### Strategic planning application stage II referral

### The proposal
Redevelopment of an office building with an uplift in floor space of 16,618 sqm.

### The applicant
The applicant is Chantryco Investments Limited, the agent is Nathaniel Lichfield & Partners and the architect is Cooper Cormar Architects.

### Key dates
- **Stage 1 representations issued:** 5 December 2016
- **Ealing Council planning committee decision:** 18 January 2017

### Strategic issues summary:
- **Land use principle** – The office redevelopment located within Uxbridge Road Business Quarter is strongly supported in strategic planning terms (paragraph 6).
- **Affordable workspace** – The building is proposed for use by a single occupier as a headquarter office. Therefore affordable workspace is not being provided in this instance. However, an appropriate condition is imposed to re-examine the provision of affordable workspace, if the single occupier ceases occupation (paragraph 7).
- Other issues with respect to urban design, inclusive access, sustainable development and transport have also been resolved satisfactorily (paragraphs 8-16).

### 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 2 November 2016 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 1B: “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings — (a) in the City of London and with a total floor space of more than 100,000 square metres; (b) in Central London (other than the City of London) and with a total floor space of more than 20,000 square metres; or (c) outside Central London and with a total floor space of more than 15,000 square metres.”

   - Category 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 5 December 2016 the Mayor considered planning report D&P/3940/01, and subsequently advised Ealing Council that the application did not comply with the London Plan, for the reasons set out in paragraph 41 of the above-mentioned report; but that the possible remedies set out in that paragraph of the 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, the application has been revised in response to the Mayor’s concerns (see below). On 18 January 2017 Ealing Council decided that it was minded to grant planning permission, and on 27 January 2017 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 9 February 2017 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 comply with the London Plan, for the reasons set out in paragraph 41 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies:

   - **Land-use principle:** The proposed office redevelopment within Uxbridge Road Business Quarter is supported.

   - **Affordable workspace:** No provision has been made, but this concern has to be addressed.

   - **Urban design:** The design is a high quality and supported.

   - **Inclusive access:** The scheme complies with policy 7.2 of the London Plan and the Council should secure the proposed measures through appropriate planning conditions.
• **Sustainable development:** The on-site savings, depending on the installation of PV panels, meet the target within Policy 5.2 of the London Plan. However, the concerns discussed in regard to provision of the full BRUKL, CHP analysis and confirmation on the inclusion of PV panels should be clarified and addressed before the savings can be verified.

• **Transport:** The applicant is required to address the matters discussed such as the Stage 1 Road Safety audits, trip generation and mode share calculations, cycling improvements and servicing and construction. In particular, there remain significant concerns over the excessive provision of car parking and the poor cycle environment and infrastructure provision in the vicinity of the site.

**Affordable workspace**

6 The building is proposed for use by a single occupier as a headquarter office. Therefore affordable workspace is not being provided in this instance. However an appropriate condition has been imposed to re-examine the provision of affordable workspace, if the single occupancy ceases.

**Sustainable development**

7 A reduction of 179 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 35%. The on-site savings, depending on the installation of PV panels, meet the target within Policy 5.2 of the London Plan. The PV installation is still being considered; however the Council has secured the requirement of the overall carbon saving of 35% through suitable condition.

8 In addition, the Heads of Terms states the following: “In the event that the Carbon Dioxide Emissions Target (35% above the minimum requirements of the Building Regulations Part L 2013) cannot be fully met on-site the annual carbon shortfall (in tonnes CO2 per year) shall be covered by a one off payment calculated at £60 per tonne for each tonnage difference between the overall regulated carbon dioxide savings and the target savings as set out in Energy Planning –Greater London Authority guidance on preparing energy assessments, (April 2015).”

9 Further details have been provided regarding BRUKL sheet. The submission of details of the CHP sizing calculations and confirmation of the percentage of the space heating load to be supplied by the CHP has been secured. As a result, the proposals comply with energy policies of the London Plan.

**Transport for London’s Comments**

10 At Stage 1, a number of issues were raised, including car parking, walking, cycling, servicing, and construction and travel plans.

11 The applicant has agreed to reduce the number of car parking spaces from 53 spaces down to 48 spaces, i.e. (1 space per 526sq.m for a proposed office space of 25,273sq.m); this is accepted in light of the site’s location and public transport access level.

12 Ealing Council has secured a financial contribution via s106 agreement of £200,000 towards junction reconfiguration at the junction of The Broadway/High Street/ Springbridge Road, which is welcomed and supported. This contribution will also cover resurfacing works, traffic calming, walking, public realm and cycle improvements within 500 metres of the site. The applicant is also obliged to enter into a s278 agreement with the Council for footway work in the vicinity of the site.

13 Ealing Council has also secured a work place travel plan plus a £3,000 monitoring fee in the s106 agreement, the latter will also restrict future occupiers from obtaining local parking permits; this
is welcomed. It is also welcomed that planning conditions have been amended and secured for the approval of details for car parking including electric vehicle charging point provision, cycle parking with shower and changing facilities, submission of a delivery & servicing plan, and a construction logistics plan.

14 In conclusion, the proposed development complies with transport policies of the London Plan.

**Urban & inclusive design**

15 Appropriate conditions have been imposed that secured the proposed design process for the building and the wider site, and inclusive design measures.

**Response to consultation**

16 The proposal was advertised by way of a newspaper notice and 36 site notices. 55 objections and 1 petition (with 128 signatures) were received.

17 **Response from local residents:** Concerns raised as objection by residents including from those on the petition can be summarised as: overdevelopment of the site, overbearing bulk, scale, massing and design, loss of amenity, negative visual impact, impact on the daylight and sunlight to Cavalier House; loss of privacy to Cavalier House; existing established building lines would not be respected; inadequate consultation undertaken on the proposal by the Council and the applicant; increase in traffic as a result of the proposal; impact on the neighbouring locally listed fire station; design is unacceptable and inappropriate; and loss of green space and trees.

18 **Response from external consultees:**

- **Thames Water:** No objection subject to conditions on the submission of a piling method statement and drainage strategy for approval.
  - In response, the items have been conditioned.

- **Ealing Civic Society:** objected to the scheme on the grounds of design that the boulevard concept along the Uxbridge Road, envisaged under the local plan and neighbourhood development plan, would not be delivered by the proposed public arcade, despite assertions to the contrary by the applicant. The Society also expressed concerns about the prominence and bulk of the south west corner of the building that is adjacent to the locally listed fire station and now extends beyond the existing building line.

- **Five Roads Forum:** the consultation was inadequate. The Forum strongly suggests re-consultation and that they reapply demonstrating that due consideration has been given to residents’ comments/views. A repeat of the Cinema site would be disastrous for Ealing Broadway. An appropriate and quality building design is required.

- **Central Ealing Residents Association:** Support the proposal in so far as it is an office building located within the ‘office corridor’. However, are concerned that the proposed development accommodates a substantial increase in office floor space, resulting in the footprint and height of the development being significantly enlarged. The scale and design of the proposal relates very poorly to the architecture and height of the nearby fire station (a locally listed heritage asset) and will be totally out of scale with it due to the cliff like 10+ storey frontage to St Leonard’s Road. The proposed building will also be over-dominant from views along Uxbridge Road as the building frontage projects forward and is much closer to Uxbridge Road than the adjacent buildings and does not reflect the established building line along the north side of Uxbridge Road. The design and materials used for the proposed building are inappropriate for this location next to the locally listed fire station, it is much too tall at its western end and it
projects forward far too much towards Uxbridge Road, which conflicts with adjacent buildings and over-emphasizes its huge bulk.

19 The proposed redevelopment has been supported by Ealing BID Company and West London Business. It is noted that there was no response from Ward Councillors and Metropolitan Police (Design Out Crime).

20 Objection sent direct to the Mayor: The director of VITAKA Consulting Ltd wrote on 30 January 2017, on behalf of residents of Cavalier House, Ealing who believe that the impact of the proposed development at Exchange Plaza on Cavalier House has not been properly assessed or understood and therefore any necessary mitigation measures and conditions have not been applied. “The application for development on the Exchange Plaza site was not accompanied by a proper shadowing or daylight/sunlight study, nor was there a wind study. The design did not therefore take into account the impact on overshadowing, loss of light, light pollution or wind on Cavalier House. This is contrary to London Plan and Ealing’s Local Plan policies. Ealing Council did not request the studies necessary to assess the impact on Cavalier House. The case officer’s report did not directly respond to objections on the issue of overshadowing, light or wind on Cavalier House. The planning officer provided misleading information in the report and at committee. The planning committee were therefore not properly acquainted with these issues and were not able to judge the impact on Cavalier House or consider whether the proposed design did enough to mitigate the impacts or if further conditions were necessary. We therefore strongly urge the GLA to either direct refusal or take over the application and ensure the proper studies are undertaken and mitigation measures and conditions can be agreed, so that the harmful impact on the residents in Cavalier House can be minimised.”

21 Residential amenity issues were considered in the Council’s committee report and were not considered to have an impact that would justify the refusal of the planning application.

22 In summary, concerns raised above have been addressed this report the Stage 1 report and the Council’s committee report and through the imposition of appropriate conditions.

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

23 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

24 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

25 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.

26 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

27 The proposed redevelopment of the office building located within Uxbridge Road Business Quarter, which results in an uplift of commercial floor space is strongly supported. The proposal complies with the London Plan.

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