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Date: 10 November 2016

Central Ealing Neighbourhood Forum
c/o Make It Ealing Ltd
Villiers House
London
W5 5PA

Submitted by email – planpol@ealing.gov.uk

Dear Sir/Madam,

REPRESENTATIONS ON BEHALF OF EALING LTD TO CENTRAL EALING NEIGHBOURHOOD PLAN 2017-2026 - SUBMISSION VERSION AUGUST 2016 IN RESPECT OF POLICY CENP2 (BBC/VILLIERS HOUSE CAR PARK)

Firstplan is instructed by Ealing Ltd to submit the following representations to the Central Ealing Neighbourhood Plan (Submission Version).

Ealing Ltd is head leaseholder of Villiers House and the associated surface car park adjacent to the south side of Haven Green, which is referred to as the 'BBC car park' and subject to draft Policy CENF2 within the Central Ealing Neighbourhood Plan (Consultation Version 2016 and Submission Version August 2016).

Firstplan previously submitted a detailed objection (dated 4 April 2016) to the proposed allocation of the BBC car park under draft Policy CENF2 as a bus interchange with bus stops and stands for routes starting/terminating at Ealing Broadway Station and the undercroft to be used for secure cycle parking (Consultation Version 2016), on the grounds that:

- It is not deliverable due to the owners of the site not consenting to this use, and key site specific constraints;
- There is no support / funding from the organisations required to deliver the bus interchange (ie TFL and LBE);
- The proposed allocation of the site is in conflict with an up to date allocation within the already adopted Ealing Local Plan (EAL3), and could jeopardise town centre regeneration in accordance with Strategic Policy 2.5.

Ealing Ltd therefore remain extremely concerned that the Submission Version of the Neighbourhood Plan continues to propose that the site is used as a bus interchange despite meeting CENF and Ealing Council representatives in September 2015 to explain the complexity of the ownership and why the proposed use could not be delivered.

For these reasons, the objections set out within the previous representations remain material and should be read in conjunction with this submission. We set out our client's concerns in greater detail below.

a) The proposed allocation of the BBC car park is not deliverable

National Planning Policy Framework (NPPF) (2012) Paragraph 173 highlights that *'Plans should be deliverable'*.

As previously confirmed, the BBC car park cannot be released for development as a bus interchange due to the complexity of the site ownership. It remains the case that there is no prospect of the BBC (long term lease holder with at least 50 years to run) relinquishing their lease on the car park and Villiers House – both sites are inextricably linked - or Network Rail (freeholder) giving consent to a use of the car park site unless a genuinely viable redevelopment proposal comes forward. The proposed use is not viable and so consent would not be forthcoming by all parties for this purpose.

The Submission Version of the Neighbourhood Plan is supported by various Statement Documents. Appendix L *Reg 14 Consultation Analysis and Responses* provides CENF's response to the Consultation Version of the Plan. In response to confirmation that the complexity of site ownership will inhibit delivery, CENF state:

'The ownership structure did not inhibit LBE from including the site in its original DPD allocation, nor from approving the failed Glenkerrin scheme. Within the lifetime of the Plan it could change again.'

The DPD allocates the site for mixed use development comprising appropriate town centre uses. The Glenkerrin scheme sought planning permission for a mix of town centre uses, including high value residential use for the site. The critical difference between the DPD allocation and the Glenkerrin proposals, when compared with CENF's proposed bus interchange allocation, is that the bus interchange is not a viable economic proposal, which would result in the release of the site for development.

Indeed, the exclusion of the site from the current Benson Elliot scheme (LPA ref: P/2015/3479) is evidence of the complexities associated with redeveloping the site. The length of the leases, combined with complexity of the lease structure, are such that only a genuinely viable proposal could come forward.

In addition to issues relating to site ownership, there are other critical factors which preclude a bus interchange being delivered on this site, namely:

- Delivery is dependent on the agreement/funding and support from other organisations;
- The size of the site is too small and constrained;
- It is not certain whether the site is structurally suitable.

i) Delivery is dependent on the agreement/funding and support from other organisations

Transport for London (TfL) and LBE would need to provide the funding to deliver the new bus interchange. This is highly unlikely now that Option 1a (as identified by Steer Davies Gleaves in the 2010 Ealing Interchange Study) has largely been implemented. CENF have no way to fund or deliver the bus interchange proposal, and there is no identifiable requirement for such a facility to be pursued.

Notwithstanding the funding issues, AECOM's Transport Interchange Feasibility Study (2016) which was commissioned by CENF to assess the feasibility of the bus interchange, highlights the problems with preferred Option 3C and stated that:

“several disadvantages were identified, which included the requirement for bus station to extend onto multiple parcels of land, including Haven Green.”

At CENF’s request AECOM has assessed simplified bus interchange options for the site. However, these options will also result in physical harm to Haven Green, which together with the structural implications and other issues would preclude the interchange from coming forward. The works would include:

1. Removing a tree on the corner of the Haven Green Common Land to increase road width to allow access for buses;
2. Moving the existing footway on the south eastern edge of Haven Green to suit the proposed controlled crossing arrangement;
3. Relocating the existing phone booth and cycle parking to accommodate proposed bellmouth widening on the eastern edge of the site.

Notwithstanding these impacts, the feasibility options will not deliver the objectives sought by CENF in terms of capacity or protection of the Green. This is clearly evidenced by AECOM’s critique of the proposals, which notes:

The two alternative Transport Interchange options that have been developed provide significantly less capacity than proposed by the original Option 3c proposal, which was identified by Steer Davies Gleave, and it is therefore unlikely to be practical to employ these alternative options to enable all existing services to be removed from the Haven Green diagonal to enable this land to be re-designated as public open space.

(Our underlining)

We note that AECOM’s Study identifies a number of ways in which Option 1a has failed to meet the targets originally set. Whether or not these objectives remain unresolved, we are not aware of any commitment by TfL or LBE to agree to, or indeed fund, a further option. CENF could not deliver a bus interchange without support from both parties, the logic in continuing to pursue even a simplified bus interchange allocation is therefore highly questionable.

ii) The size of the site is too small and constrained

Our previous representation raised concerns that the site is too small to accommodate the proposed bus interchange in isolation.

AECOM’s Feasibility Study concludes that the site could accommodate a Transport Interchange that incorporates up to three bus bays alongside secure cycle parking and goes onto present two alternative options for this. However, the report notes that these would provide significantly less capacity and would require the use of areas of Common Land.

As such, although the site could potentially accommodate a small bus interchange, it would clearly have very limited capacity with a maximum of just three bus bays, and, as acknowledged by AECOM, would fail to achieve the objectives set out in ‘Recommended Action 6’ of the Neighbourhood Plan which seeks to remove and re-site bus stops from the diagonal road across the green.

The fact that the Neighbourhood Plan proposes to use the BBC car park site for a bus interchange with such a limited capacity, adds to our client’s concerns that the scheme would fail to attract agreement or funding from TfL or LBE.

iii) It is not certain whether the site is structurally suitable

Ealing Ltd have previously highlighted that existing cantilvered piled deck may not be structurally adequate to accommodate a bus interchange. In response, CENF state that this issue is '**answered by AECOM technical report**'. AECOM's Feasibility Study (July 2016) includes preliminary calculations to assess the potential structural implications of the proposed transport interchange. The Study concludes that:

"...There is therefore a risk that the slab and beams may not provide sufficient capacity to accommodate the localised effects and it will therefore be necessary to undertake a structural survey and a detailed structural analysis to determine the capacity of the structure with any certainty. "

Concerns regarding the structural suitability of the site are not, in fact, answered by AECOM's study, which instead recommends further analysis due to doubts that the slab and beams have insufficient structural capacity to accommodate the localised effects of a bus interchange facility.

It is clear therefore that CENF is prematurely pursuing a bus interchange on the site without any certainty that the existing structure is capable of accommodating the proposed use.

b) The proposed allocation of the site conflicts with the land use allocation for the site set out Ealing Development Sites Development Plan Document (2013)

The Ealing Development Sites DPD (December 2013) allocates the BBC Car Park for mixed use development appropriate to the town centre, including additional retail, commercial, leisure/entertainment and residential uses under EAL3.

CENF's proposal is in direct conflict with this adopted NPPF compliant allocation. Despite EAL3 remaining extant and less than three years old, CENF state that ...'**the DPD no longer applies as the site is outside the EAL5 plan area approved by LBE for 9-42 The Broadway (Arcadia)**'. (We assume this should state 'EAL3').

CENF's assumption that EAL3 is no longer a material consideration is wholly incorrect. Whilst the BBC car park does not form part of the current mixed use proposal at 9-42 Ealing Broadway (LPA ref: P/2015/3479), which includes the majority of the allocation, the site it is still subject to allocation EAL3, which continues to form part of Ealing's adopted Development Plan.

Accordingly, the site remains capable of coming forward to accommodate a genuinely viable and deliverable town centre scheme, which is acceptable to all parties within the complex ownership structure.

c) Other Considerations

In addition to the proposed allocation, Ealing Ltd object to the inclusion of the design principles set out in the first paragraph in Policy CENP2, which state:

'Development on this site should be given priority to the maintenance of the open aspect from the south of Haven Green including the view of the Grade II listed Church of Christ the Saviour and the need to protect the common land and surrounding Conservation Area, in accordance with Policies HBE2 and HBE3. Any new structures should be set back 6.6m from the Haven Green boundary and limited to no more than a single store height (3.5m).*

It is recognised that any future redevelopment of the BBC site will need to give due consideration to the requirement to respond sympathetically to its context and setting, including the conservation area, the common land and key views. However, the inclusion of a 3.5m height limit, and a set back of 6.6m, to any new structures is arbitrary and not considered to be justified.

This limit is inconsistent with the Consultation Version of the Neighbourhood Plan, which sets out a 4.5m height restriction. Moreover, the proposed maximum height is inconsistent with the Arcadia Development Brief (2012), which states that *'buildings facing onto Haven Green should be of similar height and scale to residential blocks to the north and consistent with the Conservation Area.'*

Additionally, seeking to preclude active uses at ground level as part of a future development on the site and imposing unjustifiably strict height or siting limitations are likely to make alternative development options for the site completely unviable and cannot therefore be supported.

Our client also opposes Recommended Action 9, which seeks the implementation of electric car charging points within privately run public parking spaces of more than 50 spaces on grounds of viability.

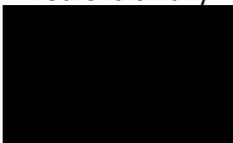
d) Conclusions

In summary, Ealing Ltd strongly object to the proposed allocation under Policy CENP2 of the Submission Version Neighbourhood Plan for use of the BBC Car Park site as a bus interchange and undercroft cycle parking on the following grounds: -

- It is not deliverable as the owners of the site would not consent to this use;
- There is no support/funding from the organisations required to deliver the bus interchange (ie TfL & LBE);
- The proposed allocation of the site is in conflict with an up to date site allocation within the already adopted Ealing Local Plan (EAL3) and could jeopardise town centre regeneration in accordance with strategic policy 2.5;

Overall, Ealing Ltd remain of the view that Policy CENP2 is a poorly conceived allocation, and strongly urge CENF to omit this Policy and any associated wording from the Central Ealing Neighbourhood Plan Submission Version.

Yours faithfully



TIM WILLIAMS
Director