

Further Statement on Matter 3, Area 6 – Other Important Sites

1.0 Introduction

1.1 On behalf of our client, The West London Mental Health NHS Trust (The Trust) we provide a further statement in respect of Development Sites DPD Policy OIS8 St Bernard's Hospital (formerly OIS9) in response to the Development Sites DPD (February 2013) and in advance of the Examination.

2.0 Background

2.1 Since the submission of representations to the Development Sites DPD and Development Management Development DPD in June 2012 planning and listed building consent applications have been submitted to the London Borough of Ealing for the redevelopment of a substantial part of the St Bernard's Hospital Estate. As such many of the issues which this policy seeks to deal with have been subject of in depth discussion with the Council over recent months. This in turn led, in April 2013, to the Council's resolution to grant planning permission for some of these applications, subject to referral to the Mayor, and its granting planning permission of other applications which are not referable. The position reached on these applications are material issues which need to be taken into account in finalising the wording of the policy.

2.2 The applications listed below were submitted to the Council by the Trust towards the end of 2012 and subject to the Mayor of London's decision on whether to call-in those applications which have been referred to him may all be determined prior to the Examination:

- 1 A hybrid planning application (part detailed/part outline) and listed building consent for the redevelopment of the Uxbridge Road Site for residential development, A Trust Resource Centre, commercial floorspace and retention of the Chapel building for community use (LPA Ref: PP/2012/5040 & PP/2012/4666). The applications were submitted on 20 November 2012 and recommended for approval at Planning Committee on 24 April 2013 subject to finalising the s106 Agreement and referral to the Mayor of London. The Mayor's Stage II Report is due by 27 May 2013. The listed building consent was approved on 8 May 2013.
- 2 A detailed planning application and listed building consent for the demolition of the listed A Block and Mott House, conversion of the Asylum Building to residential, the construction of a new build A Block for residential units and the conversion of the existing Ballroom forming part of the Asylum Building in to a gym (LPA Ref: PP/2012/4008 & PP/2012/3827). The application was submitted on 1 October 2012 and was recommended for approval at Planning Committee on 24 April 2013 subject to finalising the s106 Agreement and referral to the Mayor of

London. The Mayor's Stage II Report is due by 27 May 2013. The listed building consent was approved on 8 May 2013.

- 3 Planning and listed building consent for the construction of a new East West estate road (with associated infrastructure, creation/retention of 51 car parking spaces and associated landscaping (LPA Ref: PP/2012/4305 & 4306). The applications were approved on 26 April 2013.
- 4 A planning application for an Energy Centre was submitted on 28 September 2012 and was recommended for approval at Planning Committee on 24 April 2013 subject to finalising the s106 Agreement and referral to the Mayor of London. The Mayor's Stage II Report is due by 27 May 2013 (LPA Ref: PP/2012/3826).

2.3 The Trust has also obtained planning permission for a new medium secure unit on the site of the existing John Connolly building in May 2012 (Ref: PP/2012/3826).

3.0 **Soundness of the Plan**

3.1 As set out in the representations to the Development Sites DPD, Policy OIS8 is not sound on the basis that:

- 1 A number of areas within the policy are **not justified**;
- 2 The policy as currently prepared is **not effective** in light of the recent submission of planning and listed building consent applications at St Bernard's Hospital; and,
- 3 The policy remains **inconsistent with national policy**.

3.2 Outlined below is reasoning for why the policy fails the soundness criterion, how the policy can be made legally compliant and the precise change and/or wording that is being sought.

1. Setting

3.3 The site allocation defines the setting as Suburban which we consider is not accurate. We consider that an Urban setting is the appropriate definition when taking the characteristics of the site into account. The allocation of the setting as Suburban is not consistent with national policy, and in particular the London Plan definitions of 'Suburban' and 'Urban' settings.

3.4 The Council's explanation for maintaining the site setting as 'Suburban' is that it is in a '*predominately residential surroundings set in large areas of open parkland*'. We do not dispute that there is a large area of open parkland to the south of the site; however, this is not a characteristic of the St Bernard's site itself, nor does the London Plan definition of 'Suburban' make any reference to open space provision as a precursor.

- 3.5 The wider site is characterised by a mix of uses including sizeable buildings associated with Ealing Hospital including an 11 storey building and three and four storey residential buildings at Osterley Views and Windmill Park Estate. Opposite the site on the Uxbridge Road lies an industrial area and terrace houses. These characteristics in terms of building heights and a mix of uses reflect an Urban setting as defined by the London Plan rather than a 'Suburban' one.
- a. Defining the character of the site correctly is important as it sets the context within which the design of development would then subsequently come forward. It is worthy of note that the Councils recommendation to approve the development of the Uxbridge Road Site for buildings of between 3 and 9 storeys in height and a mix of uses including residential, commercial and health facilities reinforces our view that the site is appropriately defined as within an Urban setting as essentially that is already how the Council has viewed it.
- 3.6 In addition, the site is located approximately 600m from Hanwell District Centre and the Uxbridge Road is a main distributor road which is consistent with the definition of an Urban setting which are areas located within 800m walking distance of a District centre or along main arterial routes.
- 3.7 On this basis, we consider that the Council's explanation for defining the site as a 'Suburban' Setting is not justified or consistent with the London Plan Table 3.2 and accompanying note which defines appropriate density ranges in terms of a sites location, building form, massing and public transport accessibility.

3.8 Change sought:

Setting: ~~Suburban~~ Urban

2. Relevant Planning Applications

3.9 The policy, as currently worded does not list any planning applications relevant to the site.

3.10 Change sought:

Relevant Planning Applications: PP/2012/0727, PP/2012/5040, PP/2012/4666, PP/2012/4008, PP/2012/3827, PP/2012/4305 & 4306 PP/2012/3826

3. Site Context

3.11 The site context section of the policy remains unclear and inconsistent with the map boundary in spite of this being updated by the Council to reflect the extent of the Trust's ownership. Although this in itself does not make this section of the policy unsound, its accuracy is important for the reader of the policy to understand the context in which the policy has been framed. The second paragraph of the site context section is inaccurate as the extended site boundary means that it does not lie between Ealing Hospital, which is to the

north-east of the site and the converted Asylum Buildings is within the site boundary.

3.12 Change sought:

The site contains a number of listed buildings and features including the original asylum building and associated buildings and a Grade II listed wall which forms the southern boundary and is also a Scheduled Monument. To the north is the Grade II listed Gatehouse and a series of three storey buildings used for key worker housing and to the east is the John Conolly Wing. The southern part of the site falls within St Mark's and Canal Conservation Area, with the Canal itself being a Conservation Area. The site is surrounded by high brick walls along the Uxbridge Road and eastern boundary. Access to the site is via the listed Gatehouse or the main entrance to Ealing Hospital. The site lies within a Residential Area.

The site is surrounded by Ealing Hospital to the north-east and comprises a number of significant and high rise late 20th Century buildings, the Windmill Park Estate and Osterley Views and Garden to the west which comprises three and four storey residential accommodation with flats and some terrace houses and gardens and a Major Employment Location at The Triangle Centre to the north. The River Brent lies to the east and Grand Union Canal further south.

4. Design Principles

3.13 The Design Principles section fails the soundness test as it is not consistent with national policy.

3.14 We object to the statement in the policy that “minimal” alterations should be made to preserve the character and appearance of listed buildings. “Minimal” has not been qualified in the policy in any way and from a soundness perspective it is inconsistent with national policy. The NPPF indicates that when developing a policy strategy for the historic environment local authorities should take account of “the desirability of sustaining and enhancing the significant of the heritage assets and putting them to viable uses consistent with their conservation” (paragraph 126).

3.15 The recently approved listed building consents for works to the listed buildings has demonstrated that more than ‘minimal’ alterations to listed buildings are required in order to ensure that vulnerable listed buildings can be brought back into viable use. The approval of these applications following agreement with the Councils officers and English Heritage, reinforces the fact the extent of the alterations to these listed buildings is acceptable as it gives rise to significant heritage benefits by restoring and bringing back into beneficial use buildings whose future would otherwise be uncertain. If policy was adopted including the reference to minimal it would potentially have the reverse effect of what is intended by possibly making it more difficult to justify perfectly acceptable schemes, such as that recently approved. The suggested wording below would ensure that the policy is consistent with the NPPF and meets the criteria for soundness.

- 3.16 As outlined above, we consider that the site allocation defines the site as an 'Urban' setting and this should be reflected in the Design Principles section.
- 3.17 The section on affordable housing continues to require that this is provided in both the new and converted buildings. This is a concern as it is prescriptive and more flexibility may be required. The recent applications for the Uxbridge Road Site and Asylum Building have demonstrated that due to the conservation deficit associated with the conversion of the Asylum Building there is a viability case for not providing affordable housing within this building. This approach has been agreed with the council and English Heritage through the resolution to approve these applications. The NPPF recognises that affordable housing should not over burden the development to the extent that it undermines project viability (paragraph 173) and for the policy to be effective, it must help facilitate appropriate re-use rather than be a constraint upon it.
- 3.18 The revised policy includes unnecessary details in respect of dual aspect units, access to private and communal garden spaces and provision of balconies which are prescriptive detailed design matters which could constrain future development of the site. This is inconsistent with the NPPF as paragraph 59 states that local planning authorities are encouraged not to provide unnecessary prescription or detail within the wording of design policies so as to constrain future development. Any assessment of private/communal amenity space and provision of balconies for future development of the site should be considered against the relevant design policies in the Development Management Policies DPD. As this section within the policy is not justified or consistent with the NPPF it should be deleted and the original text reinstated.
- 3.19 Change sought:
- Whilst a A number of the listed buildings **are** ~~may be~~ unsuitable to continue to provide health/medical services to current standards, **alternative uses will be considered on their merits and against the desire to sustain and enhance the significance of the heritage asset and seek a viable uses long term use.** ~~it is important that they should be retained, with minimal alteration, to ensure their original character and appearance is preserved.~~ Any proposals for the removal or significant alteration to these listed buildings or other historic assets would need to be justified.*
- The site is within an area which is capable of accommodating tall buildings.**
*The revised layout of the site and any new buildings will be expected to be high quality. The layout and scale of development should retain views to, and respect the setting and character of the retained listed buildings. New residential development should respect the ~~suburban~~ **urban** location of the site.*

~~Affordable housing in addition to key worker housing should be provided in both the new and converted buildings **where it is viability and feasible in doing so. play and amenity space is required.** Any residential units proposed should be dual aspect (north facing single aspect units are not acceptable) and provide access to suitable private and/or communal garden space. Both balconies and communal garden space will be expected in flatted schemes; communal garden space may be provided above ground level in the form of courtyards or roof gardens.~~

The new development should relate to neighbouring development and **consider** any potential for the development of these sites **where appropriate.**

5. Other Matters Requiring Clarification

3.20

A typographical error under the section 'Justification' requires correcting. This section should read:

The West London Mental Health NHS Trust has undertaken a comprehensive review of its estate at St Bernard's Hospital with a view to providing improved and new ~~meta~~ **mental** health care accommodation, supported by the release of redundant land and buildings for development and disposal.