



Report to the Secretary of State for Communities and Local Government

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TOWN AND COUNTRY PLANNING ACT 1990

LONDON BOROUGH OF EALING

APPLICATION BY GLENKERRIN (UK) LTD

Inquiry held on 23 - 26 June, 30 June – 3 July and 7 – 9 July 2009

Arcadia Centre (all), 9 – 29 (consecutive) & 36 - 42 (consecutive) The Broadway, 1 – 10 (consecutive)
Central Chambers, 1 - 4 (consecutive) Haven Place Flower Haven Springbridge Road, land over railway
between Springbridge Road and Central Chambers, Ealing W5 2ND.

File Ref: APP/A5270/V/09/2097739

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Arcadia Centre (all), 9 -29 (consecutive) & 36 – 42 (consecutive) The Broadway, 1 – 10 (consecutive) Central Chambers, 1 - 4 (consecutive) Haven Place Flower Haven Springbridge Road, land over railway between Central Chambers and car park adjacent to Haven Green, Ealing W5 2ND

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 30 January 2009.
- The application is made by Glenkerrin (UK) Ltd to the Council of the London Borough of Ealing.
- The application Ref P/2007/4246 is dated 7 September 2007.
- The development proposed is demolition of existing buildings and erection of 7 buildings Block A North – 2/6/7 storeys, A South – 1/2/4/6/8 storey with basement, B 2/5/7/8 storey, C - 3/5/11 storey, D – 2/3/9/10/11/12 storey, E - 2/3/9/10/11/12 storey and F 19/25/26 storeys containing approximately 17,279 square metres of retail shops (Use Class A1), 1,363 square metres of cafes/restaurants (A3), 490 square metres of offices (B1(a)), 1,861 square metres of leisure facilities (D2) and 567 residential units, provision of two basement floors containing 352 car parking spaces (of which 230 are for the residential element including 16 spaces for the car club and 60 disabled spaces and 122 are for the retail and commercial uses including 7 disabled spaces), parking for 631 cycles (567 for residential use and 64 for the retail and commercial uses) servicing area and plant and equipment with vehicular access off Springbridge Road, pedestrian accesses off Springbridge Road, Haven Green and The Broadway, landscaping, formation of areas of public realm, amenity space for the residential uses and ancillary works.
- The reason given for making the direction was that the Secretary of State considers that the proposals may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of considering the application:
 - a) the extent to which the proposed development is consistent with the Government's policies in PPS 1: Delivering Sustainable Development. In particular, whether the design principles in relation to the site and its wider context, including the layout, height and massing, scale, open space, visual appearance and landscaping are appropriate in their context and take the opportunities available for improving the character and quality of the area and the way it functions;
 - b) the extent to which the proposal is consistent with her policies in PPS 3: Housing to meet the housing requirements of the whole community (including those in need of affordable housing), widen housing opportunity and create mixed communities;
 - c) the extent to which the application in and adjacent to a conservation area and nearby listed buildings accords with national policy as set out in PPG 15: Planning and the Historic Environment. In particular regard to the consideration of the preservation or enhancement of the character and appearance of conservation areas;
 - d) whether the proposed development accords with relevant provisions of the saved policies within the LB Ealing's adopted Unitary Development Plan (UDP);
 - e) whether the proposal accords with the relevant provisions of the London Plan – Spatial Development Strategy for Greater London consolidated with alterations since 2004 (February 2008);
 - f) whether any permission should be subject to conditions and, if so, the form they should take; and
 - g) any other relevant material planning considerations.

Summary of Recommendation: That planning permission is refused.

Procedural Matters

1. Applications for full planning permission and Conservation Area Consent were originally submitted to LB Ealing on 7 September 2007. The original proposal included demolition of the existing buildings and the erection of 6 buildings, including Block F, which was known as 'The Leaf' building and rose to some 40 stories in height.
2. The application was then revised and a second round of public consultation was undertaken in January 2008. The main changes involved the redesign of Building F and a reconfiguration of the other taller elements of the scheme.
3. The application proposal was then subject to further revisions and a third amended scheme was submitted to London Borough of Ealing (LBE) on 7 October 2008. Following additional consultation between the scheme architects, Foster and Partners, the Greater London Authority (GLA) and LBE's planning officers, further alterations were made to the design of Building F. Addenda detailing these changes were submitted to LBE on 10 November 2008.
4. All of the buildings were redesigned as part of the final third submission, however the principal change related to the scale of building F which was reduced in height to a part 19, part 25 storey tower.
5. The successive changes amounted to a reduction in the amount of floorspace, and the number of residential units from 704 to 567. The description of development set out above reflected the position reached at the time the application was considered by LBE on 17 December 2008. While there have been no further material changes to the application since that date Section 5 of document GK2: Planning Statement of Common Ground (SOCG) sets out a description of development which I consider to be a better reflection of the nature of the development as it now stands. A discrepancy was noticed in relation to the parking figures set out in the description of development, as set out on page 4 of the SOCG. I consider this to be a minor change which does not prejudice the interests of any party. I therefore propose to amend the description of development as follows:

'The development proposed is demolition of existing buildings on the site (except for numbers 30 - 34 and 35 The Broadway, and the construction of 6 buildings for mixed use purposes: Building A (2 – 8 storeys); Building B (3 – 8 storeys); Building C (3 – 11) storeys; Building D (2 - 11 storeys); Building E – (2 – 11) storeys; and Building F (19 - 25 storeys), containing approximately 17,279 square metres of retail shops (Use Class A1), 1,363 square metres of cafes/restaurants (A3), 490 square metres of offices (B1(a)), 1,861 square metres of leisure facilities (D2) and 567 residential units, provision of two basement floors containing 223 residential parking spaces (total) including 58 spaces for the disabled, 16 car club parking spaces (total) including 1 space for the disabled, 114 commercial spaces (total) including 7 spaces allocated for the disabled, parking for 782 cycles (678 for residents, 64 spaces (32 stands) public spaces at street level and 40 spaces for commercial use in the upper basement), servicing bays – 17 total, and plant and equipment with vehicular access off Springbridge Road, pedestrian accesses off Springbridge Road, Haven Green and The Broadway, landscaping, formation of areas of public realm, amenity space for the residential uses and ancillary works.'

6. The final list of drawings considered by the LBE Planning Committee on 17 December 2008 is set out in Table 4.1 of the SOCG: Application Drawings. A full set is included in PA1. I have considered the application on the basis of these drawings.

7. While some concern was expressed by objectors at the Pre-Inquiry Meeting that there was confusion as to exactly what was being proposed, I am satisfied that there have been no further material changes to the scheme since it was considered by the Council on 17 December 2008.
8. There was some variance in the description of storey heights used by different parties at the Inquiry. For example the tower has been variously described as 25, 26, 27 and even 28 storeys in the documentation. The revised application plans show the tower as having 19/25 stories above ground level. In making my assessment of the scheme as a whole though, I have noted comments relating to the fascia heights of the ground and first floor retail elements, the height of the penthouse blocks on the tower and other details which may have contributed to the variation in description.
9. Following comment from the GLA in its stage 1 Update Referral, dated 17 December 2008 (SC2), an Energy Strategy Response Note, dated 12 January 2009 (PA21) was issued to LB Ealing and the GLA on 15 January 2009. The response related specifically to paragraphs 62 – 68 of the Stage 1 Update Referral and provided clarification on a number of anomalies contained within the original Energy Strategy and set out a revised strategy. In summary, the revised strategy consists of:
 - Demand reduction for the residential accommodation resulting in an improvement of 24.7% over Part L of the Building Regulations (achieved through the use of energy efficient systems including high performance glazing, doors, external walls, roofs and gas fired boilers);
 - Demand reduction for the non residential element improved to 8.3% above Part L compliance;
 - Incorporation of a 200kWe gas fired CHP plant to serve both the residential and commercial components of the scheme;
 - A ground source heat pump system providing 42% of the heating and 92% of the cooling demand for the scheme; and
 - 500 m² of rooftop photovoltaic panels enabling energy demand reduction of 1.2%
10. I have considered the view of the joint Rule 6 parties that such matters are beyond the scope of changes that can be dealt with without a fresh planning application, and should not be left to conditions. However, in the context of the scheme as a whole I consider that this revised energy strategy does not materially change the nature of the scheme. Furthermore the revised strategy was in the public domain well before the Inquiry, and accordingly no interests are prejudiced by considering the application on this basis.

The Site and Surroundings

11. The application site comprises approximately 1.7 hectares and is located within Ealing Metropolitan Centre. It is bordered by The Broadway to the south and east, Springbridge Road to the west and the open space of Haven Green to the north. The majority of the site is currently occupied by retail and commercial uses and the railway line which passes through in cutting.

12. The Arcadia Shopping Centre occupies the south-western part of the site facing The Broadway and Springbridge Road. It is a purpose built shopping centre on three levels dating from 1987. It provides rooftop servicing and car parking accessed via a service ramp from Springbridge Road. The remaining frontage to the Broadway is occupied by a number of 2 – 4 storey buildings, typically of late Victorian origin mixed with a number of newer post-war buildings. They are mainly in retail use on the ground floor, with a mix of ancillary and other commercial uses above.
13. A small terrace of four Victorian cottages on Haven Place lies in the centre of the site, served by a narrow pedestrian access through the site. The northern part of the site is bisected by the four track railway line in cutting, carrying the main line to South Wales and the West Country and suburban services. A private car park containing some 85 spaces lies to the north of the railway line fronting Haven Green. This primarily served Villiers House, an 11 storey building above the entrance to Ealing Broadway station. Central Chambers, a row of three storey properties accommodating retail and commercial units lies opposite the station on the eastern side of the Broadway.
14. Haven Green to the north of the site is a substantial area of public open space, bisected diagonally by a road. It is also Registered Common Land. The Green is surrounded by predominantly four-storey Victorian villas to the west and a mansion block of flats (Haven Green Court) to the north, with two pairs of 2 storey properties, and a 9-storey block of flats (Greenlaw Court). To the east is a Victorian terrace of shops with residential uses above.
15. Springbridge car park lies to the west of the site on the opposite side of Springbridge Road. The car park bridges across the railway lines and its access ramps are located either side of the railway
16. A row of two storey properties at 2 – 12 Springbridge Road faces the Arcadia Centre. Christ Church Junior School lies behind these properties with its main access from Springbridge Road. On the corner of Springbridge Road and New Broadway is the parish Church of Christ the Saviour, a Grade II* listed building.
17. The Ealing Broadway Shopping Centre and a mix of other retail and commercial units are located to the south of the site on the opposite side of the Broadway. To the east of the site are further retail commercial units, including the Town House public house, which also has residential units above first floor level. To the west of the church extending to the Town Hall and on the south side of New Broadway are retail shops and commercial uses which also extend south down Bond Street and High Street. To the west of the school between the Town Hall and the railway line, and extending to Longfield Avenue, is a major development site known as Dickens Yard.
18. The site area to the south of the railway line is located within Ealing Town Centre Conservation Area. The railway line and car park to the north are not within a conservation area, but lie adjacent to the boundary of Haven Green Conservation Area.
19. There are no statutory listed buildings within the site but nearby are to be found No 36 Haven Green (Grade II listed), the Natwest Bank by Charles Jones in the Mall (Grade II listed), the Parish Church of Christ the Saviour by Gilbert Scott (Grade II* listed) and Ealing Town Hall, also by Charles Jones. A number of

other buildings are included in a local list including the North Star pub (No 43 The Broadway), Nos 1, 3 and 5 Haven Green, and Nos 64 – 71 The Mall.

20. No 35 The Broadway (within the site frontage) is recorded as having 'façade value', and is to be retained in the scheme.

Planning Policy

21. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the statutory development Plan comprises: -
- The London Plan (Consolidated with alterations since 2004) February 2008 (SP 1).
 - Saved policies of the Ealing Council Unitary Development Plan (UDP): *Plan for the Environment - Adopted 2004* (LP 1). The majority of policies were saved by Direction dated 27 September 2007. Principal exceptions are the Part 1 Strategy Policies (except for Policy 1.10, which is extended) and Policy 5.1 - Housing Supply. These policies are superseded by the London Plan.
22. I set out below the main policies which are central to the consideration of this Application. Other relevant policies are listed in the Planning SOCG (GK 2) at Section 7. Rather than repeat them all here, I have referred to them in the relevant sections of my conclusions, where necessary.

Strategic policies

23. The London Plan is the Spatial Development Strategy for Greater London. It provides the context within which individual boroughs must set their planning policies, and sets the policy framework for the mayor's involvement in major planning decisions in London. The mayor's vision is to develop London as an exemplary, sustainable world city by promoting strong and diverse economic growth, social inclusivity and fundamental improvements in London's environment and use of resources. The Plan's aims include the accommodation of growth through more compact forms of development, leading to higher densities and plot ratios on existing brownfield sites, in ways that respect and enhance the environment.
24. Policy 2A.1 of the London Plan promotes development which optimises the use of previously developed land, taking a design led approach; ensuring that development occurs in locations that are currently, or will be, accessible by public transport, walking and cycling and takes account of the capacity of existing or planned infrastructure.

Housing policies

25. Policy 3A.2 of the London Plan requires that DPD policies should seek to exceed the targets set out in Table 3A.1 by measures which include redevelopment in Town Centres and development at higher densities, where consistent with the principles of sustainable residential quality set out in the density matrix at Table 3A.2. Table 3A.1 identifies a 10 year target of 9150 dwellings for LB Ealing, with an annual monitoring target of 915. Paragraph 3.16 states that the full delivery of these targets must be related to the provision of adequate transport, utility and social infrastructure, and affordable housing. Policy 3A.3 of the London Plan sets out the Mayor's intention to ensure that development proposals achieve the

- maximum intensity of use compatible with local context, high quality design and public transport capacity.
26. The density matrix (Table 3A.2) sets out ranges of densities for different areas. For 'Central' areas with a Public Transport Accessibility Level (PTAL) rating of 4 – 6, the range given is 650 – 1100 habitable rooms per hectare (Hr/ha), or from 140 – 405 units per hectare, dependant on the mix of house type and size. 'Central' areas are defined as areas with very dense development, a mix of different uses, large building footprints and typically buildings of 4 – 6 stories, located within 800 metres walking distance of an International, Metropolitan or Major Town centre.
 27. Policy 3A.5 of the London Plan promotes developments which provide a range of housing choice in terms of the mix of housing sizes and types, are built to lifetime homes standards, and include 10% wheelchair accessible housing. Developments should make the maximum reasonable contribution to the provision of affordable housing, with a strategic target of 50% of all additional housing being affordable. (Paras 3.45 and 3.46). Policy 3A.10 of the London Plan requires Boroughs to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to the affordable housing targets set out in the plan, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.
 28. UDP Policy 5.2 seeks to achieve 50% of units on development sites as affordable housing. UDP Policy 5.3 requires new dwellings to be consistent with lifetime homes standards and provide 10% to wheelchair standards. UDP Policy 5.4 requires a range of size and type, and 5.5 that residential development should provide good living conditions for residents and good architectural quality. UDP Policy 5.6 supports the development of small units in shopping centres, particularly for non-family accommodation.

Retail policies

29. Policy 2A.8 of the London Plan promotes a polycentric strategy for London's development to sustain and enhance the viability of town centres and support the development of a competitive retail sector.
30. Policy 3D.1 of the London Plan supports policies which encourage retail, leisure and other related uses (including appropriate health, education and community services) in town centres. It recognises at para 3.272 that the larger centres are appropriate locations for accommodating much of the growth in comparison goods expenditure and floorspace because they are the most accessible by public transport and have greater capacity to provide choice and competition; the agglomeration.
31. Saved Policy 7.1 of the Ealing UDP 2004 encourages appropriate development on key sites within the Borough's Town Centres, including about 16,500 m² of new net retail floorspace in Ealing Metropolitan Centre (Ealing Broadway about 13,000 m² and West Ealing about 3,500 m²). Policy 7.2 expects all significant new development of shopping and other key town centre uses to take place in existing centres.

Design Policies

32. Amongst other things Policy 4B.1 of the London Plan seeks to ensure that developments should: maximise the potential of sites; promote high quality inclusive design and create and enhance the public realm; address climate change issues; respect local context, history, built heritage, character and communities; be accessible, usable and permeable for all users; be sustainable, durable and adaptable in terms of construction and use; address security issues and provide safe, secure and sustainable environments; and be attractive to look at and where appropriate , inspire, excite and delight.
33. Policy 4B.2 of the London Plan promotes world-class high quality design through collaboration with partners, and to encourage contemporary and integrated design. The Mayor will promote community involvement, and through the involvement of Design for London and other partners, will promote competitive selection of designers and design led changes in key locations. Paragraph 4.99 of the LP explains that London must achieve more intensive development in the right places. It must be designed and managed to ensure long-term efficient use, and in forms that are safe and sensitive both to their own operational needs and to their surroundings. Design quality is central to this and poorly designed schemes will squander London's valuable resources, and can blight the lives of users and neighbours.
34. Policy 4B.3 of the London Plan promotes a coherent and strategic approach to the public realm.
35. Policy 4B.9 of the London Plan is concerned with tall buildings. It promotes the development of tall buildings where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration, and where they are acceptable in terms of design and impact on their surroundings. Applications should be considered against criteria set out in other policies. The policy provides for suitable locations to be identified in development plan and other relevant public documents, and also areas of specific character that could be sensitive to tall buildings. Paragraph 4.120 recognises that: *'The compact city and intensive development do not necessarily imply high-rise buildings. London has achieved some of its highest residential densities in relatively low-rise areas, while isolated, poorly designed tower blocks have not necessarily delivered high density or usable public open space.'* Paragraph 4.121 goes on to state that: *'However tall buildings can be a very efficient way of using land and can make an important contribution to creating an exemplary, sustainable world city. They can support the strategy of creating the highest levels of activity at locations with the greatest transport capacity. Well-designed tall buildings can also be landmarks and can contribute to regeneration and improve London's skyline.'*
36. Policy 4B.10 of the London Plan requires that large-scale buildings should be of the highest quality design, be suited to their wider context in terms of proportion and composition in terms of their relationship to other buildings, streets, public and private open spaces and be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing.
37. UDP Policy 4.1 sets out 10 principles by which the design of development should be guided, including good layout, appropriate height and scale, high quality architecture, sustainability, inclusive design and legibility. Development will only

be approved where it respects current standards of safety, natural light, health, privacy and freedom from traffic nuisance, disturbance or visual intrusion in relation to neighbouring land uses. UDP Policy 4.2 promotes mixed-use development, particularly in town centres and other areas with good public transport accessibility. UDP Policy 4.3 promotes inclusive design which is accessible by all, Policy 4.4 a safe and secure environment, and Policy 4.5 well designed, integrated landscaping and tree protection.

Conservation Area and Listed Building Policies

38. Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment and 4B.12 requires Boroughs to ensure the protection and enhancement of historic assets based on an understanding of their special character.
39. UDP Policy 4.6 seeks to protect and enhance the settings of Listed Buildings. Policy 4.7 sets out a similar aim in respect of locally listed buildings. UDP Policy 4.8 requires preservation or enhancement of the character and appearance of conservation areas and their settings. New development within or adjacent to conservation areas will be permitted provided that it is well related to the existing character of the area in terms of its historical and architectural quality and green setting. Development proposals should adhere to the Council's specific Conservation Area guidelines. Planning permission will be refused for the redevelopment of existing buildings unless the proposed replacement development will preserve or enhance the character of the Conservation Area.

Transport Policies

40. Policy 3C.1 of the London Plan aims to ensure the integration of transport and development by encouraging patterns and forms of development that reduce the need to travel, especially by car. It supports high trip generating development only at locations with high levels of public transport accessibility and capacity and encourages the integration of major transport infrastructure plans with improvements to the public realm, particularly in key areas around major rail and underground stations. Policy 3C.2 requires that proposals for development should be considered in terms of existing transport capacity. Boroughs should take a lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced. The cumulative impacts on transport requirements should be taken into account. Boroughs should also facilitate opportunities to integrate major transport proposals with development in a way that supports the London Plan's priorities. Policy 3C.3 supports measures that encourage shifts to more sustainable modes and appropriate demand management. Policy 3C.17 aims to achieve zero growth in traffic in outer London town centres.
41. Policy 3C.23 of the London Plan seeks to ensure that on-site car parking at new developments is the minimum necessary and that there is no overprovision that could undermine the use of more sustainable non-car modes.
42. UDP Policy 9.1 seeks development which ensures traffic safety and maximises access by foot, bicycle, public transport and other modes which do not involve car use. It also requires good design of parking and servicing areas, avoidance of parking stress in surrounding streets and the production of travel plans. UDP Policy 9.2 encourages improvements to all stations, particularly where interchanges between different modes of transport can be enhanced. UDP policy

9.3 aims to facilitate the development of major transport projects such as Crossrail. UDP Policy 9.4 aims to improve bus services, through partnerships with developers. UDP Policies 9.5, 9.6 and 9.7 promote improved facilities for walking, cycling, and accessible transport respectively. Policy 9.8 encourages low car housing in accessible locations and the use of car clubs. UDP Policy 9.9 sets out the Council's intention to regulate development in the interests of road safety, and support for schemes that help to reduce local congestion and improve environmental conditions.

Supplementary Planning Guidance (SPG)

43. Guidance on the application of the London Plan density matrix (Table 3.A2) is provided within the Mayor's Housing SPG (SP 3). This states that the density ranges should not be prescriptive and should be applied flexibly in the light of local circumstances. It is recognised that higher densities may be possible where this can be justified by local circumstances.
44. LBE has also prepared a number of SPG documents relating to the site and Town Centre. These are grounded in the policies and proposals of the UDP and are material considerations to which significant weight should be attached. Ealing Town Centre: Town Centre Strategy 2002 – 2012, (Doc LP 3) sets out the vision that *'Ealing will be renowned within London as a distinctive town centre, an attractive location for investment and a desirable place in which to live, study, work shop and relax.'*
45. More detailed site guidance for the Application Site is given in SPG for Site 63 (LP 45). It sets out the indicative development capacity and development principles for the site, including a preferred mix of uses. A footnote to the table on page 2 states that *'this indicative development capacity should be used as an approximate guide only – potential floorspace is based upon an estimate using site coverage and building heights.'* The overall context for the individual site SPGs is provided in SPG: Development Sites – The Ealing Area (LP 45A). A note on page 25 of the document explains that 'Town Centre mixed uses' indicates that the local authority aims to promote a mixed use scheme from the following uses: retail, employment, leisure, community, housing; but single or dual uses would be acceptable subject to site specific and town centre strategy justification. In some cases sites are also given a preferred use designation within a mixed use description.
46. Various documents have been prepared in connection with the Local Development Framework. However emerging policies are at an early stage, and very little weight can be given to them at present.

National policy guidance

47. I have also taken into account national planning policy, in particular PPS1, PPS 3, PPS 6, PPS 23, PPG 13, and PPG 15.

The Proposals

48. The proposals are as described in revised description of development above and the Planning SOCG, at Section 5.

The Case for Glenkerrin (UK) Ltd

49. It is necessary at the end of an inquiry of this nature, which has had to consider the detailed minutia of development control, to step back and to understand the true impact that a proposal would have on its environment in the round.
50. In this case, the proposal would bring to Ealing a truly memorable, high quality development which would accurately reflect the role that Ealing has to play in the poly-centric City. It would mark the very heart of the centre in a contextually appropriate way and would transform the contribution that this site makes to the character and appearance of the historic area in which it sits. It would bring world class contemporary architecture to a site which is the lynchpin of the town and would create both a new place and a sense of place where presently there is nothing of real quality. And it would bring people and uses wholly consistent with sustainable development to one of the best located sites in west London.
51. The statutory spatial development plan for London clearly defines Ealing's role in the sustainable exemplary polycentric city. Ealing is a Metropolitan Centre. That role reflects the Broadway's excellent public transport connectivity (as much a legacy of its history as the leafy Edwardian nature of its hinterland) and its location in a ring of other strategically important Centres with similar scale and access to transport choice.
52. That fact also brings with it an approach to the appropriate land use planning of the centre and its important sites. This is well understood by the plan making and development control authorities.
53. Furthermore it is an approach which has been endorsed by central government through the London Plan Alteration process and most recently re-affirmed in the Dickens Yard CPO proceedings (RPD 10).
54. But there are those who are much less comfortable with the status that the democratically accountable and independently audited plan-led system has given to the Centre. They would prefer a different approach to development decisions in the 'Queen of the Suburbs'. They would prefer Ealing to retrench not grow its retail offer. They would prefer its centre not to be the place where much needed houses are provided and in townscape terms they would wish its future to reflect the elements of its low density 'predominantly low rise' past.
55. This is not the correct approach. Accepting it would mean setting aside the development plan in favour of a form of shadow plan which not only does not have any democratic accountability but which plainly runs contrary to the adopted development plan for the area.
56. The dichotomy of approach adopted between supporters and objectors explains the surprising gulf in judgment between these groups as to the acceptability of the proposal. Set yourself a different test and you are likely to get a different result from those who apply the correct test. The task for the decision maker in this case is to determine the appropriateness of the development proposal in the context of the correct approach to Ealing. It is no coincidence that all of those statutorily charged with applying the correct balanced spatial approach to development at this location have concluded that the proposal is a unique, innovative and timely proposition for Ealing.

57. In opening, I set out six propositions to which I now return. In doing so, I shall cover all of the main issues identified by the Secretary of State in the call-in letter.

One: The Application Site sits at the heart of and gateway to Ealing Metropolitan Centre.

58. This proposition cannot be in serious doubt. It is the key contextual proposition before the inquiry.

59. The position of the site in the heart of the Metropolitan Centre does not absolve a Developer from the statutory and policy tests which apply to any large developments in historic areas. (see proposition Five, below). But it does have an important bearing on how those tests are applied to the circumstances of the case. A failure properly to understand or accept the role that the London Plan has given to Ealing will result in a misunderstanding and misapplication of the relevant policy tests.

60. In short, a failure to apply those tests in the context of an evolving modern world city is to adopt an inappropriately historicist approach to development control and to ignore a critical piece of the site's context.

61. In this case many of those objecting, including English Heritage, have simply failed to address the application site and the historic assets in their proper strategic London context. It is important therefore that the decision maker properly understands the status of the site and its consequences for the decision making process. I start with the Metropolitan status of the centre.

62. The inquiry has heard much about how Ealing gained its Metropolitan status and how that status has been recently reconfirmed. Many objectors take issue with that designation. That is because, like the Mayor, the statutory strategic authority in London, they recognise the potential compatibility of the proposal with that strategic status.

63. Ealing was formally identified as a Metropolitan Centre in 2004 upon the publication of the first London Plan. The nature and status of the London mosaic of centres was considered further as part of the 2008 alteration process. Ealing's status was reconfirmed and is formally recorded in the London Plan at 3D.1 p164 of the published Plan and in the table in Appendix 1. There is no prospect of such a change in designation even being contemplated outside of a new London Plan. (see PPS 6 para 2.9.) A new London Plan is some way off and there is no indication that a reclassification of Ealing would be appropriate in any of the pre-consultation documents that have to date been issued by the Mayor. Given the Mayoral support for this application's contribution to the Metropolitan status of the city, such an indication would be wholly unlikely.

64. Suggestions that the matter may be considered through the emerging LDF proposal are simply misplaced and should be given no weight. As the recent Dickens Yard decision (RPD 10) has established beyond doubt, the Secretary of State should determine this application on the basis that Ealing is a Metropolitan Centre. This designation places Ealing at the top of the capital's poly-centric categories of Centre. Only Knightsbridge and the West End, which are international centres, are placed higher in the hierarchy. This status means that in land-use planning terms, Ealing is meant to operate as much more than a local

- centre serving the needs of a more local catchment as many of the objectors would wish.
65. Metropolitan Centres are mainly located in the suburbs but they are not meant to be suburban centres. They are meant to serve wide catchment areas covering several boroughs not only in retail terms but also in employment and leisure terms too. (SP 1, Annex 1)
66. Further, they are the most accessible locations on the public transport networks outside central London and have significant potential to promote sustainable development to meet a range of needs including significant housing. They are central to the achievement of strategic objectives of the London Plan. (SP1, Para 2.20)
67. In other words these 11 metropolitan centres are hugely important elements in the spatial and physical context of London. It is not inappropriate that such importance is marked in principle by a townscape response such as a tall building. This is reflected by the approach to tall buildings in Metropolitan Centres advanced by the Mayor in this case. (See below). Further, development at such centres should maximise the potential of its most well located sites.
68. The site is at the heart of and gateway to Ealing. The application site is the key development block for the centre. It sits between the new Dickens Yard development and the Broadway shopping centre at the geographical and functional centre of the Town. It is adjacent to the railway station and is the first part of Ealing that you see when you emerge. This will remain the case when Crossrail appears in 2017 and the status and importance of the centre is enhanced yet further.
69. It is also adjacent to the Church of Christ the Saviour which has the potential itself to achieve a much enhanced role in the centre if these proposals are allowed to match those at Dickens Yard. Further it also sits adjacent to Haven Green, a remarkably scaled area of open space, itself falling within the centre of the defined Metropolitan Centre.
70. In short, if Ealing's status as an important Metropolitan Centre and the consequences which flow from that are not in any serious doubt, then the application site's place in that centre as its most important site is also secure. This has profound implications for the way the decision making process approaches the application.

Two: The Site at present makes a wholly inadequate and wasteful contribution to the Metropolitan Centre.

71. This is an important proposition because it sets the baseline not only for the land-use planning consideration of the site but also for the statutory and policy tests which are required to be applied to the proposal by reason of its location inside and adjacent to Conservation Areas and the settings of listed buildings. In particular, it sets the base against which a judgment can be made as to whether the proposal harmfully impacts upon the existing character and appearance of this part of Ealing.
72. It is crucial when considering character and appearance to consider not only the built development elements of the existing site but also the uses that such buildings and spaces allow. Character and appearance are about a sense of place

- as well as the physical aspects of the place. In this regard the evidence of the Conservation Area Panels to the effect that the uses on the site didn't really matter when considering character was wrong as a matter of fact, policy and law. Any such analysis would of necessity be a shallow and incomplete analysis of the contribution that the present site makes to character and appearance.
73. Any adequate analysis of the proposal would establish the following key features of the existing contribution made to the area by the site.
74. The Arcadia Centre is a pastiche and a pastiche of poor quality at that. It is undistinguished architecture which demonstrates why twenty first century uses such as modern large scale retail are hardly ever successfully clothed in quasi-domestic apparel. It is exactly why By Design argues against such an approach. Save Ealing Centre's (SEC) retail witness appears to have forgotten this.
75. The edge condition of the site opposite the Church of Christ the Saviour presents a distinct back of house and bland face to the world and to the listed building, lacking in interest or active frontage. It clearly detracts from the Conservation Area and the setting of the listed church.
76. The hinterland of the site is impermeable. It brings no sense of place to this important site. Neither does it allow uses which could bring vitality to this important part of the centre. It is a wasted opportunity. The balance of the site is also under scaled and largely undistinguished. It is only consistent with poor quality second order retailing and limited residential above.
77. The railway tracks to the north of the site constitute a clear physical, psychological and environmental barrier to proper use of the centre as a whole. They represent a fracture in the townscape of the centre- failure to accept this point on behalf of the rule 6 parties at the inquiry was bizarre, particularly when a number of their proofs described it in similar terms.
78. The edge condition of Haven Green is wholly inadequate to its scale and importance as an area of open land in its London context. The fracture associated with the railway has effectively sterilised any activity or engagement with the southern boundary of the Green.
79. It is no doubt for these reasons among others that a Conservation Area Consent for the demolition of the buildings and structures on the site necessary for this proposal has already been granted in January 2009. It is not the subject of this call-in. Neither has it been challenged in any respect.
80. The grant of this consent and the demolitions of the existing buildings on the site are entirely consistent with the adopted development plan's treatment of the site. It clearly identifies every address on the site as part of the redevelopment opportunity. No building is identified as being necessary for retention. This in turn is consistent with the site brief SPG which clearly envisaged the demolition of all existing buildings to allow for the comprehensive redevelopment of the site. (LP 45)
81. It is therefore not difficult to see why the local planning authority felt able to safely grant the consent consistent with the advice in PPG15.
82. Any requirement to accommodate significant further existing fabric within the proposals would quite clearly harm the potential of the site to make its full contribution to town centre regeneration. The benefits of demolition coupled with

appropriate redevelopment significantly outweigh any benefits of keeping individual buildings across the site. (GK 6)

83. The existence of the grant of Conservation Area Consent recognises the appropriateness of the demolition of the existing buildings as a matter of principle. It is of course subject to a condition that no demolition shall take place until a contract for a suitable and consented redevelopment is in place.
84. The issue for the decision maker therefore is not whether the developer has established an in-principle case for the demolition of the buildings on the site – the grant of consent conclusively presumes that. English Heritage appears to be unaware of this fact. The issue for the decision maker is whether the proposal is of sufficient quality to gain planning permission.
85. As to this, see propositions Three Four and Five which now follow.

Three: In contrast, the Proposal does appropriately reflect the site's location and function.

86. The application proposal has not sought to turn a blind eye to the role which the centre and this site should play as a key component of the poly-centric city.
87. Rather, the developer has sought to engage with the local and strategic planning authorities at every stage to construct a development which reflects the appropriate role for the site. In truth the principle limbs of the proposal are as much those of the authorities as the developer: the townscape fracture should be healed allowing for significant bridging over the railway and a maximisation of site area at this location; the development of the uses identified in the UDP should also be maximised in buildings of exemplary quality consistent with context; and the importance of the site could appropriately be marked by a landmark building.
88. It would be ironic if the proposal were found in these circumstances to be significantly in breach of the locational principles contained in the development plan and sought by the planning authorities.
89. The existence of the townscape fracture cannot sensibly be denied. The witness for the Conservation Area Panels was keen to identify the concept of the fracture as having been overemphasised by the developer and adopted by the local planning authority to justify the scheme. I suspect that most residents would regard the townscape gap as a nuisance. The ability to effect a healing of this fracture or injury is a significant townscape benefit.
90. It not only adds to the permeability of this central sites but it also creates significant new town centre brown field land upon which much needed development can be accommodated. As such the proposal is consistent with By Design on permeability, PPS 1 on making best use of brown field land in centres and the London Plan policy 4B 1 on design.
91. The argument ranged against this by objectors is not that the healing of the townscape is harmful; but that it might be effected by a lesser provision of bridging.
92. Little weight should be given to these suggestions for the following reasons. The full bridging of the fracture is self evidently the best solution - less complete solutions would provide for more limited permeability and would wholly fail to

deal with the issue of noise and fumes. Once the fracture is healed it would be nonsense not to make the most of the additional town centre area consistent with context. The achievability of smaller scale bridge solutions in terms of safety simply has not been considered by those who promote them. Nor has the viability of smaller solutions been tested at all. The rule 6 parties were advancing the potential for a substantial pedestrian landscaped bridge across the mainline Paddington West Country/ Wales rail line. One glance at the Three Dragons assessment viability assessment carried out in respect of affordable housing provision indicates the inherent unlikelihood of such a solution coming forward in the real world.

Maximising the appropriate Uses.

a) Retail

93. The purpose of the retail element of the proposal is to enhance the operation of the Metropolitan Centre. It will assist in creating a comprehensive 'retail loop' with the Broadway Centre and with Dickens Yard, adding to the centre's attraction by both meeting quantitative and qualitative need. Such an approach is consistent with every tenet of central and local planning policy.
94. Further all of the relevant technical evidence establishes beyond doubt that there is a compelling quantitative and qualitative case for further floorspace of the type proposed. The objectors' refusal to engage with the policy matrix applicable at this location was so complete that even these elements of the proposal found opposition. Of course such opposition was consistent with the SEC Ealing Vision which envisages a reduction in retail in the centre and largely low scale development on the application site.
95. PPS 6 makes it clear that strategic centres such as Ealing are the first choice for retail development of the type proposed. Local planning authorities are required to enhance the provision of comparison retailing in such centres for that is consistent with general principles of sustainability. This is reflected in the London Plan's general locational policies on comparison retail development. This would be the case even in the absence of demonstrable capacity for such floorspace. But the fact that there is such capacity and a pressing need for more floorspace of this nature means that even more weight can be given to the benefits of providing the retail at the levels proposed by this development.
96. Thus, the West London Retail Needs Study (LP 26) undertaken on behalf of the authority and further work undertaken specifically for Ealing (LP 41) has established a clear quantitative case for significant further retail within Ealing, beyond even the 'cap' of c 13,000 m² net set for retail development in the UDP.
97. This has led the authority formally to remove reliance on the cap for development control purposes because of the powerful material consideration represented by the further study work. (Though it is right to record that the proposal is provided at a level which with Dickens Yard would be within the 'cap' as a matter of fact in any event)
98. Further the extent of the need in a qualitative sense has been bolstered by the arrival of White City and the requirement for Ealing to 'up its game' if it is to continue to play a sustainable role as a Metropolitan Centre. Particularly noted is the need for larger more modern style floorspace to attract multiple occupiers of the type at present lacking.

99. Both the technical aspects of the quantitative case and the qualitative need for additional floorspace of quality were recently tested and considered fully by the Secretary of State. In the Dickens Yard CPO Inspector's Report and Decision Letter (RPD 10) the following factors are apparent. LBE called expert evidence on the technical quantitative and qualitative aspects of need for further retail in Ealing consistent with its retail loop strategy.
100. LBE's expert witness who had been considering the issues of retail need in the borough for several years confirmed to the inspector the robustness of the need case before her. This confirmation was given notwithstanding the fact that SEC's retail witness to this Inquiry had brought to her attention his concerns with the modelling of retail capacity. The Inspector accepted the quantitative and qualitative need for significant further retail development, of which Dickens Yard would form a part.
101. The Secretary of State fully accepted the Inspector's conclusions in relation to these issues. She was not moved to alter her conclusions on this matter by the submission made at the time by SEC's witness to this Inquiry.
102. There is no evidence to support a contention that there is no need for further retail in Ealing. Such a proposition is wholly inconsistent with the expert technical evidence already accepted by the Secretary of State this year, and with the needs of Ealing as a Metropolitan Centre.

b) Housing

103. The application site is a town centre site. As such it is, in principle, a suitable location for more intense residential development. Opponents of the scheme take the view that the location is, because of its centrality, only appropriate to generate 'limited' housing. Again this is also of a piece with their vision for a low density substantially low rise Ealing Town Centre.
104. That vision is a misplaced one as the following analysis will establish.
105. PPS 6 makes it clear as a matter of fact that housing is an appropriate town centre use, particularly in multi-storey developments. (see para 1.9). This is reflected in the London Plan (SP 1) at para 2.20 where we are told that metropolitan centres are key locations for activities such as housing and by policy 3A.2 which makes it clear that in seeking to exceed their minimum housing targets, they are to identify new sources of supply from the '*redevelopment in town centres*'.
106. The matter is taken yet further by the Mayor's Housing SPG (SP 3) which on mixed use development tells us: '*Housing will be a key component of such development and boroughs will make provision to accommodate it and draw on SRQ (sustainable residential quality) policy to integrate leisure and provision with new higher density housing*'. Any suggestion that housing is not appropriately located within the Town Centre as a primary land use are wholly unsupported.
107. Town centres are the appropriate locations for retail development. A promotion of mixed use retail and higher density housing is only conceivable in circumstances where town centre residential at higher densities is also envisaged. Other uses (except office use) above the first two ground level floors are rarely acceptable or viable. If there is to be a town centre

renaissance based on denser development at upper floors, it will need to include housing uses if it is to be meaningful.

108. SEC's position was based on an incorrect understanding of the operation of the density matrix which was to the effect that high density residential should predominantly be located within 800 m of the edge of the town centre boundary and that higher densities would therefore be deliverable outside the centre than within it. No authority for this proposition was given.

c) Severe shortage of Housing

109. The requirement to provide further denser housing on town centre sites is driven by the overall shortage of housing land in London and by the high sustainability credentials of Metropolitan Centres. In Ealing, there has been a very significant uplift in the housing targets for the borough as a result of the London Plan Alteration process.
110. As part of the alteration, housing land availability studies were undertaken at borough level. In Ealing the ability of the centre to accommodate further housing numbers led to the annual monitoring target for the borough rising from some 600 to 915. These studies and this requirement post date the general indicative quantification of housing numbers deliverable on the site.
111. This monitoring target of 915 is clearly expressed to be an absolute minimum target which boroughs are required to exceed by identifying sources of supply from the redevelopment of Town Centre sites, amongst other things. The reason that the figures are expressed in terms of minima is because, even at these levels, delivery would not come close to meeting the underlying requirement for new households either in London or in Ealing.
112. It is for this reason that the density matrices contained in the London Plan are not to be seen as an upper limit. The purpose of the matrix at section 3 of the London Plan is to ensure that sites are not developed to inappropriately low densities. If housing applications fail to make the appropriate use of the land upon which they sit, that by itself is a reason for refusal.
113. By contrast, if a development exceeds the upper figures in the matrix, that is not a reason for refusal unless the density proposed brings with it an unacceptable development control consequence which cannot be overcome by good design. SEC's approach, which was to treat these levels as maxima beyond which development is unacceptable, is simply incorrect as a matter of principle.
114. This approach is confirmed by the Mayor's housing SPG (SP3) which says in terms that *'the table should not be seen as prescriptive and should be applied flexibly in the light of local circumstances. Higher densities may be possible where this can be justified by local circumstances.'* Further, it is relevant to note that the matrix assumes development of 4-6 storeys in setting the ranges. Where consistent with context, taller development is acceptable. It would follow that the upper limit is necessarily and appropriately exceeded.
115. This approach is also reflected in the many tens of Mayoral decisions approving housing developments in Metropolitan Centres, where circumstances such as very good public transport or the suitability of the site for taller development have been taken to justify densities significantly in excess of the upper level in

the matrix. In the present case there was no in principle objection from the Mayor when the proposal at 704 units was significantly greater than that proposed now. And certainly there is no objection at all from the Mayor in relation to the proposed density of the application scheme.

116. The issue for the decision maker in this case is not whether the density exceeds the upper level identified in the matrix. The issue is whether the proposal has harmful development control consequences which in the planning balance means that the proposal should be turned away. For the reasons set out in Proposition 6 below, there are no such unacceptable circumstances in the present case.
117. The application of plot ratios to the housing elements of the proposal is of little assistance to the decision maker. The concept of plot ratios is intended to relate primarily to commercial developments where very different land use characteristics are at play. This is made clear by the only reference to plot ratio in the London Plan which makes it clear that the concept is clearly applicable to commercial development, and by the fact that the UDP SPG 6 (LP 10), which deals with plot ratios, specifically ties itself to the commercial development and design policies and not at all to the housing or mixed use policies.
118. The joint rule 6 parties maintain that the design policy 4.1 in the UDP which the SPG supplements applies to all development. That is correct, the policy does apply to all uses including industrial development. But that does not mean that all development (of whatever type) is to be judged by reference to plot ratios.
119. Put shortly, on a proper interpretation of the SPG, if plot ratio was meant to apply to all development including housing there would be no need to identify the industrial development policy in the introduction to the SPG. The fact that industrial development is identified and housing development is not, plus the cross reference to the only paragraph of the London Plan which deals with plot ratio as a commercial concept takes the matter beyond doubt.
120. It is instructive that the objectors were unable to point to one single large scale residential development other than this proposal which has been examined by reference to plot ratios. It is further instructive that the Mayoral considerations of this case do not identify the concept of plot ratio as a relevant consideration to the determination of the appropriate housing density.
121. It would be wholly bizarre if the density matrix for housing were not to be seen as prescriptive, but a different measure of density, not ordinarily applied to housing elements of the proposal, were capable of 'stymieing' the grant of an otherwise acceptable consent, without any policy backing. That simply cannot be a correct approach. The correct approach is to consider whether the proposals cause demonstrable harm by reasons of its design. I turn to this under proposition 6.

Appropriateness of the location for a tall landmark building.

122. The tall landmark will be a unique, innovative and place specific element of the proposal. As an urban marker, it will signify the importance of the centre and the importance of the site within the centre.

123. The Secretary of State will now be very familiar with the proper operation of tall building policy in London. There is a locational policy for tall buildings in the London Plan. It provides clear guidance on the appropriate location for tall buildings in London. Along with the EH/CABE guidance on tall buildings it is more than sufficient to establish an appropriate policy matrix against which to judge the acceptability of tall buildings.
124. There is no requirement that local authorities should have put into a place a form of local location framework for tall buildings as alleged by the joint Rule 6 parties. The London Plan policy provides that the Mayor will promote tall buildings where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and also where they are also acceptable in terms of design and impact on their surroundings.
125. In this context the tower will create an attractive landmark, marking one of the most functionally important parts of West London. It is difficult to think of a more appropriate place in West London for a tall landmark building. Further, the landmark building will provide a coherent location for economic clusters of related activities in the sense that it will mark the lynchpin site and gateway to the new retail loop which will characterise this part of Ealing's commercial offer.
126. It will also act as a catalyst for and symbol of regeneration at this location which presently offers nothing at all to the Metropolitan Centre. In this it will join the taller tower elements of the Dickens Yard development which the joint Rule 6 parties correctly accepted must be now treated as a commitment in turns of where it has reached in the planning process.
127. Finally, the design and impact elements of the proposal are acceptable. (see below)
128. In these circumstances, all limbs of the development plan policy for tall buildings are met. This is not just the Applicant's view of the appropriateness of the site for a tall building. The Mayor, as custodian of the relevant tall buildings policy, is wholly satisfied that the landmark element of the proposal in this location is in accord with the policy. Such a conclusion is of huge importance and should only be set aside by the clearest possible evidence that the policy is otherwise breached.
129. The UDP does not contain a locational policy relating to tall buildings as such. It contains guidance in the form of reasoned justification to a design policy. (Table 4B page 56 of the original plan) The policy has been saved but the text has not. Although the text is not therefore part of the saved development plan it potentially operates as an aid to an interpretation of the saved policy. The weight to be given to the reasoned justification will depend on all the circumstances of the case.
130. The previous reasoned justification is relied upon primarily by the objectors to support their overall objection to the proposal on the basis that it fails to reflect the historic low density, low rise character of Ealing and its conservation Areas. Particular reliance is placed upon the provision in the unsaved text in Table 4B to the effect that tall buildings (defined in the unsaved text at 20m) will *'not generally be acceptable on sites in or adjoining Green Belts or Metropolitan Open Land or within Conservation Areas of Special Character.'*

131. Little weight should be afforded this submission. It is difficult to see how this part of the unsaved plan aids interpretation of the overall design policy. To this extent its materiality as unsaved text must be questionable, particularly since it does not reflect the contents of the tall buildings locational policy in the strategic plan. In any event, the policy relates to the entire borough which has 29/30 Conservation Areas and is deliberately couched to allow of exceptions consistent with the approach of the 4B table. It follows that there may be some Conservation Areas where tall buildings might well be acceptable consistent with the approach of the unsaved reasoned justification.
132. The application site sits in part within and in part adjacent to two of the most central Conservation Areas in Ealing. Another part of Table 4B makes it clear that a tall building should identify and emphasise a point of civic or visual significance over the whole area from which it will be seen. Such points of significance are truly only likely to occur in such central locations. Thus if there are to be tall buildings in any of the Conservation Areas, it is surely in the most central Areas where such developments are likely to prove acceptable.
133. This approach to the acceptability of tall buildings in the most central of Conservation Areas is of course consistent with the Metropolitan Centre status of these areas, with the identification of site 63 as a suitable home for a landmark building in the Town Centre Strategy (LP 3) and now with the resolution to grant consent for significant tall elements in the Ealing Town Centre Conservation Area as part of the Dickens Yard proposal. (RPD 9 and 10)
134. Further, it is consistent with the conclusions of the Tibbalds Report (LP 4) which involved a careful analysis of the ability of these Conservation Areas to accommodate taller landmark buildings.
135. For all of these reasons, the appropriateness of the site for a tall landmark building in policy terms is clear. The next issue is to consider whether the development as a whole is of exceptional architectural quality.

Four: The proposal is of exceptional architectural quality.

136. All those that have correctly addressed the strategic London context have also concluded that the proposal is of very high quality and deserves the grant of consent. Of course it is conceivable that a decision maker might take the appropriate decision making approach and still find the development unacceptably wanting.
137. That is why the evidence of CABE in particular is so important to a proper understanding of the case. CABE has been particularly careful to ensure that the proposal is of exemplary architectural quality in the context of its environment and strategic status. It was well aware of EH concerns, which were presented to CABE at the design review. And yet applying the appropriate test to the application CABE was able to support the proposal at this location as an example of high quality architecture.
138. If the decision maker follows the appropriate (as opposed to the EH and objector's) decision making route, it can only turn the application away if it rejects outright the clear conclusions of CABE on these important issues.

Architectural Quality

139. This proposal will bring world class architecture of the first order for the first time to Ealing. Ealing has nothing to offer at present that would be of the quality of that which is proposed here for this important lynchpin site. It would have the potential to change the way people view Ealing in the round. It will be seen as a vibrant, modern Metropolitan centre whose representatives want only the best for its important development sites.
140. It would have been easy for Glenkerrin and the LB Ealing to have settled for the mediocre or the village vernacular. But that would have been a serious mistake. The suggestion made by the key rule 6 objectors that Ealing should resort to the pastiche or semi-residential only serves to underscore by contrast the appropriateness of a modern place specific solution.
141. Architectural quality begins with a thorough understanding of the application site and its context by a good architect. The building blocks of this application were expertly described by both Hugh Stewart and Robert Tavernor. Their abilities as, project architect for one of the finest architect firms in the World and foremost townscape expert are not in serious doubt. Neither has there been any challenge to the expertise or experience of HKR, who too are an internationally renowned and respected architects in their own right.
142. There was a hint of criticism that HKR were not called in addition to Stewart and Tavernor. But that is unfair. The purpose of the inquiry is to explain the proposal to the Secretary of State through the Inspector. It would have been unnecessarily cumbersome in the circumstances of the case to have called all three architects to give evidence.
143. Since the majority of objections related to the design of the tower element of the scheme and since Prof Tavernor and Hugh Stewart worked so closely and collaboratively on the HKR master-plan as a whole, it was thought appropriate to proceed with the witnesses who were called. HKR were present through the first part of the inquiry and could have been called to assist the Inspector with any lack of understanding of the scheme. There was no suggestion that there was any such lack of understanding.

The Architecture

144. The main building blocks of this new place for Ealing have been described above. The spanning of the railway, the opening up of the hinterland of the site and the creation of new public lanes and thoroughfares for Ealing, the opening up of new enhanced views of the church, the creation of a new and animated edge to the Green and an appropriate tall building marking the main entrance to the new are all easily understood features of the proposal.
145. Each main element of this architectural narrative has its own logic rooted in the context of the site. Each element specifically responds to the opportunities and constraints of the site. Each of the site's shortcomings has been addressed and systematically overcome.
146. A written closing cannot begin to do justice to the quality of the architecture overall. The Secretary of State and the Inspector are urged respectively to read and to re-read the main proof of Hugh Stewart of Foster and Partners for a thorough and proper understanding of the quality of the architecture.

147. Where there are criticisms of the scheme by objectors they are rarely criticisms of the intrinsic quality of the architecture per se but more about the proposal's perceived absence of respect for the historic fabric scale and grain. Further, even these objections are, significantly couched in terms of general in principle objections to scale and massing rather than specific concerns about the detail of the development.

The Buildings

148. The individual buildings are carved out of the present impenetrable site by reference to the new lines of permeability through the site. These pedestrian routes have a coherent logic to them. The primary sequence of spaces runs diagonally across the site from Station Square, the new home of Crossrail in Ealing to Haven Court at its centre before passing on the Church of Christ the Saviour. The diagonal has a counterpart, also terminating on Christ the Saviour, in the Dickens Yard proposal
149. This has the benefit of opening up A3 uses on the sunny northern side of the site's hinterland to create an animated welcoming space. It relieves the pedestrian from conflict and juxtaposition with the motor car. The new lines of permeability also allow for the creation of public spaces at the heart of the scheme, and at the interface with the Station and individual character areas, reflecting the different edge conditions of the site overall. (See GK 5, Proof p57).
150. Each of the buildings designed around this layout has been individually tailored to the circumstance of the place. This is a bespoke architectural response to the circumstances of the site.

Buildings A1 and 2

151. Building A2 forms the corner of the site at the Broadway and Springfield Road. It has been specifically designed to hold the corner and to allow the creation of a proper street on both its elevations. Its clean lines reflect this function. Their angularity is a feature of the work of both HKR and Fosters and is to be seen in award winning work of both practices. (See GK 5, and also key references to other schemes in LP 4)
152. The building height of 6 storeys has an urban scale but is appropriate to its context at this corner location. It provides balance with the streetscape opposite and is a much more satisfying resolution to the relationship between the north and the South side of the Broadway than present.
153. Building A1 is split from A2 to allow for a continuation of the route from the station to the Church and the associated enhanced views of the Church from the new heart of the development. Contextually, it continues the themes established by building A2. Along Springfield Road the building is 6 storeys high, rising to 8 stories at the heart of the site over Haven Court.
154. The Springfield Road facades of both A2 and A1 are traditional brick in colour with modern fenestration which brings a verticality and balance to the proposal. Internally where block A1 fronts onto Haven Court, the design is more colourful and playful reflecting the difference between the edge and centre contexts

155. Both buildings have also been significantly set back on the Springfield Road elevation to allow a much enhanced pedestrian experience on that street. It will now become a proper shopping street and not just a back side of the centre. Both buildings are given rhythm and proportion by being split into bays.
156. Overall, buildings A1 and A2:
- Significantly enhance the site's relationship with Springfield Road and the Church of Christ the Saviour.
 - Provide an appropriate western edge to the development at an appropriate height with architectural integrity
 - Allow for the creation of a new wholly pedestrian route through the site with views which terminate at the Church.
 - Address the interior of the site at a greater and more appropriate urban scale.

Buildings D and E

157. Buildings D and E form the new frontage to Haven Green. The importance of the Green to the townscape understanding of Ealing is accepted and well understood. The impact of the proposal on the Conservation Area is dealt with in full below.
158. Haven Green's status as common land has created a uniquely large scaled area of open land in the heart of the Metropolitan Centre. It is important to understand the scale of the space- a scale which is never properly apparent from the images - for it is the scale of the space which gives the essential context to the scale of buildings proposed at its edge.
159. Haven Green is a large townscape presence. It calls for an appropriate architectural response. The new frontage presents an active, vibrant datum of 4 stories to the Green punctuated by taller elegant slender volumes presenting their narrowest edge to the Green. These building volumes have been carefully carved and modulated to present interesting forms in themselves and to allow for the creation of garden spaces between the taller elements, blending and softening the built form at this location. The buildings are then fragmented further into vertical volumes. The slim punctuating blocks to the north, closest to the Green are only 9 storeys in height and present an elegant front to the Green.
160. The materials used are traditional brick at the datum level buildings with some upper areas faced with stone and anodised aluminium to give a crisply detailed backdrop behind the established tree edge- itself a townscape feature of significant scale and proportion. Internally, the buildings create an appropriate backdrop to Haven Court, allowing views of the space above the Green and carefully calculated glimpses through to the Green itself. This is space making of the finest quality.
161. Overall, buildings D and E would transform the frontage of the Green and for the better.

The Landmark Building

162. The landmark building has been designed to be a building in the round, an object building, the focus of the heart of the Town Centre. It is placed on the pivotal point between Haven Green and the Station Square. There is no more logical position for a tall landmark building. It is set at the end of view axes across the Green and the Broadway creating a point of orientation and identity.
163. The building has been broken down into four separate petals. The effect of this, coupled with its overall height and step down to the South, is to produce an elegant vertical proportion.
164. In response to its context and landmark function the tower will be clad in a highly innovative brass coloured louvre system itself chosen to pick up the warmer tones of the other materials in the Conservation Area while retaining the integrity of approach expected of a building of this quality and type. The fluid, fluent shapes of the cladding and their associate balconies reflect the layouts and uses of the dwellings created within. The louvres wrap the building form to the top of the building creating a unified expression.
165. The top penthouse floors themselves are given a slightly different treatment ensuring that the building reaches the sky in an appropriate manner. The culmination of the towers will give a softer more sky-bound lantern feel to the building at this point.
166. The base of the building has been redesigned to complement the main body of the building and its top. It will house a truly exceptional restaurant/bar area which will overlook and bring animation to the Station Square and the Haven at its important junction with the Broadway.
167. The tower is a unique and powerful response to its context. It will be place specific in the sense that it has derived from and reflects its context as a tall building in the heart of Ealing Metropolitan Centre. Its organic, arcadian feel would be read against the deliberately calmer and less stylised buildings of the balance of the development. The contrast would as CABE were keen to note be a benefit of the proposal as a whole.
168. Overall, the tower is a building of exceptional quality and integrity. It is not surprising that it gains the very full support of the government's key experts in this field. The detailed impact of the tower on its historic environment is dealt with under the next proposition.

Building C

169. Building C defines the Southern Edge of Station Square and re-establishes the street frontage of the western side of the Broadway leading up from the Uxbridge Road. Its purpose is to knit together the retained Carphone Warehouse and Sainsbury's buildings with the new public space. It also serves as a transition between the height at the corner of the street and that achieved by the tower. Calm brick facades are combined with durable and more reflective metal facades for the upper levels.
170. Much was made of the criticism of certain elements of building C set out in the officer's report. But the nature of that criticism needs to be understood. First, there is no suggestion that the limited concerns of the officers in relation to block C go anywhere near substantiating a reason for refusal. To the contrary,

it is made clear in the report that the officers are entirely content with the relationship between the various elements of the proposal. Second, and a consequence of the first, officers were content that their concerns can be dealt with simply by way of a condition requiring further details of the elevational treatment of the block.

171. The Applicant guided by the expert urban design witness does not believe that this further work is necessarily appropriate. Neither did CABE. But if the Secretary of State believes that further limited details indicating the treatment of the relevant facades would help, then of course the Applicant would provide them. Such conditions are commonplace in schemes of this nature and are entirely in accordance with circular advice as discussed in the conditions session.

Building B

172. The setting of the new buildings to the Broadway seek to balance the Broadway streetscape opposite by providing a shoulder datum of 6 storeys. In this they carry on the shoulder datum established by Building A2. Further they reflect the gentle curve of the street by being articulated at a slight angle with Building A2's frontage onto the Main Road. The buildings establish a rhythm and articulation which is appropriate to its setting.
173. The upper storeys are set back at an angle to allow glimpses of the Church of Christ the Saviour to be retained from further west and to provide the building with a top. Other limited views of the spire will be lost but this is more than compensated for by the very significant enhancement of the Church in the overall townscape of the centre. A careful balance between glass and brick has been struck in the construction of the elevations.
174. Overall this building will have the effect of raising the status of the Broadway to one consistent with its Metropolitan role. It will balance the northern side of the Broadway with the soon to be heightened development to the south and will be a significant enhancement to this part of the Conservation Area.

Five: The proposal respects the historic fabric element of its context.

175. Ealing's history has bestowed on it an important legacy in terms of built environment. The issue for the inquiry is whether that historic built environment has been appropriately respected by the proposal before this inquiry.
176. The approach to adopt in such cases is now clear from Secretary of State's decisions. The ability to see new and tall modern structures of very different form and character is not necessarily inappropriate in the context of a modern city or its conservation areas provided that such modern structures are of high quality and are visually acceptable.
177. Simply to assert that because tall or large buildings are not now characteristic of an area, they should not be allowed is not an appropriate response. It would contrary to the clear position of the London Plan constitute an unjustified blanket-ban on tall buildings in any locations where none were yet present.
178. In the Shards of Glass decision letter, the Secretary of State accepted that to adopt an historicist approach to Conservation Areas and Listed Buildings was

to make an error of approach. It was necessary not only to identify and to understand the nature of the historic asset but also its place in the City; to understand that historic fabric exists within the emerging and evolving polycentric city beyond.

179. Views of the evolving polycentric city in association with the historic asset do not necessarily harm the historic asset. Indeed if that which is proposed is of high quality, there is the real prospect that development might enhance it.
180. That approach has since been formally enshrined in the London Plan where boroughs are told that they should:
- Ensure that the protection and enhancement of historic assets in London are based on an understanding of their special character and form part of the wider design and urban improvement agenda including their relationship to adjoining areas.
 - Identify areas, spaces, historic parks and gardens and buildings of special quality or character and adopt policies for their protection and the identification of opportunities for their enhancement taking account the strategic London context. (4B.12)
181. Further, even in respect of the strategically important views of historic assets in London, decision makers are reminded that it is not in the emerging world city *'appropriate to protect every aspect of an existing view'*. (4B.17) This contextual approach is one which falls to be adopted not only in the particular circumstances of the City of London but in all parts of the poly-centric city.
182. Clearly, what might be appropriate to the evolving City of London, a 40 or 45 storey tower or in other parts of the capital might be very different from what might be appropriate to a Metropolitan Centre such as Ealing. The issue of context is all important. But to fail to pay proper regard to the approach consistently adopted by the Secretary of State or to the fact that Ealing has been identified as an important engine of change for the area or to the fact that it is already changing as part of the processes connected with its identification as a Metropolitan Centre is to adopt an inadequate approach.
183. Indeed, the allegation that Ealing Town Centre is predominantly a place of low rise buildings is simply no longer correct. The list of development sites contained in the UDP is already significantly changing the density and height profile of Ealing Town Centre. Further, and notwithstanding objections from the objectors (working closely with English Heritage who also objected), Dickens Yard will also bring significant and tall development to the heart of the Ealing Town Centre Conservation Area.
184. In this case, in addition to the generalised and non specific suggestions that the following main impacts on historic fabric have been identified by objectors:
- Loss of some views of Christ the Saviour from the Broadway and general diminution in the role of that church as an urban marker.
 - Unacceptable impact on Haven Green as an historic open space.
 - In addition, there is the suggestion that wider and more distant views from the suburban hinterland and from the gardens of Pitshanger Manor will be harmed by the tower element of the proposal.

185. These points are dealt with in turn below. It is first, though, important to set in context the non-verified montages and other images that have been provided to the inquiry. Of course such documents may be of some assistance to an expert decision maker. But they should be treated with caution. The EH/CABE guidance (BP 1) makes it clear that it is only fully verified and montaged images that are to be truly relied on as proper representations of how buildings might look. Even then expert judgment and knowledge of the site have also to be brought to bear.
186. The requirement to provide such verified and accurate images was introduced exactly to avoid the type of dispute as to accuracy which has taken place at this inquiry. In this case, the range of fully verified images provided by the applicant and the locations for them was agreed with the local planning authority, CABE and EH. It is one of the most comprehensive set of images ever presented at a location outside of the City of London. It is more than sufficient to allow the decision maker to form an accurate judgment as to the quality and impact of the proposals. The other less accurate images presented by objectors should be treated with care- they are not necessarily at all reliable.

Loss of views and position of Christ the Saviour in townscape.

187. Some existing limited views of the Church of Christ the Saviour will be lost. Others will be reduced in extent. None of these views has been specifically identified in the UDP as a view which is specifically worthy of protection. But the place of Christ the Saviour in the overall townscape of Ealing will be greatly enhanced overall by the proposal.
188. Firstly, the immediate setting of the Church will be significantly enhanced. The existing back side of the Arcadia Centre mediocre in conception. It will be replaced by the well designed contemporary lines of the buildings A1 and A2. The building line will be set back by a significant degree giving the Church, already well contained, further space in which to be seen and appreciated.
189. Second, the place of the Church in the visual and functional operation of the Centre will be significantly enhanced as a whole. At present apart from the set piece view from the Broadway, the church as a whole plays a limited role in the way the town operates. It is clear that the Church has the potential to be the visual and functional focus of a reconfigured town centre.
190. The proposals assists in achieving this potential. They create a new and enhanced pedestrian thoroughfare through the centre which will have as its visual termination a set piece designed view of the Church. The view is shown clearly and accurately on the verified montage. The street has been designed with this view in mind, and will echo a similar pedestrian and visual device provided for in the Dickens Yard development.
191. Rather than diminishing the position of the Church in the townscape the proposal will have the clear consequence of heightening the townscape role of the Church in the Centre overall. This was recognised in terms by the Mayoral report which provides that *'The plan of the scheme now includes an additional route from the Broadway to Haven Green and from the station square to the listed church of Christ the Saviour, with the latter forming the focus of the view along this new retail street. These changes help integrate the scheme with the wider townscape, and the adjacent development at Dickens Yard,*

greatly enhancing visual and pedestrian permeability and providing new views of existing heritage assets.' (SC 2, paras 47 where the montaged view is set out, and 48).

192. Overall, the setting of the Church of Christ the Saviour will be significantly enhanced by the proposal. EH self evidently entirely fails to give appropriate weight to these factors at all.

Impact on character and appearance of Haven Green Conservation Area.

193. There is simply a fundamental difference of approach between the appellant and the supporters of the proposal and those that would object.
194. Many of the objectors believe that the Green functions and should continue to function as a village green, to be surrounded by something known as Haven Village. That is simply the wrong approach. It is not surprising that objections are raised to the proposal on the basis of this aim or objective
195. Haven Green must be close to unique in terms of its scale in the heart of a Metropolitan Centre. It is, as mentioned above, a large scale element of the townscape. The location and scale of the space brings with it consequences for the nature and scale of the development that might be appropriate adjacent to it. It also means that the Green has an essential robustness to it. This robustness is enhanced by the sturdy semi-mature plane trees which frame the Green space.
196. Two elements of the proposal address the Green on its northern edge. First the Landmark Tower and second buildings D and E.
197. The juxtaposition between the Green and the Tower at the corner of the Green where it adjoins the very heart of the Metropolitan Centre will be entirely appropriate to its context. It will be an exciting contrast of exactly the type which is spoken of approval by the London Plan in section 4B. The quality and elegance of the tower is clear and apparent in those accurate photomontages where the building will be visible. As such it will enhance the character and appearance of this Conservation Area. In these views it is easy to see why CABE are able to describe the building as *'high quality architecture'* and an *'innovative and unique landmark for Ealing'* (SC 4).
198. It will from a large open space at the heart of the Metropolitan Centre mark clearly and appropriately the lynchpin site within that centre. Such a marking is entirely appropriate to the nature and use of Haven Green and simply cannot be inappropriate as a matter of principle. As the Mayoral report explains cogently... *'a significantly taller building would be visible and could become the focus of view, this would serve the intended function of improving the legibility and recognition of the town centre and the existence of Ealing Broadway transport hub, and would not therefore be considered inappropriate'* (SC1, para 52).
199. This position is further reflected in the terms of the Town Centre SPG where the site is specifically identified as being appropriate for a landmark building (LP 3). The objectors simply refuse to engage in this logic which derives directly from the development plan.
200. Buildings D and E would replace the existing railway lines and the ugly car park on the Green's southern boundary. They would create a lively, animated

edge to the Green where presently there is none. They create an appropriate streetscape where presently there is no potential for engagement from the South. Again CABE is content that this part of the development (as part of the development as a whole) represents high quality architecture. The upper storeys are well designed and well modulated - they have been expertly crafted to address the Green.

201. Great reliance was placed upon part of the site brief for the site which indicated indicatively a maximum 2 story height adjacent to the Green. Little weight should be given to this element of the SPG. The SPG itself indicates that limited weight should be given to the contents of that section of the SPG. The section forms part of the Indicative Development Diagram section of the document, providing a 'possible' site layout only. It is stated in terms that the section should not be seen as prescriptive in any way- to treat it as such would be to ignore the proper context of that relied upon.
202. It also provides that further study into details may give rise to alternative options- there is no suggestion that this further study could only come about by way of a formal revision to the SPG. It is clearly envisaged that such further work could form part of an application for example.
203. Since the publication of the document, significant further study of the site has been undertaken by the applicant, the Mayor, CABE and the local planning authority and their townscape consultants. All of these studies consistently indicate the acceptability in townscape terms of development higher than 2 stories adjacent to the Green. It is for this reason that this part of the SPG has been long considered superseded by further work.
204. In any event the concept of a 2 storey maximum height is not justified in townscape terms in the SPG. It is difficult to see how such a constraint would represent an appropriate townscape solution on the edge of an important town centre location adjacent to a large townscape space. Even the Ealing Civic Society recognise that by promoting 5-6 storey development at this location. (See ECS 1.1)
205. Much was also made of the ability to gain an impression of semi 'rural' openness at the southern end of the Green because of the absence of any meaningfully visible buildings at present. Such an impression (if it is gained at all) is simply an illusion, and a wholly inappropriate illusion given the location of the Green in the heart of the Metropolitan centre. It is an illusion which tells an inappropriate townscape lie about itself and its context. Its protection, if it exists, is entirely inappropriate.
206. Overall the proposal will provide an appropriate new edge to the Green. Appropriate in that it will reflect accurately the position of the Green in the polycentric city and appropriate in that it will enhance and not harm the appearance of the Green itself.

The view of the Tower in the wider townscape

207. The impact of taller elements in the townscape will, as the Founder's Place decision reminds us, depend upon the quality of the architecture proposed and the functional appropriateness of a tower in its context. (para 15.26 RPD 6) In the present case, none of the objectors (including EH) even begins a rational or systematic consideration of the inherent quality of design when seen in

these views, as recent decision letters indicate they should. This is a wholly inappropriate approach to the consideration of impact. The position advanced by objectors is that a building of the height proposed (and irrespective of design quality) is simply uncharacteristic and unacceptable in Ealing.

208. However, if the proposal constitutes a high standard, bespoke form of architecture reflecting the appropriate role of this important site in the heart of Ealing, then, it is likely to enhance not harm those places from where it can be seen. The impact of the taller element of the tower upon more distant views is of course a matter of subjective judgment. But that subjective judgment must be applied against an appropriate policy approach.
209. In the view of the appellant and the relevant authorities, the places from which parts of the tower will be seen in the wider townscape would all be enhanced by its presence as an urban marker and intrinsic piece of good architecture. In these circumstances, individual consideration of each of the viewpoints is not necessary or appropriate to this closing.
210. However an as example of flawed judgment EH's expressed concern in relation to the setting of Pitshanger Manor and to the Town Hall stands out. English Heritage were willing to be called to defend their judgment in cross-examination, but were not called. But that does not alter the point. The Inspector will want to understand how, at such a distance, the proposal can be said (if seen at all) to be significantly harmful to the setting of the Listed Building. It simply does not. The weight to be given to evidence of this nature depends upon its correctness (of fact judgment and approach) and not its procedural process.

Six: There are no development control matters which should stand in the way of the grant of Consent

211. It is not appropriate or necessary for me to traverse all of the many development control issues that have been raised by objectors to this proposal. It is instructive to note that the Secretary of State has already been advised by his officers that Ealing Borough Council has considered all of these development control issues very thoroughly. [CIL 2, last section]
212. I shall however deal with the following issues which were raised during the inquiry, as briefly as possible consistent with covering the salient points.
- a) Affordable housing
 - b) Traffic
 - c) Access
 - d) Shadow
 - e) Air quality
 - f) Trees
 - g) Prematurity
213. On all other matters I rely upon the contents of the Environmental Statement and the conclusions thereon in the report to committee.

Affordable Housing

214. The affordable housing elements of the proposal are to be determined by reference to policy in the London Plan. The relevant housing policies in the UDP

have not been saved. The affordable housing case made against the proposal is that, if a different scheme, not involving the decking over the railway and not before the inquiry, were brought forward then there might be a greater output of affordable housing.

215. Policy 3A.9 of the London Plan and its supporting text provides the appropriate approach to the issue of affordable housing. The decision maker is required to consider whether the proposal provides the reasonable maximum amount of affordable housing having regard, to the 'scheme requirements' amongst other things. This approach was carefully framed to ensure that the decision maker in relation to individual schemes did not have to consider an infinite range of potential alternative development (and thus affordable housing) outcomes for the application site.
216. In other words the appropriateness of the nature of the development is judged by reference to the other general and specific policies of the plan. If the nature of the proposals and its requirements are inappropriate they will fail by reference to other policies. Once a scheme and its constituent elements have been settled, the decision maker then has to consider whether that scheme produces the reasonable maximum proportion of affordable housing.
217. That is not the approach argued by SEC's witness (SEC 1). He posits an alternative scheme and says, without evidence as to viability, that it would produce more units of affordable housing. He is wrong in taking this approach. If the scheme before the inquiry produces the reasonable maximum amount of housing having regard to its scheme requirements then policy is met.
218. An assessment of what constitutes the reasonable maximum amount of affordable housing from each scheme is determined by reference to a development appraisal. A specific tool - the Three Dragons Model - is provided to assist decision makers.
219. In this case, a Three Dragons model has been produced and independently verified by those acting on behalf of the local planning authority and the Mayor. This establishes that the level of affordable housing produced by the scheme is the reasonable maximum. No challenge to this assessment has been essayed on behalf of any objector. It should be conclusive of the issue.

Transport and traffic

220. The following main points of objection arise.
- a) The impact on traffic congestion
 - b) Parking concerns
 - c) The detailed design of the proposal and
 - d) The absence of a consideration of the suitability of a transport interchange on the site.

a) Traffic Congestion

221. The starting point for this issue is the clear acceptance by the relevant highway authorities that the proposal is acceptable in all respects. This is not a small point because the consideration of the Highway Authorities was thorough and comprehensive.

222. The key evidence is now contained in the JCT Consultancy Report. (MISC 4). SEC's traffic witness was unaware of its contents when drafting his evidence. That evidence establishes that the nature of the impact of the proposal on the town centre's traffic system will be entirely acceptable given its location.
223. Even on the basis of traffic generation based on unfettered demand, the impact on the network is minimal, mostly resulting in increased mean maximum queues of 1 or 2 vehicle in the relevant peaks. These impacts are agreed to be overestimates and over-robust paying no attention to the issues of suppressed demand which even the objectors agree is an important consideration in the circumstances of this case.
224. The site sits in the heart of the town centre where development of this nature is at its most sustainable and where transport choices are at their most extensive. It would be profoundly absurd not to make the most of such a site because of marginal increase in congestion at peak times.
225. SEC's overall contention in relation to this aspect of the case was to the effect that if fewer residences were provided, then less traffic would ensue. In other words simply for traffic reasons there was a purpose to reducing the density of development. The small marginal increases in traffic identified above are sufficient by themselves to mean that there is no mileage in this argument.
226. Furthermore, the premise that fewer units would provide proportionately less traffic, disregards that vehicle generation from the residential units is effectively capped by the number of car parking spaces available and not by reference to the number of units. There is no necessary or direct relationship between the number of units provided and the number of vehicles likely to be generated. The key defining factor in terms of vehicle generation to the junctions around the site is the number of spaces that can be accommodated on the site. There was no challenge to the Applicant's evidence in this regard.

b) Parking

227. Both the highway authority and Transport for London (TfL) are again content with the levels of parking provided with the scheme. SEC's traffic witness on the other hand appeared to argue that there was too much retail parking at this well located site and at the same time too few spaces for the residential.
228. In retail terms, SEC simply misunderstood the operation of the UDP standards by misreading the table contained in the Annex to the Plan. The reality is that the proposal provides a net addition of 40 spaces: (114 spaces), well within the maxima (299) provided for by either the UDP or the London Plan.
229. Justification for the reduction below the maxima was provided by reference to the site's location and public transport profile. There was no suggestion of any demonstrable harm arising from such provision, nor could there be. The provision is in these circumstances entirely consistent with all levels of policy.
230. It is simply wrong to say there is an overprovision. The provision is less than half of the maxima, will operate as a town centre car park in addition and is entirely appropriate to its location.
231. In terms of residential parking, the provision is again well below the maxima provided for by policy. SEC was concerned that there would be insufficient spaces and that some knock on parking might occur in the residential areas.

232. It would be the wrong approach to predict and provide for additional car parking spaces at this location. In truth, there is a real argument at a location like this for a car free development. TfL in fact advanced that case for some time. The level of provision in the application constitutes a judgment of what is appropriate, given the site's remarkable public transport provision and the overall aim of reducing reliance on the private motor car.
233. Any concern about the impact of those who do not have a space attempting to park in the vicinity is dealt with by the covenants in the s 106 agreement which effectively remove this potential.
234. The detailed design of the application proposals has been the subject of very significant consideration and iteration with the authorities. They raise no concerns.
235. All these concerns are dealt with in either the SOCG and the Applicant's transport rebuttal proof (GK 8). The view of the expert witness on these issues is to be preferred particularly in the context of a town centre site in the heart of a Metropolitan Centre.
236. He was particularly clear that the position of the school would be significantly enhanced as whole by the remodelling of the Springfield Road elevations and wider pedestrian provision and by the provision for the first time of a coach drop facility. He could see no technical analysis to support the assertion that the location of the car park access would be demonstrably dangerous

c) Absence of an interchange

237. The application does not include a transport interchange. That is a matter of record. The allocation for the site suggests that the site '*needs to be considered as an option site for a transport interchange*'. Such consideration has taken place both as a result of this application and otherwise.
238. The formal position of TfL and LBE is that the application site is not an appropriate or suitable location for a transport interchange and that therefore the application proposal does not prejudice the potential future provision of an interchange. It is not the role of this inquiry to engage in a collateral consideration of that clearly expressed position.
239. To refuse this application now on the basis that it might be an appropriate place for a transport interchange would be to fly in the face of the evidence and to delay the development of this important site to no purpose.

d) Access

240. Access to the site for all is an important issue. The appellant has sought at all times to engage fully with the authority and strategic access officers.
241. LBE's access officer explained in evidence exactly how, with the aid of an expert user's panel, the access arrangements for the site had been worked up and were in his opinion acceptable and appropriate. Particular regard was given to the issues which arose as a result of the considerable fall across the site, a fall which would mean that the use of ramps would not be acceptable in building regulation gradient terms.

242. Significant weight should be given to his careful and considered evidence and the to access provisions that will come about as a result of the proposals. Conditions are proposed to address these matters, many of which unfortunately did not appear to have been brought to the attention of objectors. The detail of the scheme was also accepted by the Mayor's access panel.
243. The inquiry now has a more detailed response from LBE to objectors' evidence.

Shadowing of Haven Green

244. Haven Green is situated to the North of the development site. This geographical fact will mean that there will be a potential for buildings on the application site to cast a shadow over Haven Green. The development plan allocation contains a requirement that there be no 'significant' overshadowing of Haven Green by the redevelopment of the site. This is a recognition that some overshadowing of the Green by buildings at certain times of the year is an inevitable consequence of redevelopment at this location (see site 68 allocation, 10.21 LP 1).
245. The issue for the decision maker is a question of balance and proportion. Into that balance ought to be placed the fact that in the summer, the impact of the large and loved plane and lime trees is already extensive in terms of shadow and that this shadow is not taken into account in any of the technical work undertaken. Put simply the trees are assumed not to exist.
246. No issue has been taken with the technical shadow work which has been undertaken in relation to the shadow occasioned by the proposal as it affects Haven Green. Some points have been made in relation to winter shadowing beyond Haven Green and I shall deal with these below.
247. In relation to Haven Green itself, the local authority, correctly chose to apply the advice in the BRE guidance on sunlight to establish whether the impact of the proposal on the open space of the Green was acceptable. In terms of permanent shadow, that part of the Guidance for which specific guideline criteria exist, the effect of shadow is deemed to be negligible in the event that less than 25% of the open area is in permanent shadow as a result of a development at the equinox. A figure of less than 40% in urban areas is ordinarily defined as acceptable.
248. In the present case because of the nature of the design of the buildings, their slender edges to the park and the size of the Green itself, the amount of permanent overshadow at the relevant period occasioned by the development never even reaches 1%. This is a remarkable conclusion in relation to a site of this size. (See ES PA10, chapter 17)
249. Thus in relation to this the most important element of the overshadowing analysis there is simply no sustainable point to be taken against the proposal. In terms of transient shadowing too, the issue is reasonably straightforward. A detailed analysis is set out in PA 38.
250. There is no technical issue with the transient shadow modelling undertaken by the Applicant. In those times of the year when the BRE guidance reminds us that there is the greatest expectation of reliance upon the sun, the period between the equinoxes, there will be some transient shadowing of the Green

but that must be compared with that which already exists at this period from the large trees. However, it will be seen to be very transient and quick moving in its nature. (see shadow paths) There are large parts of the Green which have access to the sun. There are also transiently shady areas to which people can resort. There is no reason for refusal here.

251. It is only in mid winter when that the proposal places large parts of the Green into transient shadow. It would be wholly disproportionate to reject the proposal on the basis of the shadow it casts in mid winter. As the BRE guidance reminds us the expectation of sun on the ground at this time of year is much reduced. The height of the sun in the sky is such that the impact of making decisions on the basis of the mid-winter shadow would be out of all proportion with their importance. This is why the BRE guidance does not even require analysis or provide a test for this period and why local authorities do not require developers to supply the information on shadowing beyond the equinox.
252. As the evidence called as part by CERA's case very neatly illustrated, if a proposal were to be judged on its mid-December impact, there could not even be mid range buildings anywhere on the site without effecting significant shadow over the Green. Judging the proposal by reference to winter shadow would result in a wholly under scaled and inadequate development.
253. As for deep winter shadow of the tower element of the proposal beyond Haven Green, similar arguments apply but it is also important to note that because of the slenderness of the tower, the effects, though felt over a wider area are very transient and again are felt at a time of the year when there is less expectation of the ability to sit outside at a café for example.
254. In addition the significant visual and functional enhancement of the edge condition of the Green must be borne in mind in making an overall judgment on this issue. While there will be an increase in transient overshadowing of the Green, this is not a case where applying the BRE guidelines, the Haven will 'become a dark and unwelcoming place'. The ES characterises the impact of the proposal in terms of shadow as only minor adverse and having regard to the evidence that is an accurate characterisation. In the circumstances of the case, the planning authorities were correct in concluding that the levels of overshadowing caused by the proposal were wholly acceptable.

Air Quality

255. The whole of Ealing is an Air Quality Monitoring Area (AQMA). Where entire boroughs are AQMAs care has to be taken about the approach to development which is desirable in the round but which might slightly increase levels of pollutants at certain locations.
256. The aim of the planning system is to direct development to the most sustainable locations. It would be bad planning to stymie this effort by rejecting development simply because it resulted in small localised increases in pollutants, particularly if the overall global effect of the development as a whole in terms of sustainability would be positive.
257. This is why PPG 23 requires decision makers to take care not to reject or stifle development which is in the public interest because of air quality

considerations especially where there are borough-wide AQMAs in place. (PPS 23, para IG.2)

258. The ultimate test to be applied by decision makers is whether development could proceed without unacceptable air quality consequences for either inhabitants or the council's air quality action plan. In the present case, the only professional, expert analysis before the inquiry is that produced by the Applicant and reviewed and accepted by the authority and the air quality unit of the GLA. It is the best evidence and should be accepted unless it is established to be fundamentally flawed.
259. It demonstrates that at all relevant receptors (bar one) after the development has taken place in 2017, there will only be negligible or minor adverse impacts and that such impacts are acceptable having regard to the Council's Air Quality Action Plan and the impact on individual householders. The only receptor which occasions a moderate adverse impact is not related to the impact of the additional traffic to the proposal. Rather it relates to the impact of the bridging of the railway by the proposal and is a redistribution and concentration of existing pollution.
260. It falls to be dealt with, in accordance with PPS 23 by way of mitigation. A condition to this effect is contained in the schedule of conditions. There are at least two means of achieving the mitigation by way of additional venting. These matters have already been discussed in detail with the authority. In all of these circumstances there is no air quality concern which should require the turning away of this proposal.
261. Mr Woodward's attack on the validity of these conclusions was not sufficient to suggest to the decision maker that this analysis ought to be disregarded. He had in essence two main concerns with the modelling. Firstly, he considered that the verification procedures inadequate, and secondly that the forecasts of air quality improvement were naively optimistic. Neither concern is valid.
262. In terms of verification, the model verifies very well against the only full time accurate monitoring station and verifies tolerably well against the more mercurial diffusion tubes. To suggest that because some of the diffusion tube cross verification is wayward upsets the whole model is to misunderstand the nature and accuracy of the diffusion tubes which are only ever meant to provide a 'general indication' of pollutant levels. (GEN 6 Air Quality Progress Report extract, para 2.2.)
263. In terms of forecast background levels of pollutants looking forward, the analysis relied upon two industry standard data bases. Both are geographically very specific and used in every single air quality analysis in London. These sources are clearly indicated in the Cambridge Environmental Research Consultants (CERC) documentation. SEC's attack on the air quality analysis does not approach the evidential level required to set aside the only accepted and reviewed air quality evidence before the inquiry.

Trees

264. There have been suggestions that the key Haven Green trees might be in jeopardy by reason of the application. These suggestions and concerns have remained just that. There is no sustainable evidence that the trees are in any

danger. In contrast, there is ample evidence that the future of the trees has been carefully considered and secured.

Green Corridor

265. There exists a designated Green Corridor alongside the railway. The only survey of its quality as a Green Corridor has been undertaken by the applicants. It shows unambiguously that there is little of value in the corridor. As it is cut off from any other corridor, it has little if any prospect of producing an enhanced contribution in the future.
266. The issue needs to be approached with some balance and proportionality. It is clear that the benefits to be gained in townscape and permeability terms from the bridging over of the railway far outweigh any limited harm from the loss of a remnant Green Corridor of little or no worth. Any loss has in any event been mitigated by the provision of significant green space associated with the development.

Prematurity

267. Prematurity as a concept in planning law only exists by reference to the contents of the General Principles document which accompanies PPS 1. It provides that local authorities must determine applications on their merits and on the basis of policies available to them at the time of the determination.
268. Refusal on the basis of prematurity can only be justified by reference to an emerging development plan. It cannot be said for example that an application is premature by reason of the absence of a non-statutory masterplan or framework, as was the approach taken by Central Ealing Residents Association (CERA). Refusals on the basis of prematurity are seldom supportable where a plan is at consultation stage. Here the emerging plan has not even reached that stage. Consequently the issue of prematurity does not arise. The application should be determined on its merits now.

Overall Conclusion on Proposition 6

269. The inquiry has spent much time considering many issues which were not identified as being matters upon which the Secretary of State wishes to be informed. But since such issues were raised at some length by an articulate and educated section of the community the appellant and local authority has had to respond in turn.
270. None of the issues raised gives rise to a sustainable reason for refusal

Overall Conclusion on all propositions.

271. This proposal represents a hugely important opportunity for Ealing.
272. As stated in opening, it will create a gateway of quality where presently there is mediocrity, permeability where presently there is division and barrier and it will provide an appropriate marker of the borough's confidence and place in London.
273. We urge you to recommend it for approval to the Secretary of State.

The Case for The Council of the London Borough of Ealing

Introduction

274. These submissions adopt, as their framework, the matters upon which the Secretary of State ('SoS') asked to be informed in the letter calling in the Application on 30th January 2009. As a result of its contributions to the Inquiry, we invite the Inspector to report, not only that the proposals enjoy the full and enthusiastic support of the Local Planning Authority (LPA), but that this support has been properly articulated and justified by the expert evidence of very experienced senior officers. The three Local Authority witnesses have been supported in their assessment of the scheme by specialist officers from a variety of disciplines, all of whom have scrutinised the proposals carefully. Noticeably, amidst criticism of the LPA's decision, there have, nevertheless, been expressions of respect for Council officers by some of the objectors.

ISSUE 1 : Whether the proposed development accords with relevant provisions of the saved policies within the London Borough of Ealing's adopted Unitary Development Plan (UDP) and the London Plan – Spatial Development Strategy for Greater London consolidated with the actions since 2004 (February 2008)

275. These call-in matters are considered first and together because the effect of s.38(6) Planning and Compulsory Purchase Act 2004 (PACPA) is to make the development plan (DP) position the starting point. The Application enjoys recently endorsed DP support at local and strategic levels.
276. Ealing was designated as a Metropolitan Centre (MC) in the London Plan (SP 1) when first published in 2004. This status – second only to the two International Centres, was reconfirmed in the Alterations of 2008. A fundamental difference of approach concerning the status and facility of Ealing Town Centre (ETC) between those supporting and opposing the proposals was revealed at the Inquiry. It is not an exaggeration to describe the two groups as looking down opposite ends of a telescope.
277. Objectors regard Metropolitan status as misconceived and wish Ealing to be seen as merely a suburban centre or even a village. They say that they would prefer the market share of ETC to contract, with its shops catering exclusively for a local catchment. Their opinions on appropriate design and architecture for Ealing in general and the Application Site in particular, are coloured by these beliefs and impressions. The planning system must, of course, operate in the public interest and one of its roles – perhaps the hardest – is to facilitate the making of proper judgments which affect the identity of places. Reporters and decision makers have to arrive at these judgments objectively and according to law. In our plan led system, the making of such judgments is shaped by the DP. ETC's Metropolitan status, role and strategy for qualitative enhancement and quantitative increase are enshrined in an up to date DP. As SEC accepted, this individual appeal decision cannot alter the metropolitan designation; that could only be done via an alteration to the London Plan. Likewise, the Government Office for London (GoL) made clear to the LPA during the saving process that saved UDP Policy 7.1, (which, of course, includes encouragement of growth) cannot now be altered. Objector's pleas to regard Ealing, not in accordance with its London Plan designation, but 'as it actually is' were revealing. They underlined, not only the fact that objectors'

cases are in fundamental conflict with this vital element of the DP, but also the self-evident fact (noted by commentators and recognised by the Council) that ETC is, at present, underperforming. It has not, for some time, been carrying out its proper function in the strategic hierarchy.

278. The UDP specifically allocates the Application Site for comprehensive redevelopment as follows:
279. *'Mixed use redevelopment comprising retail, residential, offices and cinema (alternative location to site EB1 and/or EB4). Site also needs to be considered option site for development of 'bus station and interchange with Ealing Broadway Station.'* *Development to provide good pedestrian access. Scheme to have Broadway frontage to retain 'street'* *Development to consider integration with West London Transit. Development to link with redevelopment of Station (EB5) and improved interchange facilities for all modes of transport and strategic rail options. Development to improve Haven Green open space and trees and ensure no significant overshadowing.'*
280. As these submissions will set out, the evidence has established that every element of that designation has been met in the course of preparing and assessing the Application. It is also important to note from the Proposals Map that the Broadway frontages of the Site are Designated Shopping Frontages.
281. These site specific designations sit among a number of redevelopment proposals for ETC in the UDP; taken together, they plan an exciting programme of regenerative change. They represent the spatial outworking of Retail Policy 7.1 which seeks to improve the function, character, vitality and viability of the Metropolitan Centre, by recognising its distinctive function, and Policy 7.2 which guides significant new retail development and other town centre uses to existing town centres at a scale appropriate to their position in the retail hierarchy. In line with PPS 6, there is no requirement to demonstrate need for retail and other town centre uses in existing centres (in contrast to the position out of centre). (UDP Policy 7.2(1) and (2)). SEC's witness on retail matters accepted this basic point of DP and national policy, adding that it would be open to an applicant to demonstrate need as a material consideration. That is right. In this case, quantitative and qualitative need for the development are established via the DP, as well as by the retail work commissioned for the LPA, referred to above, and in the LBE's evidence (LBE 9.C Section 2, Paras 4.1 – 4.6). These are important material considerations, as the SoS has recently recognised in the context of the demanding legal and policy tests that obtain in relation to compulsory acquisition. (RPD10 paras.14-15, and IR. Paras.125-129)
282. Policy 7.1 seeks to achieve its objectives of maintenance and improvement via environments of the highest quality and the development of 'key sites' including about 13,000m² of new net retail floorspace in Ealing Broadway. The specific figure, although still part of the saved policy, should now be considered in the light of supervening expert evidence contained in GVA Grimley's West London Shopping Study (LP 26) and the resolution of the LPA to acknowledge that the retail provision figure in Policy 7.2 is no longer appropriate. (LP 34 para 7.7) Clearly the resolution does not operate as an alteration to the UDP, but criticism of the Council's approach by SEC was beside the point, because the net increase in retail floorspace, even when added to that proposed at Dickens Yard, only amounts to a total of some

12,000m² (LP 34 para 3.4). The Application's main effect in retail terms is to add to the quality and attractiveness of the Town Centre. This is fully in line with paragraphs 1 and 2 of Policy 7.1 as well as the polycentric strategy for the development of London. (SP1: Policies 2A.8, 2A.9)

283. Contrary to SEC's case, the UDP strategy for ETC is being implemented, despite current difficult economic circumstances. LBE's major projects witness detailed the planning status of most of the 'key sites'. Work is underway on the Cinema Site 60; Dickens Yard is at an advanced stage in the planning process; and, most importantly, the Compulsory Purchase Order to facilitate the proposal has recently been confirmed by the SoS. Other key sites have planning permissions for a variety of town centre uses. Several proposals contain buildings of 8 storeys or more. The Dickens Yard Scheme would bring two 14 storey towers to the TC. Ealing Broadway Centre, lying opposite the Application site's southern boundary, is to be extended upwards by 3-4m in height. The Town Centre has therefore, been planned to change, and is starting to change. These other proposals are an important part of the context for appraising the design of the Application proposals. The existence of planning permissions and, in the case of the Cinema, undertaking of construction, demonstrate that people are interested in investing in Ealing, even in the current economic climate. The Arcadia redevelopment would assist in delivering the other proposals because of the catalytic boost that it would give. Therefore, the scheme would indirectly assist in achieving the UDP strategy for ETC, as well as being itself in accordance with that strategy.
284. There has been much objection to the mix of uses proposed. This criticism is misplaced for a number of reasons. In terms of the UDP there is a site specific proposal, the terms of which have been set out in full above.
285. It is clear that the scheme merits the description '*mixed use comprising retail, residential, offices*'. Proposal 63 is not prescriptive as to the relative proportions in the mix, and SPG (LP45A), whilst not part of the DP, states that even single or dual uses would be acceptable subject to site specific and town centre strategy justification. Such special justification is not, of course, called for in this case because this is not a single or dual use development; as well as retail, residential and offices, the scheme includes space for A3 uses and significant areas of 'public realm', together with ancillary public conveniences including changing facilities for infants and adults. These public areas amply meet the UDP requirement to provide 'good pedestrian access', as will be demonstrated in greater detail below.
286. There will continue to be a 'street' frontage onto the Broadway; two existing corner units are to be retained and the design follows the street frontage round in both directions from the corners, with retail uses at ground level to lend vitality and viability to the improved and widened pavements. West London Transit has been abandoned and is no longer relevant.
287. The Application Site does not include any part of Site 64 (Ealing Broadway Station), but preliminary work has been undertaken by Foster and Partners on behalf of the Applicants, who own Villiers House, on the design of a compatible scheme. The north eastern elevations and clear route into Station Square would provide a gateway to the town centre and mark and frame the station entrance; the UDP objective of linkage can therefore be achieved.

288. With regard to the proposed transport interchange, matters have moved on since adoption of the UDP. The policy requirement to '*consider*' the Application Site as an option for '*bus station and interchange*' has been met. Despite objectors' scepticism, this issue was fully examined by and on behalf of TfL in 2006. Ealing Broadway Interchange Feasibility Study Final Report, May 2006, Halcrow Group Ltd (MISC1). In their contribution to the GLA Stage 1 Report, TfL '*requested that the Applicants work with them to investigate possible solutions for making some provision for buses within the site*'. (SC 1, Appx A, paras 131-140) As explained in the Stage 1 Update Report, such collaborative work was undertaken. The resulting conclusion was '*that the only realistic or achievable option was to build a new bus interchange on the east side of Haven Green. ...*' (SC 2, Appx A, paras 81-82) – that is, outside the Application Site. The report went on to make clear that the only funding for an interchange would have to come from s.106 contributions, that it would be reasonable for the Arcadia scheme to contribute financially, that the interchange could not come forward before 2016 and that '*if ... the bus interchange cannot be delivered ... TfL requests that Section 106 funds be re-allocated towards general bus facility and network capacity improvements instead. ... The Section 106 agreement will need to be drafted to take account of these requirements in the event that the interchange does not go ahead*'. (SC 2, Appx A, para 88) The s.106 Agreement reflects these representations with an obligation to pay a total of £1.3m, phased to occupation of dwellings. Therefore the Application proposals would make a considerable contribution to the achievement of an interchange.
289. Planning permission was refused on 17th December 2008 for the interchange proposal for detailed reasons, but work is proceeding on a revised scheme. (LBE 96, Para 6.22) TfL's e-mail of 10th June 2009, drafted in the knowledge that there is, as yet, no planning permission for the interchange, makes it clear that neither this nor anything else within TfL's remit is a reason for refusing the Application. (GEN 1)
290. The final element of Proposal 63 is that development '*improve Haven Green open space and trees and ensure no significant overshadowing*'. Dealing first with overshadowing, this aspect was fully investigated in the Environmental Statement (ES). The Committee report summarises the position which is that the BRE overshadowing standard is fully met. '*Transient overshadowing*' (not a BRE measure) is acknowledged in December, when, as the ES and Committee Report point out, the expectation for direct sunlight is much lower. The impact is described as '*minor adverse*'. Contrary to the approach of objectors, who invited the SoS to reject the Application on the basis of unquantifiable impacts such as matters not covered in the BRE standards, it is important to note that the DP allocation does not require an absence of overshadowing – it is simply not to reach a 'significant' level. This requirement is also met.
291. Turning from an assessment of the Application against the stated elements of the allocation, it is also important to note what Proposal 63 does not say. There is no requirement for any form of community facility (beyond '*good pedestrian access*'). Objectors criticised the Application for failure to make provision for the arts, specifically for not including a community arts centre/concert hall.

292. An objector referred to a study by EDAW, but this was thought to have been undertaken about 10 years ago, was only a pre feasibility study and was not produced; there is no evidence to connect the Study with the Application Site. The same is true of a host of further suggested land uses referred to by objectors. Whatever the EDAW work consisted of, it was clearly done in advance of the UDP.
293. The Application 'ticks all the boxes' of UDP Proposal 63 and, in the absence of clearly justified other material considerations, there is no basis for seeking extra land uses in the scheme. There is no evidence that anyone is ready, willing or able to provide a community/arts centre/concert hall on the Site. No statutory consultee has requested on-site provision of any social infrastructure; their requirements are fully met in the s.106 Agreement. Naturally individuals with particular gifts, interests and enthusiasms will wish for improved facilities in the fields of interest to them, but this is no reason for turning away much needed regenerative development which accords with a site specific proposal of the UDP on the basis of land use principle. Plainly, Ealing is not a '*social and community services desert*' as was claimed. Mr Leach on behalf of SEC fairly conceded that rather than '*opportunities for a wide range of social intercourse*' being limited, Ealing is a '*vibrant place*'.
294. In fact, the Application scheme would create new opportunities – for informal social interaction in the new public squares and new restaurants (including the potential for something to appeal to the upper end of the market in the landmark tower) and tourist board/CAB space in the small offices proposed in the blocks fronting onto Haven Green. Taken together with the variety of residential provision proposed, the scheme would satisfy land use policy for town centres at all levels. Many of the local residents' concerns extend beyond the remit of town and country planning.
295. Objectors claimed breaches of general development plan policies. None of them referred to the strategic principle of maximisation set out in LP Policies 3A.3 and 4B.1 (SP1). This was an important omission. Instead, SEC relied on Supplementary Planning Guidance on plot ratios, couched in terms of '*not normally*' exceeding 1.5:1. The approach of criticising the proposal for starting with the principle of maximising the profitable use of the site turned the strategic principle on its head. SEC's Vision document similarly fails to acknowledge the strategic principle, with its limitations on storey height and qualified support for '*medium density residential*'. (SEC 2 P2) In this Metropolitan Centre location which, even in advance of Crossrail, enjoys the highest PTAL score, the density matrix is to be used as '*a tool for increasing density*', even though projected public transport improvements cannot be reflected in the PTAL score. The policy objective is to '*allow a shift to a higher density range. The form of housing output should be determined primarily by an assessment of housing requirements and not by any assumption as to the built form of the density.*'
296. Clearly, the site specific SPG (LP 45, para 3.21), with its limitation on storey height to the north of the site, cannot be prescriptive or override the LP policy framework. Several new material considerations have emerged since publication of the SPG, including PPS 3 with its required '*step change*' in housing provision, as well as restatement of the strategic principles in the context of a larger housing requirement for Ealing in the altered LP. In any event, the SPG itself states that its '*indicative development capacity should be*

used as an approximate guide only'. London Plan Policy 3A.7, contrary to SEC's view, supports the proposals in principle because of its excellent location in terms of public transport for residential development and other suitable uses. In terms of context and community engagement (London Plan Policy 4B.8), the LPA has '*refreshed*' its vision for the Town Centre by means of the Tibbalds Report: Ealing Metropolitan Centre Spatial Development Framework (LP 4). The results of community consultation are recorded in some detail in Appendix 2. The '*direction of travel*' of the embryonic LDF: Development Strategy 2026 – draft initial proposals, April 2009 (LP 35) was described by the Council's policy officer as '*not intending to depart from the Council's long held ambitions*'.

297. SEC's approach to transportation policies of the UDP and LP was to interpret the fact that the proposals would occasion a greater concentration of traffic in certain locations around the Site as a breach of policy. The Applicant's highways witness and the Highways Authority, supported by JMP, have satisfied themselves that the proposed arrangements are safe. With its restrained car parking and generous cycle parking provision, sensible maximisation of servicing space and less obvious, side vehicular entrance, the proposal plainly prioritises pedestrians by opening up attractive new routes through the site and allocating more highway space for pedestrian pavements on the Broadway. The Architect's careful explanation of the scheme's design principles demonstrated the leading role which non vehicular movement played in development of the Masterplan (GK 5). The concentration of activity is proposed in exactly the right place in policy terms – a Metropolitan Centre at a station which is due to become an integral part of a major regional scheme of infrastructure investment.
298. The approach to air quality policy should be the same. Contrary to assertions made at the Inquiry, the Applicant's work has been carefully reviewed by Ealing's specialist environmental health officer, who reported that '*generally, the development would not give rise to widespread new exposure to air pollutants*'. Remaining pockets of concern can be adequately conditioned. There is no evidence, either of a breach of policy or of substantive problems in terms of transportation or air quality impacts.
299. With regard to design/heritage policies, the conclusion depends upon whether or not the assessor's '*telescope*' is round the right way. As noted above, the joint rule 6 parties disregard the London Plan principles for London generally and Ealing in particular. English Heritage make no reference to any development plan policy in their submission and for that reason cannot be regarded as having undertaken a full planning assessment (SC 9 Para 4.1). To be fair, they do not claim to have done so.
300. As a matter of law, it should be noted that Table 4B is no longer part of the DP. See paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act. It is submitted that the proper approach to it is as a material consideration akin to the explanatory memorandum to an old style Structure Plan; it assists in the construction of Saved Policy 4.1. In fact, the proposals accord with the requirements of both Policy and Table, as the Design and Access Statement, ES and Architect's evidence demonstrate. Point 6 of the Table, which generated some discussion, does not purport to be exhaustive, merely offering '*general*' guidance. The questions of design and Conservation Area (CA) enhancement will be considered in more detail below.

301. Ealing's answer to the SoS questions on the development plan is: Yes to both. The Mayor would have been content for Ealing to have granted permission. In that event, a further question arises in relation to all the other issues, namely, whether any of them constitutes a reason for departing from a determination in accordance with the development plan. In the LPA's submission, they do not.

ISSUE 2:

(a) the extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1: Delivering Sustainable Development. In particular whether the design principles in relation to the site and its wider context, including the layout, height and massing, scale, open space, visual appearance and landscaping, are appropriate in their context and take the opportunities available for improving the character and quality of the area and the way it functions;

(c) the extent to which the application in and adjacent to a conservation area and nearby listed buildings accords with national policy as set out in Planning Policy Guidance Note 15: Planning and the Historic Environment. In particular regard to the consideration of the preservation or enhancement of the character or appearance of conservation areas;

302. The questions (a) and (c) can conveniently be taken together because they deal with national policy requirements for good, sustainable design in general and an important branch of that topic – the relationship of the proposals to relevant elements of the historic heritage. In relation to the latter, particular regard is to be paid to the desirability of preserving or enhancing CAs and Listed Buildings and their settings. As noted above, the answers to these questions are likely to depend on the starting point of the questioner.
303. As well as the development plan context, which has been explored above, it is important to clarify at the outset that the principle of demolition in the CA is not in issue. The existence of the Conservation Area Consent is an important part of the baseline. That application was not called in by the SoS, so it is clear that the principle of starting again on most of the Site cannot be regarded as contentious. Only SEC's retail witness has overtly suggested that a pastiche approach to design should be followed, and even he recognised that it is not the function of the planning system to police aesthetic expression. Therefore the CA starting point must be that enhancement is, in principle, possible and that this can be achieved by design and architectural means which admit of some difference.
304. English Heritage's assessment of the impact of the proposals on heritage assets starts from a position of continued objection to demolition, notwithstanding the fact that CAC has been granted. Their observations on the setting of Ealing Town CA are almost entirely directed towards the effects of demolition rather than the qualities of the proposed replacement. The only point which is not simply a lament over demolition is a non-specific allegation of detraction from the prominence of spires and towers, though neither buildings nor viewpoints are specified. As noted above, their submission omits to deal with the statutory development plan starting point. EH did not object to the UDP, including Proposal 63, which clearly envisages total redevelopment of the Site. The Haven Green objection is, once more, directed towards

difference of scale and character, again with an unspecified towers/spires point. Form, materials, bulk, height and scale are criticised as 'alien', though again it is not explained how or why differentiation of such elements is, in itself, harmful.

305. Harm to setting of the two Listed Buildings is alleged by reason of difference, particularly of scale, but also of materials. The June 2009 letter (SC 9), however, makes no mention of CABE's support for the scheme (SC 4) on, amongst others, grounds that the linking of Haven Court and Springbridge Road would *'provide a visual link between the centre of the development and the church spire, such specific engagement with existing landmarks in Ealing will enable the new development to become a well integrated part of the town.'* There is no indication of the role of Dickens Yard and its proposed opening up of the Church's western boundary in terms of *'the shift in architectural dominance that would be inflicted'*. English Heritage has not taken into account the benefits of the scheme. The development plan requires that regard must be had to the positive case for the proposal.
306. At the moment, the Church is approached on foot from the east/north along crowded, narrow pavements and/or an unattractive, uninviting, fly-blown, smelly, potentially dangerous dog-leg of an alleyway (Haven Place). By contrast, with the proposal, the Church will, like a gemstone, be gradually revealed in its setting, as the viewer moves towards it. On the Broadway, recession of the upper storeys at an angle allows retention of views for westbound users. The Church will therefore be better connected by a variety of routes with other areas of the town. There is no indication in English Heritage's representation that any account has been taken of the changes to Ealing Town Centre afoot as a result of the successful UDP strategy. The Mayor's response of 17 December 2008 recognises these points (SC 2, para 47).
307. PPS1 and By Design stress the importance of the staples of good design. Recent advice from CLG has stressed the important role of CABE in assisting LPAs discharge their duties with regard to the desirability of achieving good design. CABE has provided independent, critical assessment and advice to which the designers have responded. They have, rightly, judged the proposals on their own merits, rather than by comparison with what exists on the site at present, as though Conservation Area Consent did not exist.
308. Despite the contrasting architectural language, the design approach has been contextual and the fruits of this may be seen in the choice, disposition and colour of materials, layout which follows the Broadway, enhancing its visual appearance and functioning by widening pavements, and by reunification of the Town Centre with Haven Green across the 'fracture' of the railway line. This feat of engineering is an innovative use of urban space which, together with the high quality buildings and active ground floor frontages proposed, will enhance Haven Green by giving it a fitting southern boundary and sense of enclosure. Haven Green is a sizeable piece of greenspace, with plane trees of statuesque proportions. It is large enough, with its trees, to stand proud alongside the proposed new buildings which would do so much to enhance the quality of backdrop and integrate Haven Green and the Town Centre.
309. Open space is proposed in two forms. Firstly, there would be the opening up and dedicating of two areas of public realm – Station Square and Haven Court.

The s.106 Agreement secures unfettered public access to these areas as well as the pedestrian routes through the Site. Secondly, roof gardens are proposed, with active and passive recreational opportunities and green roof/ecological/green energy functions. Again, these are examples of innovation and sustainable design. Officers are satisfied that they would mitigate the loss of a discrete area of Green Corridor occasioned by closing the railway. In addition, financial contributions to off-site open space are secured by the s.106 Agreement.

310. Following close scrutiny by GLA officers, the Mayor was satisfied that proper provision could be made by condition for renewable energy and carbon saving. (LBE 9B, paras 6.11 - 6.18).
311. The Council's policy officer explained the collaborative approach which has been taken to inclusive design, with full involvement of the Access Officer and Committee. Their comments have been incorporated into the design. A journey along Haven Place gives a good idea of the gradient issues involved. On advice from the Access Committee, it was decided to produce step-free east/west access, albeit that this would mean a requirement for lifts in places on north/south routes. To meet criticism of platform lifts, the Applicants are prepared to accept a condition ensuring that conventional lifts would be provided.
312. Other inclusive elements of the scheme are the proposed financial contribution to Shopmobility and adult changing areas associated with disabled WC provision.
313. To conclude, the proposed development is PPS1 compliant and would enhance the Haven Green and Ealing Town Centre CAs. Effects on CAs further afield would be neutral, thus preserving the character and appearance of those areas. The setting of the Church of Christ the Saviour would be enhanced and that of the Polish Church preserved, considered as an entity in itself, and as part of the wider scheme of regenerative development for the town centre, the proposal would bring physical, visual and functional benefits of the kind sought by the Government via the planning system. These benefits would link with and help to enhance proposed investment in Crossrail and at Dickens Yard, recently endorsed by SoS.

ISSUE 3: (b) the extent to which the proposal is consistent with policies in PPS 3: Housing to meet the housing requirements of the whole community (including those in need of affordable housing)., widen housing opportunity and create mixed communities.

314. Provision of 567 new dwellings including 79 affordable units would be a significant contribution towards meeting Ealing's housing target and in accordance with the objectives of the London Plan and PPS 3 to maximise housing provision in the most sustainable locations. Resistance to new types of housing or residents with different lifestyles from many existing Ealing residents runs counter to national and development plan policy objectives for creating inclusive and diverse communities. The level of affordable housing proposed has been carefully scrutinised by suitably qualified housing officers and found to be the maximum viable offer, in accordance with LP Policy 3A.10. Their assessment has not been challenged. Provision of larger units of affordable housing accommodation, lifetime homes and the commitment by

condition to Code Level 4 are all important material considerations. Persistent criticism of the housing elements of the scheme as excessive have not been substantiated. As explained above, the mix of uses is entirely consistent with the development plan.

ISSUE 4: whether any permission should be subject to conditions and, if so, the form they should take.

315. Conditions are largely agreed. The LPA are content that details of elevational treatments, especially to Building C, can properly be dealt with through condition.

ISSUE 5: Any other material planning considerations

316. There has been criticism of the LPA's attention to regeneration benefits. The Council's regeneration officer explained that these are very much linked to the physical fabric and composition of Ealing Town Centre, which go to make up its 'face' to the rest of the world. Plainly, these matters are material planning considerations, as the recent CLG letter recognises:

317. *'High quality design has a crucial role to play in delivering prosperity and inward-investment, as well as ensuring that your area is an attractive and functional place for people to live. This is not an additional burden from central government but a re-statement of the importance of design quality in your local area, building upon existing national policy statements.'*

318. This Application is an example of high quality design which has the potential to become a symbol of Ealing for this and succeeding centuries. The London Borough of Ealing is eager to make the most of this Site and therefore asks the Inspector to recommend that planning permission be granted, and the SoS to accept such a recommendation.

The Case for Ealing Civic Society, Save Ealing Centre and Ealing Conservation Area Panels (Joint Rule 6 Parties)

Introduction

319. This application for the development of site 63 was called-in for the Secretary of State's determination in spite of the support it has received from a number of statutory bodies, including the local planning authority. The qualified support of those bodies provides, in itself, no indication that this proposal should receive planning permission. Throughout this inquiry, the conjoined Rule 6 parties have identified through their evidence the many things that are wrong with it. Applying the right approach to the proper policy background in this case, the correct recommendation to the Secretary of State would be to refuse this application.

320. The Inquiry has been in session for nearly three weeks. It would not be useful to repeat here all the evidence which stands against the proposal. This closing focuses on those matters which the Rule 6 parties would particularly wish to emphasise.

Approach

321. At the heart of this case lies this critical question: whether it is right to site these buildings on this site in this suburb. That involves a consideration of competing interests which have become clear during the course of the Inquiry. On the one hand stands the developer's interest in maximising the site's use. On the other hand stands the objectors' interest in ensuring that any development should achieve a design which is proper in its townscape and heritage context. Those interests can only be reconciled if a proper approach is followed.
322. The proper legal approach is not of course in doubt. This application must be determined in accordance with the development plan unless other material considerations indicate otherwise. It is the parties approach to the development plan which sets them apart. Glenkerrin nailed its flag to the mast at the start of the Inquiry. Its focus was and has remained Ealing's designation as a Metropolitan Town Centre in the London Plan. From that starting-point it argues that development of the proposed intensity is justified even in a townscape and heritage context which it accepts is particularly sensitive. This narrow approach to the development plan is not only misplaced as a matter of principle, but also fails in its application.
323. The Rule 6 parties' approach to the development plan is not narrow but holistic. The plan in this case comprises not only the London Plan but also, importantly, the saved Unitary Development Plan (UDP). The saved UDP contains the only detailed policy framework applicable to the application site, though cannot, in this case, be read in conjunction with policy emerging though the Local Development Framework (the LDF), because none exists. The development plan must be read as a whole, which means not only that the saved UDP policies should be read in light of relevant policies in the London Plan, but also that relevant strategic London Plan guidance must be read in light of the saved local UDP policies. Such an approach reflects the whole purpose of a development plan's containing strategic and local policies. To focus too narrowly on Ealing's designation as a Metropolitan Town Centre, or generally to consider that matters in the saved UDP have somehow been 'overtaken' by the contents of the London Plan, would amount to a misapplication of s.38(6).
324. It is important to remember that Glenkerrin's case was presented as 'plan-led'. This is not a case where the developer is accepting non-accordance with the plan but arguing that other material considerations point towards consent. The dispute, in s.38(6) terms, is whether the proposal accords with the plan itself. The rule 6 parties' position is clear: the proposal does not accord with the plan and such other material considerations as exist do not outweigh that conflict. A proper analysis of the proposals reveals failures which go directly to the concerns identified by the Secretary of State.

Failure to accord with the development plan

325. An appropriate starting-point is to consider the intensity of the proposal.

Density

326. Residential density is of course a strong indicator of the overall intensity of any proposal involving residential use, and it is especially so in this case. The

applicable guidance for this application is contained in Policy 3A.3 of the London Plan and the accompanying Table 3A.2. As acknowledged in the Officer's Report to Committee (CD LBE 1, pages 119 -120), site characteristics place the site at the upper end of the density guidance range specified in that Table, suggesting a range of 650 - 1100 hr/ha (habitable rooms per hectare) and 215 - 405 units per hectare. The proposed 567 units and a total of 1558 habitable rooms would result in a residential density of 556 units per hectare and 1529 habitable rooms per hectare, which, as agreed by the Applicant's planning witness in cross examination, is *'very clearly in excess'* of the upper limit of the applicable range. It has been sought to justify this on the basis of the site's location, access to transport services, and the cost of rafting the railway. These arguments should not avail promoters of the application, for the following reasons.

327. Firstly, the relevant London Plan policy and Table are contained in the very part of the plan which is seeking to address how the general need for housing in London should be met. It is in seeking to address the issue of housing need, and against the background of housing targets (see Table 3A.1: addressing Ealing specifically), that the density matrix is set. There is therefore no sound basis in the development plan for exceeding density guidelines on the basis that there is a general need for housing in London.
328. Secondly, as the policy itself makes clear, maximising the intensity of use of a site should only take place insofar as it is compatible, amongst other things, with local context (CD SP1, page 68). Thus, even a residential density falling within the appropriate range for a site will not be acceptable if the context suggests otherwise. In this case the townscape and heritage context, is critical for reasons to which I will later return.
329. Thirdly, it is also important to understand that the site's location in a Metropolitan Town Centre is factored into the Table. The site is identified by Officers as being within a *'Central'* setting with indicative average dwellings size of 2.7 – 3.0 hr/unit. *'Central'* settings are defined as *'areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major Town Centre'* (CD SP1, page 69, para 3.23). The setting of site 63 falls within the scope of this description; but does not push at its bounds, particularly because the buildings forming the site's setting are not as tall as the definition envisages. An argument seeking to justify exceeding the guidelines on the basis of the site's general location is therefore misplaced.
330. Similarly, the PTAL level of a site is factored into the Table. In fact it is the very basis on which the applicable range is reached. The site's PTAL range of 6(b) is taken into account in understanding the appropriate density range. It would also be wrong to argue that the future arrival of Crossrail should push the applicable density beyond the range specified in the Table. Paragraph 3.24 of the London Plan states: *'in addition to PTAL, where alternative transport assessments can reasonably demonstrate that a site has either good existing, or planned, public transport connectivity and capacity, the density of a scheme can be at the higher end of the appropriate density range ...'* (SP1, page 69). It does not contemplate that an increase in future transport capacity justifies exceeding the upper limit of the appropriate range.

331. Finally, the cost of rafting the railway provides in itself no justification at all for excessive density in a case where the developer has chosen to develop to such intensity. As will be addressed further below, this scheme is not a predominantly retail scheme and the purported retail benefits sought can be achieved in a way which does not involve rafting the railway, and which would not therefore involve incurring that cost.
332. In any event, even if it is justified to exceed the range a little, it is not justified to exceed it by the amount proposed. To the suggestion that the density matrix Table is only a *'tool'* and should not be taken as entirely prescriptive, the rule 6 parties agree. But tools are there to be used. We commend the use of the London Plan's residential density policy to you in this case, which can only lead to the conclusion that this proposal involves too high a density.

Plot ratio

333. Policy 4.1(ii) of the UDP requires that development proposals should be guided by the principle of appropriate height and scale (LP 1, page 54). Table 4A makes clear that *'the relevant SPG'* provides *'the appropriate standards'*. Plot ratio is a measure recognised both in the London Plan and in the Council's adopted SPG 6 LP 10) to assess the scale, bulk and intensity of use on a site. The purpose of using this measure, according to the SPG, is *'so that all new development within the London Borough of Ealing are in character with and do not adversely affect their urban environment'*. Although the status of SPG 6 is strictly that of a material consideration rather than policy per se, its relevance to this case is therefore particularly pertinent, because it is the effect of a development of this intensity on its urban environment which is centrally at issue.
334. As in the case of the applicable residential density ranges in the London Plan, the relevant guidance does not envisage an intensity in excess of the applicable plot ratios. On the contrary, the SPG provides that: *'in all cases the ability for plot ratios to be maximised will depend on local context, including built form, character, plot sizes and existing or potential transport capacity'* (LP 10). If the context suggests otherwise, plot ratios which may in principle be applicable to a particular location will be excessive. It cannot automatically be assumed that even the maximum advised plot ratio will be appropriate.
335. The maximum plot ratio envisaged by the SPG for Ealing is in respect of *'appropriate sites that are highly accessible (i.e. in the larger town centres with large building footprints and buildings of 4-6 storeys)...'*. In cases such as these, the SPG provides that *'it may be possible for development to achieve a plot ratio of 3:1'*. The SPG plainly views such a plot ratio as high even for these sites. The plot ratio for the proposed development is, according to Officers, 5.89:1, and according to SEC, over 6:1. This is hugely in excess of what the SPG contemplates.
336. It has been sought to justify this position through two main arguments. The first appeared to be that SPG 6 does not apply at all in the case of the development proposal because it supplements only Policy 6.4 of the UDP, which concerns industry and warehousing development. This argument is misconceived. The text of SPG 6 is clear that it supplements also the saved policy 4.1 of the UDP which, as its own text makes clear, applies to all forms of development, as one would expect a general design policy to do (LP 1, page

- 53). The Applicant's planning witness accepted that its contents should carry reasonably significant weight in relation to the proposal. It is plain that the Council itself regards SPG 6 as engaged by the application, and both the Applicant and the Council agree the relevance of SPG 6 to consideration of the proposal at p.26 of the SOCG (GK 2).
337. The second justification offered for such an excessive breach of the SPG's guidelines is guidance contained in the London Plan (LP 1, para 4.105). Referring to commercial developments, it is there provided that *'in highly accessible areas within Central London and some Opportunity Areas, especially in the Thames Gateway area, ratios nearer to 5:1 can be achieved. The ability for plot ratios to be maximised at any site or area will depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity'*. A number of points can be made about reliance on this section.
338. As SEC correctly point out, Ealing is not in Central London, nor in an Opportunity Area, nor in the Thames Gateway. The site is on the other hand within and adjacent to two Conservation Areas, surrounded by mainly 2-4 storey buildings and in a location where social infrastructure capacity is already very limited. (SEC 1, para 5.19). *'Ratios nearer to 5:1'* are not therefore appropriate on this site;
339. So much is explicitly made clear in SPG 6 itself: *'Please note that the London Plan indicates that there may be some sites where a plot ratio nearer to 5:1 can be achieved. It is not envisaged that any such sites will be available within Ealing, as these ratios are normally only expected in Central London sites'*. SPG 6, properly understood, is here emphasising a contrast between what is appropriate in Central London and Ealing. The promoters of the scheme, in this and other respects, seek to suggest that a similarity of approach in respect of these two very different locations is appropriate. They are wrong.
340. In any event even the London Plan recognises that the ability for plot ratios to be maximised is dependent on context. The *'local level'* SPG 6, subject to full local consultation, is in this case far better placed to guide on plot ratio than the strategic level London Plan.
341. In short, the proposal cannot be reconciled with SPG 6 and therefore Policy 4.1(ii) of the UDP.
342. The fact that the development proposed is too intense accounts for a number of further failures to comply with the development plan.

Amenity Space

343. The Council's policies recommend 15 m² of amenity space per flat in a development, which equates to 8,505sqm for this development. The outdoor amenity space proposed by Glenkerrin falls significantly short of this at 6,145 m². The Council has sought to explain this deficiency on the basis that *'it would be difficult to meet the full amenity space standards on a scheme of this nature involving a high-density scheme in the middle of the town centre'*. It follows that a scheme of lower density is more likely to achieve standards. And, as SEC's witness explained in evidence, the s.106 monies proposed for the improvement of local open spaces do nothing to increase the amount of open space available to residents. It is not right to treat the proximity of

Haven Green as a strong mitigating factor: *'with the St George Dickens Yard plan also claiming Haven Green as its primary open space, the influx of almost 2,442 new residents could very well overload the green and significantly reduce or even eliminate its quality'* (SEC 3). That is to say, the shortfall in amenity space provision would not only be unacceptable to residents of the development, it would also have a detrimental 'knock-on' effect on existing open spaces around the site.

Privacy and Outlook

344. No challenge was made to SEC's evidence (SEC 1, para 5.27) that about half of the roof terraces and balconies in the proposal overlook neighbouring habitable rooms and garden space, contrary to the third policy in Table 5C of the UDP (LP 1, p82). This contention that the question of overlooking and privacy has not adequately been addressed is borne out in the Officer's Report, which records also that, in total, 195 of the 567 units (34%) would fail to achieve the minimum separation distance in Table 5C (LBE 1, page 141). These are important failures which once again flow from the proposed intensity of development.

Affordable Housing

345. The proposed intensity of development also bears, of course, on the extent of affordable housing proposed. It is not a direct concern of the Rule 6 parties that there be such a shortfall in affordable housing, though it may well be an important concern of others. The point is that a less intensive form of development, especially one which did not have to raft the railway, would come much closer to, if not achieve, the 50% target set by Policy 5.2 of the UDP. A proposal in line with what is envisaged in the Site 63 Brief, namely 220 residential units, would make it easier to achieve (or nearly achieve) the affordable housing target. That is to say, it is not (and could not in any event be) argued by the promoters that the only way to develop this site is as they have chosen. Rather, it is a consequence of their design choice that the affordable housing shortfall arises.

346. The proposed intensity of the development also leads to a much broader inquiry into other issues, to which I now turn.

Community and Network Infrastructure

347. Policy 8.2 of the UDP provides that, for all major residential or business proposals such as this, the Council may negotiate with developers to establish a legal agreement to meet the increased demand on community needs (LP 1, page 112). The supporting text explains that the policy *'addresses the increasing need for additional community facilities and aims to encourage additional facilities to be generated from new proposals'* and states further that *'with more intensive urban development, there is an obligation to provide additional community facilities to meet the requirements of a growing community'*.

348. In this case, and in spite of this guidance, the developer's on-site contribution to community facilities on site is minimal at best, or non-existent. The proposed on-site gym cannot properly be regarded as a community facility at all. The Applicant's intentions are made plain in the Officer's Report: *'it would be a private facility and would not offset the requirement to provide*

community facilities within large scale residential facilities ... no other community or public leisure spaces are included within the proposed development' (LBE 1, page 143). Little confidence can be taken from the existence of proposed condition 40 that such a gym would allow for any significant non-resident membership.

349. The proposed uses of site 63, to the intensity proposed, also represents a lost opportunity to provide a use for which only two sites are allocated in the UDP, namely for a *'bus station and interchange with the Station'*. Neither this loss, nor its consequences in practice, should be underestimated.
350. The allocation of sites 63 and 64 as alternatives and as linked sites for a bus station / interchange use was reached through a process of full public consultation during the UDP-making process. There cannot have been any serious suggestion at the time of the plan's publication that either one of the sites was inappropriate for such a use; indeed it envisaged that these were the very sites on which to deliver it. The application under consideration would mean both that only site 64 remained as a planned option and that the possibility for a linked interchange between sites 63 and 64 was removed. An important consideration at this Inquiry is therefore the effect of the proposal on the deliverability of a new bus station / interchange.
351. The Applicant has argued that its proposal does not prejudice the delivery of such a use on site 64. There is an important qualification to that argument, explained by SEC's transport witness (SEC 2, paras 8.2 – 8.3). According to the Halcrow report, to provide a bus station on site 64 would involve a benefit/cost ratio of 0.5:1. To provide it, by contrast, over the railway lines on site 63 would involve a benefit/cost ratio of 1.4:1: significantly more costly to achieve the same benefit. All parties accept that the bus station / interchange would have to be privately funded so the using up of site 63 makes it significantly less likely that a developer will be prepared to undertake provision on site 64. The proposed s.106 sum of £1,300,000 for *'Bus / Transport Interchange Contribution'* was based on the cost of the (rejected) proposal to build an interchange on the east side of Haven Green; not any cost associated with the provision of such a use on site 64. Therefore, the reality of this application is that it removes one of the two options in the development plan for a much needed use and makes no provision to facilitate the only remaining planned option.
352. The proposals to address this loss through the provision of an interchange on the east side of Haven Green should, we submit, be approached with caution. The planning application for such a facility was rejected by the Council's planning committee at the same time as it considered the application before this Inquiry, and no further application is pending or imminently anticipated. It may not come forward at all. The s.106 obligation would only commit Glenkerrin to provide more than 50% of the money required to bring such a proposal forward in the event that all but 17 of the proposed units became occupied, and on any view no development could be expected until at least 2017 at the time of Crossrail's arrival. All parties accept that the possibilities for such a proposal would in any event be geographically constrained by Haven Green's being registered common land: a point recognised by TfL in its letter of 17th December 2008 (SC 2, para 58). These factors serve to place the promoters' reliance on the *'Haven Green option'* in its proper context: unplanned and in any event inadequate.

353. The Council's evidence on the inadequacies of site 63 for the bus station use for which the UDP provides are unconvincing. It was initially argued that to put such a use on the south side of the railway line would compromise the retail floorspace. However the Council's witness accepted in cross examination that, as the SPG Brief for site 63 envisages, it would be possible to provide up to 20,000sqm of retail floorspace on the site together with the planned interchange facilities. This was precisely one of the UDP's intentions for the site, whatever the precise configuration of the site overall.
354. The Applicant's evidence that TfL has considered the UDP's proposed bus station use on site 63 and '*concluded that it is no longer an option*' needs to be put in context. It is plain from the letter from TfL dated 17th December 2008 that the Haven Green option was '*the only realistic or achievable option*' in light of the development proposal. Neither this letter, nor any other evidence, demonstrates that any party has concluded, independently of this application, that site 63 could not be used for the bus use envisaged in the statutory development plan. Indeed the TfL letter highlights the inadequacy of even the Haven Green proposal to '*provide any additional capacity to accommodate the additional demand generated by the development proposals*' SC 2, para 82).
355. The absence of any bus station / interchange facilities as part of the application proposal, and the lack of confidence in the eventual provision of such a facility which it engenders, represents a serious deficiency in its contribution to vital infrastructure. A less intensive use of the site would make the necessary contribution possible, but this proposal eliminates it.
356. As to 'off-site' provision, it is the case of the Rule 6 parties that the financial contributions proposed by the developer to address the increased pressure caused by the development on local community are insufficient. That insufficiency can only be understood against the background of the existing shortcomings in Ealing's community facilities, which makes scrutiny of the proposed monies more important. We would emphasise the following points:

Community and Leisure facilities

357. Seeking to address criticism of the paucity of proper community and leisure facilities in Ealing Town Centre, the Council's policy witness emphasised the proposed £925,000 contribution ostensibly directed to that end. In response to questions about the quantification of this figure, it was explained that it was reached through a bidding process based principally on projects referring to the existing Town Hall. Two inadequacies with that approach were identified by SEC.
358. Firstly, even in respect of Town Hall improvements alone £925,000 would be insufficient to achieve meaningful change. For comparison, the cost of refurbishing the clubhouse of the Ealing Lawn Tennis Club was put at £5 million.
359. Secondly, that the inadequacies of sports and community facilities in Ealing stretches far beyond problems with the Town Hall. No contributions are proposed for the improvement or establishment of facilities for sports, in spite of deficiencies identified by SEC (SEC 3 para 2.10.1) The suggestion that the Town Hall could be used as a Concert Hall was put into context by another objector, who highlighted how seldom the Town Hall is made available for

musical hire (Friday nights only). Against that background no confidence can be taken from the quantity of the proposed contribution.

Education

360. The £986,000 proposed for the improvement of local education provision was calculated by the Council's education department by multiplying the development's child yield with the cost of providing school places. The flaw in that approach is that the demand for places generated by the proposal will not be able to be met by schools in the site's catchment area, because so few places are available. It was not disputed that there are no open entry State Primary Schools at all in the centre of Ealing, nor that there are no reception vacancies available at either of the two faith-based State Primary Schools within half a mile of the site (Christ Church and St Saviours). (SEC 3, para 2.5.1) While an increase in vacancies at St Johns Primary School in West Ealing (the nearest to the site) is proposed, this lies outside of the site's catchment area, as do Hathaway, Fielding, North Ealing, Little Ealing and Oaklands.
361. As to State Secondary Schools, SEC's evidence that very few places exist was not disputed.
362. The above means that children living on the Arcadia site will not enjoy any priority in attempting to secure places at these schools, and, together with children living on the proposed Dickens Yard site, will only increase pressure on them. No confidence can be taken that the figure of £986,000 can be put to the use for which it is theoretically intended.

Crime and disorder

363. £87,000 is proposed towards '*community safety measures*'. The inadequacy of this contribution can be understood against the background of how poor community safety measures are. The amount proposed would be insufficient to provide for an adequate increase in salaried police officers, and the provision of CCTV would not go far enough.

Healthcare

364. The inadequacy of the proposed healthcare contribution of £400,000 is a particular concern. A plan to replace the Mattock Lane clinic with health provision in the former Daniels store is no longer a live proposal, as accepted by the Council's witness. To address the increased demand generated by the introduction of 916 new Arcadia residents, all of whom will require healthcare to be available and some of whom will inevitably become dependent on it, the amount proposed is plainly insufficient in light of the significant inadequacy of healthcare provision in Ealing (SEC 3, Section 2.9). The Council has failed to put sufficient evidence before the inquiry that the amount proposed could meaningfully address the increased demand.
365. A familiar theme emerges from consideration of the community infrastructure issues: that with a less intensive development, involving fewer residents, less demand would be placed on an already suffering community infrastructure. In this case, the contributions proposed do not reflect the proposed intensity of the development. This represents another failure of compliance with the development plan.

Transport generation

366. SEC's transport witness, a regular road user speaking from personal experience, explained the relevant policy background. Policy 3C.17 of the London Plan makes clear that the Mayor will aim from 2001-2011 to seek zero traffic growth in outer London town centres, and that policies at a local level should include measures which support these proposed reductions and secure public benefits from them. Supporting text to the Plan explains how *'there is an urgent need to reduce congestion and traffic levels, particularly in those parts of London where they are at their highest, including central London and outer town centres'* (SP 1, para 3.236).
367. Against that background, the measures proposed to address the acknowledged increases in vehicular traffic resulting from the development are inadequate. It is necessary to distinguish between proposed physical highways improvements and general improvements sought through s.106 monies. SEC's evidence is that both are taken into account in the development + 90% calculation in the JCT report (MISC 4 pages 16 – 18). As to proposed physical improvement, no specific measure will be taken to address the acknowledged increase in traffic demand on Uxbridge Road, nor the junctions at The Broadway / Springbridge Road, nor that at The Broadway / the Mall. The specific measure proposed at the Springbridge Road / Castlebar Road junction (traffic light resequencing) will do little to mitigate for the increase in traffic at that junction. Harm will still be caused as a result of the increase in traffic generated. The same can be said of the specific measure proposed at the Madeley Road / Haven Green junction (puffin crossing). It is also important to remember that, as LBE's major projects officer confirmed, Glenkerrin would be obliged to pay no more than 50% of the proposed s.106 obligation of £500,000 for *'Transport Network Improvements Contribution'* (calculated on the basis of the cost of the two mitigation measures proposed) unless or until all but 17 of the 567 proposed units became occupied.
368. Thus, the traffic measures forming part of the proposal - financial and physical - not only lead to no improvement in the overall traffic situation but fail even to neutralise its own effects. As was accepted in cross examination, the proposal makes the position worse than the present position overall. The promoters' reliance on the projections being 'robust' on the basis that unfettered demand figures are used in an area where some suppressed demand can be anticipated does not result in a neutralisation, nor has that been argued. The promoters are either unable or unwilling to advance measures which would offset the harm caused.
369. The Council has required the developer to provide 223 residential car parking spaces in connection with the 567 residential units proposed in the development. All parties agree that there is a direct correlation between the number of car parking spaces available on the site and traffic generation. It follows that the amount of traffic generation is directly affected by the number of units proposed. Fewer proposed units would result in lower traffic generation, and less harm. The extent of the harm caused by traffic generation is a factor telling against this proposal on its overall merits.
370. Concerns about air pollution follow from the increased amount of traffic which the development would cause. It is accepted that the mere worsening of air pollution as a result of the development would not justify refusal, and that the

imposition of conditions could achieve a benefit, but there would still be adverse effects at a number of locations identified by Watermans (SEC 4, para 4.13). These effects are relevant and should be factored into the overall judgement as to the proposal's acceptability.

Transport design issues

371. A number of poorly designed aspects of the scheme relate to vehicular use.
372. There is only one vehicular access point to the entire development, located on Springbridge Road. This is a one-way narrow road which is not proposed to be widened through the proposal. Design defects flow from this
373. The access point from Springbridge Road into the basement would only be level with the road for five metres – not even the width of one HGV. This means that HGVs will still have their back wheels on the road when the front part of the vehicle is descending the access ramp, making the acceleration and egress of vehicles more difficult.
374. Placing the access point on a one-way road means that vehicles leaving (on the south side) and entering (on the north side) will always have to cross each others' paths. Whatever the safety aspects of this arrangement, it will result in avoidable tailbacks along the Springbridge Road.
375. The widening of the western pavement along Springbridge Road will generate pedestrian activity. As a matter of common sense the ramped access arrangement will pose a danger for pedestrians. The widening in the pavement also needs to be viewed from the perspective of those with disabilities. In spite of the proposal to widen the eastern pavement, there is no proposal to widen the western pavement which Mr Millar described as '*very restricted*' in width, with '*people unable to pass two abreast*'. It is proposed to place a holding bay on the western side of the road by way of condition which the Applicant presents as an improvement. In reality it will hinder access to the school, especially for children with special educational needs who are currently able to be dropped outside the school's gate. The school gate stretch is used as a pick-up and drop-off point for parents, and would continue to be so used in the absence of an appropriate alternative, for which no provision is made. The proposals for the redesign of Springbridge Road are therefore impractical and would do more harm than good;
376. As illustrated in Appendix MAR 04 to GK 8, the presence of 'dead-ends' in the basement car park demands difficult manoeuvring which could be avoided with a more spacious design. Unsafe and avoidable conflicts between cars entering and leaving the upper car park will occur as a result of the poor visibility of oncoming traffic, as drawings MAR 01 and 02 demonstrate. Once again it is 'over-densification' of the site which leads to these concerns. In particular, the basement layout would not be so cramped if there was need for fewer car parking spaces.

Spatial design issues on site

377. Other poorly designed aspects of the scheme relate to pedestrian use. UDP policy 9.5 states that '*the Council will ensure that development proposals include footpaths / pavements that are safe, attractive, well-lit, and comfortable for all, particularly for those who have difficulties with mobility*'.

(emphasis added). This policy is self-evidently not aimed simply at the registered disabled but at a much wider range of persons who are not as mobile as one may wish. The many without mobility problems themselves, but with pushchairs and wheeled trolleys, must also be considered. In this case, it is a consequence of the way that it has been chosen to develop the site that a combination of ramps, steps and lifts are necessary. The promoters' reliance on the site's purported accessibility needs to be seen in that context.

378. Ms Vasey and Mrs New spoke powerfully to the difficulties which would be faced by those with disabilities. We would emphasise more generally the following points.
379. There would only be one route across the site, in any direction, which would not require steps or lifts to be used: namely the east west route. Steps or lifts would have to be negotiated on the north-south routes. The presence of steps on the south side of Haven Green would decrease, not increase the sense of the site's permeability; one would in fact be most conscious of where Haven Green finished and the development site started, especially given the contrast in spatial design terms between the narrowness of the access point and the height of the buildings either side.
380. There would be no direct disability lift access from the basement car parking levels to the residential units in Block F. The only route for those using mobility scooters between the basement car park and that block would be via the ramps leading out onto Springbridge Road which would also be used by HGVs.
381. Policy 9.7 of the UDP (Accessible Transport) is clear that *'designated drop-off and pick-up points should be provided within the site, which facilitate access for disabled people'* (LP 1, p131). Nevertheless, there would in this development be a conspicuous absence at street level of adequate and safely located pick-up and drop-off points for people with disabilities. This is particularly the case with the proposed lay-by in Springbridge Road, which would be on the wrong side of the road to allow easy access to the main pedestrian route through the site.
382. In short, this is not a place which, to adopt the language of By Design, is *'easy to move through'*. That is an important failing. Nor can the difficulties presented by the proposal be remedied by way of condition 70 concerning the details of lifts: both because the accessibility problems extend beyond lifts and because it is clear that, in this as in other matters, the Applicant is concerned to meet only minimum standards, not to achieve optimal design. The Council has remaining concerns with the lift designs (LBE 1, p141), a strong indication of the developer's approach to this issue.
383. Two further detrimental impacts of the site's layout and scale should be mentioned:

Overshadowing of Haven Green.

384. The rule 6 parties' position is set out concisely in ECS 4 para 8.6 – 8.7. Transient overshadowing would be significantly increased at the times assessed and for the Green to suffer up to 60% of its area in shadow on 31st March represents a worse position than would pertain in a more modestly-sized development;

385. Loss of the Green Corridor. The promoters' approach to this issue allows for little confidence that the loss of the Green Corridor, protected against by the UDP, can be adequately mitigated. Natural England was not satisfied that the use of Green Roofs would provide adequate mitigation and in any event it is not clear that these could be provided given the need to provide photovoltaic cells on the roofs. It is not acceptable to deal with such a matter by way of condition when even the potential for mitigation measures is so unclear.

Townscape and heritage

386. I turn now to the single greatest concern of the rule 6 parties: townscape and heritage issues. These are the matters upon which, rightly, there has been heard the most evidence at this inquiry, not least because they directly reflect two of the matters about which the Secretary of State wishes to be informed, namely (i) whether the design principles in relation to the site and its wider context, including the layout, height and massing, scale, open space, visual appearance and landscaping, are appropriate in their context, and (ii) whether the application in and adjacent to a conservation area accords with the policy requirement to preserve or enhance their character or appearance. It is the rule 6 parties' case that a consideration of these two issues in particular should lead to a recommendation of refusal of planning permission, because such benefits as the scheme may engender do not outweigh the harm caused by it.
387. While the requirements of national policy (PPS 1 and PPG 15) inevitably frame the Secretary of State's concerns, the starting-point for a sound determination of the issues lies in the content of the development plan, informed by and read together with those national policies. Five aspects of the policy background are worthy of highlight.
388. Firstly, the London Plan does not advocate the maximisation of use of sites at the expense of local context. It is in fact saturated with references to the importance of context. Chapter 4B of the plan is dedicated to good design in London, which, explains the text, is *'central to all the objectives of this plan'*. (SP 1, para 4.96). Thus there is no hierarchy to the ordering of the *'design principles for a compact city'* set out in Policy 4B.1: that developments should *'respect local context, history, built heritage, character and communities'* is equally as important as *'maximis[ing] the potential of sites'*. One must not seek to achieve one at the expense of the other. The aim should properly be described as *'maximisation in context'* or *'optimisation'*; that is making the best use out of a site in light of, not in spite of what surrounds it.
389. Second, the argument that *'places change over time'* does not mean that existing and especially historical character is unimportant. Quite the contrary. As para 4.101 of the supporting text of the London Plan explains: *'good design is rooted firmly in an understanding and appreciation of the local social, historical and physical context, including urban form and movement patterns and historic character. London is highly diverse and constantly changing, but developments should show an understanding of, and respect for, existing character'*. This is entirely consistent with the position of the rule 6 parties who have repeatedly made it clear that they do not oppose change per se but oppose change carried out in the way proposed.
390. Third, context is recognised in the London Plan as being especially important, as one would expect, in relation to the siting of *'Tall Buildings'* (Policy 4B.9)

and generally in respect of *'Large Scale Buildings'* (Policy 4B.10). 4B.9 makes clear that *'the Mayor will and boroughs should consider all applications for tall buildings against the criteria set out in Policies 3A.3, 4B.1 and 4B.10'*. The failure of the proposal to meet the density ranges established through Policy 3A.3 has already been dealt with, as has 4B.1. As to 4B.10, the requirement that *'all large-scale buildings including tall buildings should be of the highest quality design and in particular ... be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements'* (SP 1, page 253) is crucial.

391. Fourthly, UDP saved policy 4.1 reinforces and strengthens those strategic policies at the Borough level. The policy itself requires the design of development to be guided by the principle (among others) of appropriate height and scale. What the authors of the policy meant the reader to understand by *'appropriate height and scale'* is of course only fully understood with the benefit of the supporting text and Table 4B which were written to be read with the policy (LP 1, page 56). Table 4B applies to buildings or structures exceeding 20 m in height. All six of the blocks are therefore engaged by this guidance in this case. The Table explains that applications for such buildings will be carefully considered, having regard to a number of criteria. One of these criteria is that *'the building or structure should identify and emphasise a point of civic or visual significance over the whole area from which it will be visible'*. Another is that *'the site should be sufficiently large to ensure an adequate setting, including landscaping'*. Another is that *'building will not generally be acceptable on sites within Conservation Areas'*.
392. It is telling that the promoters' approach to Table 4B has not been to embrace what it says and argue compliance with it. Instead their approach has been to distance themselves from it and to seek to diminish its relevance or weight:
393. The Council's major projects witness suggested that the latter criterion did not *'strictly speaking'* apply to Block F on the basis that its footprint would not lie *'within'* a Conservation Area. This argument goes nowhere. The impact of tall buildings, including Block F, from a townscape and heritage perspective, has to be assessed not only in relation to any Conservation Area in which they sit, but also in relation to Conservation Areas whose settings they would affect. Plainly the Tower's effect on both the Ealing Town Centre Conservation Area and the Haven Green Conservation Area falls to be considered against Table 4B, which advocates a general approach of restraint. In any event, as he agreed, all the other buildings on the site lie *'within'* the Town Centre Conservation Area in the policy's own terms.
394. Secondly, both the Applicant and the Council have argued that Table 4B is not saved policy, and carries the *'mere'* status of a material consideration. That is technically correct, but as the only supporting text explaining a policy forming part of the statutory development plan, it should carry great weight. Since full sense cannot be made of the policy without it, its technical status as a *'material consideration'* rather than *'supporting text to development plan policy'* is in practice a distinction without a difference.
395. Fifthly, nothing in PPS 3 relating to housing or in PPS 6 relating to town centres detracts from the above policy concerns. It is part and parcel of achieving high quality housing in accordance with PPS 3 that the housing

should be well-designed in the sense of integrating with and complementing neighbouring buildings and the local area more generally. As paragraph 49 of PPS 3 states '*successful intensification need not mean high rise development*'. As to PPS 6 the policy that locations be fully exploited through high density mixed use development can only properly be applied if a proposal protects and enhances the architectural and historic heritage of town centres (PPS 6, para 1.5).

396. In our submission the evidence heard at this inquiry does not support the conclusion that the proposal is acceptable from a townscape and heritage perspective. The propositions advanced in support of the proposals do not support development of the scale and intensity proposed in a context acknowledged to be sensitive.
397. So much of the argument in support of the proposal relies on the proposition that Block F would be an appropriate landmark for Ealing. Certainly, it would be so prominent in townscape terms that it could not fail to stand out for miles around – for better or for worse. In this case, there are five propositions militating against its being an appropriate landmark for Ealing:
398. Firstly, there is no necessary reason why a focal point or landmark need be a tall building at all. It is perfectly possible to design something with a sense of place and location which is not tall. The Applicant's architectural and urban design consultant quite properly drew a distinction between the need for landmarks to be tall in the City of London, and the absence of such a need in other places.
399. Secondly, it does not follow from the fact that a tall building heralded as a landmark might draw attention to itself (as Block F would, for better or worse), that it would draw attention to the place which it would come to represent. Landmarks are of a place; there is no such thing as a landmark in isolation.
400. In this case, either side of the application site, there are two particular buildings which mark their locations, and Ealing generally. The first is Villiers House. All agree that Villiers House is not a building of great architectural merit, but the important point is that it marks the station which represents Ealing's history as a railway town. The second is the Church of Christ the Saviour whose spire was historically the tallest point in the town, marking, literally, the heart of the community. Either side of the application site, therefore, there are existing '*markers of a place*' – landmarks, inextricably associated with what Ealing is.
401. These existing markers give Ealing's town centre a sense of place and help one to orientate oneself. The argument that a landmark is necessary for Ealing is weak.
402. The use to which a landmark building is put is relevant to its success as a landmark. In fact it is extremely important because it says a great deal about the sort of place that it represents. The argument that a residential tower would reflect the '*aims and ambitions of this part of London*' is palpably unconvincing. There is enormous strength of feeling amongst the people who actually live in Ealing, and would have to live with this proposal, that a residential tower is not a landmark use which would stand in celebration of Ealing and represent it.

403. Whether or not a very tall residential tower would in principle be an appropriate landmark for Ealing, this proposal, which involves many buildings other than the Tower, is certainly not acceptable in its townscape and heritage context. Judgement on the proposal's effect on its context should be made within the framework set by the following objective factors:
404. The Tower would be 90 metres high. That would be more than twice the size of Villiers House (42m). The Applicant's architectural and urban design consultant was unable to say how far away the next tallest building to Villiers House is located and offered no evidence about how Block F (or any other building) would relate to the heights of any buildings in the Dickens Yard proposal (which is not in any event consented, would be located on a less important and prominent site, and should carry little weight as a consideration in the townscape assessment of this proposal).
405. All the other blocks proposed on the site, at their highest points, would be just under the height of Villiers House (some 40m each). None of these buildings, in contrast to Block F, are even advanced as landmarks; yet they would stand at the same height as the building marking the station which is visible from many places;
406. Villiers House is white. Its colour considerably mitigates its weakness in architectural merit. The proposed buildings by contrast (albeit that the materials to be used do not form part of the planning application and would be subject to condition – notwithstanding the heritage context) would have no prospect of blending into the skyline.
407. There is no doubt at all that Block F would be visible from a significant number of locations in mid and even long range views. Its effect – positive or negative – would be viewed for miles around. This is not a case where you need only be concerned with the question of harm to a particular locality, nor has the case been presented as such.
408. A great many of these long or mid range views are from Conservation Areas: plainly sensitive settings as illustrated in ECS 4A. (addendum to ECS proof of evidence)
409. In a number of these long or mid range views, and assuming that Block F causes harmful effect, it is less easy – or simply impossible – to argue that its effect is mitigated by being seen in the immediate context of the cluster of other buildings on the site. Examples are set out in GK 6B views 2092, 2095, view 8, 2099, and 2085.
410. As to views from a closer range there is an added dimension to the inquiry. The question becomes whether all the buildings on the site fit as part of the family of their more immediate surroundings. That would be so as a general principle of good design irrespective of any heritage importance that a site may possess. But where, as in this case, there is an acknowledged heritage importance, the effect of all of the buildings on the Town Centre and Haven Green Conservation Areas must be considered in light of the special protection given to such areas by statute and PPG 15.
411. It is an indispensable part of that exercise to consider the particular features of the Conservation Areas which led to their designation. A judgement as to whether a proposal preserves or enhances a Conservation Area can only

properly be made in light of those features. These are set out in the Council's character appraisals (CA 5 and CA 7). Suffice it, at this stage, to point also to English Heritage's pithy, and accurate summaries of their characters, in particular that *'the Haven Green Conservation Area is characterised by its open space and formally grouped Victorian properties that line it, and by small scale residential development to the northeast and northwest'* (SC 9, para 3.2.2)

412. A visual tour around the application site, and a consideration of the effect of the proposal on the buildings surrounding the site, reveals the extent of the change to the character of the Conservation Areas which the proposal would bring. We would invite particular consideration of the following images:
413. View 2081 (GK 6B). Block C compromises the setting of the Carphone Warehouse building (building of facade value). It was commented in the Officer's Report that the higher part of Block C *'creates a much too busy and overpowering backdrop to the minute scale and delicate roof profile of the retained building'*. The Council's specialist urban design team are right about this. The solid to void ratio of Block C also provides a marked contrast to surrounding buildings. Even the Applicant's architectural and urban design consultant agreed that this image would not make a good publicity shot.
414. View 2091 (GK 6B). The proposal would involve the loss of the view of the spire of Christ Church and is not mitigated by what was described as the *'curve'* of the building line of the south-west. The curve is no more than the retention of two single, rectilinear and undistinguished planes, slightly articulated
415. View 2072 (day) (GK 6B). The corner of block A protrudes with jutting angularity towards the south-west providing too sharp, too tall and too undistinguished a setting to the listed Church. Here, as elsewhere, the proposal is harshly geometrical;
416. View No 2 (GK 6B). It is what this view does not show which matters. No image has been produced by promoters taken from a position north central of Haven Green which would show the full impact of the proposal on it. There can be no doubt, even from this image, that the proposal will substantially change the setting of the Green. All the buildings on the site would be considerably greater in height, mass and bulk than the buildings bordering the other sides of the Green, as well as significantly different in style, interest and solid to void ratio. The proposed curved balconies of Block F are found nowhere else in the vicinity.
417. The position reached, on objective consideration of the extent of the change which the proposal would cause to the Conservation Areas, is that that change would be radical. No other conclusion could be rationally sustained.
418. Of course, change, even radical change, does not equate to harm. But it does mean, as the Applicant's architectural and urban design consultant accepted, that the effect of this proposal cannot be neutral. In no sense could it be said to blend in. The effect must either constitute an enhancement or be harmful. Nor, in the case of such a radical change, can the effect be only slightly enhancing or slightly harmful. Its effect – positive or negative – must be significant. The Applicant's architectural and urban design consultant commends the scheme to the Inquiry as *'great architecture'*. Architecture so

great that it justifies planning permission notwithstanding the radical change which it introduces.

419. We disagree. This is not one of those iconic works of architecture which justifies a radical change. It is not the St Paul's of its day. You will, of course, form your own judgement. But we do commend to you, in that exercise, the views of the many expert professionals who have identified harm – serious harm – in what is proposed.
420. Firstly, the Council's urban design team. The Council's major projects witness attempted to distance himself in cross examination from so many of the criticisms made by the Council's own specialists provided a perfect illustration of the Council's overall approach to this application. It is worth revisiting the harm identified in the conclusion of the section of the Officers Report dealing with Conservation and Urban Design: *'The overall density and scale of the proposal still raises some concerns. The architecture and design are generally of high quality but do not necessarily respond to the heritage context and its established character, resulting - in parts - in a much too high and overpowering scale of development, that weakly relates to the Victorian and Edwardian remains of the Town Centre'*. The report goes on to say that *'on balance, the scheme would bring regeneration benefits and improve the permeability of an important Town Centre...'* (LBE 1, p131). That is to say, the overall view of officers on two of the matters about which the Secretary of State wishes to be informed was that the harm caused was not appropriate in context but was outweighed by purported regenerative benefits. Nowhere in the statutory development plan is it envisaged that regenerative benefits should outweigh the harm caused by out-of-context development. Regeneration, just as much as any form of development, should only be achieved through contextual design.
421. Secondly, and importantly, English Heritage. Their careful and considered written evidence to the Inquiry is worthy of serious consideration. They offered availability to be cross examined but the promoters declined, which means that the evidence of English Heritage should be afforded greater weight than the views of CABE and the GLA, which have not formally been presented in evidence and which have not been able to be subject to cross examination by the rule 6 parties. In the opinion of English Heritage the scheme *'neither preserves nor enhances the character and appearance of Ealing Town Centre and Haven Green Conservation Areas, nor does it preserve the setting of nationally and locally listed buildings. This harm is serious'* (SC9, p 8). Five specific instances of harm are identified in Mr Reading's letter of 2nd December 2008. In their view, *'the harm to the character and appearance of the Conservation Areas, and to the character of suburban Ealing would be significant and irreversibly altered'* (SC 5, pp 1 & 4).
422. Thirdly, but not least importantly, the views of Professor Sir Peter Hall. Of particular interest is what Professor Sir Peter says at the bottom of page 5:
423. *'The basic problem with the proposal under consideration, I would submit, is that it starts from the wrong premise, proceeding through a perverse logic, to a fundamentally mistaken conclusion. Instead of starting on the basis of the maximum scale that is acceptable in context and then working out what can be profitably achieved at that scale, it starts with the principle of maximising the profitable use of the available ground area without any reference to context,*

and is thus led to an extremely complex engineering solution which further increased the need for density'.

424. Glenkerrin has approached this development in this way. Neither of the Applicant's architectural witnesses were involved at all in the fundamental conception of the design or choice of site; nor indeed was Foster and Partners. Their respective briefs, as cross examination made clear, was to make the best of the scheme they inherited; a scheme which, as The Townscape witness agreed, was simply not fit to have received planning permission in its March 2008 incarnation. It was no part of either witness's brief to revisit the fundamental design conception. By the time of their involvement, the maximisation approach, including rafting of the railway, was already established. The ability for the proposal to achieve compatibility with its context was severely hampered against that background, and ultimately fails.
425. At least most if not all the analogies which Glenkerrin has sought to draw between Ealing and other contexts are misjudged. SEC's witness was cross examined about the local context of the Swiss Re. In re-examination he rightly explained the stark lack of comparison between the Swiss Re's context and that of the application site: the former at the heart of a massive conurbation of some 8 million people with a totally different surrounding townscape. The examples of previous projects given in the architect's proof (GK 5) detract from, rather than support Glenkerrin's case for the same reason.
426. Nor is this scheme rescued by analogy with other planning decisions. Very considerable care with such decisions must be taken in a case such as this. The Inspector's Report (IR) concerning 1 Blackfriars Road and 20 Blackfriars Road (9 December 2008) was concerned with a site just to the south of Blackfriars Bridge in the heart of the City (RPD 1, pp4, 13 – 16). It was expressly considered as part of the 'London skyline' (p 20). The IR concerning Land bounded by Doon Street, Cornwall Road and Upper Ground, London SE1 (22 May 2008) was concerned with a site on the South Bank behind the Royal National Theatre (RPD 2 p 5). The IR concerning 106-126 Bishopsgate (Heron Tower) (30 April 2002) was about a site in the north east of the City of London near Liverpool Street station (RPD 3, pp 2- 3), and that concerning the site at Fenchurch Street (and others) (11th May 2007) in the east of the City (RPD 4, p 3 - 4). The Shard of Glass Report (23 July 2003) (RPD 5) concerned land adjoining London Bridge, and the Report concerning land to the north and south of Royal Street, London, SE1 (Founders Place) (18 June 2007) considered a location in Lambeth (RPD 6, P 4). In short, the content of these reports provide no confidence that the proposal before you is appropriate in the context of Ealing.

Summary of development plan position

427. The evidence at this Inquiry has shown that this proposal conflicts with a sizeable number of specific development plan policies, and with the development plan generally. Its dominant residential element is too densely developed and its plot ratio significantly in excess of what is appropriate. Its intensity results in a clear shortfall of amenity space for which no compensatory additional provision is made elsewhere. Its intensity leads to a lack of privacy and outlook in breach of the plan's minimum separation distances. Its intensity – a matter of choice not compulsion – leads also to a sizeable shortfall in affordable housing provision.

428. The sheer size of the development for its site leads to a suite of further detrimental impacts which would either be less harmful, or avoided altogether, by more modest development: the strain on already inadequate community infrastructure; the loss of the most cost effective site identified in the statutory plan for the provision of a much-needed bus interchange; the overall worsening of traffic around the site and consequential worsening of air pollution; difficulties of vehicular access to and from, and pedestrian access across the site; the significant increase in overshadowing of the much-used and much-loved Haven Green, and the loss – for which it is not clear that appropriate mitigation would be available – of the Green Corridor along the railway embankment.
429. But above all, there would be far too much of it in the light of what surrounds it. Its greatest and clearest harm is to the townscape and heritage context of the site.
430. Against that background, and in line with The Applicant's planning witness's analysis, it falls to ask whether the harm caused, to the extent that it is caused, is outweighed by the benefits of the scheme. For the promoters, those benefits lie within the concept of '*regeneration*'. What that actually involves in this scheme merits the most anxious scrutiny.

'Regeneration' and the reality of the scheme

431. Through the Applicant's planning evidence this proposal is described as '*retail-led*' (e.g. GK4, para 4.5). But however the scheme developed in its initial conception, it is plain that it cannot be properly described as a retail scheme. In terms of gross external area all proposed retail uses (encompassing A1/A2 and A3) amount to less than a fifth of the site. The proposed leisure use constitutes a very small proportion of the uses, and the proposed office use a tiny proportion (not to mention a loss of floorspace in comparison to what presently exists). The residential aspect of the proposal is by far its greatest component, comprising slightly under two thirds of the entire floorspace and more than three times the amount of floorspace occupied by the retail element. Applying those use proportions to the issue of visual impact, it is telling to note that nothing above the first floor of any of the six buildings would constitute anything other than residential use. This is a mixed use residential scheme with a retail component and extremely limited other uses.
432. The regenerative aspects of the retail element of the scheme are questioned in SEC's retail evidence (SEC 5). No witness with retail expertise was called by either of the promoters of the scheme and no challenge was made to SEC's technical analysis. We invite you to take this evidence into account in considering the need for increase in retail floorspace. But, as another SEC witness explained in his evidence (SEC 1), the amount of retail floorspace provided on the site is only one factor in the overall planning balance. An increase in retail floorspace provision, even if empirically justified, does not justify the predominantly residential scheme proposed.
433. In justification of the intensity and proportions of uses in the scheme proposed, rather than the increase in retail floorspace per se, the promoters have sought to turn to the Tibbalds Report, in which site 63 is considered (LP 4). The Council's policy witness presented the contents of the report as representing a '*direction of travel*'. We accept that you are entitled to have

- regard to it, but to place any significant weight on the contents of the report in relation to this application would be wrong. The Tibbalds report: forms no part of the statutory development plan; is not emerging policy in draft form; has not fed into the publication of any Preferred Options as part of the LDF strategy; has not been subject therefore to any consultation or scrutiny through the LDF process; and in any event contains proposals which *'are those of the authors and should not be treated as being those of the Council itself'*.
434. The Tibbalds report is itself clear about its relationship to the UDP on p.6 where it states: *'the saved policies of the existing UDP 2004 provide the current Local Planning Policy context for Ealing'*. It is important to bear this in mind.
435. What the democratically-forged and widely debated UDP says about site 63 matters much more. In section 10.21 of the plan site uses are identified as (inter alia): *'Mixed Use redevelopment comprising retail, residential, offices and cinema ...'*. We learn little from that about the preferred proportion of mix of uses. We learn a great deal more from the site specific SPG for site 63.
436. Glenkerrin's planning witness accepted in cross examination that the site-specific SPG was: subject to full and appropriate consultation with the UDP; was plainly designed to supplement the site 63 uses description in section 10.21 of the UDP; is the only policy guidance before the Inquiry relating to the site; and should carry *'reasonably significant weight'*. It was, nevertheless, entirely omitted, without any sound explanation, from Glenkerrin's evidence.
437. The SPG should, in fact, carry more than reasonably significant weight – which any SPG should carry as a matter of course – precisely because it is site-specific. On any view it must carry more weight than the contents of the Tibbalds report for the reasons outlined above.
438. The site brief, like all site briefs, is not a prescriptive document. But it gives a crucial indication of the scale and intensity at which redevelopment of the site should take place. And it was a brief drawn up in light of Ealing's designation as a Metropolitan Town Centre. Nothing in it can therefore be regarded as inconsistent with the Metropolitan Town Centre status, especially the following aspects with which the Applicant's planning witness agreed: It is clear from the *'Preferred Uses / Mix'* section of the brief (p.4) that the provision of residential use on this site comes lower in the hierarchy of preferred uses than the primary preferred uses. You will recall the wording: *'(include some housing)'*; The floorspace of the proposed development would be nearly twice the capacity envisaged in the brief (p.1); The quantum of housing of the proposed development would be very much greater than the amount of housing envisaged in the site brief; It is a clear development principle of the brief that any development must *'respect adjacent Haven Green open space and trees and ensure no significant overshadowing'* (p.4-5); It is envisaged in the brief that the site could successfully be redeveloped without rafting the railway, while allowing for improved links between Haven Green and the Broadway; and it is envisaged in the brief that redevelopment addressing the park would be at a *'two storey maximum'*.
439. In forming a view about appropriateness of scale, against the background of all the development plan and national policies surveyed above which bear upon that issue, the site brief provides the best policy basis before the Inquiry as to

what is suitable, in regeneration terms, on this site. No other policy guidance addresses that question. Given that this proposal differs so markedly in scale from what the site brief contemplates, it is little wonder that Glenkerrin sought not to draw it to your attention.

Conclusion

440. The recommendation which you are charged to make will lead to the single most important planning decision for Ealing in decades. No more important site than this exists in the Borough, and no risk should be taken. We urge you not to take one.
441. To the traveller on arrival, the site heralds Ealing. It tells him about the place he has reached. Today's traveller to Ealing, it is true, sees that it is in need of something different from what is there now. The traveller of tomorrow could see one of two things.
442. If this development receives planning permission, he will see something irreconcilable with the place he goes on to explore. A development, he will see, of function amidst character, of cluster amidst space, and of disinterest amidst charm. But if it does not, and imagination is free to rise again, he will be able to see something of greater worth. A proposal which, unlike this, regenerates with sensitivity, revitalises with measure, and redevelops with care. A proposal which would fit into this rich, vibrant and beautiful Ealing – our Ealing – and with which all that Ealing stands for would be safe. It is the promise of such a proposal which warrants the refusal of this.

The Cases for other supporters of the scheme

Mr Peter Smith (Urban City Ltd)

443. I chair the Ealing Broadway Business Improvement District (BID) which represents 500 businesses, mainly retailers, in the town centre. Some 20% of those BID businesses actually trade within the Arcadia Site. My company manages some of those properties for Glenkerrin. Many existing retailers appreciate the shortcomings of their existing premises. They are simply no longer fit for purpose. Some 40 of those most directly affected within the site itself wrote in support of the proposals. This was all part of the wider BID consultation on the proposals between September and December 2008 when the businesses represented were generally very supportive of the change agenda and the form of these proposals. The existing Arcadia Centre is a flawed 1980s design offering little permeability because it feeds into a cul-de-sac. The remaining shops on the Broadway frontages comprise piecemeal infills and have no rear servicing, an essential ingredient of modern retailing. The 'big win' of this scheme is to achieve unification of the island site through rafting over the railway embankment. This complicated piece of engineering will eliminate the polluting effect of high speed trains travelling through the heart of Ealing and create a vastly improved setting and spatial planning for the development.
444. The existing lack of permeability through the site creates an imbalance in shopping patterns and causes pedestrians using the station to be subordinated

to the needs of traffic. Pedestrians are forced to hug the narrow congested pavements along busy traffic routes with little or no public open space. I don't recognise the picture of arcadian calm painted by objectors. The scheme will transform the situation with pedestrian only walkways, improvement lines to existing street frontages, 24 hour access and new town squares connecting much more conveniently and directly with the rest of the town centre. The business community in Ealing recognise that the town's present and future prosperity and growth is very much wrapped up with the public transport node, the renewal of the station and Crossrail. The redevelopment of this key opportunity site adjacent to the station is an essential way of addressing Ealing's relative decline in the face of competing centres in west London. It is a pedestrian first design solution which will address Ealing's poor arrival facility from the station.

445. The development will form a new gateway to the town centre served by a 21st Century transport system. The last part of the journey to the new homes, offices, shops and cultural attractions will be made on foot in a vastly improved setting of public open space and active frontages, integrated with the rest of the town centre balanced by and aligned with the established Ealing Broadway Centre and the proposed Dickens Yard development.

Mr Patrick Kennedy

446. As the freeholder of 12 Springbridge Road, which includes a shop, basement and 3 flats, and a representative of Ealing Chamber of Commerce I support this development for the contribution it will make to the economic and employment prospects of Ealing. I also speak on behalf of John Francis of the mews development at Springbridge Road. There has been a sharp rise in local unemployment recently with the number of jobseekers at 8733, 79% up on May 2008. 1200 BBC jobs at Villiers House have gone overseas, Thames Valley University is set to announce redundancies, and the Westfield Development has drawn trade away from Ealing. This is part of a definite trend. It has been noticeable that customers who frequented my gallery have turned to other centres such as Chiswick, Kingston, Brent Cross and Westfield. There are a number of empty shops around the Town Centre. It is up to businesses and the Council to take action to restore Ealing's fortunes. This development is a godsend and will put Ealing on the road to prosperity again. It will create 400 – 500 much needed jobs. We will do all we can to attract the right retail businesses. The plans have been consulted on widely and were properly considered by the Council. Officers worked to the very highest standards and the result will be a scheme that will be the jewel in the crown of Ealing's architecture.

Cllr Phil Taylor

447. This development was not seen as a big issue in Northfield ward. My views are not necessarily representative and I am speaking here as an individual. It is necessary to step back and look at the big picture. A key benefit of the scheme is that 79 families would be provided with affordable housing. We shouldn't try to preserve Ealing in aspic. It would be unrealistic in the extreme to leave the town untouched in view of Crossrail. Crossrail will bring benefits and will re-inforce Ealing's role as a commercial centre. It is important to consolidate the Town Centre. If this scheme is blighted it will blight the whole Borough. While we would like to see the scheme produce a lot of social goods,

if we demand them the development will get bigger and bigger. In the end it's a matter of judgement for the decision maker.

The Cases for other objectors to the scheme

Professor Sir Peter Hall

448. I have been a resident of the London Borough of Ealing for 36 years and of the Ealing Broadway ward for the past 15 years. I commend and endorse the views of the Rule 6 parties who are objecting to this proposal. It does not suit Ealing. I believe that the development would fatally and permanently compromise the built quality of one of the most remarkable suburban environments to be found anywhere in England. In my writings on urban and regional planning I have constantly extolled the principle of increasing density in and around town centres with good transport accessibility and high-quality shopping and public services. What is now proposed for the Arcadia site is not at all wrong in principle, but wrong in its detailed execution.
449. The evidence of English Heritage, to the effect that the scheme would fail either to preserve or enhance the existing character or appearance of the conservation areas, by virtue of its alien form, materials and bulk height and scale, states the case succinctly, but underestimates the real extent of the impact. A key feature of Ealing Broadway is the scale of the conservation areas that surround the central commercial area, stretching generally for a mile or more in all directions, which characterise Victorian and Edwardian Ealing and support its claim to be the 'Queen of the Suburbs'. Other parts of London have similar characteristics, but Ealing is arguably unique in the scale and coherence of these suburban areas, and the limited degree to which they have been altered.
450. Ealing's essential quality is of an arcadian suburb, very carefully designed through collaboration between the borough architect Charles Jones, and the owners of large estates surrounding the station. The Civic Society's evidence gives a graphic illustration of the aggressive intrusion of the development in many of the characteristic streets which radiate out from the station. The scale of the development, above all the height of the towers, would impinge everywhere as a kind of extreme visual shock, destroying the scale and massing of the houses and their relation to the streets and the arcadian calm that is the area's quintessential quality. It fails critically to relate to its wider context and to accord with national policy in respect of conservation areas and listed buildings.
451. The five storey development occupying most of the north side of Haven Green should be regarded as an acceptable benchmark for the height of development along the south side. The current proposal has sought to maximise the profitable use of the site, instead of considering what is the maximum scale that would be acceptable in context. This has led to a complex engineering solution which in turn increases the need for density. While a deck over the railway is a highly desirable part of the scheme, there is no need for huge load-bearing structures. The correct solution for Ealing is to create structures on either side of the railway compatible in scale with existing development,

connected by a lightweight deck structure which would support an attractive open pedestrian space connecting directly from the Broadway to the station forecourt.

452. An Inquiry like this must necessarily take account of a great volume of evidence, much of it of a technical and even esoteric nature. But it must finally come down to a matter judgement, and as the outcome of the inquiry into the third London airport (1966 – 1969) demonstrated, that will never be encompassed by a narrow consideration of numbers. It is simply unthinkable that a development like this and all that it implies should be brought here.

Cllr Anne Chapman

453. I support the views of Sir Peter Hall. I am particularly concerned about the design quality and impact of the tower, and the poor design quality of other blocks. The development does not meet all of the Boroughs living accommodation standards and is in danger of becoming a sink estate of the future. The high density proposed, largely as a result of the high construction costs, are not acceptable. Existing infrastructure cannot absorb the scale of development, and very little is provided in the way of playspace and new amenities through the Section 106 obligation. The proposals would involve inappropriate residential development and are deeply flawed. Residents are in favour of regeneration but not this scheme.

Cllr Phil Greenhead

454. The proposed Arcadia development is not properly sustainable and will harm the surrounding environment. Ealing is a population centre attracting people from Britain and across the world. There are thousands of families in Ealing who need housing or better housing. There is a surplus of one and two-bed flats while thousands of families are waiting for modern, suitably priced accommodation. Responsible development should cater for current and predicted demand.
455. The majority of flats in the development will be very small and the predicted cost will exclude many young people – apart from couples with two incomes. The proportion of social housing proposed is well below the original negotiated level and even further below the government recommendation.
456. While the spending power generated is welcome and will help to maintain Ealing's commercial offer, potential residents will work in a wide range of destinations. Parking provision will be restricted, and while the intention is for people to be less reliant on cars, most still own cars and still use them frequently. Some of those who do not have parking will find parking on Ealing's streets. There will be additional congestion from this and other developments, particularly Dickens Yard. While long distance accessibility by public transport is an advantage, local accessibility will be severely compromised by the position and size of this development.
457. Increased traffic will severely affect Gordon Road, Springbridge Road and the east-west route on Haven Green. The diagonal route will need to be retained to accommodate increased car and business traffic. The Green will also be compromised as an amenity space by the high tower and blocks of flats, which will dominate the Green and overshadow it and surrounding areas. The Green is already well used by residents, local workers and visitors. The development

will overstretch the local environment to generate an inner city townscape with few green strips, not the Victorian Urban setting of the conservation area.

458. The development does not deliver new amenities and services. It is exploiting existing provision but providing nothing new to meet the needs of the increased population. These will have to be provided in future at public expense.

Mr Colin Bradbury

459. Ealing has a very strong musical community which relies to a great extent on voluntary support. The scheme makes no provision for musical facilities which are much needed. There is no dedicated performing space in Ealing. Music groups currently rely on church halls and similar venues. St Barnabas is a cavernous building with an unsuitable acoustic - its only virtue is size. The Bosendorfer piano is provided by a philanthropic benefactor. The Town Hall is rarely available and is unsuitable in its current state for musical performance. Similarly, the scheme makes no provision for other social or cultural activity. It should be recognised that the centre of the town is for the community. The present scheme should be rejected in favour of a scheme which meets pressing community and cultural needs in a central location.

Mr Arthur Breens

460. As a long term resident of Ealing, active in the community and with my own business I am not opposed to change provided it is reasonable, properly debated and carefully planned. However this development would harm the conservation areas, provides no new facilities for the population of Ealing and fails to provide a new station and transport interchange.
461. It has been difficult for members of the public to follow the debate when the application was considered by the Council, or to see the democratic link. There was inadequate accommodation for members of the public, and many had to follow it by video link. There was confusion about levels of support and objection which were not clarified. The views of members of the public were not properly represented when the decision to approve the scheme was made.
462. More shops are not the answer to Ealing's needs. A large new store has been built in West Ealing with flats above, but the store has not been occupied. It is unlikely that it will be turned into a health centre, as the Council suggest. There are huge population pressures in London, but the town centre should be for town centre uses.

Mr Anthony Elley

463. I have prepared an alternative plan for the site which I believe reflects the approach of Save Ealing Centre on what is needed for Ealing. I am not an architect but I have experience of retail display design. Glenkerrin's proposals do not take the opportunity for road widening and improvement of Ealing Broadway. The building line should be set back to allow the pavement to be widened and additional road space to relieve congestion. It could then accommodate a pull-in for buses and taxis. A similar arrangement should apply on Springbridge Road, with an eye-catching fountain on the corner to draw in passers by. The development should also accommodate community uses, including a large state of the art auditorium.

464. The proposed blocks would be too high, and would create adverse wind and weather conditions for pedestrians. A similar fate has befallen Croydon. The brutal design would not fit in with or improve the conservation area, or any part of Ealing. A modern design that will fit in with the area and be of high quality design is desperately needed, but not this scheme. It will not provide cultural facilities and services for the people of Ealing, the density will be too high, and no transport facilities will be provided. The Council has not behaved democratically in resolving to support the development.

Cllr Jon Ball

465. The development would be visible from much of Ealing Common Ward, which I represent. There is very considerable strength of local opposition to it. A petition of 685 signatures gives a true indication of the levels of local opposition to these proposals. While the current scheme is an improvement over the original scheme, which included a 40-storey tower, it is still completely out of character with the Victorian and Edwardian surroundings of the Ealing Town Centre Conservation Area. It might be suitable for a city centre site, but not for a suburban location like Ealing in terms of height and bulk. In particular, the 26-storey tower has nothing in common with the surrounding architecture, and would not enhance the conservation area.

466. While parts of the site are visually unattractive at present, much of it continues to make a positive contribution to the streetscene, and leaves the way clear for a future development that is more in keeping with the area. The development at Dicken's Yard by contrast will be largely hidden from view.

467. The provision of 18% affordable housing is wholly inadequate, less than half of the 50% target in the London Plan. Provision for disabled access would be poor, particularly to Block F. The scheme would not make satisfactory provision for infrastructure. For example, there is an acute lack of primary school places in Central Ealing. The scheme also fails to address the transport interchange needs of Ealing, despite being immediately opposite Ealing Broadway station. A proper split level interchange is needed similar to that at Hammersmith, which should be funded through S106 contributions.

Mr Alex Engler

468. The scheme is totally unsuitable for a town like Ealing with rather narrow main roads. The dirt and pollution during construction would be disastrous for local residents. Building a large development on a congested site will make traffic a nightmare. A large number of existing shops on Ealing Broadway and Springbridge Road will lose their businesses. A road is needed from Springbridge Road along the south side of Haven Green but it would involve the loss of beautiful trees and would be unacceptable.

Mr Mark Sheard

469. I am Chair of Governors at Christ Church Junior School, adjacent to the development. The school accommodates 350 children aged 7 – 11 and 50 members of staff.

470. The proposed development will lead to a huge increase in traffic, noise and pollution to the area both during construction and as a built development. The only traffic access to the new development is in Springbridge Road, directly

opposite the main entrance to the school. This will create serious safety issues for our children walking to school. Pavements on Springbridge Road are already too narrow. The access to the site is poorly sited close to the junction with Uxbridge Road as cars and lorries tail back trying to enter and leave the site. This is a critical junction for emergency vehicles. Traffic queues are bound to develop, creating delays for emergency vehicles. There would be conflicts with coaches taking children to sporting events. Traffic noise will interfere with good teaching. Parking for the site is inadequate, and this will exacerbate congestion in Springbridge Road.

471. Air quality objectives for nitrous oxide are already exceeded in this location and these will worsen by 2017 if the development goes ahead. The location of the vent for the basement parking areas will make this worse. Noise and disruption during the construction period would impact on a whole generation of pupils.
472. The height of the blocks adjoining Springbridge Road will create a sense of enclosure in the school grounds, especially when the effects of the Dickens Yard development are taken into account. There will be a loss of sunlight to the school playground in the early morning.
473. There has been inadequate consultation with the School governing body by the developers and the Council. The school has already been asked to expand by 33% from 2012 to accommodate an additional 120 pupils. There has been no attempt to investigate how the development and the need for the school to expand might be better integrated.

Mr John Hummerston

474. I am Chairman of Ealing Arts and Leisure., an umbrella organisation representing some 92 Arts organisations. With financial help from Ealing Council the organisation commissioned a pre-feasibility study for an Arts Centre in the Borough. One of the study's main conclusions was that such a facility was sorely needed and the location should be in central Ealing. It should include a concert hall, rehearsal space, recording and dance studios and spaces for day and evening classes. The development contains no provision on-site. The £952,000 contribution to be secured in the S106 obligation would be insignificant. The development should have been Council led, and made provision for cultural needs. Nothing has been done to promote constructive activities in the Town Centre to improve its current tarnished image. Proposals to improve Pitshanger Manor and Walpole Park fall way short of creating badly needed arts and leisure activities.
475. The Town Hall is not fit for serious performance of music and theatre. Ealing's wealth of talented and enthusiastic groups deserves better. Most people want to see the Arcadia Centre redeveloped. However any design should consider how to re-build the failing fortunes of the centre, and must be designed to attract Ealing's own residents and visitors from other parts of West London. We should aim to stop the flow into central London in the evenings for entertainment and culture, and to make Ealing's arts and cultural activities attractive for all.

Dr Zyta Warner

476. There is no objection in principle to the development proposal or the regeneration of the site, but despite extensive revisions to the proposals there is still a lack of adequate information and specific convincing evidence on some key issues. In particular the scheme has failed to address safety measures, fire risk, vulnerability to terrorist attack, vandalism, flooding, low flying aircraft, potential for railway disaster under the deck and soil contamination.
477. In addition, the scheme fails to make satisfactory provision for infrastructure to serve an increase in population such as measures to reduce traffic congestion, vehicle access, parking, medical and health/social facilities, schools, and crèches. It is not clear how the development will benefit the social environment, as the public realm created will not be conducive to social gatherings.
478. There has been inadequate consideration of the actual size of residential properties and ventilation.
479. The development will cause irreparable damage to the environment, especially Haven Green. It is quite clear that Haven Green will be cast into virtually permanent shade. Roof gardens are no substitute for public open space at ground level, accessible to all. The developers have shown little genuine regard or respect for local people whose lives would be directly and adversely affected by these high rise plans. Ealing residents would welcome an environmentally friendly realistic proposal of appropriate scale, height and density in keeping with Ealing's architecture, heritage, elegance and aesthetics.

Mrs Susan New

480. Jane Jacobs, whose work on urban design was referred to by one of Glenkerrin's architectural witnesses, believed that a centre should grow organically and gradually, that no demolition or major development should be instigated until 'fill-in' had taken place and above all that designers should listen to and reflect the needs of the people who live in the area. This development is the antithesis of her ideas, and will destroy the human scale of Ealing.
481. Blocks C, D, E and F would be significantly taller than surrounding buildings, with the exception of Villiers House, and should be considered as tall buildings. The tower block was previously referred to as an Iconic landmark, but is now just called Block F. Tall buildings such as those at 30 St Mary Axe (Swiss Re) and Canary Wharf can be awe inspiring. The key word is context. Architects had what could be termed a blank canvas in Docklands. If Block F were to be transposed there it would work.
482. Tall buildings are not suitable for families. Oscar Newman suggested that the ideal maximum height of buildings for families should be 3 stories with private spaces and shared amenity space. The only family accommodation in this development will be provided in blocks of up to 12 stories. The development will not be a mixed community and the lack of shared private space will not encourage social interaction. Families will be isolated from the surrounding neighbourhoods which have a strong community infrastructure.

483. The development fails to meet requirements for inclusive and accessible design set out in London Plan Policy 4B.5. Platform lifts cannot be used with dignity by people with special access needs, the blind, the elderly and people with buggies. The alternative is going the long way round which is exhausting and frustrating. While the development would be well served by public transport, this is not the same thing as being easily accessible. It will be a long time before London has a transport system that will allow it to be described as a truly accessible city.

Mr Mike Jordan

484. It is understood that noise levels need to increase significantly before they are generally noticeable. However, this relates to average measurements over time. Noise problems for the school will arise from peak noise levels, which are not properly reflected in measurements based on average levels.

Mrs Anne Furneaux

485. The decision in this case should not be exclusively made on the basis of matters which are directly quantifiable. Subjective considerations are also important. An example is the suggestion that transient shadow should not be taken into consideration. Because of the height and density of the blocks the matter of shade/gloom is crucial to the attractiveness or otherwise of the accommodation provided.

486. The development should be designed to complement its neighbours, as with the Broadway Centre.

487. The lack of leisure provision and joined-up transport facilities has been referred to by other speakers. The S106 obligation is unlikely to produce significant community benefit. Other matters are not satisfactorily addressed. Parking provision for the scheme is inadequate. There is no guarantee that affordable housing will be provided, nor that new shops will attract occupiers. The development will provide nothing else that might attract people to the Town Centre in the evening, such as leisure activities. The scheme lacks any vision, and will create a soulless town centre.

Penny Mason – Ealing Village Residents Association

488. Ealing Village is a Grade II listed estate of 132 flats. The building of this new development will directly and negatively impact on the Village and thus our quality of life. The new tower (Block F) will be twice the height of Villiers House, will overshadow the village and will over look private apartments, the grounds, the Clubhouse and the Swimming Pool, breaching residents' rights to privacy. It will be visually intrusive, particularly in the winter months. This would not respect the listed status of Ealing village.

Pauline Gerosa

489. It is wrong to house so many people in a high-rise high-density development. New residents are likely to travel elsewhere for work and leisure, and will not contribute to the prosperity of Ealing. Uxbridge Road should be redirected around the site to allow for more pedestrianisation. Development in this form would not provide a sympathetic living environment for people.

Mrs Corinne Templer

490. 30 years ago Community Groups successfully opposed an earlier proposal for high rise redevelopment of the Town Centre, which was subsequently redeveloped in a much more sympathetic style as The Broadway Centre.
491. Ealing Broadway has suffered from the flawed designation as a Metropolitan Centre. West Ealing was included in the designation to supply the required retail floorspace, but it is separated from the Broadway by an arid office quarter and the two centres act completely independently. The Broadway alone does not satisfy the retail requirements of a Metropolitan Centre and the designation should not be used as a justification for this development.
492. The public has been confused by proposals for Dickens Yard and the Arcadia site following in quick succession. Public response when the proposals were publicised has however been enormous. The Glenkerrin proposal has evolved substantially which has led to further confusion. There has been widespread opposition both to the application and in response to the call-in. These individual expressions of objection are more meaningful than the 4423 statements of support solicited by a firm of PR consultants on behalf of the developers. Letters of objection raise the following key points amongst many others: the ugliness of the tower, the lack of an anchor store, the monotony and blandness of the proposed Broadway frontage and public realm, the intensity of the development, the lack of provision for a transport interchange, dominance of buildings in relation to Haven Green, failure to preserve or enhance the conservation areas and a loss of quirkiness and humanity.
493. The community has raised substantial funds to oppose the development and ensure effective representation at this inquiry. This is a clear indication of the strength of feeling involved.

Ealing Passenger Transport Users Group (EPTUG) – Mr Simon Rowley

494. EPTUG objects to this plan because it has missed opportunities to improve transport, and if it goes ahead it will probably serve to prevent the improvements we are looking at from ever happening. Rail capacity through Ealing is already congested and this will be made worse by Crossrail. The long term solution is to six-track the railway, which is currently only 4 tracks. That would not be possible with the current proposal. The design should be changed so that it does not prevent expansion.
495. The opportunity to make a transport interchange at Ealing has been missed. A modern transport interchange would encourage more people to use public transport. The best place for an interchange would be above the station platforms. This has been investigated but discounted by TFL and network Rail as too expensive. Alternatively, the development itself should include a transport interchange.
496. The opportunity to provide safer pedestrian access to the station has also been missed. The development should be amended to take people directly down to platform level on the west side of The Broadway, with subways under the road to access the platforms.

Sian Vasey OBE

497. It is essential that all new developments are designed to the highest access standards to ensure that they are fully inclusive of disabled users. There are a number of concerns regarding the Arcadia proposals. North/South pedestrian access is compromised by flights of steps which hinder access from Haven Green to the Broadway. While some lifts would be provided, other routes cannot be used by people who can't use stairs. The lifts would probably be too small to accommodate more than one disabled person at a time. The proposed solution fails to provide a seamless passage for wheelchair and pushchairs.
498. As the only step-free pedestrian access would be east-west, wheelchair and electric scooter users would be most likely to choose this route. In doing so they would have to cross the vehicle ramp in Springbridge Road, which is unsafe and would cause delay to vehicles.
499. The provision of disabled parking bays is inadequate, and inconvenient, as they are located in the lower basement. Disabled toilets are located in the upper basement, while disabled parking is in the lower basement, with no direct wheelchair friendly access between them.
500. A large number of shops are located on two floors, but it appears that only the lower sales floors can be accessed from street level. Direct public access to all sales floors is far friendlier to disabled users. The shopmobility contribution (£180,000) is very small. The shopmobility base should be located directly alongside the disabled parking bays and taxi drop-off. There would be no direct link from the basement parking bays to the Tower, which would be highly inconvenient for disabled people.
501. It is disappointing that only 10% of the flats will be wheelchair accessible.

Mrs Audrey Jones

502. Ealing cannot compete with Westfield. Westfield was built on derelict industrial sites and special transport provision was made. Ealing is a mature residential suburb set amongst ancient common land and parks, pleasant tree lined streets, a well balanced stock of mixed housing, good educational choices, a thriving university, historic churches and a wide network of conventional and alternative medical facilities. The development should capitalise on Ealing's strengths to create a more user-friendly, people-sized, ecologically sound plan for the future.
503. Ealing needs a complete upgrade in both infrastructure and services. This must include integrated transport provision. Ealing also needs better leisure facilities, an arts centre, community meeting places and inspiring public open spaces which are not provided for by this development. There is no provision for disabled people, the elderly, the lame, cyclists or parents with small children and no dedicated short term parking for those who have luggage or mobility problems.
504. Ealing is already overprovided with apartments. Additional pressures on educational and health facilities will encourage the flight of skilled and stable families from Ealing.

Central Ealing Residents Association (CERA) – Julian Edmonds

505. The Association is concerned that engagement with residents on this proposal has been sporadic rather than iterative. The Committee report should not have included responses to public consultation generated by the developers without qualification. These responses were based on agreement with a single statement in favour of the scheme.
506. Haven Green is the oldest and predominant feature forming the setting for the development. It is a key landmark. Development should only be considered in the context of a masterplan for the area, and after the adoption of a tall buildings policy.
507. The height of the 5 storey Haven Court should be taken as the model for development of the Arcadia site. The priority should be the remodelling of the station site, and the Arcadia site should be considered as part of a comprehensive proposal.
508. As regards the retail element of the proposal, Ealing is encircled by large retail centres. There are not enough customers to support further retail growth. Many household needs no longer need to be met in Ealing itself. The Daniel site at West Ealing is an example. The retail element is unoccupied and unlikely to be, a clear demonstration that the residential element provides is the key consideration in funding this type of development.
509. The proposal would self-evidently harm the essential character of Haven Green irrevocably, causing serious harm to the conservation area. The unacceptable height, mass and density of the development is driven by the huge cost of bridging the railway, rather than any other consideration. CERA would support a development which would support revitalisation, including residential and retail but with other uses – especially community uses – provided it respects Ealing’s legacy
510. The Green is intensively used, even in winter. It is a key recreational space for the Town Centre, busy with residents, shoppers, workers and visitors all year round. Current traffic volumes are already detrimental and emit pollutants that are injurious to health. Excessive NO₂ levels are linked to asthma. Every measurement at the permanent air quality monitoring site at Haven Green - South substantially is already well above the WHO 2005 Guideline of 40 µg/m³ (annual mean). More crossings as proposed will increase congestion and add to pollution. We should not be exposing new residents to poor air quality.
511. There is a risk of interference with telecommunications signals. This should not be addressed on the basis of a generalised condition. Remedies specific to each property should be identified.

CERA (Bill Soper)

512. The Visual Assessment, prepared as part of the EIA, is not only incomplete but misleading. Some have been inaccurately labelled. Whilst the views have been agreed between the applicant and Ealing Council, this does not automatically authenticate their validity in terms of forming a complete and comprehensive range of viewpoints. For example snapshot 12 in GK 6B (Appendix RT1 to Professor Tavernor’s evidence) labelled ‘ just after the junction with Windsor Road’ was taken over 30m west of the pavement on the

west side of Windsor Road. References to storey heights ignore the fact that ground level to second-floor is over 13m, equivalent to 3 stories, with generous ground level retail heights.

513. Our photographic evidence demonstrates that there would be a significant adverse impact on Ealing Town Centre, its legibility and its quality, which will lead to a severe erosion of its Victorian quality and charm. There are further adverse impacts on the adjacent conservation areas, the setting of the II* listed Church of Christ the Saviour, as well as the amenity value and quality of Haven Green.
514. It is evident that the scheme is a gross overdevelopment of the site. There is a lack of coherence between the Foster designed tower and the other elements designed by HKR. The view of the Church of Christ the Saviour shown on the front cover of the Visual Assessment and reproduced in the Architect's evidence (GK 5) is simply not achievable.
515. Overdevelopment manifests itself in the proximity of the four tall buildings facing Haven Green. In some places there is less than 15 m between the blocks, giving rise to problems of overlooking and lack of privacy. In the context of Haven Green these buildings are at least double the height of any of the surrounding buildings, with the exception of Villiers House and Greenlaw Court, neither good exemplars in themselves. The overshadowing caused by the development would be detrimental to Haven Green and particularly the row of fine mature trees.
516. The arbitrary angling of these three tall buildings is argued to relate to the Broadway orientation, but is an attempt to improve overlooking distances and to improve the poor light quality available between the buildings. There is a random setback along the Broadway to mask the upper floors of these two excessively scaled buildings. While it purports to relate to the spire of Christ the Saviour, View 2091 of the Visual Assessment shows that the view would be obscured entirely.
517. Views contained in the Visual assessment fail to consider the setting and impact upon Sir Gilbert Scott's Grade II* Listed Church of Christ the Saviour. These views are either poorly constructed or try to avoid an unsympathetic and damaging comparison. View 7 shows how the 7 storey element will impact on the corner of Springbridge Road in comparison with the existing Arcadia Centre, and of the massing of the development on the eastern/nave aisle of the Church, which would be overwhelmed. The Tower would also be very apparent and would overwhelmingly dominate and detract from the campanile and the spire. The Tower would assume greater prominence from other identified viewpoints.
518. Ealing's Victorian heritage and role as Queen of the Suburbs would be lost if this scheme is approved. At over 90 m in height it would be the tallest tower envisaged in an outer London Borough, with the exception of Croydon.

CERA – (John Rhodes)

519. Central Ealing does not have the space available for the increased demand for car parking. Tall buildings will create wind pressure and down-draft, creating unpleasant conditions for pedestrians.

520. A number of graphic representations were presented to the Inquiry (reproduced in CERA 1). These show that Haven Green will be in significant shadow from the end of September. Although misleading in some respects, the Transient Shadow Study prepared by GIA demonstrates that the development will create serious overshadowing of the whole of Haven Green in the winter months. The extent of shadowing has not been correctly represented in the study. At the winter solstice, and from 21 November to 21 January, the shadows thrown by tall buildings, particularly the tower, will extend significantly beyond the northern edge of Haven Green. At the equinoxes, the tall building will throw a lengthy shadow over much of Haven Green and the area to the east. There is a clear need to reduce the height and bulk of the development to minimise the impact on Haven Green and its environs.

Councillor Anthony Young

521. The impact of the development on listed buildings and on Haven Green are of particular concern. It will overshadow the Green and appear overbearing. The Council is trying to improve the amenity of the green. Light levels on the southern part of the green are too low for bedding plants to survive. The development will make that part of the Green unusable and unenjoyable. The provision of new amenity space falls below Ealing's standards. A number of developments rely on use of existing open space to meet the needs of new residents, including Dickens Yard. The money provided through the S 106 agreement will not create new space, and there is a limit to what can be done to improve existing spaces. Similarly, existing educational provision is under pressure from population growth, and no new provision will be included in the development scheme.

Mr Patrick Chapman – Walpole Residents Association

522. The planning brief for the site is all about regeneration. The Glenkerrin proposal fails to meet this simple requirement and would be fundamentally inappropriate for Ealing Town Centre. It is fundamentally a residential scheme, with a retail element, which has been revised to reduce the impact of the focal tower. Council officers dismissed the plethora of objections from local people out of hand and recommended that the amended proposals should be approved. The weight of opposition numbers shows that this is a massive folly. A vast housing estate crammed into the space of a football pitch will do nothing for Ealing, with a few empty retail units thrown in as a sop, but will further overstretch resources. Retailing is no longer the key to sustainable regeneration, especially given Ealing's proximity to so many large specialist retail centres.

523. Local people, including Save Ealing Centre, have worked to produce an alternative vision, identifying what is distinctive about the locale – Ealing's reputation for the arts, film and music, green open spaces and trees, transport, family oriented predominantly low rise Victorian and Edwardian architecture. The proposal does not respond to any of this. It is too dense, fails to integrate with public transport, would contribute to traffic chaos, would not enhance public amenity, and is not a practical solution for the regeneration of Ealing.

Mr Tony Palmer

524. The emotional impact of the development must play a role in the consideration of this proposal. The Inquiry, ultimately, is not only about planning law but about common sense. Norman Foster is one of our great architects, but we are being asked to consider this haphazard jumble of featureless towers put together by Foster and Partners and HKD as one of their finest works. In my view it has no architectural merit whatever, little consideration of its environmental impact and no consideration of the real needs of the community. It is an off the shelf, all purpose design which could go anywhere. Though described on behalf of the applicant as a *'bespoke tower of elegance'* and an *'innovative and unique landmark'* it, or something very similar, has previously been rejected four times by other planning authorities.
525. The Secretary of State has asked whether the scheme takes the opportunities for improving the quality and character of the area and the way it functions. This should be the focus of the Inquiry, rather than the outdated concept of retail regeneration.
526. This scheme has been presented as a choice of *'do or die'*. It is suggested that Ealing's further decline will be inevitable if it is not accepted. No one doubts that something needs to be done, and a number of alternatives have been put forward which would turn Ealing into a centre of excellence. Ealing desperately needs a concert hall to accommodate the numerous orchestras, a hotel to attract business people and a local cinema. The Arcadia site is the most important site in the centre of Ealing. Development in the form proposed would prevent these ambitions being realised in central Ealing.
527. The Section 106 contribution to the provision of an art work is laughable. Newcastle has responded to decline by investing in architecture, an arts centre, a fantastic new bridge and a museum. Other major cities have invested in the arts to bring about regeneration.
528. Ealing Broadway Station is desperately in need of imaginative development to provide an appropriate arrival space, and accommodate the increase in use which will come with Crossrail, but very little is offered by the scheme. St Pancras, Westminster and Tottenham Court Road all show what could be achieved here. All great communities are built around a central square or piazza. In Ealing it would provide a focus for the community, and the facilities and service Ealing needs. Instead of which a nondescript development of unwanted shops and highrise apartments is proposed.

Councillor Ian Potts – Ealing Broadway Ward

529. As Planning Committee Chairman I felt it necessary to speak to counter the views which have been expressed that there has been anything unfair or unrepresentative about the process. It is wrong to claim that there was an attempt to stifle opposition to the scheme. I voted against the scheme as ward Councillor. Opportunities to speak were given to a representative range of spokesmen for the affected wards, and a wide range of views were heard at the Committee meeting. All members of the committee had the opportunity to read and fully understand the committee papers. Committee membership included local residents. The proceedings were entirely fair and representative.

Written Representations

English Heritage

530. English Heritage's objections are dated 4 June 2009 and set out in full in SC 9. They set out a detailed description of the historical development of Ealing, the character of Ealing Town Centre and Haven Green Conservation areas, and of listed and locally listed buildings which contribute to the character of the area.
531. Section 3.0 sets out EH's view of the impact of the proposals on Heritage Assets, reproduced here in full.

Demolition of buildings that make a positive contribution

532. The application site contains nine buildings that are identified in the Ealing Town Centre Conservation Area Appraisal to make a positive contribution to the character or appearance of the conservation area. These buildings are 9, 14, 15, 16 and 25 – 29 The Broadway. They display a variety of suburban architectural styles, from an early Victorian white rendered group, set back from the street line with modern projecting shop-fronts (25 – 29), to Edwardian retail development with a wealth of decorative detailing, fenestration, elaborate projecting bays with pediments and parapets in brick and decoratively carved stone (9, 14, 15, and 16.) These are good, characterful local buildings that show the growth and intensification of Ealing through the 19th century. They maintain a respectful scale that sits comfortably within the suburban context, and does not challenge the setting or values of the nearby listed buildings.
533. The demolition of any of these buildings must be justified in accordance with paragraph 4.27 of PPG15. With regard to the demolition of buildings that make a positive contribution to the character and appearance of the conservation area, paragraph 4.27 states that the general presumption should be in favour of retention. The Secretary of State expects proposals for demolition to be assessed against the same broad criteria as the demolition of listed buildings (PPG 15 section 3.16 – 3.19). This requires demonstrating that all reasonable efforts have been made to sustain existing uses or find new uses. It goes further to state that the Secretary of State would not expect consent for demolition to be given simply because redevelopment is economically more attractive.
534. It is the view of English Heritage that insufficient weight has been given to the issue of buildings that make a positive contribution to the conservation area, and also that the applicant has failed to accord with the requirements set out in PPG 15. The justification for their demolition is presumed to rely upon the public benefit brought by the overall scheme, but English Heritage does not believe that the tests set out in Paragraph 4.27 of PPG 15 have been satisfactorily met.

Setting of Conservation Areas

535. The Ealing Town Centre Conservation Area is characterised by over-layered urbanisation of the 18th, 19th and 20th centuries, with buildings of Victorian ecclesiastic and civic architectural aspirations punctuating the skyline. The late 20th century commercial developments with large footprints all either have a neutral or detrimental effect on the character of the area. The proposed

scheme for a 21st century commercial development has a footprint so large that it would require the demolition of buildings that make a positive contribution to the character and appearance of the Conservation Area, and furthermore by reason of its scale, bulk and height it would visually detract from the prominence of the spires and towers and from the low-rise development that characterises the conservation area and that led to its original designation. The historic and characteristic narrow plot widths and shopping parades are characteristic of Ealing, and worthy of preservation..

536. The Haven Green Conservation Area is characterised by its open space and formally grouped Victorian properties that line it, and by small scale residential development to the northeast and northwest. The northern boundary of the proposed scheme would terminate upon the Green and would be significantly out of keeping with not only the character but also the scale of this conservation area, thereby failing to either preserve or enhance the character or appearance, or the setting of it. Furthermore, views from within the conservation area and focal points of towers and spires would be detrimentally affected by the height and visual prominence of the new scheme.
537. It is considered that this scheme would fail either to preserve or enhance the existing character or appearance of the conservation areas, by virtue of its alien form, materials, bulk, height and scale.

Setting of nearby listed and Locally Listed Buildings

538. The Grade II* listed Church of Christ the Saviour is directly opposite the application site. Views of this church and across the churchyard in front would be impacted by the alien scale and materials of the proposed development, and by virtue of the shift in architectural dominance that would be inflicted. Similarly the Grade II listed Town Hall, particularly views of the tower from the west, would be compromised by the large scale development. Also views of the Polish Church and the former Town Hall (both Grade II) would be dominated by the scale of the proposed development and therefore compromised.
539. All of those locally listed buildings in the Mall that form a visual gateway to the site from the east would be visually dominated by the intense scale and heights of the proposed development. As a result the homogenous suburban scale and palette that currently characterises the conservation area would be detrimentally affected. The same effect would be caused to locally listed buildings on New Broadway, which effectively form a gateway from the West.
540. The locally listed buildings of Haven Green enjoy a peaceful setting surrounding the Green itself. This would be irrevocably changed by the introduction of significant and out-of-scale development along the south side of the green.

Conclusion

541. In the opinion of English Heritage this scheme neither preserves nor enhances the character of Ealing Town Centre and Haven Green Conservation Areas, nor does it preserve the setting of nationally and locally listed buildings. The harm is serious. It may be justified on the grounds of substantial community benefit, of course, but the multi faceted impact on the townscape of Ealing and its various heritage assets is high, and requires a justification to match.

English Heritage has not considered the grounds on which this application might meet other planning objectives, but would question whether any other planning objectives that it is aiming to satisfy could not be delivered in a way that has a neutral impact or perhaps even enhances the historic environment of Ealing for the benefit of this and future generations.

Other written representations

542. A total of some 338 individual letters and E-mails were received following the notification of the call-in Inquiry. In the main these reflected and supported the concerns addressed by the joint rule 6 parties and other objectors who appeared at the Inquiry, reported above.
543. A frequent theme of objection was the height, scale and design of the buildings proposed and their effect on the town centre, and the conservation areas in particular. It was widely considered that the tower would dominate the whole town centre and the three blocks facing Haven Green would dominate the Green. The tall buildings would overshadow individual buildings and the Green itself, particularly in winter. They would be oppressive in style and scale, out of character with Ealing's low rise Victorian and Edwardian heritage, and harmful to the conservation areas.
544. Demolition of the existing frontages, including buildings which currently make a positive contribution to character, and their replacement with a bland shopping frontage would be harmful to the character of the Town Centre conservation area. The architecture of the scheme as a whole is unimaginative and not in keeping with the surroundings.
545. Many objectors considered that the inclusion 567 flats would constitute gross overdevelopment of the site. It is suggested that the development is in essence a high-density, high-rise housing estate which will hugely increase the density of population in the town centre, with very little provision for existing residents. Existing services and infrastructure in Ealing are said to be inadequate, and the proposals include no provision on site. In particular health, dental, and educational provision were seen as being under great pressure from current and expected levels of demand, without taking into account demand arising from this and other developments. The scheme would make little or no contribution to leisure facilities and other arts and community infrastructure. The sums offered through Section 106 obligations would be likely to be inadequate to address the scale of the problem. The provision of open space would be inadequate, putting undue pressure on Haven Green and existing open space. The cumulative impact of this and other town centre developments, including Dickens Yard, has not been properly considered.
546. A large number of responses questioned the need for more shops in Ealing, in the light of the number of empty shops to be found at present and competition from other centres, including Westfield. It was argued that an increase in the number of shops would simply lead to greater vacancies, rather than attracting or re-capturing trade from elsewhere. Ealing should concentrate on providing specialist shops selling higher value goods, rather than seeking to attract high-street multiples.
547. A number of objectors commented on a perceived lack of vision, and the failure to take a comprehensive overview of development opportunities. There is an opportunity to achieve a focus for community and artistic activity, related

to the public transport hub, which has not been grasped. The lack of an up-to-date planning framework for the Town Centre meant that redevelopment sites have been considered in isolation.

548. A particular concern is that the scheme fails to deliver a properly integrated transport interchange. It was said that the occupants of the flats will only add to existing congestion on tubes and buses at Ealing Broadway station, particularly in the rush hour. The scheme should not proceed in isolation from the much needed upgrade to Ealing Broadway station.
549. Many objectors considered the traffic arrangements to be wholly inadequate, particularly as regards the single point of access from Springbridge Road. There is concern that this will create dangerous conditions for pedestrians and increase congestion in Ealing Town centre. Proximity to the school entrance was a frequent cause of concern. A consequence of traffic congestion would be increased atmospheric pollution, including nitrogen dioxide (NO₂), which already exceeds acceptable levels in Ealing Town Centre. It is argued that the levels of on-site parking provision are inadequate, which will lead to pressure on parking in nearby streets.
550. Other concerns raised include: that the development makes inadequate provision for affordable housing and for family housing; the tall buildings would create an unpleasant windy microclimate at ground level which would deter shoppers and pedestrians; the new blocks would overshadow Haven Green to such an extent that it would be heavily shaded and be experienced as a back yard to the development; the use of resources in construction would be fundamentally unsustainable and inadequate attention has been paid to energy efficiency and carbon reduction; inadequate arrangements for access by emergency services rescue services to the tower and the enclosed railway in the event of accident or terrorist attack; the development should provide for two-way cycling facilities on the Broadway; overprovision of cycle parking; potential for development to increase problems of anti-social behaviour in the town centre; and the development would interfere with broadcast signals to nearby dwellings.
551. A significant number of objectors considered that there had been inadequate community involvement at all stages and that residents' views were not properly considered by the Borough Council when the decision to support the scheme was taken.

Conditions and Obligations

Conditions in the event of approval

552. A schedule of conditions is set out in the Annex to this report. Draft conditions were put forward in the SOCG (GK 2). These conditions were agreed between the Applicant and the Council. A number have been amended following discussion at the Inquiry (GEN 13 and GEN 14). In particular it was agreed that the discretionary wording in some conditions was incompatible with the advice in Circular 11/95: The use of conditions in planning permissions. Where I have found it necessary in the interests of precision I have made further alterations to the wording in the light of advice in the Circular.

553. It is not unusual in schemes of this size for a large number of conditions to be attached dealing with matters of detail. This is acceptable where the matters are relatively minor, and the matters to be approved not of such importance that they would change the nature of the application.
554. A general concern voiced by objectors was that the large number of conditions proposed was a reflection of remaining concerns and uncertainties which have yet to be addressed in the detailed design of the scheme, for example energy efficiency, disabled access, and air quality. I have commented on this in my conclusions where issues are raised for which the solution is yet to be agreed.
555. Condition 1 is the time limit for commencement of the development. In view of the scale and complexity of the development and the need for land to be acquired I consider it would be reasonable to extend this to 5 years, rather than the standard 3 years. Condition 2 would be needed to ensure that the timing of the various parts of the development would be properly coordinated. Condition 3 would be needed to ensure a satisfactory appearance to the development. There was concern that Condition 4 would give discretion for the appearance of the development to change radically without further public consultation. However, I consider that the external appearance is established in the planning application drawings, and that this condition relates to the preparation of detailed architectural drawings, and would be necessary to ensure that the development would be finished to a high standard.
556. Conditions 5, 6, 7 and 8 are concerned with landscaping and would be necessary to ensure a satisfactory appearance to the development. Condition 9 would be necessary to ensure the protection of retained trees during construction.
557. Condition 10 would ensure that playspace is provided as part of the development. Conditions 11, 12, 13 and 14 are intended to allow some minor adjustment to car parking and servicing layouts. While the details shown in the planning application are generally acceptable, there is scope for refinement to take account of the particular needs of pedestrians and the disabled. I do not consider that they would grant an unreasonable degree of discretion. Condition 15 would be necessary to ensure efficient and safe use of the parking and servicing areas. Condition 16 would ensure that safe pedestrian and disabled access is provided. Condition 17 reflects the need to provide facilities for cyclists to help minimise car use.
558. Conditions 18 and 19 accord with UDP policy which seeks a diverse and inclusive range of housing, including for those with special access needs. Condition 20 would ensure provision of necessary facilities for waste disposal and recycling. Condition 21 would be required to ensure that the mixed use nature of the development is retained. Condition 22 allows for any archaeological interest on the site to be investigated and recorded. Condition 23 would be required to discourage or prevent crime. Condition 24 would be required to ensure that the development makes proper provision for disabled access.
559. Condition 25 would require travel plans to be prepared, in order to promote sustainable transport choices and restrain traffic growth. Conditions 26 and 27 would be necessary to minimise the impacts of construction on the area.

560. Conditions 28 to 36 would be necessary to protect residents of the development from the effects of externally generated noise, vibration and odours, including noise from commercial and leisure uses. I consider that the phrase '*as far as reasonably practicable*' included in some of the draft noise conditions would create an unacceptable degree of imprecision, so have deleted it where it occurs. I have also deleted reference to a scheme for protecting private gardens, balconies and amenity areas from noise which I consider would be unduly onerous, without the qualification. With the qualification it would be imprecise. In draft, Condition 29 made reference to vibration dose values (VDVs) '*as measured at the foundations*'. As the specified VDVs apply at ground floor level and above it is confusing to specify that they should be measured at the foundation. BS6472 states that '*Measurements of vibration should normally be taken on a building structural surface supporting a human body*'. I have amended the condition to reflect this, and omitted reference to '*measurement at the foundations*' accordingly. I have amended the wording of Condition 30 in respect of the measurement of background noise levels to make it more precise.
561. Conditions 37 and 38 would be needed to retain the mixed use nature of the development, and Conditions 39 – 42 to ensure the vibrancy and vitality of the town centre. Condition 43 is needed to ensure provision of essential public facilities.
562. Condition 44 would be necessary to ensure that the scheme achieves mitigation for the loss of the green corridor. Condition 45 would be needed to protect the living conditions of residents. Condition 46 would be needed to prevent unsightly clutter being fixed to the buildings. Condition 47 would be needed to protect the living conditions of residents. Condition 48 would be needed to ensure that public realm areas are designed and finished to a high standard.
563. I consider that suggested conditions dealing with drainage strategy and water efficiency are covered by other regulations, and therefore unnecessary. However, in view of the large areas of hard and soft surfacing, a condition requiring details of surface water drainage attenuation would be necessary to prevent any increased risk of flooding (Condition 49).
564. Condition 50 would be necessary to retain the retail character of the ground and first floor levels. Condition 51 would ensure the remediation of any contamination. Condition 52 would be needed to protect the living conditions of residents. Condition 53 would be needed to prevent risk to air traffic. Condition 54 would be needed in the interest of highway safety. Condition 55 would be necessary to ensure that the special access needs of disabled people would be met. Condition 56 is needed to mitigate any effect of Block F on telecommunications equipment. The suggested condition included the phrase '*in the vicinity*' which would be too vague. I have altered it to require a scheme to be agreed in writing by the local planning authority. Condition 57 would be needed to mitigate wind generation effects of the tall buildings. Condition 58 would be needed to minimise inconvenience to users of nearby roads and pavements during the construction period. Conditions 59 – 64 would be needed to protect important trees from the effects of construction. Condition 65 would be needed to protect residents of affected units from the effects of tree pollen. Conditions 66 and 67 would be needed in the interest of

public safety. Condition 68 would be needed to ensure that the unit proposed for leisure use includes play facilities for children.

565. Condition 70 would be needed to ensure that lifts serving public areas are satisfactory to meet the special needs of disabled people and others with special access needs. Conditions 71 – 73 would be needed to address specific air quality concerns arising from the design. Condition 74 would be needed to secure energy efficiency. Condition 75 would be needed to ensure a satisfactory appearance to the development.

Section 106 Agreement

566. A Section 106 Agreement executed as a deed and dated 9 July 2009 was submitted before the end of the Inquiry. It addresses the provision of contributions to infrastructure and service provision made necessary by the development, as well as such matters as travel plans, parking exclusions, car club etc.
567. In consideration of the Council agreeing to defer certain of the contributions until after the development has commenced the Developer has agreed not to commence development until they have provided to the Council a bond for the value of £1,000,000, and not to occupy more than 300 dwellings until a further bond of £2,500,000 is provided. The purpose of the bonds is to protect the Council's interest in the event of a breach of any of the covenants.
568. The provisions of the Agreement are set out in full in the executed deed (GEN 16), but in summary the main provisions are: not to occupy more than 300 dwellings until a healthcare contribution of £400,000 has been paid to the Council; not to occupy any dwellings until 50% of a contribution to educational provision has been made, and any more than 300 dwellings until the remaining 50% has been paid (£986,000 in total); not to occupy more than 300 dwellings until 50% of a contribution to social, community, sports and leisure provision has been made to the Council, and any more than 550 dwellings until the remaining 50% has been made (£925,000 in total); not to occupy more than 300 dwellings until 50% of a contribution to local parks and public open space provision has been made to the Council, and any more than 550 dwellings until the remaining 50% has been paid (£1,262,125 in total); not to occupy more than 300 dwellings until a contribution towards air quality monitoring of £50,000 has been made: Not to occupy more than 300 dwellings until a contribution towards public art provision of £50,000 has been made; not to occupy any more than 300 dwellings until a community safety contribution of £87,000 has been made; not to occupy any dwellings until 50% of a travel demand management contribution has been made, and any more than 300 dwellings until the remaining 50% has been paid (£250,000 in total); not to occupy more than 300 dwellings until 50% of a transport network contribution has been made, and any more than 550 dwellings until the remaining 50% has been paid (£500,000 in total); to pay a public parking messaging and signage contribution of £50,000 on the demolition of the existing Arcadia Centre; not to occupy any more than 300 dwellings before a contribution towards a review of adjoining controlled parking zones of £25,000 has been made to the Council; not to occupy any part of the development until a travel plan monitoring contribution of £5,000 has been made; not to occupy more than 300 dwellings until 50% of a public realm improvement contribution has been made to the Council, and any more than 550 dwellings until the

remaining 50% has been paid (£1,315,600 in total); to pay a contribution of £55,000 towards a new pedestrian crossing in Springbridge Road on completion of Building A; not to occupy any unit (retail or residential) within Building B until a contribution to the relocation of a pedestrian crossing on the Broadway of £40,000 has been made; not to occupy more than 300 dwellings until 50% of contribution towards provision of a Bus/Transport Interchange has been made to the Council, and any more than 550 dwellings until the remaining 50% has been made (£1,300,000 in total); not to occupy more than 300 dwellings until 50% of a contribution towards employment and training has been made to the Council, and any more than 550 dwellings until the remaining 50% has been paid (£300,000 in total); not to commence the development until a contribution towards upgrading the Station Forecourt of £300,000 has been made to the Council.

569. The agreement provides for 79 affordable dwellings to be provided as part of the development. The developer covenants not to use or occupy any more than 50% of the open market dwellings prior to the completion of the construction of all the affordable units, so that they are ready for occupation. A tenure mix is specified, of 55 rented units (2 one-bedroom, 2 two-bedroom, 45 three-bedroom and 6 four-bedroom units) and 24 intermediate units (11 one-bedroom, 10 two-bedroom and 3 three-bedroom units). A cascade provision is included in the 5th Schedule, to the effect that if the level of social housing grant is below the minimum level of grant necessary to provide the agreed level of affordable units in accordance with the specified tenure mix, the tenure mix may be adjusted by agreement with the Council so as to provide the agreed number of affordable units.
570. The Agreement also makes provision for a phasing programme for the provision of public access areas within the development, the approval of a management and maintenance scheme for such areas relating to individual buildings within the development, the laying out and completion of public access areas and the provision of permanent public access, subject to any appropriate restrictions that may be agreed between the developers and the Council. However it is not intended that the areas shall be dedicated as public highway.
571. Arrangements are also included for car management. They require that occupiers will be formally notified prior to taking up residence that the development is a low car housing scheme and that they will not be entitled to any form of permit to park within the controlled parking zones. Restrictive covenants to that effect will be included in any lease or transfer. A car club scheme is required to be submitted for approval before the development is occupied. Dedicated car club parking spaces are to be provided for the life of the development. The developer covenants to implement any travel plan approved in relation to any part of the development in pursuance of a condition attached to the planning permission.
572. Shopmobility is to be addressed either by a scheme to be approved by the Council prior to occupation of the development approval prior to the occupation of the development for implementation by the developer, or by making a Shopmobility Contribution of £180,000, 50% payable before more than 300 dwellings are occupied, with the remaining 50% before more than 550 dwellings are occupied.

573. Under the terms of the Agreement the Council covenants to apply any financial contributions for the specified purposes, or to forward receipts to appropriate providers, such as the Primary Care Trust in respect of the Healthcare Contribution, and to repay any sums which are unspent 5 years from the occupation of the 550th dwelling.
574. A number of objections were made to the content of the Agreement, on the basis of what were perceived as inadequate contributions to social and physical infrastructure made necessary by the development. I have considered these objections in my conclusions.

Inspector's conclusions

[figures in square brackets give the sources in preceding paragraphs]

575. On the basis of the matters on which the Secretary of State wished to be informed, as set out in the heading to this report, and the parties' statements, I consider that the main issues are:

1. The policy context for the proposal, and the extent to which it complies with the London Plan and the saved Policies of the Ealing Unitary Development Plan and other relevant policy guidance.
2. Whether the design principles in relation to the site and its wider context, including the layout, height and massing, scale, open space, visual appearance and landscaping are appropriate in their context and take the opportunities available for improving the character and quality of the area and the way it functions.
3. The effect on the character and appearance of the Ealing Town Centre and Haven Green Conservation Areas, the setting of nearby listed buildings, and other nearby conservation areas
4. The extent to which the proposal is consistent with policies in PPS 3: Housing to meet the housing requirements of the whole community (including those in need of affordable housing), widen housing opportunity and create mixed communities.

A number of other detailed matters and local environmental effects were considered at the Inquiry, and I have addressed these in my conclusions. I have also considered whether any permission should be subject to conditions and, if so, the form they should take.

1. *The policy context for the proposal, and the extent to which it complies with the London Plan and the saved Policies of the Ealing Unitary Development Plan and other relevant policy guidance.*

576. The application site lies at the centre of Ealing, one of 11 Metropolitan centres identified in the London Plan [58]. It currently has a Public Transport Accessibility Level (PTAL) rating of 6b, which is the highest possible. This reflects its location next to Ealing Broadway Station and a network of frequent bus services. In such locations the London Plan encourages the redevelopment of previously developed land to achieve a compact form of development [295]. There was a wide degree of acceptance at the Inquiry that something needs to be done with the centre of Ealing. The principal concern of objectors was the scale, intensity, mix of uses and local effects of this particular development proposal.

577. The site has been identified in the UDP as Site 63. (LP1, Table 10.21 Development Sites), for mixed use development comprising retail, residential, offices and cinema [279]. Further guidance for the development of the Site was set out in Supplementary Planning Guidance (LP 45) The SPG estimates the overall capacity of the site at 53,700 m². The following preferred uses are proposed: *'Mixed use redevelopment comprising Town Centre uses, retail, leisure (include some residential, offices, cinema, (alternative location to site*

58 and/or 60) transport interchange (option site for bus station and interchange with Ealing Broadway Station), public realm)'.

578. The SPG also gives the following guidance on design principles: *'Perimeter block development, Create new town square, Development to address the park – two storey maximum, Interchange Opportunity if connected to Broadway Station, mixed use opportunity with possible community use included, depth of site enables opportunity to broaden high street activity zone.'*
579. A major concern of Save Ealing Centre (SEC) was that the UDP, the SPG and the Town Centre Strategy (2002 – 2012) never envisaged a development of this magnitude. It was argued that reference to the Site Description in the UDP, the Ealing Town Centre Strategy (LP 3) and the SPG for Site 63 (LP 45), show that the scale, mix of use and design principles have largely been ignored in the current proposal [438].
580. SEC were also concerned that plot ratio was excessive with reference to guidance in SPG 6 (LP 10), which indicates that plot ratios of 3:1 may be achievable on appropriate sites that are highly accessible. The plot ratio is calculated as 5.89:1 in the 17th December Committee Report (LBE 1).
581. In my view the proposal represents an intensive form of development. The residential density is calculated by LBE to be 1529 habitable rooms per hectare (hr/ha) or 556 units per hectare (u/ha) (LBE 1, page 120). This calculation is based on an adjustment to the site area to allow for the non-residential elements of the scheme. Although promoted as a retail led scheme, the amount of new retail floorspace is relatively limited, only some 5713 m² against 11,000 m² existing. To my mind the residential element is dominant [431]. The housing element would be above the density range given in Table 3A.2 of the London Plan. It would be set above 2 basement storeys of parking and services (including residential parking), with retail and other commercial uses on the ground and first floors.
582. The only reference to plot ratios in the UDP is in the context of employment development, though plot ratio is used in connection with mixed use developments in the Council's SPGs [117]. Whether or not plot ratio is a helpful concept in assessing mixed-use developments, this is acknowledged by the Applicant to be a high density form of development.
583. The densities set out in the UDP (80 – 120 flats per hectare for high density sites) would no longer be consistent with density range set out in Table 3A.2 of the London Plan, which promotes much higher densities in sustainable locations. Nevertheless, the GLA considered that the density of the scheme would significantly exceed the upper limit (405 units or 1100 habitable rooms per hectare) of the indicative range provided in the London Plan for a metropolitan town centre location with a high PTAL score [326]. I am aware that this guidance is not prescriptive [114], and that substantially higher densities may be achievable and have been found acceptable elsewhere in London [115, 295]. High density is not treated as a reason for refusal in its own right, but may be a manifestation of other reasons why a development may be found unacceptable [116, 121].

The mix of uses

584. Another common theme of objection was that the proposals would not realise the opportunity to provide much needed community and other uses on a key town centre site [357, 464, 524]. A wide range of possible alternative uses is set out in, for example, SEC's Vision for Ealing (SEC 1.1). For many objectors the development site represents an opportunity to provide a public piazza as a focus of community life, and provide for uses which are currently lacking in central Ealing. These might include an hotel, a public concert hall and a cinema [291, 523]. In addition, there was widespread concern that the development does not include any direct provision for services which would be required by the new residents of the development, or to rectify current deficiencies in Ealing. Health, schools, and policing were given as examples where community infrastructure was already stretched. These elements are considered in detail in paragraphs 767 - 775 of my conclusions below.
585. With regard to the uses identified in the SPG for Site 63 (LP 45), the potential for the site to provide a public transport interchange has been investigated and discounted by TfL [238, 288, 523]. This may be primarily for cost-benefit reasons, but this is an important consideration in assessing potential viability and feasibility. In any event I agree with the view expressed by the Council's witness that an interchange along the southern frontage of Haven Green is unlikely to deliver any townscape benefits. A multi screen cinema has been approved on a site opposite the Town Hall, at 59 – 63 New Broadway. While construction appears to be stalled at present, there is no reason to suppose that the project will not be completed in time. This is a suitably central site, which in my view supersedes the requirement to consider a Cinema on the Arcadia site [283].
586. The concept of a Piazza is an attractive one, and derives some support as an option to be considered from the SPG for Site 63 [528]. It was suggested that bridging the railway with a much lighter structure, capable of supporting low – rise development including a public square, would be less costly and therefore potentially more viable [451]. However, there was no evidence or analysis presented in support of this proposition. While I do not criticise objectors for this, I have no firm basis for concluding that an alternative form of development might be feasible or viable. There would be substantial costs involved in bridging over the railway in any event which would have to be funded in full by development, unless some form of public subsidy can be provided. I was not made aware of any public funding stream identified for this purpose.

Retail

587. Although not a matter on which the Secretary of State wished specifically to be informed, the retail justification for the proposals was a matter of pressing concern for Save Ealing Centre and others [432, 462]. It was suggested that Ealing has been inappropriately classified as a Metropolitan Centre in successive planning policy documents, without recognition that Ealing Broadway and West Ealing perform different functions, and should not be considered as a homogenous Metropolitan Centre [277, 491].
588. The status of Ealing as one of 11 Metropolitan Centres was confirmed in the London Plan as recently as February 2008 [63, 276]. This predates the

current recession, which has created problems for the retail sector, not least in Ealing. However, that does not, to my mind, undermine the strategy set out in Policy 2A.8, which sets out the Mayor's intention to implement a polycentric strategy by sustaining and enhancing the viability of Town Centres, including community and civic activities and facilities, and support the development of a competitive retail sector [64]. Policy 3D.1 supports policies which encourage retail, leisure and other related uses (including appropriate health, education and community services) in town centres. It recognises at para 3.272 that the larger centres are appropriate locations for accommodating much of the growth in comparison goods expenditure and floorspace because they are the most accessible by public transport and have greater capacity to provide choice and competition.

589. Saved Policy 7.1 of the Ealing UDP 2004 encourages appropriate development on key sites within the Borough's Town Centres, including about 16,500 m² of new net retail floorspace in Ealing Metropolitan Centre (Ealing Broadway about 13,000 m² and West Ealing about 3,500 m²). Policy 7.2 expects all significant new development of shopping and other key town centre uses to take place in existing centres [277, 281].
590. The proposals include 17,403 m² net floorspace in Class A1, A2 and A3 of which the majority is Class A1 retail. The net increase in retail floorspace would be 5,713 m² (based on existing net floorspace of 11,690 m²). The Dickens Yard development proposes some 9060 m² which is likely to represent not more than 6000 m² of additional comparison shopping floorspace. The cumulative net addition of retail floorspace would be within the capacity identified for the Ealing Broadway in the UDP.
591. Qualitative considerations also indicate that, despite refurbishment, both the Broadway Centre and the Arcadia Centre are becoming increasingly dated and have failed to keep pace with retailers' requirements or the growth in consumer spending in recent years [98, 443, 446]. The scheme includes three larger units of approximately 1700 m², 1850 m² and 3450 m², providing a greater range of store sizes than presently exists, and allowing for the possibility of attracting a large department store as an anchor for the development.
592. I note that there are a number of vacancies in both Ealing Broadway and in West Ealing [446]. A number of multiple retailers have left the centre, though the current impression is not one of serious underoccupancy. In West Ealing, the retail element of the mixed use redevelopment of Daniel's Store has not been occupied, leaving some 3,500 m² of retail floorspace vacant [462, 508]. The Westfield development at White City is likely to have attracted some trade away from Ealing, as recognised by representatives of Ealing's business community [446]. However the GOAD survey carried out in May 2008 indicated that the level of vacancies at that time was in line with the national average and the situation does not appear to have deteriorated significantly since then, notwithstanding the wider economic situation.
593. I recognise that hierarchies are dynamic, and will change over time, but PPS 6 advises that any significant change in the role and function of centres, upward or downward, should come through the development plan process, rather than planning applications (para 2.10) [63]. Para 3.8 also makes it clear that it is

not necessary to demonstrate the need for retail proposals within the primary shopping area.

594. The West London Retail Needs Study 2006 (LP 26) included a health check of Ealing Town centre. It found that Ealing was performing reasonably well, while noting gaps in the offer and in particular a relative under-provision of high quality fashion brands and a poor department store offer. It recognised that Ealing's catchment was not as wide as other Metropolitan centres, reflecting the level of competition from other shopping locations in West London. It concluded that taking account of commitments and based on alternative growth assumptions there would be capacity within the Borough of between 5,821 – 24,111 m² net by 2016. These projections took into account the impact of commitments, including the Westfield development. It identified a need for an increase in the critical mass/quality of retail provision in Ealing to help claw back a proportion of shoppers and spending, and consequently increase market share and consolidate the centre's position as a Metropolitan Centre [282].
595. It is accepted by the developer that the growth forecasts on which the West London Retail Needs Study is based appear optimistic in the light of current economic conditions, though not in respect of longer-term retail growth trends. Since the study was completed, the effects of the recession have seen a reduction in current levels of forecast spending growth. Experian predict negative growth during 2009, with growth returning at lower levels after 2011. Nevertheless, there was wide acceptance, even amongst objectors, that Ealing town centre would benefit from investment. I acknowledge that the attractiveness of Ealing for high street operators, in comparison with other centres, could be at risk of further decline without new investment in improvements of the type which the current proposals and the Dickens Yard development represent [69, 93]. The fact that Ealing is currently underperforming in relation to other centres (see for example the Tibbalds report (LP 4, para 2.5.4)) underpins the need to upgrade the centre's retail offer through the type of investment in quantitative and qualitative provision that the proposal would represent [98]. This is a factor which weighs in favour of the proposed development.
596. In the context of existing provision in Ealing Metropolitan Centre I conclude that the net addition of approximately 5700 m² of new retail floorspace would be relatively modest, and would bring with it a qualitative improvement in retail provision which would contribute to the vitality and viability of the centre. It would improve Ealing's competitive position in relation to other Centres [444, 502]. In summary I conclude that the retail element of the proposal would accord in principle with the relevant policies of the London Plan and the Ealing Borough UDP, which themselves reflect national policy guidance in PPS 6 [102].

Transport

597. It is not disputed that the site is already highly accessible by public transport, lying as it does within Ealing Metropolitan Centre and immediately adjacent to Ealing Broadway Station. The enhanced retail provision would be very accessible to existing residents of the Borough without reliance on the private car. Residents of the new development would have a wide range of services and facilities within walking distance, including retail, entertainment, open

space, employment opportunities and public services. The accepted locational advantages of the site would tend to reduce dependence on car use for many regular journeys.

598. For journeys which require travel further afield, the PTAL of the site is 6b, which puts it in the highest category of sites by reference to accessibility to alternative means of transport to the private car.
599. Ealing Broadway provides high frequency commuter trains and underground services, and 15 bus routes intersect at Town Centre bus stops. Accessibility stands to be improved further with the introduction of Crossrail in 2017, with 10 trains per hour stopping at Ealing Broadway and 10 carriages per train, superseding some of the commuter trains which currently stop at Ealing Broadway.
600. Bus services are similarly well developed. It is estimated that the development will create a demand of about 224 bus passenger two-way movements in the morning peak hour, 574 in the evening peak hour and 1,197 in the weekend peak hour. Based on TfL's Bus Origin Destination Surveys (BODS) there is available capacity of about 12,000 seats in the morning peak and 13,000 in the evening peak. In 2005, 14 out of 15 bus routes in Ealing were operating within capacity. It is estimated that the development will on average add a demand of one to two passengers per bus in the morning peak, and two to three passengers per bus in the evening (GK 7, Section 3).
601. On the basis of this evidence, which was not substantially challenged, I consider that bus capacity is adequate to accommodate the development. There is an acknowledged possibility that, as a result of background growth and general development generated growth, two routes would be over capacity in the peak weekday periods. However this demand would not all be attributable to the development. If it materialises, it would be appropriate for TfL to consider providing more capacity on the specified routes, funded by increased passenger revenue. TfL have no objections to the development proceeding.
602. In such circumstances, reduced car parking provision is acceptable in pursuit of sustainable transport objectives.
603. The existing mix of uses on the site comprises predominantly retail use with a small element of office accommodation and four dwellings. 74 car parking spaces and a small service yard are provided on the roof of the Arcadia Centre, with ramped access from Springbridge Road. Pedestrian Access to existing units is principally from the street frontages along the Broadway and Springbridge Road. A narrow passage crosses the site from a point opposite Ealing Broadway Station to a point on the principal retail frontage, with a flight of steps at the station end.
604. The proposed development would result in a significant intensification of uses on the site. A Transport Assessment was carried out which assessed the impact of this on the main junctions considered likely to be affected by the development: three junctions along the Broadway with Bond Street, Springbridge Road and Haven Green and the junctions at Castlebar Road and Madeley Road. The modelling was independently verified by the Council.

605. The local highway network suffers from periods of congestion during morning and evening rush hours, with queues forming on approaches to many junctions. The effects of the scheme would aggravate existing congestion, and in some cases saturation would be in excess of 100%, the point at which demand equals capacity and longer queues begin to form [367, 368, 468]. Most of the identified junctions currently operate at or near capacity. There is little scope for implementing highway improvement solutions that would increase road capacity on Uxbridge Road due to site constraints and the need to maintain adequate footway widths in the town centre. Although signal optimisation could be explored, most of the traffic lights along the Broadway are already linked and controlled by a system that responds dynamically to changes in traffic demand.
606. The 2008 Transport Assessment was made on the basis of an estimate of unfettered demand, assuming that background traffic will increase by 11.6%, including an assumption of 8.6% for general traffic growth, and 3% for other local development including Dickens Yard. The percentage change due to unfettered demand flows for the weekday morning and evening peaks, along with the Saturday peak hours are set out in the transport TSCG (GK 3), in figures TSCG 8, TSCOG9 and TSCOG10. In general, the percentage changes are small compared to background flows [223]. The highest percentage increase in the a.m. peak is some 14.4% northbound on Springbridge Road (north of Gordon Road), and 7.6% eastbound along the north side of Haven Green. In the p.m peak the greatest increases are 19% Northbound along Springbridge Road (adjacent to the site), 16.5% westbound along Gordon Road and 9.4% southbound between Ealing Broadway Station and the Mall junction. For the Saturday peak the heaviest increases would be northbound along Springbridge Road, and southbound from Ealing Broadway station to the Mall junction.
607. The assessment identified a number of points where demand would exceed capacity, resulting in increased congestion, including the three junctions along the Broadway and the two junctions north of Haven Green. However it is noted that these junctions currently operate at or near capacity at peak times.
608. With regard to other junctions, LB Ealing commissioned an assessment of improvements which might be needed at the Castlebar Road/Haven Green and Madeley Road/Haven Green junctions to accommodate cumulative development (MISC 4). The assessment concluded that all of this demand can be accommodated without a significant increase in congestion through minor junction changes and changes to signal timings [222, 367].
609. Further afield the junctions at Madeley Road/Hanger Lane and Hanger Lane/Western Avenue are not likely to be significantly affected, due to the distribution of additional traffic on the network. Correspondence with TfL (GEN 2) confirmed that improvements would not be required as a consequence of the development [221].
610. The agreed position of the Applicant and the Council is that the development will not result in a significant change in character or performance of the highway network (GK 3 para 39) [221]. It is acknowledged that there will be periods of driver inconvenience and congestion, typically focussed on commuter peaks and weekend shopping peaks. However, this is characteristic of many parts of London and other major urban centres. The option of

providing increased road capacity to accommodate traffic growth is no longer the objective of planning policy, which seeks instead to promote alternative means of transport by focussing development at transport nodes. In principle, development at the appeal site accords with this objective.

611. A sum of £500,000 has been included in the S 106 obligation to fund any changes to the transport network which might be required to accommodate the cumulative traffic effects of this and other development sites.
612. A condition is proposed requiring the Applicant to prepare a travel plan for the site. In addition, the S 106 agreement includes a contribution towards wider measures to promote sustainable transport. In my view such measures would be effective in contributing to some reduction in traffic flows and in turn help to mitigate the effects of development traffic on local junctions.
613. Other traffic reduction measures proposed as part of the scheme include limited parking provision. This is widely accepted as being a key determinant of levels of car use [226]. The residential parking ratio is 0.3 spaces per unit, well within the maximum standards in the UDP and the London Plan. The scheme includes provision for 678 residential cycle parking spaces and 104 public cycle parking spaces. This would provide for and encourage cycle use with a consequent reduction in demand for road space. 16 parking spaces will be set aside for use by a proposed car Club, which would also contribute to more efficient use of vehicles and reduce the overall demand for ownership.
614. I understand the concerns of residents and other objectors groups that existing problems of congestion will be made worse by the cumulative effect of development in the Town Centre, including this development [457]. It was not contested that there would be some increase in congestion at key junctions in the network. The Applicant and the Council recognise that there will be a cumulative effect accruing from this development, the Dickens Yard development and other unspecified developments. Nevertheless planning policy clearly supports the intensification of development in locations with high PTAL ratings such as Ealing Metropolitan Centre [297].
615. The evidence of the Applicant's transport witness was to the effect that there is already considerable suppressed demand for car use, as would-be car users make informed choices in response to considerations such as congestion, convenience and availability of parking. The development would be likely to add to that pool, but individual choices will continue to be informed by convenience, and, as now, drivers will avoid making journeys at peak times unless absolutely necessary. Peak period traffic demand will be limited as a consequence (GK 8, Section 3). I consider this to be a reasonable approach to the issue of traffic generation, which derives support from national planning and transport policy, as well as the London Plan.
616. Such policies aim to constrain traffic growth. Increasing roadspace to accommodate predicted demand is not feasible in central Ealing. A key transport objective is to make better use of existing capacity, in part by making non-car alternatives more attractive. To my mind, the measures described above would have a significant effect in reinforcing the use of more sustainable means of transport, in general accordance with London Plan Policies 3C.1 and 3C.2, saved Policy 9.1 of the UDP, and relevant national guidance.

617. While it is acknowledged that the development would result in some additional congestion and inconvenience at several junctions, the London Plan zero growth target set out in Policy 3C.17 depends to some degree on Borough wide and London wide traffic reduction measures which have yet to come into effect. In my view it should not be treated as a prohibition on development in sustainable locations.

Parking provision

618. SEC and other objectors consider that inadequate residential parking is provided within the scheme, and suggest that the consequence will be pressure on available parking space elsewhere [227].

619. The policy approach to parking provision has changed radically since the publication of PPG 13 and no longer focuses on making full provision on-site for all theoretical demand. Limitations on the availability of parking space is widely recognised as being one of the most effective means of restraining car use, and encouraging use of other, more sustainable modes.

620. The restricted level of parking proposed and high level of provision for cycle parking complies with London Plan policy 3C.23, which seeks to ensure that car parking at new developments is the minimum necessary so as not to undermine the use of more sustainable non-car modes. It accords with the underlying principle that the restraint on parking provision should increase as the availability of alternative transport provision grows. The appeal site has an assessed PTAL of 6b, the highest level of accessibility, which in turn reflects its location next to Ealing Broadway station and bus stops served by frequent services [229, 297].

621. As regards public parking to serve the retail use there are 74 spaces on site at present. The proposal includes provision for 114 spaces, an increase of 40.

622. SEC questioned whether this level of provision would be compliant with the maximum standards set out in the Appendix to Chapter 9 of the UDP. Some confusion arose from the layout of Table 1 on Parking Requirements. It was explained to the Inquiry that for Class A uses for zone 1, the Table was to be read as requiring no more than 1 space per 350 m² site area, plus 1 space per 75 m² floorspace. On this basis I find there is no conflict between the number of spaces proposed and the UDP maximum standards [228]. While I understand that TfL's original approach was that there should be no public parking included in the development, I note that existing provision is well used, particularly at weekends, and that the provision of an element of public parking would retain an element of choice of means of access for those with no alternative to the use of a car [232].

623. With regard to residential spaces I consider that provision of 0.3 spaces per dwelling (0.4 per dwelling if disabled spaces are included) is consistent with the parking standards set out in the Parking Appendix to Chapter 9 of the UDP.

624. The S 106 Obligation includes a provision that residents of the development will be ineligible to apply for residents parking permits in the locality. Potential occupiers of the residential units will be fully aware of this provision when considering whether to buy or rent. While some may seek to make alternative arrangements, this type of restriction is commonly used in new developments, and I do not consider that it is likely to give rise to additional pressures on

uncontrolled parking, which would be at some distance from the site and therefore involve inconvenience for would be drivers [233, 456].

625. I find that the level of parking provision is consistent with London Plan Policy 3C.23, which requires that on-site car parking is the minimum necessary and that there is no overprovision which could undermine the use of more sustainable non-car modes.

Bus/Rail Interchange and Crossrail

626. Policy 9.2 of the UDP encourages improvements to all stations, particularly where interchanges between different modes of transport can be enhanced. Ealing Broadway is identified as having the highest priority, where the Council is actively seeking to improve the station in partnership with TfL and the transport operators. The appeal site is identified as Site 63 in Section 10.21 of the UDP. The description includes the statements that *'the site should also be considered [as an] option site for development of bus station and interchange with Ealing Broadway Station'* and *'Development to link with redevelopment of Station (EB5) and improved interchange for all modes of transport and strategic rail options.'* Ealing Broadway Station is identified separately as Site 64, described as *'Station Redevelopment and interchange improvement'*, also to be considered as an option site for a *'bus station and interchange with the station'*.
627. It is generally accepted that in its current configuration, Ealing Broadway Station provides a poor gateway to Ealing, which is in need of enhancement. The Ealing Broadway Station site is within the control of the current Applicant, but a redevelopment scheme does not form part of the proposals before me. A preliminary scheme has been drawn up by Foster and Partners, which addresses links across the Broadway, but were it to proceed it would do so as a separate scheme.
628. The current application was accompanied by an application to provide a bus interchange on Haven Green. Planning permission was refused by the Council on 17 December 2008. A revised proposal is under consideration, but is not before me [352].
629. SEC and other objectors consider that the Arcadia proposal fails to take the opportunity to integrate the development with the projected improvements to interchange facilities and argue this would result in fatal non-compliance with the UDP [349, 492, 495].
630. However, both the UDP and the site specific SPG treat these transport enhancements as options to be considered. Neither element is a policy requirement of the UDP, nor a pre-requisite of the development proceeding [237, 288]. TfL's position is that there is satisfactory capacity in the public transport system to allow the development to proceed in advance of these other desirable objectives of public policy [289].
631. LB Ealing consider that a bus interchange on the site would reduce the opportunity for commercial development of the site to deliver townscape benefits on the site frontage to Haven Green and improvements to the public realm [353]. TfL have considered the suitability of the application site to accommodate a bus interchange. The Halcrow Group feasibility study (MISC 1) found that the business case for a bus station on the site was poor, even

with the air rights for construction over the Network Rail Lines not costed in. The involvement of a commercial partner would also result in the risk of compromises in design. In the GLA Stage 1 Update Report (SC 2, Appx A, paras 81 – 82) TfL's conclusion on the feasibility of a bus interchange was that *'the only realistic or achievable option was to build a new bus interchange on the east side of Haven Green.'* Part of this equation no doubt relates to the cost of acquisition, reflecting the value of the land for other purposes, and resulting in an unfavourable cost-benefit ratio. Whatever the reason, TfL's stated position is that the development is *'not likely to prejudice the delivery of a new, or improvement of the existing, bus interchange'* (GEN 1) [288, 354].

632. Similar considerations apply to the suggestion that an integrated bus interchange could be created above the platforms at Ealing Broadway station. The redevelopment of the Station site is likely to prove a complex and costly development in its own right. However desirable the outcome, such a scheme would need to show a reasonable return on investment [351].
633. I fully appreciate the desirability of adopting an integrated approach to development and transport planning, and national policy encourages that approach [503]. Nevertheless I do not consider that it would be appropriate, or reasonable, to inhibit or delay a development of the appeal site which was desirable in other respects, provided the development itself would not prejudice the achievement of these objectives [355].
634. It is an important planning principle that any benefits sought through conditions and S106 obligations, should be proportionate, fair and reasonably related to the development proposed. A bus interchange and Station redevelopment would have much wider benefits for Ealing Town centre. Individual developments should not be saddled with rectifying all existing problems, and making provision for missing infrastructure. That approach would stifle many developments. The Borough Council's approach has been to seek proportionate contributions from developers to the realisation of these desirable aims. In my view it would be unreasonable to expect this development to meet the full cost of these improvements, or to make them a precondition of the development going ahead. In the circumstances it seems to me that the Council's approach has been satisfactory and realistic [352].
635. The S106 agreement includes £1.3 million for improvements to the bus interchange. The Dickens Yard development is also expected to contribute £1.2 million. TfL considers that the £2.5 million will produce meaningful improvement to the bus interchange, and help to provide for future bus travel needs. It is possible, as SEC pointed out [352] and is apparent from LBE 10, Schedule Item 3 page 40, that Haven Green's status as Common Land might be an inhibition to the delivery of improvements to a bus interchange in this location. However, that is not a matter to be considered in the determination of the application before this Inquiry. In any event, it is unlikely to alter or improve the prospects of viability for a scheme involving the application site.
636. Crossrail is expected to be operational from 2017 onwards. I was informed that no part of the application site is required for the implementation of Crossrail. EPTUG contend that the application should be refused as it would preclude the possibility of increasing the number of tracks through Ealing to increase rail capacity [494]. However this does not appear to form part of any

of the rail providers' long term plans for the railway. Nor in my view would it be the only constraint on increasing capacity in this manner.

Tall buildings

637. A key feature of the proposal is the landmark residential tower in the north-east corner of the site. I deal with the effects of tall buildings on the character and appearance of the surroundings in detail below. However the principle of tall buildings in this location was also questioned by objectors. A number of objectors, including the joint rule 6 parties and CERA, considered that this would be premature, pending preparation of a tall buildings policy for Ealing [506]. UDP Table 4B – High Buildings and Structures provides guidance on the application of Policy 4.1, though it is not itself saved [129,131, 300]. It sets out criteria to which regard will be had in considering applications for buildings over 20m in height, including that the building should emphasise a point of civic or visual significance; should relate carefully to its surroundings; the site should provide sufficient scope to provide an adequate setting; should not impair the amenity of surrounding sites; and should take account of local environmental effects. It states that buildings will not be acceptable within conservation areas, and other sensitive locations [130].
638. The London Plan provides guidance on the location of tall buildings in Policy 4B.9, which promotes the development of tall buildings where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings [123, 390]. It provides for the Mayor to work with boroughs to identify suitable sites and the strategic partnerships to help identify suitable locations for tall buildings that should be included in DPDs and Sub-Regional Implementation Frameworks. It recognises that Boroughs may wish to identify defined areas of specific character that could be sensitive to tall buildings within their DPD. In doing so they should clearly explain what aspects of local character could be affected and why. They should not impose unsubstantiated borough-wide height restrictions.
639. I acknowledge that this exercise has not been carried out in Ealing outside of the consideration of this specific development proposal [124]. I note that the draft Spatial Development Framework for the Town Centre (Tibbalds Report - LP 4) identifies the north-eastern corner of the Arcadia site as a gateway for a landmark, high density building. While it was said to indicate the Council's '*direction of travel*', it is at an early stage and carries very little weight [134, 296, 433]. However, I consider that the London Plan provides appropriate locational guidance for applications to be considered in advance of any more specific local policy [124]. London Plan Policies 4B.9 and 4B.10 include safeguards in respect of design and impact on surroundings. With the above in mind, I do not consider that prematurity amounts to a sustainable reason to refuse permission [124].

Conclusion on the principle of development

640. I acknowledge that the details of the scheme differ significantly from what was envisaged in the UDP and associated guidance. However, the London Plan, which itself applies national policy and guidance to the London context, has moved things forward in policy terms. It envisages significantly higher

densities in pursuit of the compact city. Its key design policy emphasises the maximisation of use, consistent with acceptable environmental effects.

641. The scheme represents a much greater intensity of use than envisaged in the earlier documents. However I find that the proportion of the development devoted to retail and new public realm in the form of internal circulation space, is broadly in accordance with policy and is acceptable. As regards the provision of new streets and spaces within the development, I consider its potential contribution to the public realm of Ealing Town Centre is to be welcomed. The proposal includes an appropriate proportion of A3 food and drink uses for a town centre. There would be very little office space, though I saw that the focus of office provision in Ealing is further west on Uxbridge Road, and I do not consider this to be a failing of this proposal.
642. There is no doubt that the residential element assumes a much greater significance than was envisaged in the UDP. SPG for the site (LP 45) gives an estimate of 220 units, whilst the application scheme proposes 567 units. I deal in more detail with housing policy issues at paragraphs 713 - 724 below. However, the London Plan has laid an emphasis on meeting and exceeding housing targets, in part through the redevelopment of brownfield sites, and maximising the development potential of sites in sustainable locations [111]. It was not seriously argued by objectors that additional housing provision is not a priority of planning policy [109]. The provision of high density housing is therefore consistent in principle with the London Plan [106], though the density here would significantly exceed the upper range given in Table 3A.2.
643. Although it would not meet all of the aspirations of the UDP and associated SPGs, I consider that the limited mix of uses proposed is acceptable in principle, given that it is no longer necessary to identify a site for a cinema, and TFL's stance on the provision of a transport interchange [285].
644. Accordingly I find that the principle of a mixed use redevelopment which intensifies the use of the site would be in line with relevant policy. Key London Plan Policies 2.A1, 2A.2, 2A.8, 3A.2, 3A.3, and 3C.1 amongst many others, underpin this conclusion [295].

2. *Whether the design principles in relation to the site and its wider context, including the layout, height and massing, scale, open space, visual appearance and landscaping are appropriate in their context and take the opportunities available for improving the character and quality of the area and the way it functions.*

645. The design concept has from the first been to have a landmark tower at the north-east corner, close to Ealing Broadway station, supported by lower-rise buildings framing the network of streets and spaces of the new public realm. The detailed design has evolved, an initial design for a 40 storey tower having been discarded early on.
646. The current scheme has been refined by the scheme architects (HKR and Foster and Partners) in response to consultation, with the advice of an architectural and urban design consultant who gave evidence to the Inquiry. A wholly new design for the tower, by Foster and Partners, was submitted at a relatively late stage in October 2008. The two principal elements of the scheme are different in style and appearance [514]. The design philosophy as

expounded at the Inquiry is that the crisp and clean lines of Buildings A to E would provide a quiet context for the organic, arcadian feel of Building F.

647. The Council has strongly supported the scheme at the Inquiry. The overall conclusion to the Council's Committee report of 17 December 2008 (LBE 1, page 7) sets out a balanced conclusion in support of the development, on the basis that the scheme would deliver a number of significant regeneration benefits to Ealing Town Centre which would outweigh all other material considerations. On the scheme's appearance it states that *'the design and layout of the proposals has been amended to address previous concerns raised by the Council, the GLA and CABE such that the scheme is now fully supported'*. However, in Section 9.0: Reasoned Justification, there appear to be remaining reservations over the effect of the development on the character and appearance of the surroundings. For example at LBE 1, p131:

'There are no objections raised to the demolitions in the conservation area and therefore the application for conservation area consent is recommended for approval. The revised redevelopment proposal is of sound architectural quality and would improve the site permeability. In particular by creating a network of new public spaces and building over the rail tracks, the proposal would help to address an existing gap site that at the moment acts as a visual and physical barrier and creates an undesirable visual fracture in the townscape of the two conservation areas of Ealing Town centre and Haven Green. These are positive elements of the proposal that would potentially contribute to the character and appearance of both the conservation areas.'

'The overall density and scale of the proposal still raises some concerns. The architecture and design are generally of high quality but do not necessarily respond to the heritage context and its established character, resulting – in parts – in a much too high and overpowering scale of development, that weakly relates to the Victorian and Edwardian remains of the Town Centre.'

'On balance, the scheme would bring regeneration benefits and improve the permeability of an important part of the Town Centre. Whilst English Heritage expressed concerns, CABE consider that the revised proposal addresses their previous concerns and now fully support the scheme.' [420]

648. CABE's formal response to the planning application is dated 8 December 2008 (SC 4) [137]. It commends the design and client team for their response to previous comments and for the efforts that have gone into revisiting the scheme, as a result of which CABE was happy to support the development proposal, subject to conditions relating to detailed design. In addition to support for the redesigned tall building, it was considered that the revised planning submission demonstrates high quality architecture for the development as a whole. It commends the additional street linking Haven Court and Springbridge Road, which would have dual benefits of improving access and providing a visual link to the church spire, commenting that *'such specific engagement with existing landmarks will enable the new development to become a well-integrated part of the town.'*
649. With regard to the housing element, the generosity of the living spaces, the efforts to reduce single aspect dwellings and long corridors, the provision of additional residential entrances and the measures taken to allow sunlight to reach roof gardens were applauded. The necessity of retaining the design

team throughout the construction process to ensure quality outcomes was emphasised.

650. These conclusions are reflected in the Mayor's Stage 1 Update report dated 17 December 2008 (SP 2), which concludes at para 52 that *'overall the applicant has responded well to the initial criticisms made of the scheme, resulting in a high quality well-considered design that would enhance Ealing town centre and contribute to its regeneration as both a shopping destination and place to live.'*
651. While the effects of the scheme as a whole need to be considered, it is also helpful to consider the various blocks individually.

Building F The Tower

652. Building F is the landmark building of the scheme. This element of the scheme has undergone various iterations, the final design having been first put forward in October 2008. An earlier proposal for a 40 storey tower was considered to be too overwhelming in scale. The latest design has a maximum height of 25 storeys, reducing to 19 storeys on the south side. It would still be twice the height of the nearest reference point, Villiers House, and would be a very prominent addition to Ealing's townscape, at a focal point adjacent to Haven Green.
653. In the application scheme, the design of the tower has been revised to allow a clearer expression of its internal plan form and residential use. It has been sub-divided into 4 interconnected blocks of varying height, which is intended to emphasise the vertical dimension, and to give the building a more elegant appearance. In addition the use of warm materials (the innovative bronze-clad louvres wrapping around each of the constituent towers) aims to soften the volumes. The intention of the re-design was to provide a more distinctive and place specific landmark. The design of the ground floor has been revised to achieve better integration with other buildings on Station Square [166]. This has involved placing a larger active retail/restaurant use at ground and first floor level, which places less emphasis on the structure of the building [163, 164].
654. I accept that, considered in isolation, the design quality of the tower is of a high order, and to that extent agree with the conclusions of the Mayor and CABE [168]. There is no dispute as to the credentials of the design team, which has involved leading practitioners in the field with international status and recognition [141].
655. However, it is a fundamental of policy guidance that the design of the scheme cannot be considered in isolation from its context [182], particularly where the immediate context and setting for the development has conservation area status. I do not suggest that the promoters of the scheme have ignored the context, but I do not consider that sufficient weight has been given to the importance of respect for the historic character and appearance of the surroundings [147].
656. The landmark tower would have a very distinctive character in its own right, but there is little in the design that relates to the local distinctiveness of Ealing as it stands. In this respect I consider that it falls considerably short of the ambition of achieving a 'place specific' landmark [167]. Rather than providing a marker which draws attention to the centre of Ealing, and particularly the

Ealing Broadway transport hub, it would assert itself as by far the most prominent building in the centre, with little regard for the present character and appearance of the surroundings.

657. The only real acknowledgement of the existing character in the design is in the colour of the proposed cladding, intended to reflect the widespread use of brick in the historic parts of Ealing. In other respects, I consider that the design would bear very little relation to that of surrounding development in the adjoining conservation areas.
658. I am aware that the design team has sought to soften the appearance of the building through, for example, the extensive use of glass, the profiled louvres wrapping around the apartments, the rounded balcony corners, the warm tones of the bronze cladding, and the 'transparency' of the penthouse units [165]. Notwithstanding these measures I consider that the tower would have a dominating presence in views from a number of key locations in Ealing town centre.
659. A clear demonstration of this is View 2081 in the revised townscape and visual assessment (PA 12). While the illustration gives an impression of a shimmering, sculpted building, surmounted by the translucent double height penthouses [164], the actual building would, as a result of its height and distinctive and contrasting design characteristics, have an assertive presence in the view from the junction of the Mall with the Broadway. This would represent a dramatic contrast in scale, massing and design approach with nearby buildings typical of the conservation areas, for example with the Carphone Warehouse building and the Town House. These and other traditional buildings of character on the Mall and the Broadway in the vicinity of this junction, are representative of the type, scale and design of building which make a positive contribution to the present character of the Town Centre conservation area. In my opinion they would be overwhelmed by the new buildings [413, 539].
660. Viewed from the north the Tower would dominate Haven Green to such a degree that it would detract from its present spacious character. Although the mature trees on the Green would provide some screening, the higher parts of the tower and other buildings would be clearly visible above them [195, 197]. While it is clear that the intention has been to create a focal point, I consider that it is important that the scheme should reinforce Ealing's distinctive character. I acknowledge the presence of some discordant elements in the setting of Haven Green, notably Villiers House [400] and Greenlaw Court. However, it is widely acknowledged that these buildings do not make a positive contribution to existing character, and neither would be regarded as an example of good design.
661. The contribution the building could make as a landmark can be over-emphasised [397]. I do not consider that its form would be so arresting or exhilarating in its context that it would be regarded as a positive asset when seen from a distance, as is the case with 30 St Mary Axe (Swiss Re), and would be the case with the 'Shard of Glass' Tower at London Bridge. Those locations within and near to the City of London also derive justification as coherent locations for economic clusters of related activities. Although the Applicant has suggested that the tower would form the focal point of the retail regeneration proposals for Ealing, it does not appear to me that this can

convincingly be regarded as an economic cluster of the type envisaged in London Plan Policy 4B.1 [125, 425].

662. I discuss the effects of Buildings D and E in more detail below, but my general conclusion is that the effect of this group of substantial buildings would be harmful to the character, appearance and setting of the Green. The visual dominance of the scheme is illustrated in Views No 2 and 5 (Winter daytime view) of the revised visual appraisal (PA12, pages 53 & 57) [416].
663. I accept the Applicant's contention that the development plan status of the site as a key redevelopment site in a Metropolitan Town Centre is important in the consideration of character [72, 182, 297], but it is not the sole or necessarily the overriding consideration where potential conflicts have been identified.
664. Undoubtedly there are circumstances where a landmark would be appropriate, and the London Plan establishes a policy context for the consideration of such buildings in Metropolitan Centres, provided that they would be acceptable in terms of design and impact on their surroundings. However, as the evidence of English Heritage and Ealing Civic Society demonstrates, Ealing already has a legible built form, with existing recognisable landmarks, of which the Church of Christ the Saviour is one of the most important [535]. It is not difficult for residents or visitors to discern the structure of the town centre, and its crucial relationship with nearby open spaces [198]. It was accepted by the Applicant's architecture and urban design witness that a landmark effect does not automatically require a very tall building [162]. To my mind, the suggestion that a residential tower would reflect Ealing's character as one of the great London's great Victorian and Edwardian suburbs is a weak justification for so prominent a building [167, 402].

Building C

665. A particular concern as identified in the Council's Committee report (LBE 1, page 128) is the relationship between Building C and the Tower. From this perspective, which is well illustrated in View 2081 of PA 12 (Visual Appraisal) I consider that the Tower would not be seen in isolation as an elegant and well-proportioned finger block, standing a contrasting icon of design. It would be obscured in part by the large mass and somewhat austere lines of Building C [413]. It was suggested at the Inquiry that this was simply a matter of the elevational treatment of Block C, which could be addressed through an appropriate condition [170]. To my mind, however, this is a major public face of the development and the proposed changes would be beyond the scope of what is acceptable without a new application, or a suggested condition dealing with matters of detailed design and materials. While the aim has been to provide a stepped transition between No 35 The Broadway, Building C and the Tower, the mass and proportions of Building C would appear inelegant and unattractive in context, and relate poorly to the traditional patterns of elevations and rooflines which remain characteristic of this part of the Town Centre conservation area [169, 539].

Buildings A and B

666. These elements of the scheme address the key frontage to Ealing Broadway, between the Sainsbury's building and Springbridge Road, and turn the corner into Springbridge Road. The design objective for these buildings, as set out in the Architect's evidence (para 5.11.1 of GK 5), is to '*respect the existing*

character of Ealing, as well as established existing views such as the church spire, that allow local orientation to key local features.'

667. The design team identified a need to reflect and maintain elements of the Broadway character by avoiding expansive horizontal facade expression and making regular vertical subdivisions to the building facades. To this end, extensive use is made of brick panelling arranged vertically on the street elevations, and window openings have been made narrower, again a response to the more traditional masonry construction techniques prevalent in the conservation area. The use of regular projecting bays, and the street entrance which divides the two blocks, also help to introduce vertical articulation [154].
668. However in my judgement these measures would not fulfil the intention of reflecting and maintaining the character of the Broadway. The strong horizontal axis of the proposed facades, emphasised by the uniform and unrelieved 'shoulder' height, and the brickwork banding above the retail level, would create an imposing mass in the street-scene in place of the varied designs and generally much lower facade heights which help to define the conservation area's present character. The gentle curve of the Broadway, which is here part of its character, would be addressed in the scheme by a slight angling of the two blocks either side of the street opening [172, 308]. This would emphasise the angular, geometric quality of the design, and some of the subtlety of texture would be lost. The effect is well illustrated in View 2072 of the Revised Townscape and Visual Assessment (PA 12, page 39). [151].
669. A particularly harmful consequence of this element of the scheme is that the existing view of the tower and spire of the Church of Christ the Saviour would be masked by the height of Building A2. I recognise that efforts have been made to retain this key view along The Broadway from the east. The upper floors of these blocks have been splayed back from The Broadway frontage [173]. However, as Snapshot 12 of Appendix RT1 to Professor Tavernor's evidence (GK 6B) clearly shows, only the upper part of the spire would remain visible. I regard this masking of a key landmark on one of Ealing's main thoroughfares as a serious townscape loss, which would also diminish the legibility of the town centre [156, 414].
670. The distinctiveness of this part of the conservation area has already been harmed by poorer quality redevelopment and alteration, as described in the character appraisal (CA 5). I accept that conservation area consent has been given for the demolition of existing buildings on this frontage, but the site is a crucial one in the conservation area and replacement development should respect the character of remaining buildings in the vicinity of the site if it is to preserve or enhance the surroundings. The damage will not be repaired by the insertion of an insensitive and somewhat bland commercial and residential frontage [492]. The substantial mass and uniform height of south elevations to the Broadway, and its contrast with varied and intricate designs and roof heights which I consider to be characteristic of the wider conservation area, is clearly apparent from the accurate visual representations included in PA 12, views 2091 (page 33) and 2072 (page 43).
671. I understand that plans have been approved for two additional floors to be added to the Ealing Broadway Centre opposite, to be set back behind the parapet [174]. While this might be taken as creating a reference for taller

buildings on this frontage of the application site, I consider that the detailed design of any replacement scheme should respect the character of the conservation area, and the important view of the Church Spire and Tower. For the reasons given I do not consider that this would be achieved by the application scheme.

672. Building A2 would also turn the corner of Springbridge Road, where it would form part of the setting for the Church of Christ the Saviour, which is listed grade II*, and one of the most distinctive and distinguished buildings in Ealing. I acknowledge that the current setting formed by the existing Arcadia centre is poor. Nevertheless I consider that the sharp lines of the proposed replacement would emphasise the harsh angularity of this part of the development, would be uncharacteristic of the conservation area, and does not demonstrate sufficient regard to the desirability of preserving the setting of the listed building. In PPS 1 terms, it would miss the opportunity of improving the quality and character of the area [156, 187, 415, 517].

Buildings D and E

673. Buildings D and E would occupy the northern part of the site, facing Haven Green. The creation of a developed edge along the northern part of the site is an objective of the UDP and associated site brief. As such it would be welcome in principle, and draws support, again in principle, from representatives of the joint rule 6 parties.
674. The design approach has sought to create a built form that responds to the scale of Haven Green, and which can mediate between the 11 storey Villiers House and the height of the spire of the Church of Christ the Saviour. The built form has also been influenced by the need to construct support trusses spanning the full width of the railway line in a north south alignment. As described in the architect's evidence (GK 5 para 5.9.5), *'the eventual solution was to create a series of buildings that manifested themselves as elegant, slender volumes, presenting their narrowest edge to the Green. The division of these blocks allows south light between them, not unduly compromising the current access of sun to radiate the Green. The division of these blocks also allows garden spaces to be provided in the space between them, blending and softening the border between the buildings and the Green. The blocks are fragmented further into vertical volumes. The blocks towards the north have been reduced to 9 storeys to adapt to the scale of the trees along the Haven Green frontage and to reduce the impact on the Green.'*
675. I understand the tension between the demands of creating a satisfying architectural ensemble, and the need to avoid creating an overpowering facade towards the north. I accept that, considered in the abstract, the relationships and proportions of buildings that would face the Haven Green frontage create a pleasing architectural composition with the three finger blocks providing a context for the 25 storey tower, and also mediating between the height of Villiers House to the east and the church spire to the west. However, in the specific context of Haven Green I consider that the composition would be overwhelming and overbearing.
676. The Applicant's design team were keen to emphasise the scale of Haven Green as an urban open space [159, 195, 308]. I acknowledge that it is a large space for a central urban location. For the scheme's supporters this demands an

appropriate architectural response of correspondingly large scale buildings. For others, the scale of the space and its openness are key features contributing to its essential character, with present views through to the varied skyline along the Broadway and New Broadway [205, 536].

677. Clearly there is a balance to be struck as regards the scale of built development that would be acceptable in this location [159]. The treatment of this edge to Haven Green is currently unsatisfactory [78], and there is wide agreement that it would benefit from some form of built development, with improved permeability from the links through to the new streets and squares, and to the Broadway, which would be achieved by bridging the railway [77]. The joint rule 6 parties accepted that development greater than two storeys on the frontage could be of benefit in defining the space [201, 204]. However, the scale and height of what is proposed in this application would, in my view, be dominant and oppressive, and would neither preserve, nor enhance, the character or appearance of Haven Green Conservation Area, for which it would form the setting. It would radically change the relatively open skyline to the south of the Green which contributes to the sense of spaciousness.
678. The character of existing development facing the east and west of the green is generally two or three storey. Individual buildings are of varying character and quality, but the general pattern of development has not in the past been considered inadequate to address the scale of the Green, or seen as a weakness when the conservation area was designated [540]. Many of the buildings facing the Green are locally listed for individual merit and their contribution to character. There are buildings of greater scale on the northern edge, most notably Haven Green Court and Greenlaw Court. Haven Green Court is a mansion block of five storeys, and, though taller than most existing buildings fronting the Green, is well set back and not overbearing in any sense. Greenlaw Court is something of an aberration in design terms, and would not be regarded as a precedent to be followed in the context of current design policies.
679. I accept that considerable efforts have been made to fragment the volumes of the development, and to allow sunlight through to the Green [159, 200]. Viewing the proposed elevations end on from the north it may be reasonable to describe the three blocks as slender and elegant, with clear separation between them. However, the viewer moving across the Green would be very aware of the depth of the blocks and the substantial built forms behind. In my judgement the impression gained would be of a much denser and heavier form of development. The effect is readily apparent in the accurate visual representation from Viewpoints 2 and 6 (PA 12, pages 52 and 61). [161]
680. Many of the existing trees on the Green are themselves of significant scale and would provide visual screening, particularly in summer, though it would be less effective in winter. Even so, the height of the buildings would be substantially greater than the trees, and built development would be prominent above this level.

Conclusion on Design

681. Great emphasis is placed in the Applicant's design evidence on the much improved permeability of the site which the scheme would deliver. There are many positive aspects to the scheme. In my view, the new spaces, walkways

and passages would in themselves be a valuable addition to the public realm of the Town Centre, adding new shopping space, cafés and restaurants. These would be car free, creating an attractive and accessible pedestrian environment which would draw new customers and visitors to Ealing. It would create new pedestrian routes through from the Broadway to Haven Green in replacement for the existing footpath which does not link with Haven Green and adds nothing positive to the attractiveness of Ealing. A number of frontage and backland buildings and uses, which at present contribute little to the character of the town centre (and some of which significantly detract from it) would be replaced with modern, purpose built buildings. The width of existing footways on the Broadway and Springbridge Road would be increased, creating more space and a better environment for pedestrians [149].

682. A new visual corridor through the public realm, framing the spire of the listed Church of Christ the Saviour, would be a significant benefit [153, 189, 305, 306], though I do not consider that it would provide satisfactory compensation for the loss of existing views from the Mall and Ealing Broadway. Views expressed at the Inquiry varied as to the degree which the railway cutting was regarded as 'an undesirable visual fracture in the townscape', but in my view bridging over the railway and providing links between Haven Green and The Broadway would be an undeniable benefit of the scheme [89, 308]. I acknowledge that there are other, less intensive ways in which this could be achieved physically, exemplified in SPG 6 and SEC's Vision document [295], and by Mr Elley's design [462], but there was no evidence before me of the viability or practicality of doing so.

683. I appreciate that considerable effort has been put into producing a design which would maximise the land-use and realise the townscape potential of this key site. Nevertheless to my mind the result, as represented in the application, does not pay sufficient respect to Ealing's existing character [448]. Notwithstanding the Council's favourable recommendation, the concern is recognised in LBE 1, page 130: *'The height of the tower and the subsequent proportions of its architectural composition especially with Block C still read as [a] rather overpowering and obtrusive presence in the modest and suburban grain of Central Ealing.'*

684. While I consider that the scheme would be successful in creating an attractive and vibrant public realm within the development [148, 149], it is far less so in the way the outward facing parts of the development relate to the character of its surroundings. In this respect, I consider there are significant design shortcomings, which result in conflict with the saved design and conservation policies of the UDP, in particular Policies 4.1 and 4.8 [391]. While the London Plan policies provide strong in principle support for maximising the intensity of use of the site and support for landmark buildings in Metropolitan Centres [87], I consider that this scheme fails to meet the equally important requirement that this should be consistent with local context [61, 175, 388, 481].

3. *The effect on the character and appearance of the Ealing Town Centre and Haven Green Conservation Areas, the setting of nearby listed buildings, and other nearby conservation areas*

685. London Plan Policy 4B.1 requires that development proposals should respect local context, history, built heritage, character and communities amongst other

things. Saved Policy 4.8 of the UDP states that the Council will preserve or enhance the character and appearance and their settings. New development, built or otherwise, within or adjacent to the Conservation area, will be permitted, provided that it is well related to the existing character of the area in terms of its historic and architectural quality, and green setting. The Council also requires that any development proposal should adhere to the Council's specific conservation area guidelines.

686. PPG 15 sets out national guidance for planning and historic areas. Paragraph 1.1 records that it is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. Paragraph 1.2 refers to the objective of planning processes as being to 'reconcile the need for economic growth with the need to protect the natural and historic environment'. Paragraph 1.3 recognises that the historic environment is all pervasive and it cannot in practice be preserved unchanged. *'We must ensure that the means are available to identify what is special in the historic environment; to define, through the development plan system, its capacity for change; and, when proposals for new development come forward, to assess their impact on the historic environment and give it full weight, alongside other considerations.'*
687. The character of the existing conservation areas most affected by this proposal – Ealing Town Centre and Haven Green, are described in the council's own Conservation area character appraisal and management plan documents (CA 5 and CA 7) respectively.

Town centre conservation area

688. CA 5 is dated December 2007. The Appeal site lies in an area identified as sub-area 1 of the Town Centre conservation area, described as very much at the heart of the old Victorian commercial and civic centre. The architectural character is very diverse with office buildings and shop fronts from the 19th and early 20th century woven together to later post-war and more recent developments. The better preserved sections of this part of the Conservation area lie on the north side of the Mall, and opposite the junction of the Broadway and the Mall. A number of these buildings are locally listed buildings, which retain the characteristic fine grain and distinctive building styles typical of the Victorian/Edwardian centre of Ealing. CA 5 refers to *'the prominent gables of the late Victorian/Edwardian red brick buildings [which] contribute to the punctuation of the roofline along the main shopping thoroughfare.'*
689. Elsewhere, the tight Victorian grain has in part been replaced with more substantial footprint developments. Connections between the newer developments and the older grain have been poorly resolved. The document notes that surviving remains of the Victorian and Edwardian Architectural heritage have been embedded in later, poor quality developments that seriously put the character of the CA under threat.
690. A spatial analysis is set out in Section 4. It identifies the main thoroughfares of the Mall, the Broadway and New Broadway as elements which strongly characterise its form and spatial layout. The Mall and the Broadway form a shallow curve running from east to west, producing a townscape of strong incident, including a constantly changing sequence of views with landmark

buildings acting as points of orientation. Later developments, such as the Broadway and Arcadia Centres, have resulted in several fractures within the fine grain; they have introduced a much larger scale of development; have created vast spaces of backland and service areas that has resulted in a loss of cohesion in the townscape and poor connectivity [76].

691. There are a number of buildings within the site frontage which retain some characteristic historic and architectural interest which would be demolished as part of the scheme. Conservation Area consent for demolition was approved by the Council on the same date as the proposal application was considered, subject to a condition that permission for an acceptable replacement has been granted before demolition commences.
692. The buildings which have retained some characteristic period detailing are described as scattered remains, which have somehow lost their original spatial context. A detailed description is given on Page 23: 'After no 35 on the opposite corner of the Town House Pub, the northern side of the Broadway is characterised by later, mediocre quality buildings, that have replaced higher quality Edwardian or Victorian buildings ...and are now woven together with a few fine remains of the earlier grain. Particularly noticeable are nos.15 – 16, and no 14. The latter in particular is a little gem: a minute two-storey brick building with fine stone dressing, an unusual broken parapet boasting the construction date of 1906 and very distinctive windows with all round quoins and prominent keystones. No 9 is also interesting with its curving aspect on its west side'. The Arcadia Centre is described as inexpressive and bland, an unsuccessful attempt at providing a corner feature of interest [74].
693. While the loss of some of these buildings would be regrettable, their architectural integrity has been seriously compromised in the past by insensitive redevelopment or alteration. They are not included in the local list of buildings of architectural interest. They do however reflect the scale, materials and design characteristics of adjacent parts of the conservation area, which are less affected by piecemeal redevelopment, and are representative of some of the characteristics for which the Conservation area was designated.
694. The loss of these buildings is capable of being justified by the benefits of a well-designed replacement scheme which itself respects the local context, history, built heritage, character and communities in accordance with Policy 4B.1 of the London Plan [82]. The Council has granted conservation area consent for the demolition of buildings subject to a condition requiring a satisfactory replacement scheme to be approved before any demolition takes place [83, 303]. I appreciate that others may consider that the grant of conservation area consent by the Council was premature [79, 533, 534]. However, that is not a matter before the Secretary of State for consideration.
695. However, a key question that is before the Secretary of State is whether the replacement scheme would preserve or enhance the character or appearance of the conservation area [84, 307]. For the reasons I have given in my detailed consideration of the design, massing and form of the proposed development set out under Issue 2 above, I consider that the proposal would fail to preserve or enhance the character or appearance of the Town Centre conservation area [535].

696. The scheme would also impact on the setting of the Grade II* Church of Christ the Saviour. For the reasons given in considering the design of the proposal I consider that this would be harmful to the setting of this fine Victorian Church by Gilbert Scott, and would fail to take advantage of the opportunities for improving the quality and character of the area [513, 535]. In this respect, the proposal would conflict with saved Policy 4.6 of the UDP, which aims to preserve and enhance the settings of listed buildings.
697. English Heritage expressed concern in relation to the effect on a number of listed and locally listed buildings in the vicinity of the site [539]. I consider that the effect on the context and setting of the important groups of buildings near to the junction of Ealing Broadway with the Mall, including the listed National Westminster Bank by Charles Jones and other locally listed buildings identified in the Conservation Area Appraisal (CA 5) would be harmful. The contrasting height, mass and elevational treatment of the development would diminish the stature of these buildings, which represent some of the best preserved parts of the Victorian/Edwardian commercial core of Ealing. I acknowledge, however, that the effect on the Polish Church and Ealing Town Hall would be limited, as they stand further from the development, and have more discrete settings.

Haven Green Conservation Area

698. The current characteristics of Haven Green Conservation area are set out in CA 7. The majority of buildings facing the Green are identified as locally listed buildings. The central element of the Green itself is described as providing a welcome and peaceful episode in contrast with the busy Ealing Broadway Station and shopping centre and as a focus for the adjoining residential sections of the CA. A character appraisal is set out at Section 5.
699. The Green is a large open space with mature chestnut, London plane and lime trees. It is traversed by a road linking the south-east to north-west corners. The appraisal refers to the handsome three-storey Victorian semi-detached dwellings with half basements, which flank the western side of the Green, set back from the streetline. For the most part they retain a wealth of well-preserved period detail.
700. The eastern side of the green is defined by the tight alignment of the parade of shops, Nos 30 – 40 Haven Green, set in a three storey redbrick building, with the upper floors of the facades presenting rusticated window surrounds.
701. Haven Green Court, a mansion block of five storeys in brick with stone detailing under a mansard roof clad in green pantiles, sits on the northern side of the Green. To the north east corner of the Green are Mountfield Road and Haven Lane, which have a rather different character of traditional two-storey cottages.
702. The character appraisal also draws attention to negative features within or adjoining the CA, for example Villiers House, described as a major eyesore which disrupts views within the CA, Springbridge Road car park, and Greenlaw Court, on the northern edge of Haven Green, '*a rather undistinguished design that does not reflect the scale, massing, materials and pattern of the CA.*' The over-ground car park at the rear of the Arcadia centre is described as a '*detrimental factor at the southern edge of Haven Green*'.

703. I acknowledge that the character and style of built development facing Haven Green is varied [404]. Nevertheless, it is predominantly low-rise in character reflecting the form, scale and mass of Victorian and Edwardian development which is so characteristic of Ealing [449, 536]. Though considerably taller, Haven Green Court is set in generous grounds well back from Castlebar Road. It is an established feature of the Conservation Area, and of a scale and mass which respects the Green. It is generally accepted that a developed frontage to the south side of the Green, as part of a development which opens up links to streets and courtyards, would benefit the character of the Conservation Areas. However it should be of an appropriate scale and design that delivers these benefits without the negative effects I have described above. I do not consider that this scheme would satisfy this key consideration, for reasons given in my consideration of the detailed design.
704. On the contrary, I consider that the proposed development would be a dominant and intrusive feature, which would diminish the scale and value of Haven Green as an urban open space [536]. It would neither preserve, nor in my judgement, enhance the character or appearance of the conservation area for which it would form part of the setting [429, 509]. Haven Green is highly valued and appreciated by residents of Ealing as a major recreational and character asset to central Ealing [457]. While the London Plan seeks to maximise development on central sites, it is of equal importance that key existing assets are not devalued by development which may in other respects be of wider planning benefit. In this respect, and notwithstanding CABE's support for the development, I consider that the development would also be in conflict with the advice in EH/CABE Guidance on Tall Buildings (BP 1) [123].

Other conservation areas

705. I consider that the principal visual effects of the development will be on those conservation areas closest to it, described above, and it is these effects that cause me the greatest concern. It would also be visible from other nearby conservation areas, to a varying degree, particularly those lying to the north of the site on rising ground [407]. Two viewpoints in the revised visual appraisal (PA 12) serve to illustrate the prominence of the tower in views from other conservation areas. View 2095 is looking down Park Road, from Montpelier Park conservation area. View 2085 is looking west along Uxbridge Road from Gunnersbury Avenue in Ealing Common conservation area. The contrast in scale between the tower and the context of existing development is clearly apparent [409, 465]. In my judgment the intrusive and alien form and its contrast with the nature of the surroundings outweighs any conceptual benefit which might be said to arise from its landmark status, or the intrinsic quality of design [208, 450].
706. Further afield, the effects would be more limited. The tower is designed to be a landmark, and the upper floors will be glimpsed from many locations at street level around Ealing Town Centre above the predominantly low-rise development, and more prominently in views from upper floor windows. Rising to some 90 metres above the entrance level it would certainly draw the attention, and to some would be an unwelcome intrusion in the skyline, but I do not consider that it would be so dominant as to be materially harmful to the setting or character of these more distant conservation areas.

707. English Heritage expressed particular concern about the impact on the grounds of the Grade I Pitshanger Manor but in my estimation these would be very limited, due to the height of intervening town centre development [210]. While I would not regard the landmark effect as enhancing these views, nor would they amount to material harm.

Conclusion on conservation areas

708. In summary, the application proposal represents a major development on a key site in Central Ealing. Conservation area status certainly does not imply that there should be no changes or additions to built form [418]. Good contemporary design is often to be preferred to a more imitative approach [74, 140], but it is important, particularly in and adjacent to conservation areas, that it respects the character of its surroundings. In some cases, for example in a number of the Secretary of State decisions that were drawn to my attention, the quality of design of an individual building has been viewed as an enhancement to the historic environment, even where there has been a radical difference in mass, height and design characteristics [176, 207].
709. The conclusion of the Revised Townscape and Visual Assessment (PA 12, page 19) recognises that there is a balanced judgment to be made. *'The development has a range of positive elements that would contribute to improving Ealing's townscape but raises some concerns about the impact on Haven Green. To conclude, the development is on balance responsive to its context and is successful in enhancing the townscape of Ealing and its sense of place. The high design quality of the Development and the range of mitigation factors used would overall result in a positive impact on the visual quality of Ealing'*.
710. For the reasons I have given earlier and looking at the scheme as a whole, I do not consider that the quality of the architecture in this scheme would overcome the problems which arise from the scale, massing and visual effect of the proposed built form in relation to its surroundings [419].
711. I conclude that the development would conflict with saved Policy 4.8 of the UDP in respect of its effect on the conservation areas, and would not meet the requirements of London Plan Policies 4B.1, 4B.9 and 4B.10 as regards respect for local context, and acceptability in terms of design and the impact of tall buildings on their surroundings. In my judgement it would fail to preserve or enhance the character or appearance of the Town Centre Conservation Area, and the setting of Haven Green Conservation Area. [390].
712. It was argued at the Inquiry that this would be to adopt an 'overly-historicist' approach in the context of Ealing's designation as a Metropolitan Centre [126, 139, 178, 182]. In the particular circumstances of this case, however, I consider it is more a matter of giving due weight to the fundamentals of the character and appearance of the setting and surroundings, in the light of planning policy for development affecting conservation areas.

4. *Housing - the extent to which the proposal is consistent with policies in PPS 3: Housing to meet the housing requirements of the whole community (including those in need of affordable housing), widen housing opportunity and create mixed communities;*

713. National objectives for housing policy are set out in Paragraph 10 of PPS 3: They include well designed, high quality housing; a mix of housing to support a wide variety of households; a sufficient quantity of housing taking into account need and demand; housing developments in suitable locations, with a good range of community facilities and good access to jobs, key services and infrastructure.
714. Housing is a major element of the development. It includes proposals for 567 flats, of which 488 are proposed as private units. The residential density is calculated by LBE to be 1529 habitable rooms per hectare (hr/ha) or 556 units per hectare (u/ha) (LBE 1, page 120).
715. The proposed density would significantly exceed the upper end of the range of densities given in Table 3.A2 of the London Plan. This would not automatically rule out development of this intensity [116], but may be an indication that the development would have other harmful effects, for example those I have identified under Issues 2 and 3 above.
716. The mix of unit size would be 12 studios, 219 one-bedroom flats, 242 two-bedroom flats, 88 three-bedroom and 6 four-bedroom flats. 10% will be to wheel-chair standard. The substantial majority (82%) of units would be one - and two - bedroom, with 15% comprising three - bedroom units and 1% four - bedroom units.
717. Objectors considered that this mix would not reflect the Borough's needs for housing, particularly in respect of the small proportion of family-sized units. Furthermore it was argued that the development would fail to make adequate provision for affordable housing.
718. As regards the mix of unit size, a high proportion of the units would be for one or two-bedroom households, with some 15.5% three-bedroom units. This represents a significant proportion of mid-sized properties. 6 four-bedroom properties would be provided.
719. There were anecdotal reports of a plethora of unlet small flats in new developments, and purchasers being stuck in unsuitable accommodation when their circumstances changed [454]. However, no systematic evidence was presented, and current vacancies may simply reflect the economic cycle. Nationally, new household formation is predicted to be predominantly of smaller households, and this would be reflected in the proposed mix. To my mind, the mix includes a reasonable proportion of larger units for a development of this nature.
720. The scheme would provide 79 affordable housing units, which would be accommodated in Block B, representing 13.9% of units. This amount of affordable housing is significantly below the overall targets set in the London Plan Policy 3A.9 and UDP Policy 5.2 of 50% [467]. Both documents recognise that less than 50% may be justified where there will be particular costs associated with the development that would prejudice the viability of a scheme or the realisation of other planning objectives [215].

721. The scheme has been evaluated for the Applicant using the Greater London Authority's affordable housing toolkit, which is widely used to assess the viability of schemes which include affordable housing. The appraisal demonstrated that the residual land value of the application scheme relative to the existing use value (EUV), taking into account the proposed affordable housing provision and Section 106 contributions, was negative. This also took into account the extraordinary construction costs involved in building a raft over the railway tracks. The appraisal concluded that the scheme could not support affordable housing provision greater than 13%. These results were independently validated on behalf of the London Borough of Ealing [219, 314, 467].
722. It was suggested by objectors that a less complicated, lower-rise scheme, would be able to sustain a higher proportion of affordable housing [214]. However, no evidence was put before the Inquiry in support of this contention. I am therefore not in a position to reach a meaningful conclusion on the validity of this proposition [216]. In any event, my role is to evaluate the proposal before the Inquiry, rather than any notional alternatives [215]. The Mayor's SPG on affordable housing emphasises the need for levels of affordable housing to be robust and realistic.
723. I accept that it is likely that flats in this location would be relatively expensive to buy, but this is not unique to this part of London. The inclusion of affordable housing within the development, and an element of provision for larger households, goes some way to meet the PPS 3 objective of inclusivity.
724. The site is highly accessible and residents would have good range of community facilities. I have considered the specific deficiencies referred to by objectors at paras 767 - 775 below, but there was a measure of agreement with the Council's witness, speaking as a resident, that Ealing was '*a good place to live*' in this respect. Many public, community and commercial services are available within Ealing itself, or are readily accessible by public transport. Similarly, notwithstanding current economic difficulties, residents of the development would be well placed in respect of jobs, key services and infrastructure.
725. A number of objections related to the design standards of the residential accommodation [453, 489].

Privacy

726. Central Ealing Residents' Association (CERA) and others considered that distances between facing windows in some blocks would be inadequate to safeguard the privacy of occupiers, and to provide adequate sunlight/daylight, in some cases falling significantly below Ealing Council's 21 metre guideline set out in Table 5C of the UDP [515]. For example, the minimum facing distance between windows between blocks D and E is some 14.5 metres, though typically the separation distance is 17.5 metres or higher. In some parts of the development, the separation distances would be well below the Council's standard. This is recognised in the Report to Planning Committee (LBE 1), where separation distances as low as 15 and 9 metres are identified.
727. A condition is proposed (Annex A, Condition 52) requiring details of the measures to prevent overlooking between residential units, including screening of balconies to be approved by the local planning authority.

728. The separation distances included in the UDP are widely used by planning authorities but are not applicable in all circumstances, and should never be applied rigidly. By Design (BP 2) recognises that general planning standards prescribing minimum separation distances between habitable rooms can frustrate the creation of attractive residential environments by denying the ability to provide privacy through careful design. Some of the units where these significantly reduced separation distance occur are dual aspect units, where the principal aspect faces the courtyard gardens, with ample separation. In other instances, the designers have sought to achieve an acceptable degree of privacy by off-setting facing habitable room windows. While there remain a few instances where the scope for further mitigation is limited, this is a matter to weigh in the balance with other considerations, including the need to maximise the use of sustainable sites. I do not consider these limited concerns would justify refusal of planning permission.

Daylight

729. While the upper level flats would generally have very good sunlighting and daylight, sunlight penetration to some of the lower level dwellings would be compromised by the height, spacing and orientation of the blocks. Some would not receive any direct sunlight. However, as By Design recognises, design decisions need to be made in the round to reach a considered balance between competing design objectives. In a highly sustainable location, efficiency of land use to take advantage of the excellent transport infrastructure, is an important consideration.
730. The Daylight, Sunlight and Overshadowing report (dated 7 October 2008) carried out by Gordon Ingram Associates as part of the ES assessed the quality of light within the proposed accommodation (PA 9, Section 8). In order to gauge the levels of daylight within the development the lower levels of residential accommodation were assessed to provide a worst case scenario. The Average Daylight Factor (ADF) method of analysis was considered to be appropriate as it gives a more accurate assessment of daylight penetration where room dimensions and aperture sizes are known.
731. The results are set out in Section 8 and Appendix 5 of the report. I accept that they demonstrate a high level of compliance with Building Research Establishment (BRE) Guidelines assessed against the ADF method. Of all the rooms assessed, 96% were compliant. The few rooms which fall below were mostly bedrooms, or kitchens, and the degree of shortcoming was marginal. As the rooms assessed were all on the first residential floor, it can reasonably be assumed that rooms at higher levels would perform better.
732. A few units are principally north-facing, and in consequence, would receive no direct sunlight. Others, though facing within 90 degrees of south, would have sunlight obstructed by the height of the blocks. A number of units would not comply with other methods of assessment, for example the Visible Sky Fraction method.
733. I accept that serious efforts have been made to improve lighting conditions to the lower floors by modelling the elevations of the blocks. This has gone some way to eliminate poor lighting conditions from the lower levels. Bearing in mind the urban context of the development, and the need to make efficient use of a key development site, I consider that the standards achievable would

be acceptable. The relationship between the blocks and the spaces between them, and the arrangement of dwellings within the blocks, ensures that standards of daylight which comply with BRE guidelines would be achieved for all but a very few habitable rooms.

Amenity space

734. Table 5.D of the UDP sets a requirement for 15 m² of amenity space per flat. This would equate to 8,505 m² for the whole development. The proposals include a total of 6,145 m² of amenity space in the form of courtyard gardens (3,286 m²), balconies (2,747 m²) and roof terraces (112 m²). Residents of each of the 6 blocks would have access to a courtyard garden (2 in the case of Block E). A proportion of this would be for play space, amounting to a total of 982 m², somewhat above the requirement based on an estimate of 75 children under the age of 5. 220 of the 567 units would have a private balcony, and in addition there would be a roof terrace between the retail and residential elements of Block F [309].
735. It is acknowledged that this level of provision represents a deficiency against the Council's adopted standards [453, 482]. Nevertheless I consider that it would be difficult to meet the full amenity space standards in a town centre scheme. I conclude at para 774 below that residents of the scheme would have good access to high quality public open space, which did not appear to me to be overcrowded at the height of the summer. The S 106 obligation would provide for a contribution towards improving the facilities and provision of play space at existing open spaces nearby.
736. Conditions have been put forward to address potential health effects from the venting of fumes from the underground car parking area, and the possibility of allergic reactions to tree pollen in flats with windows facing Haven Green. These are discussed in para 765 below, where I conclude that they would be an acceptable approach to the resolution of these issues.
737. My overall conclusion on compliance with PPS 3 and housing policy is that the development would make a valuable contribution to Ealing's housing requirement, in accordance with UDP housing policies and London Plan policies which aim to ensure that housing targets are met and where possible exceeded. While the density would be well above the range set out in the London Plan, the development would generally provide a high standard of accommodation, with a range of size and tenure. Residents would have access to a wide range of community facilities, jobs and services. Although the affordable housing provided would be below London Plan and Ealing targets, an independent assessment has verified that this is the maximum that the development could provide if the development is not to be rendered unviable.

Other matters

Access and Servicing

738. A number of points of detailed design relating to the operation of the access and internal circulation, particularly for those with disabilities, were raised by objectors.
739. Vehicle access to the development will be from Springbridge Road, from a position south of the existing access to the Arcadia Centre, opposite the corner

of the churchyard and the access to the primary school [470]. The set back of built development would be increased and the carriageway re-modelled to increase the width of the footway on the eastern side of Springbridge Road. Because this part of Springbridge Road is one-way northbound, vehicles entering the site would approach from the direction of the junction of Springbridge Road with the Broadway. Vehicles turning right into the site would have priority over vehicles exiting. With the predicted increase in peak time usage, objectors consider this arrangement is likely to give rise to increased congestion and conflicting movements [374]. There is also the potential for vehicles including HGVs to queue on the ramp, waiting to exit the development.

740. I note that the in and out arrangement seems to be at odds with the direction of flow on Springbridge Road [374]. However I agree with the Council's assessment (LBE 1, page 148), that this arrangement is more familiar for drivers and provides a greater diameter tracking curve for large vehicles entering the site. The use of a priority junction is not unusual in these circumstances.
741. Objectors also raised concern that there is no provision for a holding area in the highway [373]. SEC referred to the situation at the Ealing Broadway Shopping Centre, where there is capacity for a number of HGVs to be held at street level before entry to the underground goods handling area. There has been a fundamental change in the approach to access and servicing design standards since the Ealing Broadway Centre was designed and built. That type of arrangement is land-hungry and inconsistent with current design approaches which favour economy of land use and intensification of use in sustainable locations, consistent with safety, reasonable convenience and wider design considerations. There is clearly a balance to be struck.
742. Some benefit would derive from the widening of the pavement, and the opportunity to provide a coach dropping-off point for the school, which is the subject of a proposed condition. I appreciate that some aspects of the vehicle access arrangements would still be less than ideal, amongst which proximity to the school access, the width of the pavement along the western side of Springbridge Road, the potential for increased congestion and conflict of vehicle and pedestrian movement at the site entrance are not to be discounted lightly [236, 375].
743. Nevertheless, the options for achieving access to the site, if better use is to be made of it in accordance with the UDP, are in practice limited to Springbridge Road, where there is an existing vehicle and service access, albeit for a smaller amount of development. It appears to me there is no practicable or desirable alternative option from either the Broadway or Haven Green.
744. 17 servicing bays for a range of large, rigid and 'Transit' sized vehicles would be provided on the upper car park level. It is acknowledged that this is considerably below the UDP standard of no less than 1 space per 500 m² floorspace. However I consider that that level of provision on this sustainable site would represent an inefficient use of land, and would not reflect the realities of modern retailing. A managed service yard, requiring deliveries to be booked in advance to manage vehicle flows within the area, is proposed. The Applicant drew attention to the British Council of Shopping Centres 2007 research study: Servicing Areas for Shopping Centres. It updates a previous

research study issued in 1995. While it has no statutory status as policy its conclusions suggest that with a provision of 5.9 or more spaces per 10,000 m², a satisfactory situation will exist with only a modest level of control.

745. Detailed criticism was also made of the width and alignment of internal circulation for HGVs and cars. Swept path analyses have been produced by the Applicant (TSOCG and GK 8) which to my mind demonstrate that there is sufficient space for manoeuvring to be undertaken safely. While the alignments are tight, this is not unusual in circumstances where space is at a premium, as here. I do not consider that the proximity of the ramp to the access point would create any particular problems for use by HGVs, or safety issues for other users.
746. It was suggested by objectors that Springbridge Road could be widened so that it becomes 2-way, with a drop off outside Christ Church School and a filter lane into the proposed development provided. However, I am not aware of any policy which suggests that making this part of Springbridge Road two-way is a current priority, or any evidence that it would be desirable in traffic or townscape terms. Similar considerations apply to the suggestion that the junction of Springbridge Road with the Broadway could be widened so that traffic could travel south and turn left onto the Broadway.
747. Overall I consider that the proposals deal satisfactorily with the difficult access issues which arise from the development of a key Town Centre site. While it is acknowledged that there may be increased congestion at certain times and some potential for vehicle/pedestrian conflict, particularly in Springbridge Road, elsewhere the scheme would deliver considerable benefits in terms of improvements to the pedestrian environment through the creation of new routes and spaces within the development, and wider pavements on the site frontages. In considering access arrangements, the emphasis should be on making efficient use of space, consistent with safety and reasonable convenience. To my mind the proposals strike a reasonable balance in this respect.

Disabled access

748. A number of detailed criticisms were made of the treatment of disabled access issues in the design of public access areas. In particular the need for steps on the north-south access between Haven Green and the Broadway was seen as a serious disadvantage, forcing disabled people to rely on platform lifts which were considered inadequate and undignified [483]. The only alternative would be to take an inconvenient lengthy route to avoid stairs. Use of the level east-west access would require wheelchair or buggy users to cross the vehicle access in Springbridge Road, which would be unsafe and could give rise to conflicts with vehicles. The location of disabled parking spaces in the lower basement would be inconvenient. There would be no easy access to Uxbridge Road from the street level exit to the visitor parking for wheelchair users, or to the upper floors of split-level shops. The disabled toilets are on the upper basement, while disabled parking is in the lower basement. It would be better if the toilets were located at street level [377, 497].
749. I appreciate that some aspects of the design are less than ideal for disabled users. Nevertheless it is fair to say that the design team and Council officers have gone to considerable lengths to ensure that the needs of the disabled

have been taken into account. The evolution of the proposals has also been considered by the Ealing Access Committee, the London Access Forum and the GLA [241, 311].

750. The change in levels across the site has constrained the ability to design a stairs-free scheme to provide seamless access for wheelchair users. The bridging of the railway is a fixed element of the scheme, which determines achievable gradients. The view was taken early on that it was preferable to establish a level and ramped access route from east to west. Steeper gradients would have been needed on the north-south axis [241, 311]. The scheme includes two platform lifts from Haven Green and one from the Broadway. The eastern entry from the Broadway has two passenger lifts, each capable of accommodating 8 people standing. A condition has been proposed regarding the detailed design of the lifts, which would enable the Council to ensure that they make satisfactory provision for use by disabled people [382, 311].
751. The disabled toilets are accessible by lift, and there are other facilities provided in the development, as well as accessible toilets in the Ealing Broadway Centre. There is opportunity to refine the detailed design of the public access arrangements and facilities provided through conditions which have been proposed. The number of disabled parking spaces is compliant with UDP policy.
752. Criticism was also made of the provision for shopmobility, it being suggested that £180,000 was a very small amount [312, 500]. The S 106 Agreement allows for either a financial contribution or a contribution in kind, which could include premises, equipment or staff. Either way the contribution which the development can be expected to make should be proportionate. It cannot be required to rectify an existing lack of provision in Ealing Town centre. Other contributions have been sought from other development sites and it is expected that a Shopmobility scheme will be in place before the Arcadia development is completed. In the circumstances, I consider either a financial or in-kind contribution is an acceptable approach.
753. I consider on balance that the facilities and accessible new public realm provided would be of significant benefit to all users, including the disabled. While I acknowledge some shortcomings, I do not consider they would be sufficient to justify refusal of the application.
754. I conclude that the design of development has addressed the requirements of London Plan Policies 4B.1 and 4B.5 and saved UDP Policy 9.5 to achieve a development which would be accessible, and which could be used safely and with dignity.

Atmospheric Pollution

755. SEC (SEC 4 paras 9 – 16) and others raised concerns that ground level pollutants resulting from vehicle emissions, including nitrogen dioxide (NO₂) and diesel particulates (PM10s) were already above permitted levels in the vicinity of the site, and that additional traffic, and longer queues would contribute to a further unacceptable increase in atmospheric pollution, in the absence of extra road capacity to improve flows [510]. It was argued that consequences would be particularly harmful adjacent to the Springbridge Road access to the development, and the school entrance [471].

756. PPS 23 : Planning and Pollution Control requires LPAs to ensure that in the case of potentially polluting developments, the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable. It recognises that the impact on air quality is likely to be particularly important where the development is proposed inside an Air Quality Management Area (AQMA) [257]. Para 1G.2 states that it is not the case that all planning applications for developments inside or adjacent to AQMAs should be refused if the development would result in a deterioration of local air quality.
757. The air quality effects of the proposal are addressed at length in Chapter 15 of the Environmental Statement (PA 10). Targets for air quality monitoring are set in the Air Quality Standards Regulations 2007. The Regulations set monitoring objectives of $40 \mu\text{g}/\text{m}^3$ (annual mean) and $200 \mu\text{g}/\text{m}^3$ (1 hour mean not to be exceeded more than 18 times per year) for NO_2 . For PM_{10} s the objectives are $40 \mu\text{g}/\text{m}^3$ (annual mean) and $50 \mu\text{g}/\text{m}^3$ (24 hour mean not to be exceeded more than 35 times per year).
758. Table 15.2 of the ES sets out selected receptor locations for the assessing the impact of air quality effects. Assessment was carried out using the Cambridge Environment Research Consultants (CERC) ADMS-Urban model. The model is widely used in urban situations and is used to predict how emissions from the road sources combine with local background pollution levels, taking account of meteorological conditions, to affect air quality [263].
759. The LB Ealing's review and assessment process predicts that PM_{10} and NO_2 will exceed air quality objectives. The annual mean NO_2 levels predicted in the area of the site for 2005 were approximately $45 - 50 \mu\text{g}/\text{m}^3$ at the roadside of the surrounding roads, and approximately $38 \mu\text{g}/\text{m}^3$ within the centre of the site. Ealing's 2008 Air Quality Progress Report also showed that monitoring from automatic and non-automatic sites indicate that concentrations are still likely to exceed the short and long term air quality objectives.
760. The continuous monitoring station at Ealing Town Hall showed that NO_2 concentrations were at or about the annual mean $40 \mu\text{g}/\text{m}^3$ level in 2005 – 2007, though the levels were exceeded in 2006 ($\mu\text{g}/\text{m}^3$). Diffusion tube monitoring in the vicinity indicate high exceedence of the annual mean objective on a continual basis. The diffusion tube closest to the site (Location 8 – The Broadway) shows NO_2 concentrations at approximately twice the air quality objective. The ES states that *'these levels are not representative of the entire site as the tube is located at the roadside edge of a busy junction where a number of bus routes terminate and adjacent to the railway line. As a result it is likely that buses lie idling here over extended periods, as well as emissions from the railway create a worst case situation, which would not be representative of conditions within the site itself, where there might be public exposure.'* It seems to me a reasonable assumption that these concentrations would not be representative of the entire site [261, 262].
761. That there is an existing problem with air quality in the area is not in doubt. While the high concentrations of NO_2 and particulates would not be typical of the entire site, the general public, including users of the site, will continue to be exposed to these high concentrations when moving between the site and Ealing Broadway Station, for example. New crossings would be introduced, for

example on Springbridge Road and Ealing Broadway, which may bring about some increase in vehicle congestion (and hence reduce dispersal of airborne pollution) as a direct result of the development. However this should be seen in the context of a predicted decline in pollution levels arising from air quality management measures and the implementation of tighter EU vehicle emissions standards by 2017, the expected date for completion of the development.

762. Table 15.9 sets out the results of dispersion modelling for 16 identified receptor points in and around the development. It predicts that without the development there will be a reduction in NO₂ and particulate concentrations by 2017. Though the development itself would have some direct effect in increasing pollution levels, these would in most cases be modest.
763. There are, however, two locations where significant adverse changes in NO₂ concentrations are predicted, when measured against criteria set out in paragraphs 15.38 to 15.46 of the ES. At Location 2 (12 Springbridge Road) an increase of some 8.6 % (annual mean) is predicted, and 35 µg/m³ in relation to the hourly mean. At Location 9 (The Town House) an increase of 4.4% (annual mean) is predicted, and 9 µg/m³ in relation to the hourly mean [259].
764. Even so, the modelling shows that predicted NO₂ concentrations measured against the annual mean would still be lower than in 2007 at all receptor points. The identified receptor points of the new development considered particularly sensitive, principally the residential blocks, are predicted to experience levels well within the air quality objective targets.
765. The Council's Senior Scientific Officer (Air Quality) reviewed the revised scheme and confirmed that, while the scheme would not result in widespread new exposure to air pollutants, a number of detailed concerns remain (LBE 1, page 154) [298]. The predicted hotspot at 12 Springbridge Road would be a result of bridging the railway, which would redistribute emissions from passing trains to the end of the deck. A condition is proposed to ensure that venting of exhaust fumes from trains is directed away from residential facades on Springbridge Road. A further condition was suggested to ensure satisfactory air quality from the proposed first floor level ventilation extract from the basement parking levels, to avoid nuisance to residents of the flats above. I consider that such conditions would not change the nature of the proposal, and would be an acceptable means of ensuring satisfactory living conditions in respect of air quality [260].
766. While I understand the concerns of objectors over placing reliance on future reductions in atmospheric pollution to ensure that air quality monitoring objectives will be achieved, there are significant public policy measures in place driving a general improvement in air quality, which will have beneficial effects at the local level. In the circumstances, I consider that it is reasonable to take a longer term, Borough-wide approach to concentrations of a NO₂ and air-borne particulates. The identification of the site as a key development site in Ealing and in the LP presumes some intensification of development in the interests of efficient and sustainable land use. As PPS 23 recognises, if air quality in specific locations represented an absolute constraint on development, some sites in what are otherwise the most sustainable locations would be sterilised for development, which would run counter to national and regional planning objectives [256].

Social Infrastructure and Community Facilities

767. The Council has adopted the approach that contributions to public infrastructure made necessary by the development can be provided through a Section 106 obligation. The detailed provisions of the Section 106 are set out in paras 566 - 574 above. I understand the point made by objectors that the sums involved may seem inadequate in the context of the deficiencies in provision that they identify [477, 487]. Nevertheless it is an important principle that contributions sought are proportionate and reasonable in respect of the development proposed. While it is reasonable to expect a contribution to community provision, a single development cannot reasonably or realistically provide all the facilities which are lacking in the Town Centre, however desirable.
768. In terms of community uses, including performance venues, the Council's strategy is to upgrade and make better use of existing facilities such as the imposing Town Hall. I am aware that in its present state it is less than ideal as a performing space, has limited availability, and is perceived as being prohibitively expensive for voluntary groups. I can fully appreciate the attractions of a central purpose-built concert hall as a home for Ealing's talented and enthusiastic voluntary groups, and a home for the arts and community activity [459, 475]. Clearly the London Plan's polycentric strategy is not just about maximising retail and housing opportunities.
769. However it is also necessary to be realistic about what can be achieved. As far as I am aware the London Borough of Ealing has no current proposals to support and fund this type of project [293]. Ealing residents have good access to world-class arts venues in the West End and central London. A pre-feasibility report part-funded by Ealing BC [292, 474] identified a need for this type of provision, but this has not been taken forward in any current strategy. Even if a building on the site was provided by the developer, there would be continuing management and revenue costs, and it is far from certain that appropriate rehearsal space could be provided, or that hire charges would be within the reach of voluntary groups.
770. The lack of space in local Schools was also raised [360]. Christ Church C of E has already been asked to expand by 33% to address expected population growth, without the additional pressures arising from this development [473]. I was informed that there are similar pressures on other schools in the Borough. While these concerns are to be taken seriously, I do not consider they should prevent development which is in accordance with development plan policy. The fact that London and Ealing needs to provide more houses is not disputed, and there will be a consequent increase in demand on services. This development is not of a scale to require the provision of a new school, nor is there any realistic prospect of one being provided on or off site. Notwithstanding capacity problems, the approach of requiring a contribution to the provision of facilities elsewhere is widely adopted, and seems reasonable in this case. The education authority is satisfied that the level of contribution is reasonable, and I have no systematic evidence to contradict that view.
771. Similar considerations apply to health provision. There is no policy requirement to provide a new surgery or clinic on site. I note that some facilities in Ealing are already under pressure, and there are questions as to whether a new health centre on the old Daniels store site in West Ealing is

likely to be delivered [364]. On the other hand it was pointed out by the Council's witness that there is a wide range of healthcare provision, public and private, in and around Ealing including complementary medicine and other therapies. It is for the health authority to determine how any additional requirement for these services can best be met, and no requirement was put forward for a new facility on site. In the circumstances I consider that a financial contribution through the Section 106 obligation would be an acceptable approach.

772. Objectors also sought the provision of a fully functioning police station, the main Police Station being in Acton, with a limited office presence in Ealing. Again while there may be concerns about the level of policing, this is primarily an operational matter for the Metropolitan Police. The distances involved are relatively small, and the duplication of facilities in Ealing would not necessarily be in the interests of effective policing.
773. Lack of provision for new open space, including play space was another deficiency identified by SEC and others. It was argued that too much reliance was being placed on existing capacity at Haven Green, and that new residents, including those of the Dickens Yard development, will overcrowd an area that is already under pressure [458, 479, 521]. It was also stated that there are limited ways in which Section 106 contributions can be spent to improve the quality and provision of open space.
774. The Inquiry sat during a spell of particularly fine weather in June and July. While the nearby greens and open spaces were busy, I did not get a sense of overcrowding or overuse. It is unlikely that all residents would wish to use the open spaces at the same time. There are a number of high quality spaces within walking distance of the centre of Ealing, which in my estimation have the capacity to absorb the cumulative additional population arising from these developments. Section 106 contributions would allow improvements to be made to playspace, and ensure that the spaces are maintained in good condition.
775. On the evidence available to me I conclude that the approach of financial contributions to the mitigation of these social and community impacts through the S 106 agreement is reasonable and proportionate to the scale of development proposed in the application. The economics of site development are such that the development can only sustain a limited contribution to affordable housing provision, and it is an important element of principle that the level of contributions sought are not such as to frustrate development which is in other respects desirable and policy compliant. I consider that the S106 agreement strikes a reasonable balance in these matters.

Biodiversity

776. Amongst other things, LP Policy 4B.1 requires that development should *'respect the natural environment and biodiversity, and enhance green networks.'* An identified *'green corridor'* runs along the railway cutting, which would be enclosed by the bridging works.
777. The proposal includes green roofs in the form of courtyard gardens and roof terraces totalling 3,018 m² on buildings A, B, D, and E, which include some elements for wildlife. This would be classified as private open space, accessible only to future residents. In addition, some 5,723 m² of extensive

green roof would be provided in the development as a whole, with access restricted to maintenance and survey purposes only.

778. The green roofs would comprise different species and be located at a higher level to the Green Corridor, and would not provide a like for like replacement. There would clearly be some disruption of continuity for ground dwelling species. However, the existing green corridor is already fragmented, with long breaks on either side of the application site. Its functionality is accordingly compromised, with Ealing Broadway Station and Springbridge Car Park providing a hostile environment for most species. While I agree that the proposed green roofs would not perform the same function, the existing corridor is not in my view of such value in this location that its enclosure would result in significant harm to the viability or distribution of species which currently depend on it [265, 385].

Trees

779. Concern was also raised over the potential for damage to trees on Haven Green, which has some very fine trees relatively close to the northern edge of the proposed development site. The effects of the development were considered by the Council's tree officer, who concluded that the trees were set sufficiently far from the edge of development so that their root systems would not be damaged [264]. Some pruning would be necessary to the canopy to accommodate the height of the adjacent facades.
780. A number of detailed conditions are proposed which are intended to protect these trees from the effects of construction. There is no doubt that the northern edge of built development on the site would be very close to the canopies and root protection zones of important trees on Haven Green. The need for pre-pruning of some canopies is an indication of this. To some degree this is an inevitable consequence of developing the Haven Green frontage, which is an objective of the UDP and the site specific SPG, and draws support from some objectors to this scheme. While I have some concerns for the health of the trees, on balance I consider that the suggested conditions, which provide for rigorous monitoring during construction works, would provide an acceptable safeguard, which would preserve the important contribution that these trees make to the amenity of Haven Green [264].
781. There was also objection to the loss of self-seeded trees within the site, at the top of the railway cutting. However, I do not consider that these trees are of any particular value, and their loss would not justify refusal of permission for a development which was in other respects acceptable.

Loss of light and overshadowing

782. A number of windows in adjoining properties would be affected by the proximity of the development, in particular properties on Haven Green and Springbridge Road and Ealing Broadway. A detailed assessment of these effects is set out in PA 9 Daylight, Sunlight and Overshadowing report (dated 7 October 2008) carried out by Gordon Ingram Associates as part of the ES. For most of the properties assessed, the losses were assessed as very modest in nature measured in relation to Building Research Establishment (BRE) guidelines. Retained Average Daylight Factor (ADF) values were considered to be acceptable in an urban situation. More serious adverse effects were predicted at 2, 4, 10, and 12 Springbridge Road, where it was found that any

additional massing in the vicinity of the properties would quickly lead to habitable rooms falling below the recommended ADF minima. On these properties the impact is assessed as substantial and adverse. This is in some measure due to the small size of windows which mean that these rooms currently experience poor lighting conditions.

783. These effects would conflict with saved UDP policy 4.1, which requires development to respect current standards of natural lighting. The Council has taken a balanced view that these losses would be heavily outweighed by the benefits of the scheme. It is fair to say that any development on the appeal site involving a greater mass of buildings along the Springbridge Road frontage would lead to loss of light to these properties, and strict observance of the BRE guidelines would have the effect of sterilising the development of the site. On balance I accept that these limited effects, though clearly adverse, would not be so great as to justify refusing permission in themselves, in the absence of any other compelling reasons.
784. There was also widespread concern amongst objectors that the shadowing effect on Haven Green itself would be severely detrimental [384, 479, 485, 520, 521]. In the summer months, with the sun high in the sky, I do not consider that the degree of shadow cast on the Green by the tall buildings would be unacceptable. However, for significant periods either side of the winter solstice the buildings would cast long shadows over the Green and beyond on bright days, as the evidence of CERA showed [CERA 6]. I acknowledge that these would be transient, and that the Green is less intensively used in winter [250, 251, 290]. The degree of permanent shadow would be negligible [247]. Nevertheless the Green is an important local amenity, and much of it would be affected by transient shadow for long periods during daylight hours. In my opinion the effect on the character and amenity of the Green would be harmful, and would be a contributory factor to the harm to the Haven Green conservation area that I have identified elsewhere.

Energy Strategy

785. A revised energy strategy is referred to in paragraphs 8 - 10 above, and is the subject of proposed condition 74 (Annex A, below). This would require a strategy to be approved and implemented in accordance with the Energy Strategy Response Note, dated 12 January 2009 (PA21), with the aim of achieving a reduction in energy demand and carbon dioxide emissions of some 11% through the use of on-site renewable energy generation. It is agreed in the SOCG that this is the maximum feasible taking into account the suitability of alternative measures, and there is no other evidence before me to undermine this conclusion. While this falls short of the London Plan target of 20%, other energy efficiency measures proposed in the strategy would achieve a combined reduction in energy use and CO₂ emissions of some 32%. In the circumstances I consider that this is a satisfactory response to the climate change policies of the London Plan [310, 314].

Emergency Access

786. I have taken into account the concerns of a number of residents that the development and the railway lines would be inaccessible to rescue services in the event of accident or emergency [476]. The Inquiry was informed that the

buildings and spaces, including the tower, were designed to allow access in the event of emergencies, as would be required by regulation. I note also that no concerns have been expressed in this regard by the rail operators or emergency services. I conclude that there are no grounds to suppose that the development would present any unusual problems for rescue and emergency services.

Other local effects

787. I have also taken into account concerns relating to the potential for tall buildings to induce windy conditions at ground level [464] and interfere with telecommunications signals [511]. It is acknowledged that the construction of new buildings has the potential to alter local wind conditions, which in turn can affect pedestrian comfort. Wind tunnel tests were carried out on behalf of the Applicant and the results are set out in the ES (PA 10, Section 18). A small number of locations within the development where the effects would be described as minor to moderate adverse were identified, and mitigation is considered necessary. The measures suggested include perimeter/partition screening and planting. I consider that such design solutions as are needed to achieve satisfactory mitigation would be minor in nature and capable of being addressed by a suggested condition (Annex A, Condition 57).
788. With regard to telecommunications, it was argued at the Inquiry that these matters should be fully resolved before the grant of planning permission. The issue is considered in detail in the ES (PA 10, Section 19). It concludes that the analogue television broadcast signal is due to be switched off in 2012, before expected completion of the development, so there would be no adverse effect in this regard. Without mitigation the development could, however, have a theoretical 'moderate adverse' impact on digital broadcast television due to the shadowing effect of tall buildings. A number of possible technical solutions are canvassed in the ES, and a condition was proposed to address the issue (Annex A, Condition 56). I have amended the suggested condition in the interests of clarity.

Adequacy of consultation

789. I have noted objections to the effect that there had been inadequate community involvement at all stages and that residents' views were not properly considered by the Borough Council when the decision to support the scheme was taken [551]. I have no reason to suppose however that there was anything improper in the way the planning application was handled, and it appears to me that there was ample opportunity for opposing views to be heard [529]. In addition I consider that the Inquiry has provided objectors with a further full opportunity of voicing their concerns in respect of the planning merits of the case.

Adequacy of the Environmental Statement

790. Subsequent to the submission of the October 2008 amendments some further design work was undertaken to modify the appearance of the tall building, Building F. Revised planning application drawings reflecting these changes were prepared and the implications of these changes in respect of the validity of the October 2008 'ES Addendum'. The Addendum presented the results of further EIA work undertaken in relation to the amendments. The additional information was provided in accordance with Regulations 19(3) to 19(9) of the

EIA Regulations and as required by the regulations the London Borough of Ealing published a note of receipt of this additional information.

791. Objectors, particularly Central Ealing Residents Association (CERA) raised concerns about the completeness and validity of the Visual Appraisal which formed part of the ES, in respect of a number of potential viewpoints of the development, and the labelling and viewpoint of some illustrations which were said to be misleading [512]. However, I consider that while it did not address every conceivable view of the development, the Visual Appraisal examined a range of representative views and perspectives, in a way which allowed a proper understanding of the effects of the development. Any labelling discrepancies were minor, and it was easy to recognise the location of view points. I do not consider that it was misleading. A further area of concern was the validity of the air quality information provided. I deal with this in detail in paragraphs 755 - 766 of my conclusions above, but I consider that sufficient information was provided to enable proper consideration of the issues.
792. I consider that the Environmental Statement and its Appendices, together with the further information provided in November 2008, satisfy the requirements of the EIA directive and regulations and that they provide sufficient environmental information to enable the Secretary of State to determine the application. It has considered the likely significant environmental effects of the development, on the basis of a detailed appraisal of the site and the surrounding environment, and identified ways of avoiding, reducing or offsetting any potential adverse impacts through mitigation.

Whether any permission should be subject to conditions and, if so, the form they should take.

793. A revised list of conditions is set out in Annex A below. I have set out the reasons for the conditions in paragraphs 552 – 565 above. Where questions have been raised as to the acceptability of individual conditions I have discussed this in the body of my conclusions. In the event of the Secretary of State concluding that planning permission should be granted, I recommend that the conditions set out in the Annex are attached to that permission.

Overall conclusion and recommendation.

794. The evidence to the Inquiry demonstrated that the appeal proposal would deliver a number of substantial benefits, which would fulfil some important objectives of development plan policy. In particular it would maximise use of a sustainable brownfield site in a key Town Centre location [90, 295], taking advantage of excellent existing and proposed public transport facilities available in Ealing, in accordance with Policy 3A.3 of the London Plan.
795. It would also contribute strongly to the Council's regeneration objectives, by re-invigorating Ealing's retail provision and reinforcing its status as a Metropolitan Centre [51, 93, 316, 446]. The retail and commercial units would frame attractive new pedestrian streets and spaces, which would substantially improve the permeability of the site, improve pedestrian links between Haven Green and the Broadway and repair the historic fracture created by the railway lines [90, 443]. Station Square, offering a much improved arrival space opposite Ealing Broadway station, and the new street framing the tower and spire of the Church of Christ the Saviour would be attractive new elements in the townscape [309]. The widening of pavements on the main street

frontages, and provision of new crossings would be of significant additional benefit to pedestrians [272].

796. The scheme would also deliver a significant volume of housing, again in a sustainable location, including a range of unit size and tenure, and a proportion of affordable housing, which has been independently assessed as the maximum the development can sustain and still remain viable [314, 447]. The signed S106 Agreement would deliver contributions to off-site provision of community and physical infrastructure which are made necessary by the development, and which I consider would be proportionate to the scale of the development and generally in accordance with the provisions of saved UDP policy 1.10.
797. Notwithstanding these clear benefits, I consider that the bulk, massing and certain aspects of the design would be inappropriate in its surroundings, and would fail to preserve or enhance the character or appearance of the Town Centre conservation area, and the setting of Haven Green conservation area, for the reasons set out in full in my consideration of the main issues. The massing of development facing Haven Green, and the elevations to Ealing Broadway are of particular concern. The height of the southern elevation of the scheme would in my judgment also harm the setting of the Grade II* listed Church of Christ the Saviour, diminishing its role as an important Town Centre landmark. While I accept that, considered in isolation, the design of the proposed tower is of high architectural quality, I consider that it would not contribute to the distinctiveness and identity of Ealing, and would be dominant and overbearing in the predominantly low rise context of Ealing Town Centre and development surrounding Haven Green.
798. I have taken into account the Applicant's contention that the identification of Ealing as a Metropolitan Centre in the London Plan is a key consideration in defining its character, and that a development of this intensity and mix of uses, incorporating a tower of high quality design, would be a reflection and fulfilment of this character. However, this should be seen in the context of Policy 3A.3 of the London Plan (Maximising the potential of sites) which states that development proposals should achieve the maximum intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Policy 4B.1 itself requires that development proposals should, in seeking to maximise the potential of sites and in fulfilling other important stated objectives, ensure that development proposals respect local context, history, built heritage, character and communities.
799. I acknowledge that the Dickens Yard development is well advanced in the planning process, and would itself change the character of the Town Centre, introducing a high intensity of development including tall buildings [133, 183, 306]. However these would be set behind the retained frontages to Uxbridge Road, and would not, in my estimation, have such a significant impact on the Conservation Areas.
800. While some of the key objectives of these policies would be achieved by the scheme, I conclude that the harmful effect on the character and appearance of the conservation areas, which are central features of Ealing Town Centre, outweigh the benefits of the scheme. For the reasons set out in full above, I conclude that the development would not be compatible with the local context

and heritage. It would conflict with Policies 4.1 and 4.8 of the UDP and advice in PPG 15.

801. In reaching my conclusion, I have given full weight to the Council for the London Borough of Ealing's strong support for the scheme, and the supporting stance of the Greater London Authority and CABE [136, 137]. These are important considerations, and I have not discounted them lightly. It is clear from the evidence to the Inquiry that in making its own assessment, the local planning authority placed great weight on the regeneration benefits of the scheme, as well as its contribution to the achievement of retail and housing policy, as set out in the evidence of its officers. The Council's view is that if this scheme does not get permission there is no early prospect or likelihood of the UDP proposals being fulfilled for this site [447, 526]. SEC and other objectors pursued the line that a smaller development, more consistent with the UDP allocation and the SPG 6 site guidance would avoid many of the detailed problems associated with a higher intensity scheme [451]. However there is no indication that such a scheme is likely to be promoted by the developer, or that it would be viable.

802. I recommend that planning permission for the application should be refused.

David Richards

INSPECTOR

APPEARANCES

FOR GLENKERRIN (UK) LTD:

Russell Harris QC	instructed by Paul Winter and Co, Fleet House, 8 – 12 New Bridge Street, London EC4V 6AL
He called	
Hugh Stewart B Arch (Hons), RIBA	Partner – Foster and Partners
Professor Robert Tavernor BA, Dip Arch, PhD, RIBA	Architectural and Urban Design Adviser
Julian Carter	GVA Grimley
Mike Axon BSc (Hons) FIHT	Director Savell Bird and Axon

FOR THE COUNCIL FOR THE LONDON BOROUGH OF EALING:

Morag Ellis QC	instructed by Jimmy Umrigar, LBE Legal
She called	
Brendon Walsh MBA, FRSA	Director of Property and Regeneration
Dick Johns Dip TP MRTPI	Planning Policy Manager
Neil Bleakley BA MRTPI	Major Borough Projects Manager

FOR THE JOINT RULE 6 PARTIES:

Thomas Cross of Counsel	
He called	
Will French	Save Ealing Centre
Eric Leach	Save Ealing Centre
James Guest	Save Ealing Centre
Tony Miller BA, FIPD	Save Ealing Centre
Nick Woodward	Save Ealing Centre
Anthony Lewis	Ealing Conservation Area Panels
Robert Gurd	Ealing Civic Society

INTERESTED PERSONS:

Sir Peter Hall	Resident
Peter Smith	Chair Ealing Broadway Business Improvement District and Urbancity
Ann Chapman	Councillor – Walpole Ward
Phil Greenhead	Councillor – Hobayne Ward
Colin Bradbury	Resident
Arthur Breens	Resident and businessman
Anthony Elley	Resident
Mr Patrick Kennedy	Ealing Chamber of Commerce
Jon Ball	Councillor – Ealing Common Ward
Phil Taylor	Councillor – Northfield Ward
Alex Engler	Resident

Mark Sheard	Chair of Governors, Christ Church Junior
John Hummerston	Ealing Arts and Leisure
Zyta Warner	Resident
Susan New	Resident
Mike Jordan	Resident
Anne Furneaux	Resident
Penny Mason	Ealing Village Residents Association
Pauline Gerosa	Resident
Corinne Templer	Resident and Ealing Conservation Area Panels
Simon Rowley	Ealing Passenger Transport Users Group
Sian Vasey OBE	Director Ealing Centre for Independent Living
Audrey Jones	Resident
Julian Edmonds	Central Ealing Residents Association
John Rhodes CIOB	Central Ealing Residents Association
Bill Soper	Central Ealing Residents Association
Patrick Chapman	Walpole Residents Association
Tony Palmer	Resident
Ian Potts	Councillor- Ealing Broadway Ward

ARCADIA, EALING – PUBLIC INQUIRY LIST OF CORE DOCUMENTS

CIL Call-In Letters

- CIL1 Call-In Letter from Government Office for London (30 January 2009)
- CIL2 Letter from Government Office for London to Julian Carter attaching Ministerial Submission setting out formal basis of recommendation (10 February 2009)

PA Planning Application Documents

- PA1 Final Application Drawings
- PA2 Application Forms (7 September 2007)
- PA3 Original Cover Letter (7 September 2007)
- PA4 Amendment Cover Letter (7 October 2008)
- PA5 Addendum Cover Letter (10 November 2008)
- PA6 Amendment Area Schedule (Submitted 7 October 2008)
- PA7 Addendum Area Schedule (Submitted 10 November 2008)
- PA8 Statement of Community Engagement (Submitted 7 October 2008)
- PA9 Daylight, Sunlight and Overshadowing Report (Submitted 7 October 2008)
- PA10 Environmental Statement Volume 1 Main Document (Submitted 7 October 2008)
- PA11 Environmental Statement Volume 1 Main Document Addendum (Submitted 10 November 2008)
- PA12 Environmental Statement Addendum Volume 2 Townscape and Visual Assessment (Submitted 10 November 2008)
- PA13 Environmental Statement Appendix 1 – Planning Statement (Submitted 7 October 2008)
- PA14 Environmental Statement Appendix 3a – Scoping Report (Submitted 7 October 2008)
- PA15 Environmental Statement Appendix 3b – Scoping Opinion (Submitted 7 October 2008)
- PA16 Environmental Statement Appendix 3c – Aviation Study (Submitted 7 October 2008)
- PA17 Environmental Statement Appendix 5a – Design and Access Statement (Submitted 7 October 2008)
- PA18 Environmental Statement Addendum Appendix A – Design and Access Statement Addendum (Submitted 10 November 2008)
- PA19 Environmental Statement Addendum Appendix B – Sustainability Statement (Superseded original Statement) (Submitted 10 November 2008)
- PA20 Environmental Statement Appendix 5c – Energy Strategy (Submitted 7 October

- 2008)
- PA21 Energy Strategy Update to GLA (12 January 2009)
- PA22 Environmental Statement Appendix 5d – Arboricultural Assessment (Submitted 7 October 2008)
- PA23 Environmental Statement Addendum Appendix C – Social Impact Statement (Superseded original Statement) (Submitted 10 November 2008)
- PA24 Environmental Statement Appendix 8b: Retail Statement (Submitted 7 October 2008)
- PA25 Environmental Statement Appendix 10: Archaeological Desk Based Assessment (Submitted 7 October 2008)
- PA26 Environmental Statement Appendix 11a: Built Heritage Assessment (Submitted 7 October 2008)
- PA27 Environmental Statement Appendix 11b: PPG15 – Standing Building Assessment (Submitted 7 October 2008)
- PA28 Environmental Statement Appendix 12: Phase 1 Land Quality Assessment (Submitted 7 October 2008)
- PA29 Environmental Statement Appendix 13: Flood Risk Assessment (Submitted 7 October 2008)
- PA30 Environmental Statement Appendix 14: Transport Assessment (Submitted 7 October 2008)
- PA31 Environmental Statement Appendix 15: Air Quality Modelling Report (Submitted 7 October 2008)
- PA32 Environmental Statement Appendix 16: Noise and Vibration (Submitted 7 October 2008)
- PA33 Environmental Statement Appendix 17: Daylight, Sunlight, Overshadowing and Light Pollution (Submitted 7 October 2008)
- PA34 Environmental Statement Addendum ES Appendix D – Daylight, Sunlight, Overshadowing and Light Pollution (Submitted 10 November 2008)
- PA35 Environmental Statement Appendix 18: Wind Tunnel Test Report (Submitted 7 October 2008)
- PA36 Environmental Statement Addendum Non-Technical Summary (Submitted 10 November 2008)
- PA37 Additional Consultation Response Cover Letter (5 December 2008)
- PA38 Transient Shadow Study (1 December 2008)
- PA39 Retail Development Document (1 December 2008)
- PA40 Revised Verified Views (Submitted 5 December 2008)
- PA41 GLA Affordable Housing Toolkit (Prepared by Knight Frank for Amended Application)
- PA42 Landscape Plan (Submitted 5 December 2008)

PA43 Bay Studies

PA44 Retail Statement (Superseded) May / September 2007 (DP9)

SC Statutory Consultee Responses

SC1 GLA Stage 1 Report (Leaf) (20 February 2008) and Cover Letter (25 February 2008)

SC2 GLA Stage 1 Update (17 December 2008)

SC3 GLA Stage 2 Report (21 January 2009)

SC4 CABE Design Review (8 December 2008)

SC5 English Heritage Letter (2 December 2008)

SC6 English Heritage Letter (4 December 2008)

SC7 Letter from Natural England (21 October 2008)

SC8 Letter from David Blankson-Hemans (GLA) (10 June 2009)

SC9 Letter from English Heritage (4 June 2009)

NP National Planning Policy Guidance and Circulars

NP1 Planning Policy Statement 1: General Policies and Principles

NP2 Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement 1

NP3 Planning Policy Statement 3: Housing

NP4 Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms

NP5 Consultation Paper on new Planning Policy Statement 4: Planning for Prosperous Economies

NP6 Planning Policy Statement 6: Planning for Town Centres

NP7 Proposed Changes to Planning Policy Statement 6: Planning for Town Centres – Consultation

NP8 Planning Policy Statement 12: Local Spatial Planning

NP9 Planning Policy Guidance 13: Transport

NP10 Planning Policy Guidance 15: Planning and the Historic Environment

NP11 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

NP12 Planning Policy Statement 22: Renewable energy

NP13 Planning Policy Guidance 24: Planning and Noise

NP14 Circular 05/05: Planning Obligations

NP15 Circular 11/95: Use of Conditions in Planning Permissions

- NP16 The Planning System: General Principles (ODPM) (2005)
- NP17 Planning Policy Statement 23: Planning and Pollution Control (2004)
- BP Other National 'Best Practice' Guidance**
- BP1 CABE and English Heritage 'Guidance on Tall Buildings' (July 2007)
- BP2 By Design – urban design in the planning system: towards better practice (2000)
- BP3 Good Practice Guide on Planning for Tourism (May 2006)
- BP4 Planning for Town Centres: Guidance on Design and Implementation tools (March 2005)
- BP5 Planning for Renewable Energy: A Companion Guide to PPS22 (December 2004)
- BP6 Planning and access for disabled people: a good practice guide (March 2003)
- BP7 Transforming Places; Changing Lives: Taking Forward the Regeneration Framework (May 2009)
- BP8 World class places: The Government's strategy for improving quality of place (May 2009)
- BP9 Examining Development Plan Documents: Procedure Guidance
- SP Strategic Planning Policy, Guidance and Evidence Base Papers**
- SP1 London Plan (consolidated with changes since 2004) (February 2008)
- SP2 Providing for Children and Young People's Play and Informal Recreation Supplementary Planning Guide (March 2008)
- SP3 Housing Supplementary Planning Guidance (November 2005)
- SP4 Draft London Housing Strategy (November 2008)
- SP5 The London Plan West London Sub-Regional Development Framework (May 2006)
- SP6 The Mayor's Economic Development Strategy (Sustaining Success, January 2005)
- SP7 Industrial Capacity Supplementary Planning Guidance (March 2008)
- SP8 The Mayor's Transport Strategy (July 2001)
- SP10 Land for Transport Functions Supplementary Planning Guidance (March 2007)
- SP11 London View Management Framework Supplementary Planning Guidance (July 2007)
- SP12 Accessible London: Achieving an Inclusive Environment Supplementary Planning Guidance (April 2004)
- SP13 Managing the Night Time Economy Best Practice Guidance (March 2007)
- SP14 GLA London Wide Town Centre Health Checks Survey 2006 (2007)

SP15	Consumer Expenditure and Comparison Goods Retail Floorspace Need in London, prepared for the GLA (March 2009)
SP16	A New Plan for London (April 2009)
LP	Local Planning Policy, Guidance and Evidence Base Papers
LP1	London Borough of Ealing Unitary Development Plan (2004) (Saved Policies 2007)
LP2	Strategy and Sites Issues and Options (September 2007)
LP3	Ealing Town Centre Strategy Supplementary Planning Guidance
LP4	Ealing Metropolitan Centre Spatial Development Framework (May 2008)
LP5	Statement of Community Involvement (June 2006)
LP6	SPG 1 – Sustainability Checklist
LP7	SPG 2 – Water, Drainage and Flooding
LP8	SPG 3 – Air Quality
LP9	SPG 4 – Safer Ealing
LP10	SPG 6 – Plot Ratios
LP11	SPG 7 – Accessible Ealing
LP12	SPG 8 – Safer Ealing
LP13	SPG 9 – Trees and Development Guidelines
LP14	SPG 10 – Noise & Vibration
LP15	SPG 13 – Garden Space
LP16	SPG 14 – Indoor Living Space for New Dwellings and Conversions
LP17	SPG 18 – Places for Eating, Drinking and Entertainment
LP18	SPG 20 – Sustainable Transport: Transport Assessments
LP19	SPG 21 – Sustainable Transport: Green Travel Plans
LP20	SPD 1 – Affordable Housing
LP21	SPD 2 – Community Facilities
LP22	SPD 3 – Low Car Housing in Controlled Parking Zones
LP23	SPD 7 – Car Clubs
LP24	LB Ealing Housing Strategy 2004-2009
LP25	LB Ealing Housing Needs Survey (Fordham Research) (2005)
LP26	The West London Retail Needs Study (GVA Grimley Ltd) (2006)
LP27	Draft SPD9 Legal Agreements

- LP28 Draft SPD10 Conservation
- LP29 Plan for the Environment – Ealing UDP 1995
- LP30 Annual Monitoring Reports 2004/2008
- LP31 Ealing Centre – A Strategy for Sustainable Development (October 2002)
- LP32 Ealing Town Centre Commercial Study (CB Hillier Parker 1999)
- LP33 Ealing LDF Background Document 2, Shopping and Town Centres
- LP34 Progress on the Local Development Framework: Corporate Priorities – Report to Cabinet 5 June 2007 and Minutes
- LP35 Development Strategy 2026 – draft initial proposals, April 2009
- LP36 The Local Development Scheme
- LP37 Director of Housing Report to Cabinet 4 December 2007
- LP38 Ealing LDF Core Strategy Review: Integrating LB Ealing’s Regeneration Ambitions April 2009 (Shared Intelligence)
- LP39 LDF Specialist Scrutiny Panel Report, 25th March 2009, LDF Evidence Base & Monitoring Process (Agenda Item 10)
- LP40 West Ealing Neighbourhood Regeneration Strategy, April 2001
- LP41 Ealing Town Centre: Property Market Futures – Supplementary Report, January 2008 (GVA Grimley)
- LP42 Ealing Transport Strategy 2009
- LP43 Local Implementation Plan (Transport)
- LP44 Air Quality Action Plan (2003)
- LP45 Development Sites SPG Site 63 Extract (2004)
- LP45A Development Sites SPG Section 1 (2004)
- LP46 LDF Issues and Options (2006)
- CA Conservation Area Character Appraisals**
- CA1 London Borough of Ealing (1999) *Ealing Common Conservation Area: Character Appraisal and Management Plan*
- CA2 London Borough of Ealing (1999) *Mount Park Conservation Area: Character Appraisal and Management Plan*
- CA3 London Borough of Ealing (1999) *Montpelier Park Conservation Area: Character Appraisal and Management Plan*
- CA4 London Borough of Ealing (1999) *Grange and White Ledges Conservation Area: Character Appraisal and Management Plan*
- CA5 London Borough of Ealing (2007) *Ealing Town Centre Conservation Area: Character Appraisal and Management Plan*

- CA6 London Borough of Ealing (2007) *Creffield Conservation Area: Character Appraisal and Management Plan*
- CA7 London Borough of Ealing (2008) *Haven Green Conservation Area: Character Appraisal and Management Plan*
- CA8 London Borough of Ealing (2008) *Ealing Green Conservation Area: Character Appraisal and Management Plan*
- CA9 London Borough of Ealing (2008) *Ealing Cricket Ground Conservation Area: Character Appraisal and Management Plan*
- GK Glenkerrin (UK) Ltd Core Documents**
- GK1 Statement of Case (March 2009)
- GK2 Statement of Common Ground (June 2009)
- GK3 Transport Statement of Common Ground (June 2009)
- GK4 Julian Carter MRTPI Proof of Evidence (Planning) (June 2009)
- GK4A Julian Carter MRTPI Summary Proof of Evidence (Planning) (June 2009)
- GK5 Hugh Stewart Proof of Evidence (Architecture and Design) (June 2009)
- GK5A Hugh Stewart Summary Proof of Evidence (Architecture and Design) (June 2009)
- GK6 Professor Robert Tavernor Proof of Evidence (Townscape and Built Heritage) (June 2009)
- GK6A Professor Robert Tavernor Summary Proof of Evidence (Townscape and Built Heritage) (June 2009)
- GK6B Appendix RT1 to Proof of Evidence (Professor Robert Tavernor)
- GK7 Mike Axon Proof of Evidence (Transport) (May 2009)
- GK8 Mike Axon Traffic and Transport Rebuttal Evidence (June 2009)
- LBE LB Ealing Core Documents**
- LBE1 Committee Report (17 December 2008)
- LBE2 Committee Report Addendum (17 December 2008)
- LBE3 Committee Report – Additional Briefing Note (17 December 2008)
- LBE4 Committee Minutes (17 December 2008)
- LBE5 Draft Notice of Planning Decision
- LBE6 Notice of Planning Decision – Conservation Area Consent 18.12.08
- LBE7 Draft Section 106 Agreement
- LBE8 Statement of Case (March 2009)
- LBE9A Neil Bleakley Proof of Evidence (June 2009)

- LBE9B Dick Johns Proof of Evidence (June 2009)
- LBE9C Brendon Walsh Proof of Evidence (June 2009)
- LBE10 Application P/2008/4025 Haven Green Transport Interchange Application Material (Refused 9 January 2009)
- SEC Save Ealing's Centre Core Documents**
- SEC1 Will French Proof of Evidence – The Planning and Policy Framework
- SEC1.1 A Vision for Ealing (November 2008)
- SEC1.2 A Better Way for Ealing – The SEC VISION – Presentation on the launch on the SEC Vision
- SEC2 Tony Miller Proof of Evidence – Transport
- SEC2.1 Environment Statement, Route Window W5 – Ealing Broadway Station (Crossrail Bill)
- SEC2.2 Extract from Ealing Broadway passenger number reports 2003-2008
- SEC2.3 Extracts from reports to TfL Interchange Programme for Ealing Broadway – Sections 8 and 9
- SEC3 Eric Leach Proof of Evidence – Social and Community Infrastructure
- SEC3.1 26th February, 2009 Ealing Council Cabinet Meeting Report: Approval of Funding for Town Centre and Regeneration Programme – s106 and Capital
- SEC3.2 West Ealing Neighbours Report: New Residential Blocks in the EMC and its Environs – 2005 to 2022: 21st May, 2009
- SEC3.3 Ealing Primary and Secondary Vacancy Reports: 8th May, 2009
- SEC3.4 Ealing Council: Determination of proposals to extend nine Primary Schools in Ealing Borough: 24th April, 2009
- SEC3.5 Ealing Council LDF: Delivering Local Development 2007/8: Annual Monitoring Report, December, 2008 (See LP30)
- SEC3.6 Care Quality Commission (formerly the Healthcare Commission)
- SEC3.7 The Kings Fund
- SEC3.8 Ealing Primary Care Trust: A Proposal for the West Ealing Integrated Care Centre: NHS LIFT, April, 2008
- SEC3.9 2000 EDAW Pre-feasibility Report on proposed Art Centre in Ealing - not sourced
- SEC3.10 SEC's Full Response to Tibbalds Report May 2008 on Spatial Development Framework for EMC
- SEC4 Nick Woodward Proof of Evidence – Environment and Sustainability
- SEC4.1 Guardian Article 2.1.09
- SEC4.2 WHO Regional Office in Europe, Health Aspects of Air Pollution (2003)
- SEC4.3 BRE Environmental and Sustainability Standard, BES 5058, Issue1 (2009)

- SEC4.4 Lawton-Smith H. and Woodward N. eds, Energy and Environment Regulation, Macmillan, 1996
- SEC5 James Guest Proof of Evidence – Retail
- SEC5.1 ‘That Sinking Ealing’ article, 28th November 2008 (Property Week)
- SEC5.2 ‘We’re not making any money’ (July 2008), BBC News Website
- SEC5.3 ‘Urban Regeneration’, transcript of programme transmitted on 8th & 13th July 2008
- SEC5.4 Photographs of unoccupied rebuilt Daniels department store
- SEC5.5 Photographs of unoccupied retail units in Ealing Town Centre
- SEC5.6 Photographs of other retail developments
- SEC5.7 Accent Marketing and Research – Town Centres Survey 2003-4
- SEC5.8 Road transport and Kingston Store (John Lewis)
- SEC5.9 Town Centre road map (Kingston Council)
- SEC5.10 Uxbridge Road Map
- SEC5.11 Richmond Retail Study (extract)
- SEC5.12 Southwark Retail Study (extract)
- SEC6 Save Ealing’s Centre Objection (5 December 2008)
- SEC7 Statement of Case (24 April 2009)
- ECS Ealing Civic Society Core Documents**
- ECS1 A Suburban Village – article by John Delafons in “Town and Country Planning”, January 2002
- ECS2 Appendix 1 with Figure 1: A survey of viewpoints, including those not considered by applicants
- ECS3 Appendix 2: Aerial photo of Haven Green
- ECS4 Robert Gurd Proof of Evidence
- ECS4A Addendum to Robert Gurd’s Proof
- ECS5 Statement of Case (24 April 2009)
- CAP Ealing Conservation Area Advisory Panels Core Documents**
- CAP1A Conservation Area Panel Submission to LB Ealing dated 12 December 2007
- CAP1B Conservation Area Panel Submission to LB Ealing dated January 2008
- CAP1C Conservation Area Panel Submission to LB Ealing dated 5 December 2008
- CAP2 Anthony Lewis Proof of Evidence
- CAP3 Statement of Case (24 April 2009)

- CERA** Central Ealing Residents Association Documents
- CERA 1 Arcadia Public Inquiry Submission 7 July 2009
- CERA 2 Summary of Visual Assessment and Design Critique 21 June 2009
- CERA 3 Scope of Presentation of Evidence – Bill Soper -29 June 2009
- CERA 4 Presentation and Commentary on the Visual Assessment and Design Critique – Bill Soper – 7 Jul 2009
- CERA 5 Addendum – Bill Soper
- CERA 6 John Rhodes – Calculating the impact of the shadows cast by the tower in the Arcadia proposal
- RPD** **Relevant Planning Decisions**
- RPD1 Inspector's Report to the Secretary of State concerning 1 Blackfriars Road and 20 Blackfriars Road, London, SE1 (9 December 2008)
- RPD2 Inspector's Report to the Secretary of State concerning Land bounded by Doon Street, Cornwall Road and Upper Ground, London, SE1 (22 May 2008)
- RPD3 Inspector's Report to the Secretary of State concerning 106-126 Bishopsgate and 35-37 Camomile Street, London, EC3 (Heron Tower) (30 April 2002)
- RPD4 Inspector's Report to the Secretary of State concerning site at 20 Fenchurch Street, 14-15 Philpot Lane, 10 Rood Lane, 33-35 Eastcheap and Part of Basement at 37-39 Eastcheap, London (20 Fenchurch Street) (11 May 2007)
- RPD5 Inspector's Report to the Secretary of State concerning land adjoining London Bridge Station (London Bridge Tower / Shard of Glass) (23 July 2003)
- RPD6 Inspector's Report to the Secretary of State concerning land to the north and south of Royal Street, London, SE1 (Founders Place) (18 June 2007)
- RPD7 5 November 2008 Planning Committee Report for Dickens Yard (P/2008/0156)
- RPD8 5 November 2008 Planning Committee minutes (Dickens Yard)
- RPD9 Cabinet report 4 December 2007: Ealing Town Centre – Redevelopment of Dickens Yard, Appendix 9 (Letter from TfL)
- RPD10 Decision Letter and Inspectors CPO Report to the Secretary of State regarding Dickens Yard and 2-12 New Broadway, Ealing
- MISC** **Other Reference Material**
- MISC1 Transport for London's Ealing Broadway Interchange Feasibility Study (Halcrow Ltd)
- MISC2 Cherry B. and N. Pevsner 1991 *Buildings of England: London III North West* Yale
- MISC3 Over the Edge? Town Centres and the London Economy, NLSA & WLA 2008
- MISC4 JCT Consultancy Report 09030 Arcadia, Ealing Junction Evaluation, 22 May 2009
- MISC5 WLA submission to the Mayor's Outer London Commission, WLA 2009

- MISC6 National Travel Survey (2007)
- MISC7 Letter from Jones Lang LaSalle to Julian Carter dated 24 June 2009

IP Inquiry Statements of Interested Persons

- IP 1 Statement of Mr Peter Smith
- IP 2 Statement of Professor Sir Peter Hall
- IP 3 Statement of Cllr Phil Greenhead
- IP 4 Statement of Mr Arthur Breens
- IP 5 Statement of Mr Anthony Elley
- IP 6 Statement of Cllr Jon Ball
- IP 7 Statement of Mr Alex Engler
- IP 8 Statement of Mr Mark Sheard
- IP 9 Statement of Mr John Hummerston
- IP 10 Statement of Dr Zyta Warner
- IP 11 Statement of Mrs Susan New
- IP 12 Statement of Mrs Anne Furneaux
- IP 13 Statement of Penny Mason
- IP 14 Statement of Mrs Corinne Templer
- IP 15 Statement of Mr Simon Rowley
- IP 16 Statement of Ms Sian Vasey OBE
- IP 17 Statement of Mrs Audrey Jones
- IP 18 Statement of Mr Patrick Chapman
- IP 19 Statement of Mr Tony Palmer

GEN Other Documents put in to the Inquiry

- GEN 1 E-mail from Harriet Shelton TfL to Mike Axon 10 June 2009
- GEN 2 E-mail and attachments from Andrew Murdoch SBA to Mike Axon 9 June 2009 re A406 Junctions
- GEN 3 Written Statement of English Heritage to Inquiry
- GEN 4 Photographs of Trees on Railway Cutting put in by Mr Phelan
- GEN 5 Addendum to Transport Statement of Common Ground re Car parking spaces
- GEN 6 London Borough of Ealing – Air Quality Progress Report April 2008
- GEN 7 Dickens Yard Proposals leaflet

- GEN 8 Dickens Yard Plans
- GEN 9 Metropolitan Police Authority Comments 15 November 2008
- GEN 10 LBE response note to submission by Ms Sian Vasey
- GEN 11 Mr Bleakley's Note on Allotments
- GEN 12 E-mail exchange re enforcement of parking restrictions on Springbridge Road (Mr Bleakley)
- GEN 13 Inspector's Note on Draft Conditions
- GEN 14 Amendments to conditions suggested by Council
- GEN 15 Draft SPD 9: Legal Agreements, Planning Obligations and Planning Gain
- GEN 16 S106 Agreement (Final)
- GEN 17 Bundle of leaflets relating to arts and community facilities in Ealing
- GEN 18 Letter from English Heritage dated 1 July 2009
- GEN 19 Closing Submissions for Glenkerrin (UK) Ltd
- GEN 20 Closing Submissions for London Borough of Ealing
- GEN 21 Closing submissions for the joint Rule 6 Parties

ANNEX A: CONDITIONS IN THE EVENT OF APPROVAL

1. Time Limit

The development shall be commenced before the expiration of five years from the date of this permission.

2. Details of Phasing

Details of the phasing of the entire development, including details of the sequence of site preparation works, demolition works and construction, and interim public car parking arrangements shall be submitted to and approved in writing by the local planning authority before commencement of any works, and the development shall be implemented in accordance with the approved phasing scheme.

3. Details of External Materials

Prior to the commencement of each phase of the development hereby permitted, details of all of the materials to be applied to the exterior of the building(s) shall be submitted to and approved by the local planning authority and the development shall be completed in accordance with these approved details.

4. External Design and Appearance

Notwithstanding the details shown on the submitted drawings, full detailed drawings of the design of the external finishes to the buildings, including balconies, fenestration and other features and detailing shall be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of the development which shall thereafter be carried out only in accordance with the approved details.

5. Hard Landscaping

Details of the finishes to the hard surfaced areas, associated street furniture and other hard landscape works within and adjacent to the development hereby permitted, including levels, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant phase of the development. The works shall be completed in accordance with the approved details and phasing prior to the first occupation and use of that phase of the development.

6. Soft Landscaping

Details of the species and densities of planting for the areas of soft landscaping shall be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of the development hereby permitted, and the detail so approved shall be completed within 3 months of the substantial completion of that part of the development. Any trees or shrubs, which within 5 years of planting, die, are removed, or become seriously damaged or diseased,

shall be replaced within the next planting season with others of the same size and species, unless otherwise agreed in writing with the local planning authority.

7. Landscape Maintenance

Prior to the occupation of each phase of the development, details of a landscape management programme for that phase of the development for a period of at least 5 years from the date of the implementation of the landscaping, shall be submitted to and approved in writing by the local planning authority. The management programme shall be implemented in accordance with the approved details.

8. Raised Garden Soil Conditions

Details of the soil medium including depth, irrigation system, drainage, and rain harvesting system, where applicable, for the raised landscaped areas shall be submitted to and approved by the local planning authority in writing prior to the commencement of the development. The works shall be carried out in accordance with the approved details prior to first occupation of that part of the development they are to serve.

9. Tree Protection Measures

The protective fencing and all other protection measures and strategies recommended and specified within the submitted reports, method statements, surveys and technical reports shall be erected and implemented in the locations, and in accordance with the methods and timings to be agreed in writing by the local planning authority prior to the commencement of any phased development works, including any initial clearance. The authorised works shall be maintained fully intact and (in the case of the fencing) upright, in their approved locations at all times, until the completion of all building operations on the site. Any and all detailed site supervision shall be implemented and supported with written reports by an appropriately qualified arboricultural consultant culminating in a final written report at the end of all development, including hard and soft landscaping. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including, but not restricted to, the following: -

- Mixing of cement or any other materials.
- Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.

- Parking/use of tracked or wheeled machinery or vehicles of any description.

10. Play Space Details

Details of the layout and equipment to be provided within the proposed children's play spaces shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant phase of the development, and the approved detail shall be implemented prior to the first occupation of not more than 90% of the residential units within that phase of the development. These facilities shall thereafter be retained and maintained in a usable and workable condition.

11. Public Car Parking

Notwithstanding the details submitted with the application, details of the layout of the public car parking and cycle/motorcycle parking, including the number and location of disabled parking spaces, together with a safety audit, shall be submitted to and approved in writing by the local planning authority. The spaces as approved shall all be marked out, provided with the associated access and manoeuvring space and available for use prior to the first occupation of any of the retail shops. These spaces shall thereafter only be available for use by the public and shall not be obstructed or used for any other purpose.

12. Residential Car Parking

Notwithstanding the details submitted with the application, details of the layout of the residents' car parking and cycle/motorcycle parking, including the number/location of disabled parking spaces, safe pedestrian and wheelchair routes to access points and storage space for mobility equipment for disabled residents and a safety audit, shall be submitted to and approved in writing by the local planning authority. The spaces as approved shall all be marked out, provided with the associated access and manoeuvring space and available for use prior to the first occupation of any of the residential units they are to serve. These spaces shall thereafter only be available as car parking spaces for the occupiers of the residential accommodation within the development and not obstructed or used for any other purpose.

13. Car Club Parking

Notwithstanding the details submitted with the application, details of the layout, controls and operation of the car club parking within the basement, including a safety audit, shall be submitted to and approved in writing by the local planning authority. The spaces as approved shall all be marked out, provided with the associated access and manoeuvring space and available for use prior to the first occupation of any of the residential units they are to serve, and these spaces shall thereafter only be available as car club parking and not obstructed or used for any other purpose.

14. Servicing

Notwithstanding the details submitted with the application, details of the layout of the servicing areas and associated access and manoeuvring areas, including a

safety audit, shall be submitted to and approved in writing by the local planning authority. The servicing areas as approved shall be provided and available for use prior to the first occupation of any of the retail and other commercial units hereby permitted and permanently retained and shall not be obstructed or used for any other purpose.

15. Servicing Management Plan

Before the development commences, a 'Car Park and Servicing Management Plan' setting out the details of the operational/management and security controls governing access to and from the site for all service and other vehicles, and times when commercial vehicles can access the site, shall be submitted to and approved in writing by the local planning authority and the approved details shall be implemented prior to the use of the access and thereafter permanently retained.

16. Pedestrian Access

Details of the phasing, laying out and lighting of the pedestrian and wheelchair accesses across the site, including a safety audit, shall be submitted to and approved in writing by the local planning authority before the development commences. The accesses shall be completed in accordance with the approved details prior to the first occupation of any of the commercial or residential units within the relevant phase of the development that is served by the access route.

17. Staff Cycle Parking & Changing Facilities

Details of the cycle parking facilities and associated changing facilities proposed for use by staff employed in premises on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant phase of development that these facilities serve and shall be provided as part of the relevant phase prior to the occupation of any of the retail or commercial units within that phase, and thereafter these facilities shall not be removed.

18. Lifetime Homes

All residential units hereby approved shall be constructed to 'Lifetime Homes Standards'. Details to demonstrate compliance with these standards shall be submitted to and approved in writing by the local planning authority prior to the commencement of each phase and shall be implemented as approved prior to first occupation of each dwelling. This condition applies notwithstanding the details submitted with the application.

19. Wheelchair Accessible Housing

No less than 10% of all the dwellings within the development, to include a mix of flats of varying size, shall be constructed so as to be 'wheelchair accessible'. Details of the units, their size location and layout and distribution within each relevant phase shall be submitted to and approved in writing by the local planning authority and provided prior to the first occupation of the specified units within the relevant phase and permanently retained thereafter.

20. Refuse/recycling Storage

The refuse and recycling storage areas and management arrangements indicated in the planning application shall be completed and available for use for each phase of development prior to the first occupation of any of the residential, or retail units within that phase of development, and these facilities shall not thereafter be obstructed or used for any other purpose.

21. Use Of Leisure Facilities

The indoor leisure facilities hereby permitted shall only be occupied and used for that purpose and for no other use within Use Class D2 of the Schedule attached to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

22. Programme Of Archaeological Work

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved in writing by the local planning authority. The archaeological work shall be carried out by a suitably qualified investigating body.

23. Crime Prevention

Details of the security measures to be incorporated into the detailed design and layout of the buildings, car parking areas, vehicle servicing areas, vehicular access, cycle parking areas, refuse and recycling storage areas, footpaths and areas of public realm, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant phase of the development and the approved details shall be implemented prior to occupation of that phase of the development, and thereafter retained.

24. Disabled Access

Before each part, phase or unit of the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to, from and within buildings and across the relevant part of the site shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the relevant part, phase or unit of the development hereby permitted is brought into use, and the measures implemented thereafter retained.

25. Travel Plans

Details of the Travel Plans proposed for the residential and commercial units appropriate to each phase of the development, to include details of how and when the plans are to be implemented, targets and monitoring arrangements, shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development and the Travel Plans shall be implemented in accordance with the approved details.

26. Demolition And Construction Programme

Prior to the commencement of the development, including commencement of any demolition and site clearance works, a 'Demolition and Construction Strategy' shall be submitted to and approved in writing by the local planning authority, to include: the means of access for demolition and site clearance and construction; the movement and routing of associated traffic; the screening of the works on site for each relevant phase; the details of noise, vibration and dust mitigation measures; and hours of operation during the building works. The demolition and construction shall be carried out only in accordance with the approved Strategy, which should also include details of the following:

- a) storage of plant, materials and operation of vehicles;
- b) temporary site access;
- c) signing system for works traffic;
- d) measures for the laying of dust, including details of a Method Statement demonstrating the demolition and construction programme will comply with the London Councils/Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition'
- e) suppression of noise and abatement of other nuisance arising from the development works, including details of a Method Statement demonstrating that the demolition and construction programme will comply with the provisions of BS5228, Code of Practice for the Control of Noise from Construction and Open Sites;
- f) location of any ancillary buildings;
- g) means of enclosure of the site;
- h) wheel washing equipment; and
- i) measures to mitigate disturbance to nesting birds on-site.

27. Wheel Washing

Arrangements shall be put in place throughout the duration of the building works to clean the wheels of vehicles leaving the site and to ensure the security of any loads being removed from the site. These measures shall be put into effect on each vehicle leaving the site.

28. Noise Attenuation (Residential)

Notwithstanding the details submitted, a scheme for protecting sensitive rooms from external noise shall be submitted to and approved in writing by the local planning authority before development commences. The scheme should be designed to meet the following noise criteria:

- Within bedrooms between 2300 and 0700 hrs, LAeq,1hr not greater than 30 dB.
- Within living rooms and dining rooms between 0700 and 2300, LAeq,1hr not greater than 35 dB.
- Within kitchens, bathrooms and utility rooms between 0700 and 2300, LAeq,1hr not greater than 45 dB.

The details shall also demonstrate that the scheme for protecting sensitive rooms has been designed to ensure that noise levels within bedrooms will normally satisfy $L_{Amax,1hr}$ of not greater than 45dB between 2300 and 0700hrs.

The details shall include the provision of alternative ventilation for noise sensitive rooms. The works identified within the details approved shall be completed before occupation and thereafter permanently retained.

The details shall include the specification and conducting of tests to demonstrate that the installation and construction works have been undertaken as approved.

No dwellings shall be occupied if it is demonstrated that the approved tests are not met.

29. Vibration

Notwithstanding the details submitted, further details shall be submitted to and approved in writing by the local planning authority for suitable and appropriate isolation of the foundations from railway vibrations emitted from goods and passenger trains on the adjoining railway lines, and also for the construction of concrete frames for affected dwelling blocks and other sensitive buildings affected by vibration.

The construction of the buildings and foundations, as approved, shall achieve the criteria set out below:

Highest vibration dose value ($m/s^{1.75}$) measured in any of the three orthogonal directions not to exceed the following values.				
Type of Building	Hospitals Theatres, Labs, etc	Residential	Offices	Workshop s
Re day 16 hr @ G/F	0.085	0.17	0.34	0.64
Re day 16 hr @ F/F and above	0.04	0.08	0.16	0.32
Re night 8 hr @ G/F	0.076	0.11	0.30	0.60
Re night 8 hr @ F/F and above	0.037	0.05	0.15	0.30

30. Noise Attenuation (External Plant and Machinery)

Details shall be submitted to and approved in writing by the local planning authority before the commencement of construction, to demonstrate that the rating noise level emitted from the plant and machinery at the proposed development, as assessed under BS4142: 1997, shall be lower than the existing background noise level by at least 5 dBA as measured at 3.5 m from the nearest ground floor sensitive facade and 1m from upper floor noise sensitive facades. The details to be submitted for approval shall include the times at which the measurement of background noise levels are to be carried out, to reflect the relevant periods of operation at neighbouring sites.

31. Breakout of Amplified Music

Prior to the occupation of any unit which will have amplified music or speech, details shall be submitted to and approved in writing by the local planning authority, to demonstrate that the sound reduction index, (R_w , of the external building envelope, containing the commercial (non-residential) accommodation) will achieve the following criteria with windows shut and other means of ventilation provided:

The background $L_{90,15min}$ linear noise level in any one third octave band from 50Hz to 160 Hz, and also the overall Linear L_{90} level, as previously measured at the external façade of the nearest sensitive premises, shall not be increased when the amplified music or speech is played and the measurement is repeated at the same position, using L_{90} linear over any 5 minute period with the background and source operating together.

32. Sound Limiters

Prior to the occupation of any unit which will have amplified music or speech, details shall be submitted to and approved in writing by the local planning authority, for a suitable sound limiting device to control the output from the amplification system in respect of the commercial (non-residential) accommodation, to a maximum noise level to be agreed with the Authority. The limiter device shall also be connected to external doors, so that the power to the amplifiers will be cut if a door is opened, other than for means of escape from fire.

33. Mechanical Ventilation

Where it is necessary to install mechanical ventilation for any of the residential units proposed, details of the system shall be submitted to and approved in writing by the local planning authority before the development is commenced, to demonstrate that with the doors and windows closed, the externally sited ventilation plant associated with this system will be silenced to a standard not exceeding $LFNR 35_{Leq,5min}$ (octaves), or $LFNR 30_{Leq,5min}$ (one third octaves) measured or calculated at 1m from the nearest facade of the nearest affected noise sensitive premises.

34. Restriction of Hours for Business Uses with Amplified Music

Activities involving the emission of amplified music and speech within any of the commercial units within the development shall not take place outside the hours of 0900 – 0000 midnight on any day.

35. Sound Reduction of Leisure Use

Before any development is commenced details shall be submitted to and approved in writing by the local planning authority, to demonstrate that the sound reduction index, R_w , of any separating party floors, ceilings and/or walls and the external building envelope for the proposed Leisure Use (Class D2 Use), will achieve the following criteria with windows shut and other means of ventilation provided:

- (i) The background $L_{90,15min}$ linear noise level in any one third octave band from 50Hz to 160 Hz, and also the overall Linear L_{90} level, as previously measured inside a habitable room of the nearest affected premises with windows closed, or at the external façade of the nearest sensitive premises, shall not be increased when the amplified music or speech is played and the measurement is repeated at the same position, using L_{90} linear over any 5 minute period with the background and source operating together.
- (ii) Noise limiter device for ensuring that the level for amplified music is suitable for insulation provided.
- (iii) Suitable and sufficient alternative mechanical ventilation to ensure that building envelope insulation is not compromised by the opening of windows and doors.
- (iv) Acoustic separation for floors/ceilings/party walls separating new dwellings from commercial uses.
- (v) Details of any floor/ceiling/walls separating the commercial parts of the premises from dwellings shall be submitted for the approval of the local planning authority in writing before the development is commenced, to demonstrate that the insulation is sufficient to prevent noise disturbance.

The development shall be implemented in accordance with the approved details.

36. Control of Cooking Odours

Prior to the occupation of any unit as a café/restaurant (Use Class A3) or prior to the inclusion of any cooking facilities within the leisure use (Use Class D2), details shall be submitted to and approved in writing by the local planning authority, in respect of the installation, operation, and maintenance of the best practicable odour abatement equipment including an extract system, the height of the discharge, and the efflux velocity of the effluent at the point of discharge. The system, as approved, shall be completed before occupation of the relevant café/restaurant and leisure use (Class D2) unit and thereafter permanently retained.

37. Limit to A3 and D2 Uses

There shall be no more than 1,363 m² of café/restaurant floorspace (Use Class A3) and 1,861 m² of leisure use (Use Class D2) floorspace within the development.

38. Details of Commercial Units in each Phase

Prior to first occupation of each phase of the development a drawing confirming the size, layout and location of the retail (Class A1) units, the café/restaurants (Class A3) units, the Leisure Use (Class D2) uses and the office (Class B1) use, within the development, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and thereafter retained as approved. The first use of each of the ground and first floor units shall thereafter be the lawful use of that unit.

39. Limit on Convenience Floorspace

No more than 6,000 m² of gross floorspace within the development shall be used for convenience shopping.

40. Management Details of Leisure Use

Before first occupation of the Leisure Use (Class D2) unit within the development, details of its management arrangements, including non-resident membership, shall be submitted to and approved in writing by the local planning authority and such details as approved shall be implemented and brought into use prior to first occupation of the Leisure Use (Class D2) use and thereafter maintained.

41. Details of Frontages/shop front

Before any of the ground floor units are first occupied, details of the design strategy for all of the shopping frontages; to include details of the shop fronts and related signage, shall be submitted to and approved in writing by the local planning authority; and thereafter implemented in accordance with these details.

42. Shop Window Display

A shop window display shall be maintained at all times in all the retail (Class A1) units hereby approved; and the shop windows shall not be obscured in any way.

43. Provision of Public Toilets

Before any of the retail (Class A1) or café/restaurant (Class A3) units are first open to the public; the public toilets as shown on the approved plans, shall be provided and available for use and thereafter permanently retained for the lifetime of the development.

44. Ecological Management Plan

The development shall not commence before an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The management plan shall include measures to enhance nature conservation and bio-diversity within the development site and details of the long-term management of the ecological/landscaping features of the site. The measures as approved shall be implemented in accordance with a programme to be agreed in writing by the local planning authority and thereafter permanently retained.

45. Restricted Hours (A1/A3)

The retail and restaurant premises (A1/A3 uses) shall not be used for those purposes outside the hours of 0700 to 0000 midnight on any day.

46. No Masts/Satellite Dishes or External Equipment

No microwave masts, antennae or satellite dishes or any other plant or equipment shall be installed on any of the buildings hereby permitted.

47. Details of External Lighting

Prior to occupation of any of the buildings hereby permitted, details of the external lighting installed on, or attached to the buildings, or lighting the buildings, together with associated mitigation measures to control light spillage into the residential units within the site and residential or other sensitive uses at neighbouring sites shall be submitted to and approved in writing by the local planning authority. The details shall be implemented as approved and permanently retained.

48. Details of Public Realm

Details of the design of each phase of the public realm within the development, including details of surface levels, surface materials, lighting, street furniture, public art, signage and all other features proposed, taking account of the needs of the disabled, shall be submitted to and approved in writing by the local planning authority prior to the commencement of construction of the phase. The work shall be completed in accordance with the approved details prior to the first occupation of any residential or retail/commercial unit within that phase of the development. This condition applies notwithstanding the details contained in the submitted application.

49. Details of Surface Water Drainage

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage attenuation has been submitted to and approved by in writing the local planning authority. The development shall be carried out in accordance with the approved details and the measures implemented thereafter retained.

50. Restricted Use (No A2 Use)

Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting this Order) no change of use shall be undertaken to Class A2 (Financial and Professional Services).

51. Contamination Investigation and Mitigation

The works to remove contaminated soil and material from the site shall be carried out in accordance with details set out in the report accompanying the application and details of a Remediation Strategy and Validation Scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall then proceed in strict accordance with the measures approved.

52. Mitigation of Overlooking

Notwithstanding the details submitted, details of the measures to prevent overlooking between residential units, including screening of balconies, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development and the approved details shall be implemented prior to the first occupation of the relevant units.

53. Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with BAA Advice Note 8 'Potential Bird Hazards from Building Design'

The Bird Hazard Management Plan shall be implemented as approved, upon completion of the roofs and shall remain in force for the life of the building.

54. Springbridge Road Lay-by

Details, including the surface treatment, of a lay-by in Springbridge Road, suitable for school, community transport and disabled parking/drop off/pick up facilities shall be submitted to and approved in writing by the local planning authority prior to laying out of the works in Springbridge Road and approved details shall be laid out, completed, marked for such use and available for use prior to the first occupation of any commercial or residential unit within Block D of the development hereby permitted. These details shall be retained thereafter for such use and not be obstructed or used for any other.

55. Disabled/Community Transport Drop Off/Pick Up in Car Park

Notwithstanding the detail submitted, details of an area for the dropping of and picking up of persons using disabled and community transport within the underground car park shall be submitted to and approved by the local planning

authority. The detail so approved in writing shall be laid out and available for use prior to the first use of the public car parking area, or such other time as may be agreed in writing with the local planning authority, and these arrangements shall thereafter not be obstructed or used for any other purpose.

56. Impact of Development on Neighbouring Telecommunications Equipment

Notwithstanding the detail submitted with the application, no development shall take place until a scheme to mitigate any detrimental effects of the proposed development on television reception and other telecommunications equipment has been submitted to and approved in writing by the local planning authority. These details shall include a schedule of affected properties and a timetable for carrying out any mitigation works found necessary. The development shall be implemented in accordance with the approved details.

57. Wind Environment Mitigation Measures

Notwithstanding the detail submitted with the application, details of the measures to be adopted within each phase of the development to mitigate against the effects of wind at or near to ground level on pedestrians and others arising from the development and in the use of the podium gardens hereby permitted shall be submitted to and approved by the local planning authority in writing prior to the commencement of the relevant phase of the development. The approved details shall be implemented prior to the first occupation of any of the units within that phase of the development and shall thereafter be permanently retained.

58. Traffic Regulation during Demolition and Construction

Prior to commencement of each phase of the development, including any demolition, details of the measures necessary to divert, control and regulate the movement of traffic and pedestrians during the course of any part of the phase shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the commencement of the particular phase and retained in place during the construction of that phase.

59. Tree Canopy Pruning

The pruning of the tree canopies that overhang the site shall be carried out in accordance with the detail set out in the Arboricultural Report by Future Tree by an arboricultural contractor and overseen by an arboricultural consultant from Future Tree (or another appropriately qualified consultant).

60. Proposed Hardsurfacing within Tree Protection Zones

No development shall commence until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837: 2005 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, has been submitted for approval in writing by the local planning authority. The method statement shall include: -

- An approved development layout plan identifying all areas where special construction measures are to be undertaken.
- Materials including porous surface finish as well as sub base construction for all hard landscaped areas within the recognised tree root protection area.
- Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- Program and method of implementation.

Development shall thereafter be carried out in accordance with the approved details.

61. Removal of Existing Hardsurfacing within Tree Protection Zones

No development shall commence until a site specific method statement for the removal of all existing hard surfaced areas and structures of any other description, located within the minimum Root Protection Areas of trees to be retained, calculated in accordance with British Standard 5837:2005 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the local planning authority.

Details shall include: -

- A site plan identifying all areas where such work is to be undertaken.
- Reinstatement to soft or hard landscape area including proposed ground de-compaction works.
- Timing and phasing of works.
- Arboricultural Consultant watching brief.

The scheme shall be undertaken and completed in full accordance with approved details.

62. Foundation Design Detail to Minimise Root Damage

No development (including any initial site-clearance works) shall commence until full details of the foundation structure/s, of the approved building/s, so designed to minimise their adverse impact on tree roots, have been submitted to and approved in writing by the local planning authority. Details shall be site specific and include: -

- An approved layout plan to scale, showing the accurate trunk positions and branch spreads of existing retained trees in relation to the proposals.
- Layout and construction profile drawing/s.
- Engineering/ Arboricultural construction method statement.
- Implementation method statement including timing/ phasing of works.
- Arboricultural consultant watching brief.

The approved foundation structure shall be implemented in full accordance with the approved details.

63. Ground Level Alterations within 5 metres of Tree Root Protection Zones

No development shall take place until details of all proposed alterations to the ground levels within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2005) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development, have been submitted to and approved in writing by the local planning authority. These details shall include: -

- Existing and proposed finished levels.
- Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
- Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation.
- Program and method of implementation.

All works shall be carried out and completed in full accordance with the approved details.

64 Underground Works and External Lighting Details

No development shall commence until an approved site layout plan of an appropriate scale and level of detail showing the proposed layout of all underground services and external lighting has been submitted to and approved in writing by the local planning authority. Details shall include: -

- Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
- Surface water/ foul drainage and associated inspection chambers (existing reused and new).
- Soak-aways (where applicable).
- Services including but not restricted to Gas, electricity, telecom and cable television.
- Lighting columns and all associated ducting for power supply.
- Phasing and timing of works.

All underground services and external lighting shall be implemented in full accordance with the approved details.

65. Mechanical Ventilation to North facing windows in Blocks D and E

All North facing windows in the residential accommodation within blocks D and E shall be fitted with mechanical ventilation as part of the construction of these units.

66. Maintenance and Emergency Vehicle Access within Site

Details of the access to and within the site for maintenance and emergency vehicles shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The agreed measures shall be maintained in place at all times during the course of construction.

67. Emergency Services Communications Equipment

Details of the measures to be incorporated into the design of the development to enable the operation of emergency services communications equipment throughout all levels of the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The detail so approved shall be implemented in accordance with an agreed scheme prior to the opening of any relevant phase of the development.

68. Aircraft Warning Light

Notwithstanding the detail included within the application, an aircraft warning light shall be installed on top of building F.

69. Children's Play Facilities within Leisure Use

Details of the layout, equipment and availability for use of the children's play facilities within the Leisure Use within building E shall be submitted to and approved by the local planning authority in writing. The detail so approved shall be completed and available for use prior to the first use of any other part of the Leisure Use, and the area so formed shall thereafter be retained for such use, with the equipment retained and maintained.

70. Public Lifts within Site Details

Details of the surface level lifts within the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The lifts shall be completed in accordance with the approved details and available for use prior to the opening of the adjacent section of footway and/or steps and shall be available for use at all times.

71 Ducting of Fumes from Railway

Details of the measures to ventilate the tunnel created by this development and the mitigation of the resultant fumes to the occupiers of residential and other properties at and within the vicinity of the application site shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the total enclosure of the tunnel.

72. Air Quality Mitigation of Units above Vehicular Access

Notwithstanding the details indicated in the submission, further details of the air quality mitigation measures to be provided for the occupants of the residential units sited above the vehicular access to the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development of Block A South. The development shall be carried out in accordance with the approved details.

73 Air Quality Mitigation of Units above Basement Car Park Extract

Notwithstanding the details indicated in the submission, further details of the air quality mitigation measures to be provided for the occupants of the residential

units sited above the basement car park extract shall be submitted to and approved by the local planning authority in writing prior to the commencement of the development of Block B. The development shall be carried out in accordance with the approved details.

74 Sustainability and Energy

No development shall take place on the site until a revised and fully detailed energy strategy has been submitted to and approved in writing by the local planning authority. The strategy will ensure that the maximum carbon saving is achieved in each phase of the development prior to occupation, and should indicate how the following energy requirements will be achieved for the development as a whole prior to occupation of the last phase hereby permitted.

- At least level 4 of the Code for Sustainable Homes, in respect of the whole of the residential development;
- Minimum carbon savings for non-residential parts of the development of - 2% through energy efficiency, 0.2% through combined heat and power, and 13.6% through on-site renewables, and that these non-residential parts of the development achieve at least an 'excellent' rating in the Building Research Establishment's energy assessment rating (BREEAM);
- Provision of a total of 500 m² of photovoltaic panels on blocks A, B, D and E.

The approved strategy shall be implemented so that the carbon saving requirements for each phase are in place prior to first occupation of that part of the development.

75 Ventilation Ducting Design and Appearance

Further details of the design and external appearance of the basement area ventilation ducting on the West elevation of Building A1 and the East elevation of Building B shall be submitted to and approved in writing by the local planning authority prior to the commencement of any work on either of these buildings and the development shall be carried out in accordance with these approved details.