

OLD OAK NEIGHBOURHOOD PLAN - DRAFT AT JAN 2021

1.0 Context for this neighbourhood plan

1.1 The OPDC became the planning authority for parts of the London Boroughs of Hammersmith & Fulham, Brent, and Ealing on April 1st 2015. At that time an Opportunity Area Planning Framework was already at an advanced stage, prepared by a team of officers working for the Greater London Authority.

1.2 This 'planning framework' from the Greater London Authority was published in November 2015. The foreword, by then London Mayor Boris Johnson, stated that *Old Oak and Park Royal will play perhaps the most crucial role of any regeneration area in London over the next 20 to 30 years in delivering these much needed new homes and jobs.*

Residents working together – the Grand Union Alliance

1.3 In 2014, residents and community groups across four boroughs (including Kensington and Chelsea) came together under the auspices of a new network, the Grand Union Alliance. The Grand Union Canal runs through all four Boroughs. From 2015 onwards this organisation held a series of workshops and conferences which were influential in identifying local aspirations and concerns about the future spatial planning of this part of West London (see the evidence base for this neighbourhood plan for conference reports).

1.4 In late 2015, the chair of a neighbourhood forum in North Kensington (St Quintin and Woodlands) began discussions with OPDC on the idea of establishing a large neighbourhood area, extending across the 'Old Oak' half of the OPDC area. The aim at that stage was to include a series of residential settlements within East Acton ward of LB Ealing, along with several others on the edge of the OPDC boundary in Hammersmith & Fulham (College Park, Old Oak Estate, Eynham Road area, Wood Lane).

1.5 Residents in these areas, most which have always been physically separated by major roads, railway lines and the Grand Union Canal, wanted to ensure that future large scale regeneration of the area would also ensure the successful stitching together and integration of existing housing alongside new development.

1.6 An Interim Old Oak Neighbourhood Forum began meeting in May 2016. After a series of discussions with OPDC and members of its Planning Committee, a cross boundary designation application for a 280 hectare Old Oak neighbourhood was submitted to OPDC and LB Hammersmith & Fulham in April 2017 (see Figure 1). Existing neighbourhood areas already designated at Harlesden (by LB Brent) and at St Quintin and Woodlands (by RB Kensington and Chelsea) abutted the proposed new neighbourhood area.

1.7 This designation application was subsequently 'refused' by both local planning authorities. OPDC in September 2017 designated a 22 hectare neighbourhood area with a boundary of the Corporations's choosing, in East Acton ward of LB Ealing. LB Hammersmith & Fulham chose to designate the Old Oak Estate as a separate (but proximate) neighbourhood area.

1.8 in early 2021 these decisions are viewed locally as a lost opportunity to exploit the flexibilities of the neighbourhood planning framework as compared with England's slow and cumbersome current system for preparing Local Plans.

1.9 The interim Old Oak Forum decided to re-apply for designation as the forum for the limited 22 hectare area approved by OPDC. This was approved by OPDC in February 2018. For the Old Oak Estate in Hammersmith, no neighbourhood forum has been formed. Until designation lapses in September 2022, this estate remains one of a small number of ‘orphan’ neighbourhood areas in London (i.e. with no forum to prepare a neighbourhood plan).

The original area applied for is shown in blue below, and that finally designated in yellow, superimposed on a map of the OPDC area as a whole.

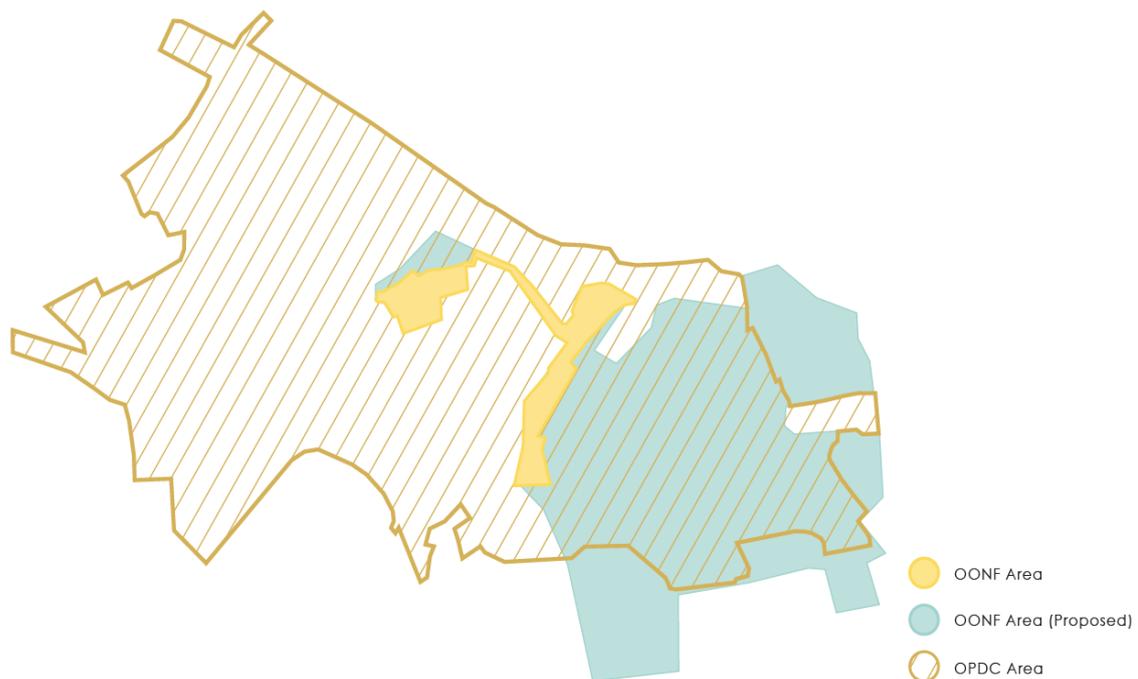


Figure 1 showing 280 hectare neighbourhood area applied for in blue and the 22 hectare subsequently designated by OPDC in yellow, as compared with the OPDC area as a whole.

The changing planning context

1.10 Since the Forum’s designation in 2018, most of its work (and that of the Grand Union Alliance) has been focused on responding to successive rounds of consultation on the OPDC Draft Local Plan and in commenting on individual major planning applications. During 2020 the Forum met regularly as an online gathering on Zoom, open to all members and associate members.¹

1.11 A first version of this draft neighbourhood plan was discussed at meetings in 2019 and published online in November of that year. At the same moment, OPDC announced a major ‘change of direction’ and ‘new focus’ on part of east and north Acton badged by the Corporation as the ‘Western Lands’.

1.12 This change of tack resulted from interim findings from Planning Inspector Paul Clark, on the Regulation 19.2 version of the OPDC Local Plan. This had been submitted to the Secretary of State in

¹ Full members are those who live or work within the boundary of the designated area. Associate members are those from a wider area who take an interest in plans for this part of West London.

September 2018, and considered at a series of Examination hearings in spring/summer 2019. The Inspector's findings required the removal from the Plan of its key proposals for a new major town centre on 46 acres of land owned by Cargiant Ltd at Old Oak North. Cargiant and London & Regional Properties had since 2014 been drawing up a masterplan for this area, to be known as 'Old Oak Park'.

1.13 A combination of factors led to the Planning Examiner determining that this major part of the 19.2 Local Plan was not viable or deliverable, given a change of stance by Cargiant as landowner. OPDC was forced to relinquish a conditional offer of £250m of Housing Infrastructure Funding and to rethink how it could introduce a set of major modifications to the Draft Local Plan while still achieving the housing and jobs targets set in the London Plan at the time of the 2015 OAPF,

1.14 A set of modifications and a revised strategy for delivery was subsequently presented to the OPDC Board in October 2020. Preliminary online consultation sessions were held by OPDC in November 2020. Detailed modifications are due to be agreed by OPDC and consulted on in February 2021 prior to submission to the Inspector. A draft revised timetable assumes a resumed EIP in summer 2021 and adoption of the OPDC Local Plan in autumn 2021.

1.15 The 2015 OAPF assumed adoption in Spring 2017. The Local Plan is therefore running 4.5 years late, even on optimistic assumptions of an autumn 2021 adoption. If and when adopted, the Local Plan will have varied in key respects since the original Mayoral vision (in the Boris Johnson administration) of a *Canary Wharf of the West*.

1.16 During the intervening years

- 2020 saw a global pandemic, continuing into 2021 and may be for longer, which looks as if it will result in permanent changes to the forecast population size and spatial planning requirements of London. Housing demand, working patterns and public transport systems look unlikely to revert to a pre-pandemic era.
- A New London Plan has been finalised and brought into force. Yet the assumptions underpinning this new strategic plan for the capital have already been overtaken by events.
- The UK has exited the European Union. The impact on London's levels of in-migration and the composition of its workforce has yet to emerge in full, but early indications are that changes will be significant.
- London's economy will need to move into 'recovery' mode. A period of demand for house moves (prompted by Stamp Duty concessions and changing perceptions on preferable house types and locations for working at home) may or may not last into 2021.
- Government has given what is said to be a final go ahead to the HS2 project, following the Oakervee Review. There remain voices, including the Transport Select Committee which question whether this project remains affordable or will ever deliver cost-benefits that date from a former time².

1.17 Local residents are puzzled that in interactions with OPDC planning officers (and its Planning Committee) the prevailing view is that 'nothing has changed' and that a Mayoral directive of delivering a fixed number of housing units at Old Oak must continue as an unalterable planning parameter. We do not see this as a sound approach for planning a major new part of London.

² The National Infrastructurr

1.18 The currently designated Old Oak neighbourhood area contains the larger part of the existing residential population of the Old Oak half of the OPDC area. This boundary was tightly drawn by OPDC and provides only limited scope for new site allocations within a neighbourhood plan. Almost all of the 22 hectare area designated is already developed.

1.19 As set out in this draft plan, there are however several new policies and site allocations, or variations of the OPDC Draft Local Plan, that are of importance to those living and working in the area which can be introduced within a relatively short timescale via a neighbourhood plan, and which can be further adjusted should circumstances change.

1.20 The Forum is also submitting/has submitted a new designation application to OPDC to vary the current neighbourhood boundary and to add the major sites at Atlas Road and Channel Gate, at Victoria Rad/Old Oak Lane. This proposal is designed to allow for an alternative section of this neighbourhood plan to be prepared as a contingency 'Plan B' in the event of a number of possible eventualities.

1.21 The Forum's original intention had been to await the adoption of the OPDC Local Plan prior to finalising a neighbourhood plan, so that the NP could be drawn up against a set of adopted OPDC policies. As events have turned out, adoption of the Local Plan is now not expected before Autumn 2021 (and this timetable is seen as many as being optimistic). The timetable for the Local Plan is running 4.5 year behind that forecast in the 2015 OAPF.

The case for early finalisation of a neighbourhood plan for Old Oak

1.22 Given this set of circumstances, the Old Oak NF has decided that a first neighbourhood plan should be drawn up, covering the 15 year period 2020-35. This period of time should see the construction and opening of the HS2/Queen Elizabeth Line station at Old Oak Common (planned for a 2026 opening but now delayed to 2028). A neighbourhood plan would anyway be reviewed after the initial 5 year period of it coming into force.

Strategic planning policy context for this neighbourhood plan

1.23 Neighbourhood plans can set site allocations and 'non-strategic' policies. They can also vary 'strategic' policies in higher level plans, within the limits of 'general conformity'. The London Plan defines strategic policies for London as a whole, and there has been a year's delay on the New London Plan coming into force. This has now happened (as of February 2021) and the New London Plan fixes certain planning parameters (notably housing and employment targets for the OPDC Opportunity Area) which an Old Oak neighbourhood plan will need to take into account.

1.24 A neighbourhood plan can be submitted in advance of a Local Plan for an area³. In such a scenario the 'general conformity' of draft policies in an Old Oak neighbourhood plan would need to be examined primarily against the relevant policies of the Ealing Local Plan (this is made up of the Core Strategy 2012, Development Sites DPD 2013, and Development Management DPD 2013).

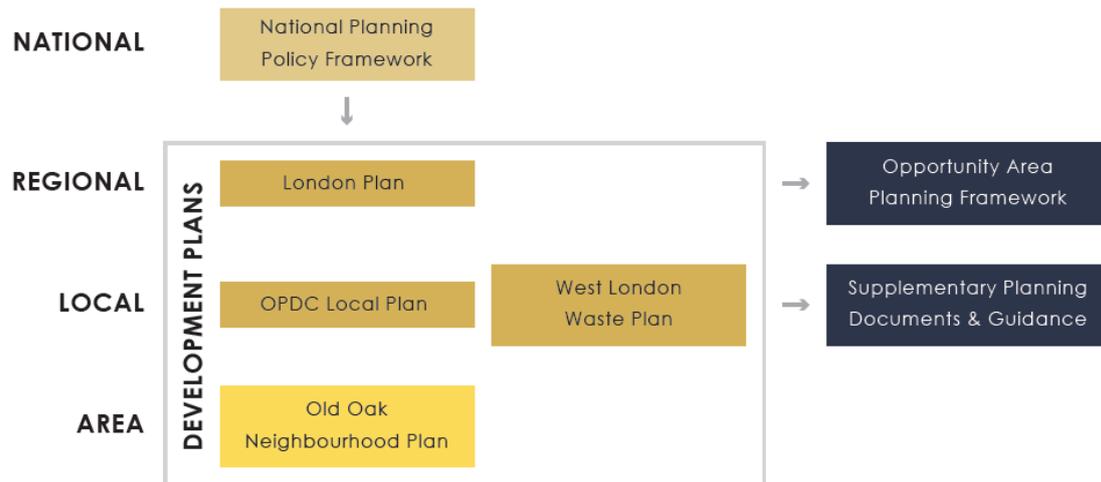
1.25 The extent to which the independent examiner of this draft plan will need to pay heed to 'emerging' policies in the Draft OPDC Local Plan will depend on the position on adoption of the latter plan at the time of examination.

³ The Court of Appeal in *DLA Delivery v Lewes District Council* [2017] and Court of Appeal judgment on the *Newick Neighbourhood Plan* (2017)

1.26 Given these uncertainties on the OPDC Local Plan, the Forum has developed draft policies and site allocations/designations that take account of the Ealing Local Plan as well as to the Draft OPDC Local Plan.

1.27 LB Ealing remains at a very early stage in terms of updating and revising its own Local Plan and in any event this will not cover those parts of the Borough in east and north Acton, for which OPDC is the planning authority.

1.28 As and when there is a full suite of plans in place, the planning policy hierarchy would be as in figure 2 below:



1.28 The thinking behind the content of this neighbourhood plan has developed over a period of years since 2015. The notes of Forum meetings, and the slides shown at these sessions, can be found on the Forum’s website at www.oldoakneighbourhoodforum.org.

Treatment of ‘strategic’ and ‘non strategic’ policies in the OPDC and LB Ealing Local Plans

1.30 OPDC asserts at Paragraph 1.23 of its own Draft Local Plan that that *Chapters 3, 4 and 11 will be treated as OPDC’s strategic policies when considering the general conformity of neighbourhood planning policies*. Chapter 4 is made up of a series of 12 separate ‘Place’ chapters, each with a set of detailed policies.

1.31 The Old Oak Neighbourhood Forum does not accept that these policies in ‘Place’ chapters of the OPDC Draft Local Plan meet the definition of ‘strategic’ policy as defined in the National Planning Policy Framework and MHCLG Planning Practice Guidance. We consider these detailed and ‘place specific’ ODPC policies to be ‘non-strategic’ in terms of the proper application of paragraph 24 of the NPPF. This states that *Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies*.

1.32 This difference of view between OPDC and OONF was raised at the Examination of the OPDC Local Plan and may become relevant when this draft neighbourhood plan is tested for ‘general conformity’ with the strategic policies of the ODPC Local Plan (if by then adopted or near adoption at examination stage).

1.33 The content of LB Ealing’s Core Strategy predates the introduction of neighbourhood planning and the 2012 National Planning Policy Framework (NPPF). Hence Ealing do not identify which of its policies are ‘strategic’ and ‘non-strategic’. This question will therefore need to addressed in relation

to specific proposed NP policies, at examination stage. The Ealing Core Strategy and Development Plan documents do not contain detailed policies covering that part of East Acton ward designated as a neighbourhood area, so this issue may prove simple to resolve.

Key LB Ealing and OPDC policies which will affect this neighbourhood plan

1.34 This first section of the neighbourhood plan briefly reviews the key policies of the LB Ealing Core Strategy and the OPDC Draft Local Plan, and their implications for a neighbourhood plan for the Old Oak neighbourhood area.

Land Use - Housing and Employment

1.35 Policy 3B of the Ealing Development Management Document on Optimising Housing Potential reads: *B Appropriate density ranges in Ealing will normally be; Central in Ealing Metropolitan Town Centre, Urban in Acton, Greenford, Hanwell and Southall Town Centres, and Suburban in the rest of the Borough.* The Old Oak neighbourhood area (OONA) lies in East Acton ward.

1.36 OPDC's draft policy for housing (Policy H1 on Housing Supply) is *to support delivery of a minimum of 20,100 new homes during the Plan period.* This figure has since been adjusted to reflect the September 2019 interim report for Planning Inspector Paul Clark on the non-viability of housing on the major part of Cargiant's landholding at Old Oak North. OPDC Draft modifications consulted on to date are for 13,972 new homes in Years 0-10 of the Plan and 25,680 in total.

1.37 The 19.2 Draft OPDC Local Plan included a land use policy for *Place P8 Old Oak Lane and Old Oak Common Lane.* This 'Place' was previously expected to contribute to the delivery of 1,600 new jobs and a minimum of 2,800 new homes over the plan period including early delivery of a minimum of 1,200 homes to contribute to OPDC's 0-10 year housing supply. These figures have since been overtaken by draft modifications.

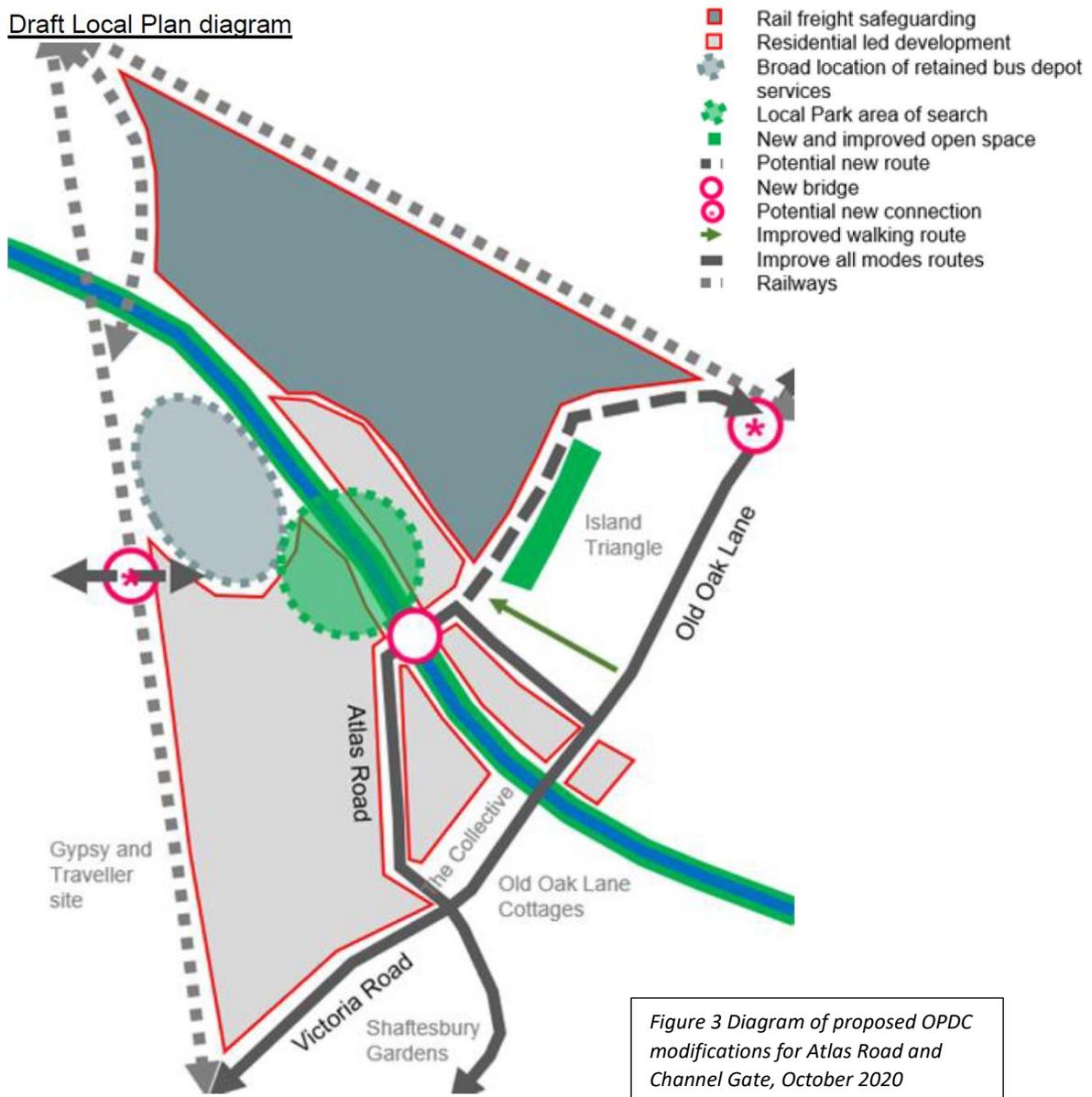
1.38 The 19.2 Draft OPDC Local Plan also included a set of 34 specific site allocations at Table 3.1. These do not include any potential housing sites within the OONA. The neighbourhood area boundary included a small part of site 28 (Channel Gate) for which employment targets were set, but these were programmed beyond the first 19 years of the OPDC Local Plan and beyond the initial 8 year life of this neighbourhood plan.

1.39 Draft modifications published by OPDC in October 2020 show a very different set of proposals for the area around the Atlas Road roundabout, in the diagram overleaf. Development capacity for the area is shown as 3,100 new homes and 1,000 jobs.

1.40 Key onsite infrastructure' is identified as below:

- Vehicular route improvements including potential northern connection to Old Oak Lane and
- Canal bridge
- Safeguarding for tunnel under rail line to the west
- 2 hectare Local Park and smaller open spaces.
- Improvements to existing walking and cycling bridges.
- Potential need for social infrastructure subject to Social Infrastructure Needs Study.

Draft Local Plan diagram



Housing Requirement figure for neighbourhood plan

1.41 The National Planning Policy Framework expects strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies (paragraph 101 Reference ID: 41-101-20190509). The Regulation 19.2 version of the Local Plan does not do this. The boundary of OPDC Place 8 is in any event unlikely to reappear in the modified Draft Local Plan and anyway was not coterminous with that of OONA.

2.0 Generic draft policies applying across the Old Oak neighbourhood area

2.1. A key part of this draft neighbourhood plan is the introduction of a series of housing policies proposed to cover the whole of the 22 hectare neighbourhood area. Were the 'contingent Plan B' section of the Plan to come into effect, this would have its own housing policies.

Density and building heights

2.2. In consultation sessions on the Regulation 19.2 OPDC Draft Local Plan, there has been an (unsurprising) concern of local residents on the proposed housing densities, and the implications for building typology and height. The residential towers consented under powers delegated by OPDC to LB Ealing for applications at North Acton (up to 55 storeys) have exacerbated these concerns

2.3 The current position on relevant planning policies is as follows.

- The New London Plan does away with former policy 3.2 on housing density (and its accompanying 'density matrix'. Policy D6 in the NPL does not give any guidance on the actual appropriate densities of proposed developments in relation to the setting or the local PTAL (public transport accessibility level). The policy requires planning officers to adopt a 'design-led approach' within 'Good Growth' Policy GG2 on *Making the Best Use of Land* including 'promoting higher density development', and policy SD1 on intensifying development in Opportunity Area.
- The Secretary of State intervened at very late stage of finalisation of the New London Plan to direct the Mayor to amend Policy D9 to read *Tall buildings should only be developed in locations that are identified as suitable in Development Plans*. The letter to the Mayor added *This Direction is designed to ensure that there is clear policy against tall buildings outside any areas that boroughs determine are appropriate for tall buildings, whilst ensuring that the concept of gentle density is embedded London wide*.
- OONF strongly welcomes this intervention and the direction of travel of Government policy, and believes that 2021 will see a reduction of tall residential and commercial towers in the planning pipeline for London⁴.
- The Regulation 19.2 OPDC Draft Local Plan included broad policies defining 'Good Growth' (SP2) and on the Built Environment (SP9). The latter states that development should *deliver high densities and a range of building heights, including tall buildings in the locations identified in figure 3.15*. The OONA boundary does not include any of the areas shown in Figure 3.15 as *specific locations where tall buildings are an appropriate form of development in principle*.
- This position could change, with the introduction of modifications to the OPDC Draft Local Plan.
- The current OPDC Tall Building Statement (a Supporting Study to the Draft Local Plan) defines a tall building as that *above 15 storeys or above a minimum of 48 metres above ground level*. This may also change as a result of a direction that has extended tall buildings restrictions to more projects by defining them as over six storeys or 18 metres high (compared to the draft London plan's definition for all areas, other than the Thames Policy Area, of more than 30 metres high).
- The 2013 Ealing Core Strategy includes a policy 1.2 (h) *To support higher densities in areas of good public transport accessibility*. This policy also states *Tall buildings may be suitable in specified sites within Acton, Ealing and Southall town centres, gateways to Park Royal and identified development sites only. Specific locations identified as suitable for tall buildings will be designated through the Development Sites DPD and also through SPDs/AAPs. In these documents additional work to refine suitable sites and formations with particular regard to heritage assets and their settings will be undertaken*.

⁴ Reference to added on tall building numbers, when results of the 2021 survey are published by New London Architecture.

- The Ealing Development Management DPD includes a policy 3.4 on Optimising Housing Potential. This states *Appropriate density ranges in Ealing will normally be; Central in Ealing Metropolitan Town Centre, Urban in Acton, Greenford, Hanwell and Southall Town Centres, and Suburban in the rest of the Borough.* This range of densities refers to the current London Plan Density Matrix, within which 'Suburban' densities range from 50-150 units/hectare depending on PTAL levels of the locations involved.

2.4 Hence the position on parameters for housing densities and tall buildings in the Old Oak neighbourhood plan remains a complex and changing scenario. This may have become more clear by the time a draft neighbourhood plan is examined

Housing in Multiple Occupation (HMOs) and student housing

2.5 Since the start of HS2 preparatory works, parts of the OONA have seen an increase in the number of HMOs. As the pace of construction activity picks up this trend will inevitably escalate. A large and growing workforce will want to be housed as near as possible to the construction site of the station interchange, a location where current levels of public transport access are low.

2.6 LB Ealing has a strong track record of enforcement on illegal use of outbuildings ('beds in sheds') and in 2018 implemented new national legislation on HMOs. Since 1 October 2018, mandatory licensing - previously limited to properties that were three or more storeys tall - was extended to cover almost all houses in multiple occupation (HMOs) that are occupied by five or more people and where there is some sharing of facilities, regardless of the number of storeys. Landlords and managing agents need a mandatory HMO licence if renting or managing a rented property that is occupied by five or more people in two or more households that share (or lack) toilet, washing or cooking facilities.

2.7 Licencing of HMOs is a quite separate matter from planning permission. Given the nature of the housing stock in the OONA, the planning issues for the neighbourhood relate mainly to 'small' HMOs of 3-6 people. These are classed as C4 use class, and national permitted development rights allow for transfer to and from C3 (ordinary housing) and C4 without planning permission.

2.8 A number of towns suffering from over-concentrations of student housing have introduced policies via neighbourhood plans to resist increases in HMOs (e.g. Exeter St James, Falmouth) resulting from student demand. For large HMOs, change of use to and from the 'sui generis' class needs planning permission.

2.9 Given growing concerns within the neighbourhood about the impact of an excessive concentration of HMOs within a small residential area, this neighbourhood plan proposes a policy resisting further change of use from residential to 'sui generis' (normally required where occupation by more than 6 occupants is involved). The Plan also asks LB Ealing to introduce an Article 4 Direction on HMOs, covering the OONA, which would allow for tighter control over HMO use. Public consultation on this draft plan will test whether this approach to student housing and to HMOs commands support from local people.

Travel, transport and traffic

2.10 The future ability of OONA residents to travel easily to and from work, and to access shopping and other facilities remains uncertain. A Crossrail connection at OOC station will widen transport options for reaching central London. The proposed new Overground station at Old Oak Common Lane (adjacent to the OONA boundary) now seems very unlikely to materialise as a result of lack of TfL funding. The 2013 LB Ealing Core Strategy proposes little by way of transport improvements

affecting the neighbourhood area. Meanwhile residents experience congested roads and frequent roadworks resulting from HS2 and other construction activity.

2.11 In terms of existing public transport, most OONA residents are served better than some in North Hammersmith, North Kensington, and East Acton. This results from the relatively close proximity of Willesden Junction and North Acton stations. Figure () below shows current PTAL levels in the wider area, with the OONA boundary superimposed.

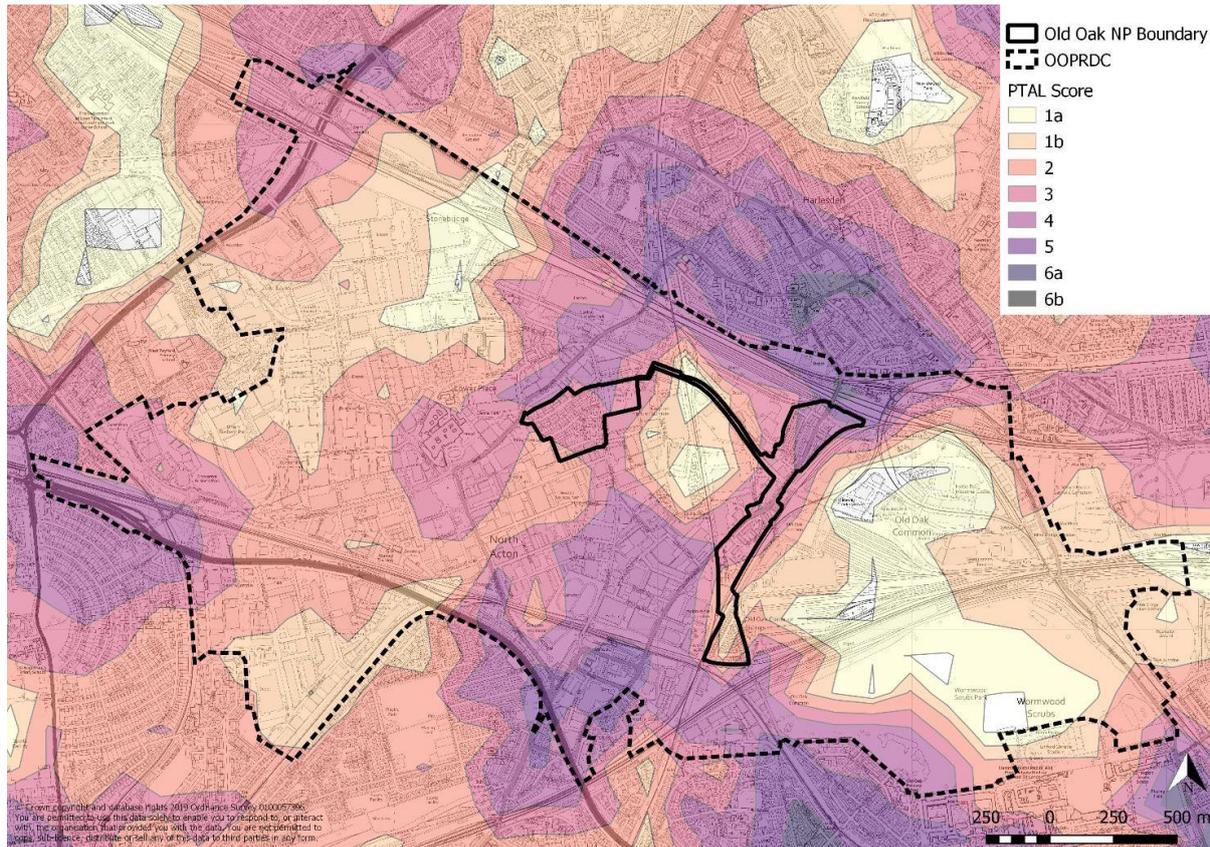


Figure 4 Map of Public Transport Accessibility Levels (PTAL) showing the OONA within the wider area

2.12 As can be seen from the map, the Wesley Estate is less well served than some other OONA areas and Wells House Road has poor levels of accessibility to public transport at present. East Acton station beyond easy walking distance for Wells House Road and North Acton station appears as close on a map but is inaccessible across railway lines.

2.13 There are limits to what this neighbourhood plan can achieve in terms of influencing decisions on the major transport infrastructure options for the area. The future of ideas and proposals in the Regulation 19 Victoria Road Development Framework Principles, for road widening and dedicated cycleways, are uncertain at the present time. The HS2 application for Section 17 consent to lower Old Oak Common Lane beneath the rail bridge was regrettably consented in January 2021 with inadequate road width for adequate cycle lanes.

Other impacts of plans for HS2

2.14 The OONA lies within a part of the OPDC area of which a series of sites are being/will be used as HS2 construction compounds over the period 2021-26 (and probably for several years longer given delays already incurred on the HS2 timetable). Timetables for full or partial release of these sites

are not yet clear (to local people). OPDC modifications would seem to depend in some cases on relatively early release, if 0-10 year housing delivery targets are to be achieved.

2.15 The map below (Figure) shows the areas destined to be used as HS2 construction compounds. Several of compounds are immediately adjacent to parts of the OONA (notably Atlas Road and Channel Gate). The implications in terms of noise, disturbance, and air quality have for several years been a huge concern of local people living within the surrounding area.

2.16 It should be noted that in its response to the original 2017 designation application by the Interim Old Oak Neighbourhood Forum, OPDC did not categorise these construction sites as 'excluded development' for which no provisions can be made in a neighbourhood plan. Their current use is a temporary and not a permanent use.

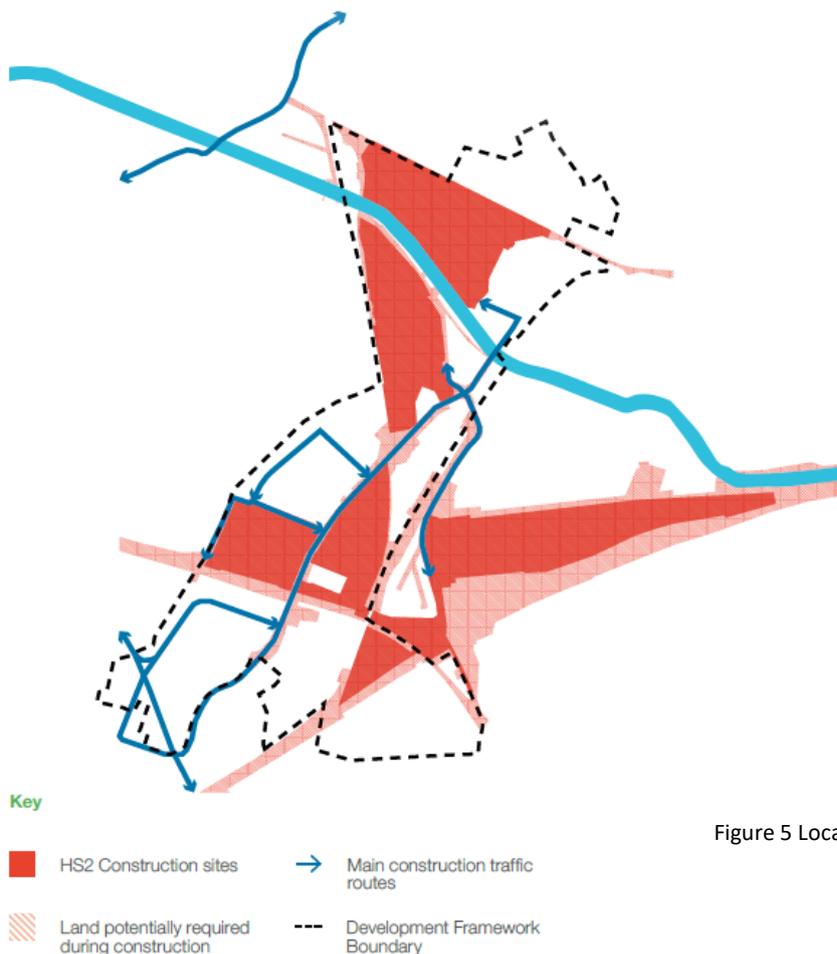


Figure 5 Locations of HS2 construction compounds

Role of the OPDC as the planning authority responsible for administering the final stages of this neighbourhood plan

2.17 The OPDC is the planning authority which has to date acted as the 'responsible authority' for administering the stages of this neighbourhood plan. An unusual situation is created by the fact that the OPDC delegates to LB Ealing all decisions on small-scale planning applications and some larger ones also (including all at North Acton). LB Ealing also remains the highway authority for the OONA.

2.18 The Forum will therefore liaise with LB Ealing as well as OPDC in finalising this draft plan, prior to submission. Once submitted to OPDC, it is assumed that the Corporation will undertake the subsequent statutory stages of S16 consultation (often called the 'publicity stage') and will arrange the process of independent examination. It may be that the holding of the local referendum will be delegated back to LB Ealing, as OPDC does not have electoral services staff.

2.19 At the examination stage it is for the independent examiner of the draft neighbourhood plan (selected jointly by the planning authority and the forum) to assess the content of the draft plan and to reach conclusions on whether the required 'basic conditions' of a neighbourhood plan are met.

2.20 It is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions.

2.21 There are narrow circumstances in which the local planning authority is not required to 'make' (adopt) a post-examination neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations. (EU requirements are assumed to no longer apply).