



Date: 19 April 2013
Our Ref: TfL Property/A40 Sites

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Dear Caroline

RE: Additional Matters to the Development Sites DPD and Development Management DPD

The following comments represent the views of officers in Transport for London (TfL) Property Team in its capacity as a significant landowner only and does not form part of the TfL corporate response. This Representation should not be registered as the TfL response as London's transport provider, a response on TfL wide operational and land use planning/ transport issues will be provided separately from Borough Planning as part of the GLA response.

I wish to confirm attendance at the Examination in Public to be held in June 2013.

Draft Development Sites DPD

This Representation responds to question 3.14 of the Draft Schedule of Matters and Issues regarding Development Sites OIS2, OIS3 and OIS4. TfL Property welcomes the proposed changes associated with Development Sites (DS) OIS2, OIS3 and OIS4, though recommends further changes to ensure the policy is sufficiently flexible to enable the redevelopment of these sites. This is as follows:

- 1) Supporting text associated with OIS2, OIS3 and OIS4 states development must "*reflect the suburban character of the surrounding area*", it is recommended this text is removed for the following reasons:
 - a) As per our August 2012 Representation, the cost associated with the implementation of a green corridor on all of the sites is significant and as recognised in the Core Strategy, can only be delivered through enabling development. Specifying semi-detached dwellings similar to the surrounding context will, in combination with other planning requirements, result in an unviable scheme.
 - b) Given the current economic climate, and appreciating the objectives of the NPPF, planning policy should act to encourage development. Prescribing detailed design principles, such as height, at a premature stage of the planning process is impractical. The Development Sites DPD should seek to agree the principle of development on sites with detailed planning matters such as height, scale and massing determined during the planning application process. Thus, imposing prescriptive design principles in the Development Sites DPD is not only premature but will impede development on the sites which is not entirely in accordance with the aspirations of the NPPF.

- 2) As per our August 2012 representation, Point 3 of the letter has not been taken into consideration. Without reiterating this point (see Annex 1, August 2012 Representation), it is recommended the text 'significant' is replaced. The term 'significant' is very difficult to interrupt both (i) in planning as well as (ii) environmental given the legal qualification of the term within EIA Regulations. It is proposed the terms is replaced with alternative text such as 'appropriate' to ensure the proposed policy is in accordance with the Core Strategy and the objectives of the NPPF.

Recommendation

In accordance with the principles set out in the NPPF and the need to ensure the deliverability of sites is not jeopardised by planning policy, the following changes are recommended:

- a) OIS2, OIS3 and OIS4: reference to "*reflect the suburban character of the surrounding area*" is removed.
- b) OIS2, OIS3 and OIS4: Reference to 'significant' is replaced with 'appropriate'.

Development Management DPD

- 3) As raised in our August 2012 Representation, the Document lacked policy details regarding the 'Acton Green Corridor Policy Area'. However, the latest iteration of the Document (Document EDM2: DM with track Changes) includes reference to the Acton Green Policy Area in Appendix One. It suggests this Policy Area is covered within Policy 5.3 of the Core Strategy, which we support and Policy 2.18 of the DPD, which we do not support for the following reasons:

- a) Policy 2.18 reflects the Borough's network of Green Corridors and open spaces. Development Sites OIS2, OIS3 and OIS4 differ to the Borough's network of Green Corridors and open spaces, as without enabling development on the sites, the green corridor cannot be delivered nor realised, a point not fully reflected in Policy 2.18. Thus, there is a lack of clarity and inconsistency with Core Strategy Policy 5.3.
- b) Part H of the Policy suggests "Only ancillary development will be permitted", again, this is not entirely the case as development is not ancillary but necessary to the realisation of the Green Corridor.

Whilst these points are fully reflected in the Core Strategy, these are not emulated in the Development Management DPD. Therefore, concern is raised that reference to such impositions could impact on the delivery of development which is inconsistent with the objectives of the NPPF. It is recommended reference to Policy 2.18 in Appendix One associated with the 'Acton Green Corridor Policy Area' is removed. Should reference to Policy 2.18 remain, a supporting statement to Policy 2.18 mirroring that in the Core Strategy is required to ensure policy is sufficiently flexible and will not preclude the delivery of development on the sites.

Conclusion

As previously raised in our 2012 Representation, TfL Property has fostered a very good working relationship with the Council and will continue to work to deliver the Council's and community's vision of a green corridor and development. However, delivery of any proposals for a green corridor and a high quality development can only be achieved through necessary planning policy support. We suggest that the above amendments are considered and incorporated to ensure the Development Sites DPD and Development Management DPD are 'sound' and policies are clear and robust.

In the meantime, should you have any queries, then please give me a call on 020 3054 7163.

Yours Sincerely

A handwritten signature in purple ink that reads "Ruth Cunningham". The signature is written in a cursive style with a long horizontal line extending to the right.

Ruth Cunningham
Principal Consents Advisor
Consents Team
Transport for London

Cc:
Neil Kedar, TfL

Encl:
TfL Representation, 2012 August.



Date: 21 August 2012
Our Ref: TfL Property/A40 Sites

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Dear Sir/Madam

Draft Development Sites and Development Management Development Plan Documents, June 2012

The following comments represent the views of officers in Transport for London (TfL) Property Team in its capacity as a significant landowner only and does not form part of the TfL corporate response. This Representation should not be registered as the TfL response as London's transport provider, a response on TfL wide operational and land use planning/ transport issue will be provided separately from Borough Planning as part of the GLA response.

We have reviewed the 'Atlas of Proposed Changes' and the Arcadia Site draft Supplementary Plan Document, we will not be commenting on those documents as we do not have any significant landholdings/interests within the defined study spatial area. We have also reviewed the Development Sites and Development Management Development Plan Documents (DPDs) and this Representation relates to proposals and policies set out in the draft Development Sites and Development Management DPDs.

Background to the Sites

In the early 1990's a number of residential and commercial properties were acquired and demolished by the Highways Agency to accommodate the A40 road widening scheme. The sites comprise 13 plots of land located along the A40 in the London Borough (LB) of Ealing. In July 1997 the A40 scheme was cancelled and the Highways Agency transferred all 13 properties to TfL. Apart from site 13, all sites are vacant and inaccessible as hoarding surrounds the perimeter of each site.

In 2004, TfL submitted a planning application (P/2004/4868) for a mixed use development scheme on sites 1 and 2. The scheme comprised 6 flats, 23 town houses and a 27m green corridor reducing to 12.5m. The application was refused on a number of grounds, including green corridor policy grounds. An appeal was lodged but was later dismissed. The Inspector did however note:

I have considered the fallback position that might arise as a consequence of rejection of this appeal. I do not consider that long continuation of the decay and dereliction of the site would be likely, as it seems to me that an

acceptable development for residential use could be produced which would also achieve similar environmental benefits for existing residents”.

In 2007, a subsequent planning application (P/2007/3456) for sites 1 and 2 was submitted which addressed a number of issues raised in the 2004 application, the key difference being the provision of a consistent 20m green corridor. Despite Officer recommendation for approval, the decision was overturned at the Planning Committee and the application was refused on two policy grounds namely (i) green corridor and (ii) design, scale and massing.

Since January 2010, TfL carried out extensive engagement with the LB Ealing and attended resident meeting to agree a set of principles in order to develop a masterplan for all 13 sites. The masterplan advocated the provision of a 15m corridor. A Pre-Application meeting was held whereby the document was formally presented to Council Officers and the advice received (dated 14 June 2011) stated a 15m corridor was ‘in principle’ acceptable.

In parallel with this, TfL submitted representations and promoted a series of amendments to the Development Strategy at the Examination in Public in September 2011, all of which were successfully adopted. More importantly, policies 3.1 and 5.3 of the Development Strategy (which relate to the sites) and supporting text to the policies now recognise that this section of the green corridor differs to the remainder of the Borough’s network of green corridors as its implementation is entirely dependent on enabling development.

These previously developed sites have remained vacant for some 15 years, in addition, the green corridor remains unimplemented. TfL is eager to bring these sites into use and in accordance with the Mayor’s ‘London Plan’ and the Council’s ‘Development Strategy’, aid the delivery of a high quality residential development and a green landscaped zone on the sites. The sites could make a significant contribution towards the delivery of housing units in the Borough and contribute towards meeting the Council’s own planning policy target of 3,000 units along the A40 by 2026 (Proposal 3.1 of the Development Strategy) as well as the Mayor’s target of 890 units per year.

Tests of Soundness

All 13 sites along the A40 corridor are referenced proposal sites OIS2 (Western Avenue sites North of Park View), OIS3 Western Avenue (sites south of Park View to North of Railway) and OIS4 (Western Avenue sites South of Railway) in the Development Sites DPD.

TfL Property suggest minor amendments to the supporting text in the draft Development Sites and Development Management DPDs to ensure the documents are (i) in conformity with the Borough’s adopted Development Strategy and (ii) meet the tests of soundness as set out in paragraph 182 of the National Planning Policy Framework.

Draft Development Sites DPD

1. *Text relating to the Planning Designation: Green Corridor*

Proposal sites OIS2, OIS3 and OIS4 states that all 13 sites carry the designation of 'Green Corridor', this is technically incorrect for the following reasons:

- (i) Map 105 and Plan 7 of the Development Strategy and its accompanying proposal plan designates all sites within the 'Acton Green Corridor Policy Area' not 'Green Corridor' as currently described.

Policies 3.1 and 5.3 of the Development Strategy relate to the green corridor and afford a level of protection to the Borough's network of green corridors. However, the Strategy clearly distinguishes these sites from the remainder of the Borough's green corridors as it has yet be delivered and this can only be achieved through enabling development on the sites This point is made on page 56 of the Development Strategy which states:

"Whilst the vast majority of the Green Corridor network already exists on the ground, and will continue to be safeguarded as such, a section of the corridor just east of Guinness Mounds to East Acton remains unimplemented.... The delivery of this section of the Green Corridor, in the form of an enhanced landscape strip, improved cycleway/pedestrian route, and an improved noise environment will most likely be dependent on and enabled by some development on parts of the land defined as Green Corridor".

The delivery of these Green Corridor objectives however also need to be balanced against the need to create quality development, including the need to provide for adequate servicing, private amenity space, and to maintain adequate separation distances in the interests of privacy" (page 56 and 57).

It is recommended that these sites are not treated in the same context as the Borough's wider network of green corridors as echoed in the Development Strategy. It is suggested that reference to 'Green Corridor' is removed or replaced with 'Acton Green Corridor Policy Area'. This will ensure conformity with the Development Strategy whilst also resulting in a the policy that is effective in terms of (i) flexibility to provide a green corridor whilst also delivering a quality development and (ii) deliverability such that the green corridor can be realised.

Recommendation:

- (i) *Preferred Option:* Reference to the 'Green Corridor' is removed entirely;
or
- (ii) *Alternative Option:* Reference to the 'Green Corridor' is replaced with 'Acton Green Corridor Policy Area'.

2. *Text relating to the Design Principles*

Proposal sites OIS2 and OIS4 states *"the scale, massing and height of buildings must respect the amenity of adjoining properties and reflect the suburban character of the surrounding area with its semi-detached dwellings and generous rear gardens"*.

The above text is not considered flexible, development of semi detached dwellings accompanied with generous gardens is unlikely to be delivered on some of the sites for the following reasons:

- (i) The cost associated with the implementation of a green corridor on all of the sites is significant and as recognised in the Development Strategy, can only be delivered through enabling development. To deliver semi-detached dwellings similar to its surrounding context with 'generous' gardens alongside 50% affordable housing and other s106 contributions will result in an unviable scheme.
- (ii) In terms of 'generous rear gardens', the word 'generous' is subjective and suggests that sites will need to provide large gardens.

It is recognised that private amenity space will be provided as part of any scheme adhering to existing London Plan and local planning policies, however this should be balanced against the need to provide other development requirements such as a green corridor, high quality housing, residential parking, access and delivery arrangements. Some sites are significantly wider than others and therefore by their very nature can accommodate a slightly larger private amenity space than smaller sites. The provision of generous rear gardens on smaller sites may not always be achievable particularly when considered against other development requirements; a point which is not currently reflected in the document.

- (iii) Initial acoustic modelling carried out by Aecom Consulting on site 1 indicates that noise levels in the gardens and along some of the existing housing frontages facing the A40 noise levels are >65db. There is a significant opportunity for improving the acoustic environment as well as air quality for existing residents situated behind the TfL sites, however this can only be achieved through design and density solutions. As such, the design and density of any development may be governed by the need for these benefits to be realised.

To ensure the Document is effective in terms of flexibility and deliverability, it is recommended that the following amendments are taken on board.

Recommendation:

- (i) *Preferred Option:* The entire statement is removed from Proposal sites OIS2 and OIS4; or
- (ii) *Alternative Option:* Removal of the statement “*with its semi-detached dwellings and generous rear gardens*” as per OIS3.

3. *Text relating to the Design Principles: Significant Landscape Zone*
Proposal sites OIS2, OIS3 and OIS4 includes text associated with 'Design Principles', this states “*new development must include a significant landscaped zone to Western Avenue that makes a clear contribution to achieving the objectives of the Green Corridor*”.

The text 'significant' is not considered flexible as it is subjective and does not reflect Policy 3.1(b) of the Development Strategy. Policy 3.1(b) recognises the importance of achieving an “appropriate balance” between the green corridor

and regeneration on all of the sites. As mentioned earlier, there is a long planning history associated with these sites, but as point 2(ii) explains above, an appropriate balance needs to be achieved to ensure the various development requirements can be accommodated to allow development to come forward.

It is recommended the word ‘significant’ is replaced with ‘appropriate’, this will ensure conformity with policy 3.1(b) of the Development Strategy and allow a flexible and deliverable planning policy.

Recommendation: Preferred Option: Replace ‘significant’ with ‘appropriate’.

4. *Reference to Site Areas in OIS2, OIS3 and OIS4*

Currently, the site areas are referenced incorrectly. The correct site areas are as follows:

Site Areas	Ha	Site Areas	ha
Site 1 (OIS2)	0.32	Site 8 (OIS3)	0.21
Site 2 (OIS2)	0.29	Site 9 (OIS4)	0.19
Site 3 (OIS2)	0.22	Site 10 (OIS4)	0.70
Site 4 (OIS3)	0.88	Site 11 (OIS4)	0.63
Site 5 (OIS3)	0.06	Site 12 (OIS4)	0.77
Site 6 (OIS3)	0.07	Site 13 (OIS4)	0.10
Site 7 (OIS3)	0.34		
Total Area OIS2			
	0.83		
Total Area OIS3			
	1.56		
Total Area OIS4			
	2.39		

Development Management DPD

The Development Strategy notes that further detail regarding the ‘Acton Green Corridor Policy Area’ will be set out in the emerging DPDs. There is no specific policy reference to text relating to the Policy Area within the emerging Development Sites or Development Management DPD. Therefore, clarification is required regarding the status of this ‘Acton Green Corridor Policy Area’ as referenced in the Development Strategy.

Conclusion

A key objective of the Government’s National Planning Policy Framework is the promotion of sustainable development and economic growth. Development on the sites will contribute to meeting this objective and complement surrounding land uses. The delivery of residential development on the sites will contribute to meeting both the Borough’s and Mayor’s residential target. In addition, the schemes will deliver both private and affordable units, this is in line with the Mayor’s policy objective of delivering mixed and balanced communities across London.

TfL Property has fostered a very good working relationship with the Council and will continue to work to deliver the Council’s and community’s vision of a green corridor and development. However, delivery of any proposals for a green corridor and a high quality development can only be achieved through the

support of planning policy. We suggest that the above amendments are considered and incorporated to ensure the Development Sites and Development Management DPD are 'sound' and policies are clear and robust.

In the meantime, should you have any queries, then please give me a call on 0207 126 4157.

Yours Sincerely

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Ruth Cunningham
Principal Consents Advisor
Consents Team
Transport for London

Cc:

Ian Weake, LB Ealing
Jonathan Cornelius, TfL
Neil Kedar, TfL