

## Acton Gardens (formerly South Acton Estate)

in the London Borough of Ealing

planning application nos. 1825790UT

### Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### The proposal

Hybrid planning application for the continued regeneration of the South Acton Estate to deliver up to 195,396 sq.m. of residential floorspace (including 203 dwellings in detailed application); up to 2,200 sq.m. of non-residential floorspace, including 1,200 sq.m. of community space and up to 1,000 sq.m. of flexible commercial space; an energy centre of up to 750 sq.m., access, open space and public realm.

### The applicant

The applicant is **Acton Gardens LLP** and the architect is **Allies and Morrison**.

### Strategic issues summary

**Land use principle:** The redevelopment of this estate and intensification of the approved masterplan to optimise housing delivery is strongly supported. Appropriate controls should be secured to ensure the reversion of the services of the day care centre and the provision of public open spaces/allotments. (paragraphs 21-28).

**Estate regeneration and affordable housing:** The like for like replacement of social rented habitable rooms across the whole estate is strongly supported. 49% affordable housing (40% London Affordable Rent and 9% shared ownership) has been verified as the maximum. A late stage review mechanism to ensure that additional affordable housing can be delivered if the viability of the scheme improves in the later phases is required (paragraphs 35-43 and 44-58).

**Design:** The overall design strategy is supported. Robust conditions are required to secure the design commitments made by the applicant (paragraphs 59-74).

**Climate change:** Conditions related to energy and flood risk should be secured (paragraphs 75-78).

**Transport:** Conditions, obligations and a £440,000 contribution for the rerouting of bus 440 is also required. (paragraphs 79-85).

### Recommendation

That Ealing Council be advised that, whilst the principle of the application is supported, the application does not yet comply with the London Plan and draft London Plan for the reasons set out in paragraph 89 of this report. However, the resolution of these issues could lead to the application becoming compliant with the London Plan and draft London Plan.

## Context

1 On 15 June 2018, 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. On 31 October 2018, Ealing Council notified the Mayor of revisions to the initial application. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor must 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, 1B, 1C and 3A of the Mayor of London Order 2008:

- **Category 1A:** *Category 1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.*
- **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— (c) outside Central London and with a total floorspace of more than 15,000 square metres.*
- **Category 1C:** *Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London.*
- **Category 3A:** *Development which is likely to result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats).*

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 environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

6 The wider South Acton Estate, now known as Acton Gardens, is approximately 28.6 hectares and is one of the largest post-war housing estates in west London. It originally consisted of mono-tenure homes in medium to high rise residential blocks of up to 17 storeys comprising 1,443 units constructed between the 1950s and 1970s with associated retail and social infrastructure uses and open space.

7 The application site comprises part of phase 7 and phases 8 to 11 of the original masterplan earlier phases having been built out or consented under previous planning permissions. The elongated and irregular 'L' shaped application site covers an area of 13.6 hectares and extends between South Acton station in the south, Acton High Street in the north and Bollo Lane in the west. To the south-west is an industrial area designated as a Locally Significant Industrial Site. To

the north-west is the Mill Hill Park Conservation Area. To the east are predominantly low-rise residential areas. To the north is Acton Town Centre, part of which is also in a conservation area.

8 The estate is in the process of being comprehensively regenerated pursuant to the extant consents discussed in paragraphs 11 and 17 below. This amended proposal relates to the remaining 'half' of the masterplan, not yet delivered, and includes an additional site, the Council owned Michael Flanders Centre on Church Road. It excludes the residential buildings constructed within the estate since 2001, those currently committed to and under construction, and those Catalyst owned properties at Hope Gardens and Newport Road.

9 The diagram below identifies the site (shaded in red) within the context of the wider consented outline masterplan (shaded in blue).

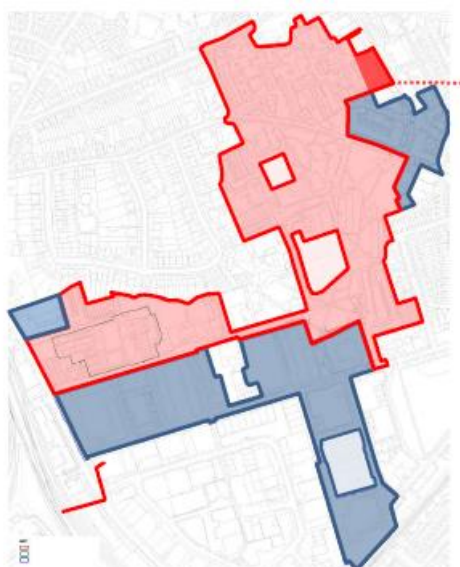


Figure 1 The application site in red within the context of the wider outline masterplan.

10 The nearest section of the Transport for London Road Network (TLRN) is Gunnersbury Avenue, North Circular Road, located approximately 1 kilometre away. The site is served by four bus routes. The closest London Underground (LU) station is Acton Town, located 425 metres from the centre of the site. South Acton Overground station is located 800 metres to the south of the site. Consequently, the site has a Public Transport Accessibility Level (PTAL) that ranges between 3 and 4 (on a scale of 1 to 6b, 6b being the most accessible). The PTAL would increase to 4 and 5, if the proposed bus and permeability improvements were undertaken. The A420 Acton High Street forms part of the Strategic Road Network (SRN).

## Details of the proposal

11 The application site was included in the Outline Planning Permission (LPA Ref: P/2012/0708, GLA ref: PDU/2871/02) for the original Acton Gardens Masterplan, which was approved in 2013, and involved the phased demolition of all existing residential units and the provision of a maximum of 2,350 dwellings along with community and retail floorspace.

12 Following the successful ongoing regeneration of the estate and to make more efficient use of land, the current proposal seeks to intensify development in the remaining phases of the masterplan (part of Phase 7, Phase 8, part of Phase 9, and Phases 10 and 11) through the demolition of the remaining 1,064 units on site and the provision of an indicative 1,950 units, bringing the total number of units across the masterplan to 3,296 units. This represents an uplift of 856 units compared to the originally consented 2013 outline application as shown in the table

below. Some non-residential uses, including retail and a replacement community centre are also proposed as detailed below.

	<b>Delivered Masterplan area</b>	<b>Remaining Masterplan area (original outline)</b>	<b>Remaining Masterplan area (proposed)</b>	<b>Total uplift with remaining original outline</b>
<b>Units</b>	1,346 (delivered)	1,094 (consented)	1,950 (proposed)	+ 856

Table 1: Unit uplift to date across the masterplan area pursuant to the original outline consent

13 The application is submitted in hybrid form, with one aspect of the scheme, Phase 9.2 submitted in detail. The full details of the proposal are set out below:

Outline application

- up to 195, 396 sq.m. residential floorspace, equating to the provision of **1,950** residential units;
- up to 1,200 sq.m. of community space (Class D1);
- up to 1,000 sq.m. of flexible commercial space (Class A1, A2, A3, B1, D1, D2); and,
- up to 750 sq.m. energy centre.

Detailed application (Phase 9.2)

- 20,612 sq.m. residential floorspace (of the total 195,396 sq.m.), equating to circa **203** residential units;
- 123 sq.m. (of the total of 1,000 sq.m.) of flexible commercial floorspace (Class A1, A2, A3, B1,D1, D2);
- car and cycle parking;
- associated refuse/recycling storage and plant rooms; and,
- works to the public highway and public realm improvements.

14 The hybrid outline application will deliver improved connections through the new streetscape and into the surrounding neighbourhoods. It will also see the 440 bus route diverted through the site. The built form of the remaining masterplan has been structured around key areas of open space and play space. The existing allotments will also be reconfigured and expanded.

15 The proposals include a variety of building types from mews and terraced houses to maisonettes and apartments of up to 20 storeys. The outline component of the scheme is proposed with all matters reserved, but design details would be controlled through parameter plans and design guidelines.

16 The demolition of the existing blocks will be undertaken on a phase-by-phase basis in conjunction with a decanting programme to facilitate a seamless transfer of existing residents into the new blocks.

## Case history

17 The phased redevelopment of South Acton Estate has been running for a number of years. On 13 August 2013 Ealing Council granted outline planning permission P/2012/0708 for the comprehensive regeneration of South Acton Estate to provide up to 2,350 dwellings, 1,050 sq.m. of flexible retail/restaurant and cafe/office/ community uses, a further 2,348 sq.m. of community/office space (including provision for a community centre and youth club), energy centre, reconfigured open space and play facilities, landscaping, highway works and car parking. The former Mayor of London had previously expressed his strategic support for the scheme on 2 October 2012 (GLA report PDU/2871/02). A subsequent full permission for phase 7.1 that the former Mayor of London supported in November 2015 (GLA report D&P/2871d and LPA Ref: 2015/3558) took the total homes approved to 2,440 units. A number of subsequent applications have been submitted in order to demolish the existing units and bring forward the next phases through reserved matters or minor material amendments (not referable). To date Phases 2, 3, 4, 5, 6, 7.1 and 9.1 within the Acton Gardens Masterplan (Delivered Masterplan Area) have been delivered or have detailed permission, totalling 1,346 units (see Table 1 above).

18 On 6 March 2018 the GLA held a pre-application meeting with the applicant to discuss outline proposals for the intensification of the remainder of the masterplan not yet regenerated. The proposal to deliver additional housing was strongly supported, although a more comprehensive approach to the development was encouraged. The advice issued by officers on 24 May 2018 (GLA ref: GLA/4542/NR) also identified strategic issues with respect to the like for like reprovision of the affordable homes, which would need to be addressed to ensure accordance with the latest London Plan policies.

## Strategic planning issues and relevant policies and guidance

19 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), Development Management DPD (2013) and the 2016 London Plan (Consolidated with Alterations since 2011).

20 The following are relevant material considerations:

- The National Planning Policy Framework (July 2018) and National Planning Practice Guidance;
- Draft London Plan (consultation draft December 2017), which should be taken into account on the basis explained in the NPPF;
- Draft New London Plan showing Minor Suggested Changes (13 August 2018)
- In August 2017 the Mayor published his Affordable Housing and Viability SPG. This must now be read subject to the decision in *R (McCarthy & Stone) v. Mayor of London*, in which the High Court granted a declaration that references in the SPG to late stage review were unlawful, to the extent that late stage review is recommended in all cases, irrespective of the time which is likely to be taken before a scheme is built out.

- Land use principles *London Plan; Good Practice Guidance for Estate Regeneration;*
- Housing and affordable housing *London Plan; Housing SPG, Affordable Housing & Viability SPG, Providing for Children and Young People's Play and Informal Recreation SPG;*
- Urban design *London Plan; Character & Context SPG;*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; London Environment Strategy*

- Transport and parking

*London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG; Transport Strategy.*

## **Principle of development**

21 The site lies within the South Acton Regeneration Area, which is identified in the Council's Local Plan as a regeneration priority and seeks to create a new mixed tenure neighbourhood.

### Housing

22 London Plan Policy 3.3 provides explicit strategic support for the provision of housing within London and sets a target for the Council to deliver a minimum of 1,297 homes a year in the plan period 2015-2025. The 10 year target is proposed to increase to 2,807 homes per year through the draft London Plan. London Plan Policy 3.3 and Policy H1 of the draft London Plan seek to optimise potential housing delivery across London, particularly through higher density residential development on brownfield sites with good existing or planned access to public transport and within walking distance of stations and town centres, including through the sensitive intensification of existing residential areas. The Council's local plan recognises the potential for South Acton Estate to deliver 862 additional mixed tenure homes.

23 Following improvements to public transport accessibility levels on the estate and to make more efficient use of land, it is proposed to intensify development of the later phases of the masterplan to deliver additional residential units, making a total of 3,296 residential units across the wider estate (compared to 2,440 consented). While the affordable housing and design implications of this increased density are discussed in the relevant sections of this report, in land use terms, the principle of intensifying the regeneration of this estate is strongly supported and will assist in boosting housing supply in line with London Plan Policy 3.3 and draft London Plan Policy H1 and will contribute to meeting Ealing's annual housing targets and ambition for the regeneration of the estate.

### Mix of uses

24 The proposed mix of uses follows the key principles of the original masterplan which sought the creation of 'satellite retail' opportunities to complement both the new community hub, currently being delivered in Phase 6, and the existing Acton Town Centre. In order to continue with these principles up to 2,200 sq.m. of non-residential floorspace including 1,200 sq.m. of community space (Use class D1) and up to 1,000 sq.m. of flexible commercial space (Class A1, A2, A3, B1, D1, D2) is currently proposed. The proposed community floorspace is to replace the services of the Council-owned and operated Michael Flanders Centre that provides day care services and is now within the boundary of the application site. The proposed flexible commercial floorspace, in addition to complementing the town centre offer, will provide services for existing and new residents of the estate and support the use and recreational functions of the proposed public parks. Flexibility is sought so the commercial space is suitable for the largest number of future providers.

25 Officers are content that the proposed flexible commercial floorspace space will remain local in nature and will primarily serve residents of the estate. The proposed flexible commercial provision is therefore supported in line with London Plan Policy 4.7 and draft London Plan Policies E1 and SD8.

26 In line with London Plan Policy 3.14 and draft London Plan Policy S1, the proposed replacement of the community floorspace and services is supported. Given the outline nature of the application, the Council should secure appropriate conditions in relation to the phasing and

reprovision of the current services currently being operated at the Centre (including the maximum floorspace requirements) to ensure that the Council's services are operational before the facility is closed in line with policy. As the Michael Flanders Centre provides more insular community services (day centre) operated by the Council, rather than the wider-reaching provisions typically associated with the D1 Class Use, it is not expected that a rental income be attracted by any future lease with Ealing Council for the community floorspace; this is reflected in the viability appraisal.

27 As requested at pre-application stage, the applicant has assessed the impact of the uplift in new residents would generate in terms of additional health and education requirements in the local area. The proposal is likely to have an adverse effect on secondary provision. This should be mitigated by a developer contribution and secured by the Council to comply with London Plan Policy 3.16 and draft London Plan Policy S1.

### Open space

28 London Plan Policies 7.1, 7.18 and 7.19 and Draft London Plan Policy G4 protect open spaces and support the creation of a network of open spaces in developments.

29 A number of areas on the site are locally designated as protected open space, along with other areas of poorly defined, under-utilised green space in between buildings, typical of post-war housing estates. The consented 2013 masterplan increased the overall quantum by 1.4 hectares and retained the general siting of the designated and public open spaces on the estate.

30 The proposed changes to the masterplan introduce some new buildings that necessitate some additional reconfiguration of designated open space and proposed open space approved under the 2012 masterplan. The quantum of open space provision has therefore been amended and it is proposed that the quantum of public open space is increased to 46,934 sq.m (46,887 sq.m. of open space was originally consented in the outline permission). Whilst this increase is modest in relation to the number of future residents brought by the revised masterplan, on-site and off-site public open space will benefit from further investments so they can be improved and cater for the larger population. The spaces will also become better defined in terms of ownership and intended uses, which will lead people to make better use of them. The remaining masterplan will provide an enhanced public realm along key pedestrian routes, alongside communal space such as courtyards and private gardens. The nearby 75 hectare Gunnersbury Park, located 800 metres from the site will also ensure good levels of access to public open space at metropolitan park level.

31 The general location of the proposed green spaces, allotments and public realm have been identified on the parameter plans. Subject to securing minimum requirements for these spaces; their phased implementation to align with housing delivery; the arrangements for their long-term management and maintenance; as well as developer contributions for the improvement of the existing open spaces as appropriate, the open space strategy would be supported in accordance with London Plan Policy 7.18 and draft London Plan Policy G4. The Council should amend its open space designations to include the new open spaces to ensure that these benefit from appropriate policy protection in the future.

### Allotments

32 London Plan Policy 7.22 and draft London Plan Policy G8 state that existing allotments should be protected and the provision for space for community gardening should be encouraged.

33 There are allotments on the site, which are locally designated as Community Open Space that the 2013 masterplan proposed to reprovide. As part of the remaining masterplan area, these allotment spaces will be relocated and enlarged by 173 sq.m to 7,411 sq.m. in total. The plot sizes and configuration of the new allotments will be discussed with members of the community as they are brought forward with a view to providing the optimum layout and usability – with any prospect of use for community food production also to be explored. This is welcomed. Subject to securing a minimum quantum of allotment space, the proposal is strongly supported in line with London Plan Policy 7.22 and draft London Plan Policy G8.

### Summary

34 As set out above, the principle of the redevelopment of this estate and provision of additional homes alongside new commercial and community floorspace, open spaces and allotments is strongly supported in accordance with strategic policy. Appropriate conditions and obligations should be secured to ensure the reprovision of the community centre and reprovision/improvements of public open spaces/allotments alongside housing delivery.

### **Estate regeneration**

35 The Mayor's Good Practice Guide to Estate Regeneration: Better Homes for Local People sets out principles for undertaking estate regeneration schemes. The key principles are:

- an increase in affordable housing, comprising like-for-like replacement and the maximisation of additional genuinely affordable housing;
- full rights to return or remain for social tenants;
- a fair deal for leaseholders, including home loss payments, and independent valuation for residents (paid by applicant);
- full and transparent consultation, with identified direct engagement and consultation events; and,
- a ballot is required if the total number of new homes is greater than 150 units and the application benefits from GLA funding.

36 Following the successful ongoing delivery of high quality mixed-tenure residential blocks, there has been a significant increase in the number of existing council tenants wishing to remain on the site. This application has been submitted in part to accommodate this new demand.

### Like for like replacement

37 London Plan Policy 3.14, draft London Plan Policy H10, the Mayor's Good Practice Guide to Estate Regeneration: Better Homes for Local People (GPGER) and the Mayor's Affordable Housing and Viability SPG make clear that in the redevelopment of sites any loss of affordable housing must be replaced by better accommodation and at least an equivalent amount of floorspace on a like-for-like basis. Draft London Plan Policy H10 and the Affordable Housing and Viability SPG further state that affordable units should be replaced with homes at the same or similar rent levels, and that existing affordable housing floorspace should be replaced on an equivalent basis, and additional provision of affordable housing should be maximised.

38 The stage 1 report for the 2013 outline masterplan application (GLA ref PDU/2871/01) recognised the difficulty in obtaining accurate floorspace figures for the existing estate from Ealing Council given the large number of buildings demolished since 2005. As a consequence the application was assessed at the time on an habitable room basis. For consistency, the proposed affordable offer for this revised masterplan has also been based on habitable rooms. This is considered acceptable given the absence of accurate floorspace information.



39 Table 2 below shows the tenure mix of the 2005 existing estate and the proposed mix based on the masterplan delivered to date and the current proposals for the remainder. Overall the applicant is proposing to replace all of the social rented habitable rooms that were on site in 2005 with an uplift of 3 social rented habitable rooms compared to the 2005 position.

	Existing (2005)*		Delivered to date (sitewide blend)		Proposed in Remaining Area		Delivered + Proposed (sitewide blend)		Uplift in hab rooms/units with existing
	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	
Private	1,406	389	2,585	831	3,145	1,079	5,730	1,910	+4,324/+1,521
Social Rented	4,641	1,602	2,191	632	2,453	691	4,644	1,323	+3/-279
Shared ownership	0	0	886	304	558	180	1,444	484	+1,444/+484

\*this includes the new homes built under the Calayst phases and AGLLP phase 1

Table 2: Like for like replacement of the affordable habitable rooms since 2005

40 Whilst it is recognised that there is a loss of social rented units (-279 units), this is because the existing social rented stock comprises small units which have since become overcrowded. The proposed scheme, which now seeks to provide larger units, has resulted in a decrease in the number of units but a marginal increase by habitable rooms. Recognising that the scheme replaces all of the social rented habitable rooms to reprovide larger homes that are more suitable to residents' needs, on this basis, the loss of social rented units is considered acceptable.

41 In terms of rent levels, the applicant has confirmed that all existing tenants decanted from the local authority secure tenancies would be offered rehousing into a new home on an assured tenancy basis. London Affordable Rents are offered in line with the Mayor's benchmark levels. For non decanted residents, new rents would also be let at London Affordable Rent. Existing resident leaseholders will be offered the opportunity to move to a property through a straight buy out (with homeloss and disturbance payments) or under shared equity arrangements where they are unable to buy using the equity from the 'buy back' of their existing home. Although a significant proportion of leaseholders to date have exercised their option for buy-out, the new masterplan offer accommodates sufficient shared ownership tenure properties for all remaining leaseholders to seek a shared equity arrangement. The new levels and support for leaseholders is supported in the line with the Mayor's Good Practice Guide to Estate Regeneration.

42 With regards to consultation, the applicant has engaged with residents, interest groups and statutory consultees through a range of consultation methods. Where a scheme involves demolition of existing homes, the Mayor's Good Practice Guide to Estate Regeneration is also clear that the Mayor will use his non-planning powers to support resident ballots by making his funding conditional on the proposed scheme winning a ballot. The details of this funding condition, and of transitional arrangements, were subject to a public consultation that has now closed and is under consideration. As this scheme has been in contract for grant funding since before the publication of the draft funding condition, the requirement for a ballot cannot be applied retrospectively. Whilst the ballot and funding condition are not planning issues, and have not affected the Mayor's planning comments in this case, in line with his Good Practice Guide the Mayor wants to see ballot used as widely as possible, and so he would urge the landlord of this scheme to undertake one.

43 In light of the above, the scheme accords with strategic policy and guidance, as set out in Policy H10 of the draft London Plan and the GPGER, with existing affordable housing habitable rooms replaced on an equivalent basis, with rent levels based on that which has been lost. The baseline provision, that ensures no net loss, including details of rent levels, must be secured in the section 106 agreement.

## Housing

### Affordable housing

44 Based on the maximum parameters plan, the hybrid application proposes the following indicative number of units per tenure and percentages based on habitable rooms:

#### proposed housing: hybrid application

tenure	1Bed	2Bed	3Bed	4Bed	units	hr	hr %
private	270	647	146	16	1,079	3,145	51
shared ownership	54	90	36	0	180	558	9
affordable rent	86	276	173	69	691	2,453	40
affordable rent (over age 55)	87	0	0	0	0	0	
<b>total</b>	<b>497</b>	<b>1,013</b>	<b>355</b>	<b>85</b>	<b>1,950</b>	<b>6,156</b>	<b>100%</b>

#### proposed housing: phase 9.2

tenure	1Bed	2Bed	3Bed	4Bed	units	hr	hr %
private	36	75	0	0	111	297	50
shared ownership	12	12	5	0	29	80	27
affordable rent	18	25	16	4	63	215	73
<b>total</b>	<b>66</b>	<b>112</b>	<b>21</b>	<b>4</b>	<b>203</b>	<b>592</b>	<b>100%</b>

45 As noted, the proposed scheme meets the expectations of the London Plan, draft London Plan, Good Practice Guide to Estate Regeneration and Affordable Housing and Viability SPG, with existing affordable housing replaced on an equivalent basis in terms of habitable rooms, and with rents at levels based on that which has been lost. The details of the rent levels must be set out in the s106 agreement and the affordable housing secured in perpetuity; a draft of the agreement should be shared with GLA officers in advance of the Stage 2 referral process.

46 The Mayor's Affordable Housing and Viability SPG seeks to increase the provision of affordable housing in London and introduced a threshold approach to viability, which is now incorporated within Policy H6 of the draft London Plan. This threshold level is set at 50% affordable housing for development on public sector land where there is no portfolio agreement with the Mayor. However, draft London Plan Policies H6 and H10 and the Mayor's Affordable Housing & Viability SPG requires all estate regeneration schemes to proceed by the Viability Tested Route to ensure additional affordable housing delivery (beyond the replacement of existing) is maximised. Schemes that proceed via that Route are required to submit a viability assessment and are subject to early and late stage review mechanisms. Alongside this, the SPG and Policy H7 of the draft London Plan also sets out a preferred tenure split of at least 30% low cost rent (social or affordable rent significantly less than 80% of market rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority. Ealing Council seeks an overall tenure split of 70% affordable/social rent and 30% intermediate.

47 In line with policy and guidance, the applicant has submitted a viability appraisal to the Council and GLA officers to support its current offer, which proposes for the hybrid application 49% affordable housing (based on habitable rooms) overall and include the re-provided affordable homes, all of which would comprise 40% affordable rented and 9% shared ownership accommodation. The affordable provision includes bespoke accommodation to house over 55s.

48 For the detailed Phase 9.2, a total of 203 residential units are proposed with 295 habitable rooms in the affordable tenure, equating to a 50% affordable provision. Of this provision, 73% would be affordable rent and 27% would be shared ownership.

49 The applicant's viability assessment provided by the applicant in support of this application has been thoroughly scrutinised and it shows that the scheme is in deficit without grant. With grant the position is substantially improved but there is still no surplus to deliver additional affordable housing.

50 As this application is for a long-term regeneration scheme where the developer is already incentivised to continue, an early implementation review is not required.

51 With regards to the Late Stage Review, it is proposed that it will be triggered on completion of 75% of the units which will be at the end of Phase 11.1. It is proposed that at the end of Phase 11.1 the actual land receipts and Council's share of the overage will be added to the projected land receipt and overage to the end of the scheme and the Council would commit to investing this sum in the delivery of affordable housing either as additional on site shared ownership or elsewhere in the borough as social rented units.

52 The review mechanism should be secured by the Council in the S106 agreement with the draft shared with GLA officers in advance of the Stage 2 referral process.

53 In accordance with Policy H6 of the draft London Plan and the Mayor's SPG, and to ensure transparency of information the Council must publish the financial viability assessment including any review.

#### Children's play space

54 London Plan Policy 3.6 and Draft London Plan Policy S4 seek to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance.

55 Using the methodology set out in the Mayor's SPG, the development is expected to provide a minimum playspace provision of approximately 10,390 sq.m.

56 A total of 9,630 sq.m. of new or upgraded equipped play areas is proposed within the recommended walking distance in the Mayor's SPG, in addition to 11,078 sq.m. of informal play space areas (equating to 23.5% of total open space provision) proposed in existing and proposed open spaces. Communal gardens and courtyards will also provide further space for door-step (Under 5s) play.

57 For detailed Phase 9.2, the 750 sq.m. of play space required by policy will be delivered on site in the internal courtyard for the under 5's (380 sq.m.) with the residual 370 sq.m. delivered within the surrounding existing and enhanced open spaces for children 5-11 and 12+ years of age.

58 Overall, with the provision of the new parks, play and amenity areas, there would be sufficient play provision to meet the needs of the children across the estate in accordance with

London Plan Policy 3.6 and draft London Plan Policy S4. The Design Guidelines should provide details on the design of the play spaces. Further detail is therefore requested on the type of play equipment and how it will be integrated in the landscaping. The Council should secure minimum areas and phased implementation to align with housing delivery by condition.

## **Urban design**

59 Good design is central to all objectives of the London Plan and draft London Plan. London Plan Policy 3.4 and draft London Plan Policy D6 seek to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services. The scheme has been subject to extensive design review discussions in accordance with Policy D2 of the draft London Plan. The applicant has prepared design guidelines that provide the design principles for the revised masterplan and will guide the detailed design at Reserved Matters stage.

### General layout

60 A comprehensive review of the remainder of the masterplan has been undertaken to increase the amount of housing the regeneration will deliver. This primarily entails splitting up some of the larger blocks to form a tighter perimeter arrangement with more continuous active frontage, introducing more low-rise blocks to address the neighbouring context and some additional height in locations adjacent to open space, and to aid wayfinding. The proposal also comprises the inclusion of the Michael Flanders community centre located to the north east of the site to help increase efficiency, deliver a better connected site and a stronger sense of place.

61 The proposal to tighten up the masterplan, improve permeability and legibility through the area and improve connections to surrounding streets, areas of open space and Acton town centre is strongly supported. The intention to continue the 'green' ethos of the delivered masterplan and improve the quality of streets with a built form structured around key areas of open space and new green routes as set out in the design guidelines to encourage pedestrian activity is also supported.

62 The masterplan will be allocated as a series of four character areas across the site. The design guidelines sets out how the parameter plan assigns a maximum quantum of residential floorspace in each area to preserve their character and minimum level of residential density to capitalise on the good access to public transport. This is supported in line with London Plan Policy and draft Policy D6 on Optimising housing density.

### Height, massing and architecture

63 The scheme is arranged in blocks of up to 20 storeys. The revised masterplan introduces additional height above the 2012 masterplan based on the mid-rise development of 6 to 9 storeys. Buildings of 1-3 storeys in height back onto the site edge, the conservation area to the west and the existing residential neighbourhoods to the east. The detailed Phase 9.2 includes two landmark buildings one of 15 storeys, and the remaining masterplan counts four 12 storey buildings and another at 20 storeys adjacent to Avenue Park at the centre of the site.

64 The introduction of height up to 20 storeys and the positioning of the additional scale across the remaining masterplan is well-considered and the parameter plans and tall building code will ensure future development phases respect the character of the different residential areas with suitable densities and create a quality streetscape whilst safeguarding the outlook of neighbouring residents and the setting of Mill Hill Park Conservation Area. This later point is further detailed in the heritage section below. The height, increased density and scale of the remaining masterplan is therefore generally supported.

65 The architectural approach is well considered and the use of brick is welcomed and in keeping with the materiality of the area of the Acton Gardens masterplan delivered to date. Given the outline nature of the scheme and length of build out, detailed conditions will need to be secured to ensure that the high-quality finishes and appearance suggested in the indicative images are reflected at build out stage.

66 In accordance with draft London Plan Policy D11 (fire safety), the applicant has submitted a fire statement, produced by a third party suitable qualified assessor. The document should be submitted to and agreed with the London Fire Brigade.

#### Residential quality

67 The layout of blocks gives potential to secure a high residential quality. The design code includes residential quality requirements for each residential building types to ensure a minimum floor to ceiling height of 2.5 metres; a maximum number of dual aspects; a good distribution of entrances to cores with efficient core to unit ratios; ground floor dwellings are planned over 2 storeys, with no bedroom with windows directly facing the street for maisonnettes; and that private terrace or gardens is secured. These commitments and minimum requirements to accord with policy (including no single aspect north facing and no single aspect family dwellings, minimum floor to ceiling heights, and maximum units per core) should be secured by detailed condition.

#### Residential quality (detailed)

68 London Plan Policy 3.5 requires housing developments to be of the highest quality internally, externally and in relation to their context, with further guidance provided in the Mayor's Housing SPG. Draft London Plan Policy D4 sets out the minimum standards that new development should meet and the qualitative aspects that should be considered in the design of any residential development. In relation to the detailed component, all units meet or exceed the relevant space standards, with private amenity provided in the form of balconies and terraces, as well as a central communal courtyard to meet private amenity requirements. The scheme in Phase 9.2 is generally of a high residential quality, with a low number of units per core that allows the proportion of dual aspect units to be optimised, with no single aspect north facing units or single aspect 3 bed units and well considered internal layouts with floor to ceiling heights of a minimum of 2.5 metres in accordance with policy. This is welcomed.

69 Based on the information provided, officers are content that the detailed residential design of Phase 9.2 will be developed in accordance with London Plan policy and the design guidelines.

### **Heritage**

70 London Plan Policy 7.8 and draft London Plan Policy HC1 state that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate, and development should be sympathetic to the assets' significance and appreciation within their surroundings. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to conservation areas, special attention must be paid to "the desirability of preserving or enhancing the character or appearance of that area".

71 The remaining masterplan area forms the boundaries of the south and east sides of the Mill Hill Park Conservation Area. Acton Town Conservation Area also directly abuts the site to the north.

72 The applicant's TVIA sets out a number of views showing the potential impact the development would have on the part of the conservation areas that are close to the site. Whilst the taller elements of the scheme would be visible in the setting of the surrounding conservation areas, including the detailed scheme (Phase 9.2) with its 15 storeys, it is recognised that the proposed towers have been sensitively located to respond to the site's context with heights stepping down approaching the conservation areas. It is also proposed that the allotments between the development and existing conservation areas act as a 'green buffer'. The design code sets out a series of guidelines on architectural character and materials which will help create a coherent appearance of the built fabric. Given the poor quality of the existing environment in the estate, overall, it is GLA officers' views that the proposed buildings will not harm the setting of the conservation areas but on the contrary enhance it, subject to high quality design being achieved at Reserved Matters stage. As such there would be no harm to the significance of heritage assets.

## **Inclusive design**

73 The applicant has committed to designing 10% of the residential units to Building Regulation standard M4(3) standards, with the remaining 90% designed to Building Regulation standard M4 (2) in accordance with London Plan Policy 3.8 and Policy D5 of the draft London Plan. Within Phase 9.2 a total of 21 units out of the 203 proposed would be provided as wheelchair adaptable. The Design & Access Statement for the detailed component specifies where the accessible units will be located. The M4(2) and M4(3) requirements should be secured by the Council by condition as well as a commitment to spread the wheelchair units proportionally across the tenures and storeys.

74 The design guidelines provide a commitment to provide safe and level surfaces and entrances throughout the scheme. The provision of legible connections through the estate is welcomed in particular. The applicant has explained through the design guidelines its approach to shared space, which are streets used by both pedestrians and vehicles, where pedestrians have a clear priority. The design guidelines will ensure these streets are safe through differentiated surface materials to define pedestrian safe zones, flush kerbs and/or varying paving textures and patterns to define pedestrian safe zones, limited local traffic to encourage multiple use of the street space and allow residents to take ownership of those streets as public spaces. Seating and furniture proposed on key junctions and pathways are welcomed. The majority of the public realm design is in the outline component of the development which would be subject to detailed reserved matters approvals. The Council is encouraged to undertake a detailed review of the accessible and inclusive design at that stage.

## **Climate change**

### Energy strategy

75 The applicant has submitted an energy assessment in accordance with London Plan Policy 5.2 and draft London Plan Policy S12. An on-site reduction of 962 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic element, equivalent to an overall saving of 42%, which does not meet the required zero carbon target. For the non-domestic element, a reduction of 34 tonnes of CO<sub>2</sub> per year and an overall saving of 38% is expected. Any remaining regulated CO<sub>2</sub> emissions must be met through a contribution to the borough's offset fund, which will spread across the development phases and collected at reserved matters stage. This submission of revised energy statements to determine the amount of the off-set contribution at reserved matters stage should therefore be secured by condition by the Council. The Council should confirm that it is satisfied with the applicant's strategy for the proposed energy centre and conditions are required on air quality and

to secure the performance and savings associated with the CHP and the use of renewable energy technologies. Full details of the outstanding issues relating to energy have been provided directly to the applicant and Council.

#### Flood risk and sustainable drainage

76 The site is in Flood Zone 1 and greater than 1 hectare in area, and a Flood Risk Assessment (FRA) has been provided as required under the NPPF. No specific measures will be required to manage the risk of fluvial flooding. The proposed flood risk strategy for Phase 9.2 complies with London Plan Policy 5.12 and draft London Plan Policy SI12. However, insufficient information has been provided to assess the masterplan's compliance with these policies. As such, a full review of flood risk from all sources of flooding should be provided and where flood risk is medium or high, as with surface water, mitigation measures, such as flood resistant and flood resilient design should be included. A condition should be secured by the Council to require that the submission of a FRA with each reserved matters application.

77 The masterplan's drainage strategy demonstrates that greenfield runoff rates will be achieved and confirms that green roofs will be used in accordance with London Plan Policy 5.13 and draft London Plan Policy SI13. The feasibility of other potential measures has been considered and ruled out. The water efficiency measures proposed across the whole development are satisfactory and the masterplan approach to water management complies with London Plan Policy 5.15 and draft Policy SI.5.

#### Urban greening

78 The proposal to maximise urban greening throughout the network of streets, spaces and buildings is strongly supported in line with London Plan Policy 5.10 and draft London Plan Policy G5. This should be assessed against the Urban Greening Factor model in Table 8.2 of the draft London Plan.

### **Transport**

#### Car parking

79 Car parking would be provided at a ratio of 0.17 per dwelling for Phase 9.2 whilst the other part of the current application site would be provided at a ratio of 0.3. The provision fall within London Plan and draft London Plan standards as does the element for blue badge holders. At least 20% of parking bays should have active electrical vehicle charging and the remainder passive provision to comply with the draft London Plan. A car parking design and management plan should be secured by condition, which should demonstrate how use of the Blue Badge spaces will be enforced. A permit free obligation other than for Blue Badge holders and any existing tenants with permits should be included in the S106 agreement.

#### Cycle parking

80 For phase 9.2, 374 cycle parking spaces have been proposed, which is in conformity with the draft London Plan standards for quantum. The cycle parking provision will be mostly in a double-stack format, and the applicant has agreed to provide 5% of spaces as wider format Sheffield Stands, which is in conformity with London Cycle Design Standards requirements. Cycle parking would be provided on a phase-by-phase basis. This is acceptable, subject to a condition requiring compliance with the adopted London Plan standards prevailing at the time and their design in accordance with the LCDS.

### Trip generation and impacts

81 The results of the trip generation and modal split assessments are accepted.

### Public transport

82 There will not be substantial impact on the capacity of London Overground (North London Line)/Underground or other TfL Rail Services. With regards to buses, the re-routing into the development of the 440 bus route would help improve the accessibility and connectivity of the development whilst also increasing capacity to mitigate the impact of the additional demand generated. £440,000 was secured in the consented scheme to cover the costs of this rerouting and the equivalent index linked amount should be re-secured in the new S106 agreement. The detailed design of the highway along which this service would run including bus stops and associated passenger facilities should be developed in discussion with TfL.

### Travel plan

83 A framework Travel Plan has been submitted. A more assertive mode shift target to sustainable travel modes should be set, and an action plan provided with sufficient resources and funding for the delivery of travel plan measures and actions. The finalised travel plan should be secured by condition/ section 106 obligation in conformity with the London Plan policy 6.3 and Draft London Plan policy T4.

### Delivery and servicing

84 A delivery and servicing plan (DSP) and construction logistics plan (CLP) should be submitted prior to occupation for approval by Ealing Council in line with London Plan Policy 6.14 and draft London Plan Policy T7. This should be conditioned in any planning permission.

### Mayoral CIL

85 Mayoral Community Infrastructure (MCIL) is charged at a rate of £35 per square metre (gross internal area) in Ealing. The required CIL should be confirmed by the applicant and Council once the components of the development have been finalised. In June 2017, the Mayor published proposals for an MCIL2 to contribute to Crossrail 2 funding. This would be levied from April 2019, and would replace both MCIL and the Crossrail Section 106 contributions scheme.

## **Local planning authority's position**

86 Ealing Council planning officers have engaged in extensive pre-application discussions with the applicant and it is understood that officers are supportive of the application. The application will be considered at a planning Committee on 12 December.

## **Legal considerations**

87 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. 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

88 There are no financial considerations at this stage.

## Conclusion

89 London Plan and draft London Plan policies on estate regeneration, housing, urban and inclusive design, climate change and transport are relevant to this application. The principle of the comprehensive estate renewal, which increases overall housing delivery is strongly supported, however the application does not fully comply with the London Plan and draft London Plan. The following changes might, however, lead to the application becoming compliant with the London Plan and draft London Plan:

- **Principle of development:** The redevelopment of this estate and intensification of the approved masterplan to optimise housing delivery is strongly supported. Appropriate controls should be secured to ensure the reprovision of the services of the day care centre and the provision of public open spaces/allotments.
- **Estate regeneration and affordable housing:** The like for like replacement of social rented habitable rooms across the whole estate is strongly supported. 49% affordable housing (40% London Affordable Rent and 9% shared ownership) has been verified as the maximum. A late stage review mechanism to ensure that additional affordable housing can be delivered if the viability of the scheme improves in the later phases is required.
- **Urban design:** The overall design strategy is supported and the plans and design code demonstrate that the development has the potential to achieve a high residential quality, amenity provision and public realm. The scheme would enhance existing heritage assets. Robust conditions are required to secure the design commitments made by the applicant.
- **Climate change:** Further technical information is required on flood risk. The Council should confirm that it is satisfied with the applicant's strategy for the proposed energy centre. Conditions are also required on overheating, air quality and to secure the performance and savings associated with the CHP, the use of renewable energy technologies and carbon setting contributions at every phase of the development.
- **Transport:** DSP, CLP, cycle parking, blue badge parking and electric vehicle charging points provision should be secured by conditions. The applicant should continue to engage with TfL on the bus route design and stopping arrangements of the diverted bus route and the bus service contribution previously secured should be carried forward to the new consent.

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