield using the Mayor’s Shaping Neighbourhoods: Play and Recreation SPG (2012) and this has been provided for both phases and overall strategy established. This identifies the required provision of play space for phase 1 of 154 sq.m. and 313 sq.m. for phase 2. A plan has been provided showing the areas of allocated children’s playspace across both phases, and the total playspace provided compared to the total required. This aspect of the application is therefore compliant with the London Plan.
Urban design

Masterplan layout

18 Since stage 1 the applicant has provided assurance in relation to the key access point at the south western corner of the site through to an existing pedestrian route by providing evidence of a right of access. There is therefore no requirement for an agreement with the adjoining landowner to access the site over their land, as the right of access already exists, for both pedestrians and vehicles. Plans and details of the landscaping within the application site have been provided. The landscaped area extends up to the boundary and the access point from the neighbouring site to show the sites integration to an established the right of way. This resolves concerns over pedestrian access raised at stage 1.

Public realm interface with landscape

19 At stage 1 concerns were raised in relation to active frontages in phase 2. The applicant has revisited the eastern and western elevations of blocks F and D respectively and submitted amended plans to resolve the issues raised. The slab level and consequently the floor level have been lowered at the rear (south) end of the 2 blocks, so there is now continuous active frontage along the whole length of both blocks and front doors to units at ground level. Amenity areas and defensible space will be provided along these eastern and western frontages and are included in the landscaping masterplan.

Parameter plans

20 As requested at stage 1 the applicant has provided a Design Code and Parameter Document for phase 2 of the development. This document sets the design parameters for phase 2 and sufficient information has been provided in relation to the layout (entrances to street), the maximum building heights, appearance and overall design quality of the outline application to understand the built form proposals and ensure that phase 2 reflects the quality of design achieved in Phase I.

21 This aspect of the application is therefore compliant with the London Plan.

Access

22 In response to issues raised at stage 1 the applicant’s access consultant has provided plans and an explanation of how the design demonstrates that all public realm and shared amenity spaces areas are inclusively designed. This aspect of the application is therefore compliant with the London Plan.

Sustainable energy

23 Since stage 1 the applicant has provide the requested verification information to support its energy strategy including adoption of a single energy centre and this aspect of the application is therefore compliant with London Plan Policy.

Transport

24 At Stage 1, TfL raised a number of issues; these included car parking, cycle parking, electric vehicle charging point provision, walking and cycling, travel plan, servicing and construction.

25 In response to TfL’s comments, the applicant justified the higher level of provision for phase 2 of 0.74 spaces per unit, owing to the large proportion of ‘family’-type accommodation of
18 houses as well as 2-3 bed units. The ratio is similar to the current level of car ownership in the ward suggested by Census 2011 data. TfL considers that this level of provision as acceptable and would provide an overall ratio of 0.52 spaces per unit for the entire proposal. TfL also notes that the Council has secured the provision of the required number of disabled spaces and electric vehicle charging points by conditions to adhere the London Plan car parking standards.

26 The applicant responded positively to TfL’s request to increase cycle parking, this has now risen to 246 spaces for Phase 1, from 222 space proposed originally, thus meeting the London Plan cycle parking standards. Cycle parking layout and arrangements have also been re-designed to address TfL concerns, and the provision of this facility has been secured by planning condition.

27 TfL is pleased that the Council has secured the delivery of the pedestrian link between the SW corner of the site with Phase 1 and The Avenue, submission of a travel plan, delivery and servicing plan, and construction management plan by conditions. In addition, TfL is satisfied by the commitment to a contribution of £3,000 per phase for development towards travel plan monitoring; £300,000 toward local pedestrian, cycling, public transport and public realm improvements; parking permit restriction, by s106 agreement.

28 In conclusion, TfL considers that the proposal is London Plan compliant.

Response to consultation

Public consultation

29 Ealing Council consulted the occupants of neighbouring properties (commercial and residential) and the application was publicised by a site notice and press notice. Statutory and non-statutory organisations were also consulted. A total of 3 letters of objection were received, issues raised were as follows:

- Noise and dust disturbance during construction to residents in Gordon Road and the surrounding area;
- Building height (13 storeys), scale and massing
- Additional families will add to the pressure on local schools, GPs and NHS services
- Additional congestion and additional parking problems in Gordon Road and beyond.
- Impact of two access points close to each other and to the junction with The Avenue will place far too much additional volume of traffic on Gordon Road.
- A school could have been built on this site as well as houses because there are not many large sites in Ealing.

30 These issues are addressed in the stage 1 report and Ealing Council’s committee report. The application site is neither within a conservation area nor is it situated within a sensitive boundary of the nearby St Stephens conservation area that would affect its views into and out.

Statutory consultation

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

- **Network Rail**: No objections informatives included in the decision notice.
Crossrail: No objection.

NHS Property services: As requested a total S106 contribution to health services of £852,466 has been included in relation to the stage 1 development.

Thames Water: No objection subject to conditions and informatives in relation to surface water drainage, sewage infrastructure capacity and piling. These conditions are included in the draft decision notice.

Other Matters

32 Ealing Council have secured the following s106 contributions:

- Child play space contribution of £26,865
- Education contribution for phase 1 of £234,170
- Highways contribution phase 1 £138,000 and phase 2 £162,000

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

33 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

34 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. 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

35 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.

36 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.

37 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

38 Having regard to the details of the application, the matters set out in Ealing Council’s committee report, its draft decision notice, heads of terms and the s106 agreement the scheme is acceptable in strategic terms. Further information has been provided and conditions and planning obligations have been secured where appropriate which address the outstanding issues that were raised at Stage 1. On this basis, there are no sound reasons for the Mayor to intervene in this particular case.

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

Colin Wilson, Senior Manager – Development & Projects
020 7983 4783  email colin.wilson@london.gov.uk

Sarah Considine, Strategic Planning Manager (Development Decisions)
020 7983 5751  email sarah.considine@london.gov.uk

Jonathan Aubrey, Case Officer
020 7983 5823  email jonathan.aubrey@london.gov.uk