

# OLD OAK NEIGHBOURHOOD PLAN - DRAFT AT NOV 9<sup>TH</sup> 2019

## 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 1<sup>st</sup> 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 in all (including Kensington and Chelsea which lies to the immediate east of the OPDC area) came together under the auspices of a new network, the Grand Union Alliance. 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 a large neighbourhood area, extending across the 'Old Oak' half of the OPDC area. These included 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 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 Coporations'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 These decisions were viewed locally as a minimalist and unhelpful response by both OPDC and LB Hammersmith & Fulham to the legal requirement in the 2011 Localism Act that a local authority must designate at least part of any neighbourhood area applied for. An unwillingness on the part of these two planning authorities to allow local people the chance to demonstrate that England's neighbourhood planning framework could make a constructive input to the planning of London's

largest regeneration area continues to be seen as a backward step in the Development Corporation's efforts to 'engage' with local people.

1.8 Despite the fact that there is little rationale for the boundaries of either of these neighbourhood areas (and neither had been the subject of any application) the interim Old Oak Forum decided to re-apply for designation as the forum for the limited area approved by OPDC. For the Old Oak Estate, no neighbourhood forum has been formed and the area thus remains one of a small number of 'orphan' neighbourhood areas in London.

1.9 In February 2018 the OPDC approved the designation of the Old Oak Neighbourhood Forum as the body with powers to prepare a neighbourhood plan for the 22 hectare area shown in yellow at Figure 1 below and the more detailed map at Figure ( ) overleaf. The original area applied for is shown in blue and had a population of just under 7,000 (well below that of several designated neighbourhood areas in London).

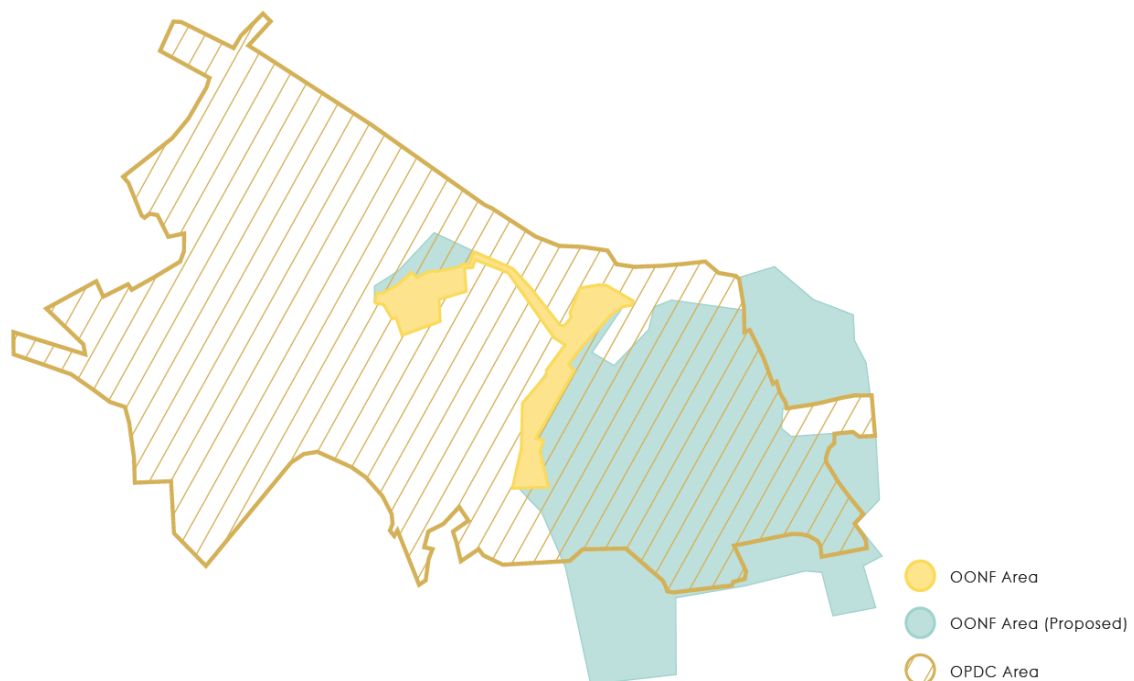


Figure 1 showing 280 hectare neighbourhood area applied for in blue and the 22 hectare subsequently designated by OPDC in yellow, as compared with the OPDC area as a whole.

### **A positive and constructive neighbourhood plan**

1.10 This draft neighbourhood plan be being brought forward at this time because of the risk that this part of West London could remain blighted for a decade as a result of delays on the HS2 project and the OPDC Local Plan, coupled with a fall in values for industrial and residential land in London. As a neighbourhood forum, we are aware of what has happened at Earls Court and in other Opportunity Areas. We believe in the potential of the neighbourhood planning framework as a means of responding swiftly to changes in circumstances and planning context. We will review this draft plan month by month in the period prior to the outcome of the Oakervee review of HS2 and

adoption of the OPDC Local Plan 9as and when found by the Inspector to be sufficiently modified to be 'sound'.

1.11 The 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. As set out in this draft plan, there are however several new policies and site allocations 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.

#### **A 'zone of transition'**

1.12 The main aim of this neighbourhood plan is to facilitate the creation of a successful 'zone of transition' between the well-established Park Royal industrial/employment area and the proposed 'high density transit oriented' regeneration of land at Old Oak – including the area of Old Oak South around the planned HS2/Queen Elizabeth Line rail interchange at Old Oak Common.

1.13 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 Spring 2020 at the earliest (and this timetable is seen as many as being optimistic. This timetable is running three years behind that forecast in the 2015 OAPF.

#### **The present review of HS2 and position on the OPDC Draft Local Plan**

1.14 The announcement in late August 2019 of the Oakervee Review of the HS2 project, on a 'go or no go' basis, may well delay further the Examination of the OPDC Draft Local Plan. OPDC Chair Liz Peace has acknowledged that were the HS2 project to be cancelled, the original ambitions of the Corporation would become redundant. Were the HS2 Review to conclude that the line from Birmingham should terminate at Euston rather than Old Oak, this would require full reworking of the (completed) designs for the HS2/QE Line station and a rethink of plans for the area termed by OPDC as 'Old Oak South'. Other related rail connections and public transport infrastructure would also have to be reconsidered or identified.

1.15 In September 2019 Planning Inspector Paul Clark issued an 'interim report' on the OPDC Draft Local Plan. This addressed questions on the first phase of housing delivery, planned by OPDC to include land owned by Cargiant at Old Oak North. The Inspector concluded that the Cargiant site should be excluded from this first OPDC Local Plan, with housing and employment delivery figures adjusted downwards from 20,100 dwellings and 40,400 jobs to 14,200 and 37,590 respectively.

1.16 During the examination process, it had already been accepted by OPDC that 'major modifications' would be needed to the OPDC Local Plan prior to adoption. These changes to the Draft Local plan will require a further round of public consultation. The necessary revisions to the Draft Plan will be extensive regardless of the outcome of the Oakervee Review.

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

1.17 Given this set of circumstances, the Old Oak NF has decided that a first neighbourhood plan should be drawn up, covering the eight year period 2020-28. This period of time should see the construction of the HS2/Queen Elizabeth Line station (planned for a 2026 opening but now delayed

to 2028). This 'interim' neighbourhood plan will then be reviewed, when (it is hoped) the current huge uncertainties about the future of the Old Oak area will have been finally resolved.

1.18 At this initial stage, the plan has been prepared on the assumption that HS2 will proceed, but with a contingent possibility that the project will be cancelled. For the limited 22 hectare designated the main implication of cancellation is that construction sites currently acquired and reserved for HS2 use would be released earlier. Transport and traffic assumptions on Old Oak Lane, Victoria Road and old Oak Common Lane would also change.

1.19 Local people currently living and working in the neighbourhood area are experiencing huge disruption and damage to their quality of life. HS2 preparatory works are underway, creating poor environmental conditions requiring a series of investigations into poor air quality. Telephone and internet connections have been lost for extended periods as a result of damage to cabling and infrastructure. Roadworks with extra traffic lights are an almost permanent feature of Old Oak Common Lane, with more to come with a planned ( ) month closure to lower the road beneath the rail bridge. House values are blighted, with ongoing disputes with HS2 on compensation levels and mitigation works for noise insulation.

1.20 Preparation of a neighbourhood plan aims to restore some sense of autonomy and agency for local people, over what happens to their area in the 2020-2028 period. The policies and measures proposed in this Draft Plan (if successful at examination and referendum) will go a small way to ensure that the communities in this slice of west London have a say over their lives, during a period when the actions of agencies and higher authorities responsible for this part of London can no longer be realistically predicted or planned for.

### **Planning policy context for this neighbourhood plan**

1.21 The formal and legal context for this neighbourhood plan has been complicated by the extended delays on adoption of the OPDC Local Plan and the continuing uncertainty over an adoption timetable.

1.22 It may prove that an Old Oak Neighbourhood Plan submitted for examination in early 2020 precedes adoption of the OPDC Local Plan.

1.23 This is a scenario which has happened elsewhere in England, where the timetable for a neighbourhood plan has run ahead of a new or updated Local Plan. The question of whether a neighbourhood plan can precede an adopted Local Plan has been tested in the Courts and the answer is that it can<sup>1</sup>.

1.24 In such a scenario, the 'general conformity' of draft policies in this 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).

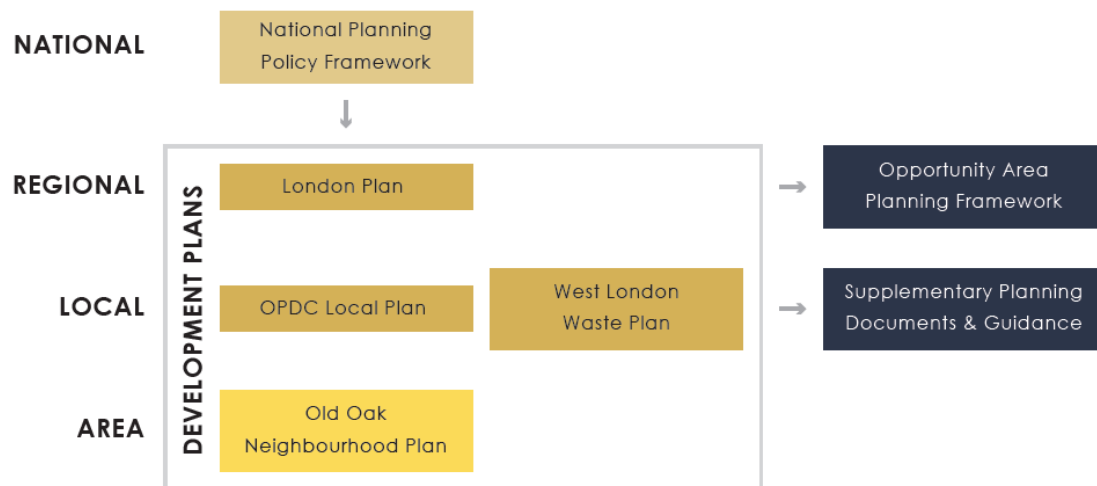
1.25 The extent to which the independent examiner of this draft plan will need to pay heed to 'emerging' policies in the Draft OPDC Local Plan will depend on the position on adoption of the latter plan at the time of examination. It will be for OPDC as the 'responsible authority' for this Old Oak Draft Neighbourhood Plan to carry out the statutory Regulation 16 consultation, following on from the S14 pre-submission consultation organised by the Forum.

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<sup>1</sup> 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 Should the OPDC Local Plan prove to be adopted in advance of the examination of this draft neighbourhood plan, at some point in the first half of 2020, the planning policy hierarchy would be as in figure 2 below:



1.28 The thinking behind this neighbourhood plan has developed over a period of years since 2015. Those who have put together the Draft Plan have been involved in many OPDC consultation sessions on the preparation of the OPDC Draft Local Plan, and in meetings of Forum members. This has allowed for an accelerated consultation process on this Draft Plan.

1.29 The notes of Forum meetings, and the slides shown at these sessions, can be found on the Forum’s website at [www.oldoakneighbourhoodforum.org](http://www.oldoakneighbourhoodforum.org).

**‘Strategic’ and ‘non strategic’ policies in the OPDC and LB Ealing Local Plans**

1.30 OPDC asserts at Paragraph 1.23 of its own 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 ‘Place’ policies 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) at examination stage.

1.33 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 be 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 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 will now be reduced following 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.

1.37 The 19.2 Draft OPDC Local Plan includes a land use policy for Place P8 Old Oak Lane and Old Oak Common Lane. This ‘Place’ is 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.

1.38 The Draft OPDC Local Plan also includes 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 includes a small part of site 28 (Channel Gate) for which employment targets are set, but these are programmed beyond the first 19 years of the OPDC Local Plan and beyond the initial 8 year life of this neighbourhood plan.

1.39 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 not coterminous with that of OONA.

1.40 The housing target for Place 8 of 1,200 new homes in OPDC’s 0-10 year housing supply is assumed to be derived from estimates of windfall sites along with specific allocation of spread across sites that relate primarily to the Corporation’s plans for mixed use development at the Westway Estate (to which a 1,000 housing target is attached). Paragraph OOL.4 of the Draft Local Plan states *Primary development opportunities are within the Westway Estate, Oaklands North and Atlas Junction.* The Forum agrees that these are the areas which offer scope of new housing development within what is already a largely developed neighbourhood area.

1.41 Given this context, the Forum will consult with both LB Ealing and with OPDC on setting an indicative housing requirement for the OONA. These discussions will take account of both Ealing’s and OPDC’s aspirations, given the uncertainties over the timescale for the adoption of the OPDC Local Plan and the nature and potential extent of revisions to the OPDC Regulation 19 Local Plan site

allocations and housing targets. **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.**

### Density and building heights

1.42 In consultation sessions on the OPDC Draft Local Plan, there has been a natural local concern that the scale and height of new residential buildings, and the resultant housing densities, are being proposed as levels entirely different from the urban grain of the existing residential area. The evidence of new residential towers approved and under construction at North Acton has exacerbated these concerns (albeit that these buildings have been granted planning permission by LB Ealing rather than OPDC, under delegation arrangements from the Development Corporation).

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

- The final version of the London Plan is expected to be published in February/March 2020 and hence will be a relevant policy framework for this Old Oak Draft NP. The policy and 'density matrix' in the existing London plan will be replaced by a new Policy GG2 on Making the Best Use of Land including 'promoting higher density development', and policy SD1 on intensifying development in Opportunity Area.
- The emphasis in the new London Plan is on '*defining an area's character to understand its capacity for growth*' (Policy D1), '*optimising site capacity through the design-led approach*' (Policy D1B), '*delivering good and inclusive design*' (Policies D2 and D3) and '*Achieving Housing Quality and Standards*' (Policy D4).
- On Tall Buildings, new London Plan policy is that *Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London.*
- The OPDC Draft Local Plan includes 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 and of the areas shown in Figure 3.15 as *specific locations where tall buildings are an appropriate form of development in principle.*
- The 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.*
- The OPDC Draft Local Plan Policy D5 on Tall Buildings states that '*s, policy SP9 and relevant policies within the Places Chapter; Proposals for tall buildings will be supported as an appropriate form of development in principle where they: a) accord with latest relevant national guidance, London Plan policies, policy SP9 and relevant policies within the Places Chapter;* As noted above (paragraph) the Old Oak Neighbourhood Forum does not accept that policies in the Place chapters meet the NPPF definition of 'strategic' policies.
- 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.*
- 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.

1.44 Draft policies on housing density and building heights proposed within this neighbourhood plan have been developed within this policy context, in terms of the 'general conformity' requirement.

### **Housing in Multiple Occupation (HMOs) and student housing**

1.45 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 (assuming the HS2 project proceeds) 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.

1.46 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.

1.47 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.

1.48 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). For large HMOs, change of use to and from the 'sui generis' class needs planning permission.

1.49 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**

1.50 The future ability of OONA residents to travel easily to and from work, and to access shopping and other facilities, remains hugely uncertain. HS2 may or may not happen. A new Overground station at Old Oak Common Lane (adjacent to the OONA boundary) remains unfunded within TfL capital programmes, with little prospect at present that OPDC can close its infrastructure funding gap. The 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.



1.51 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.

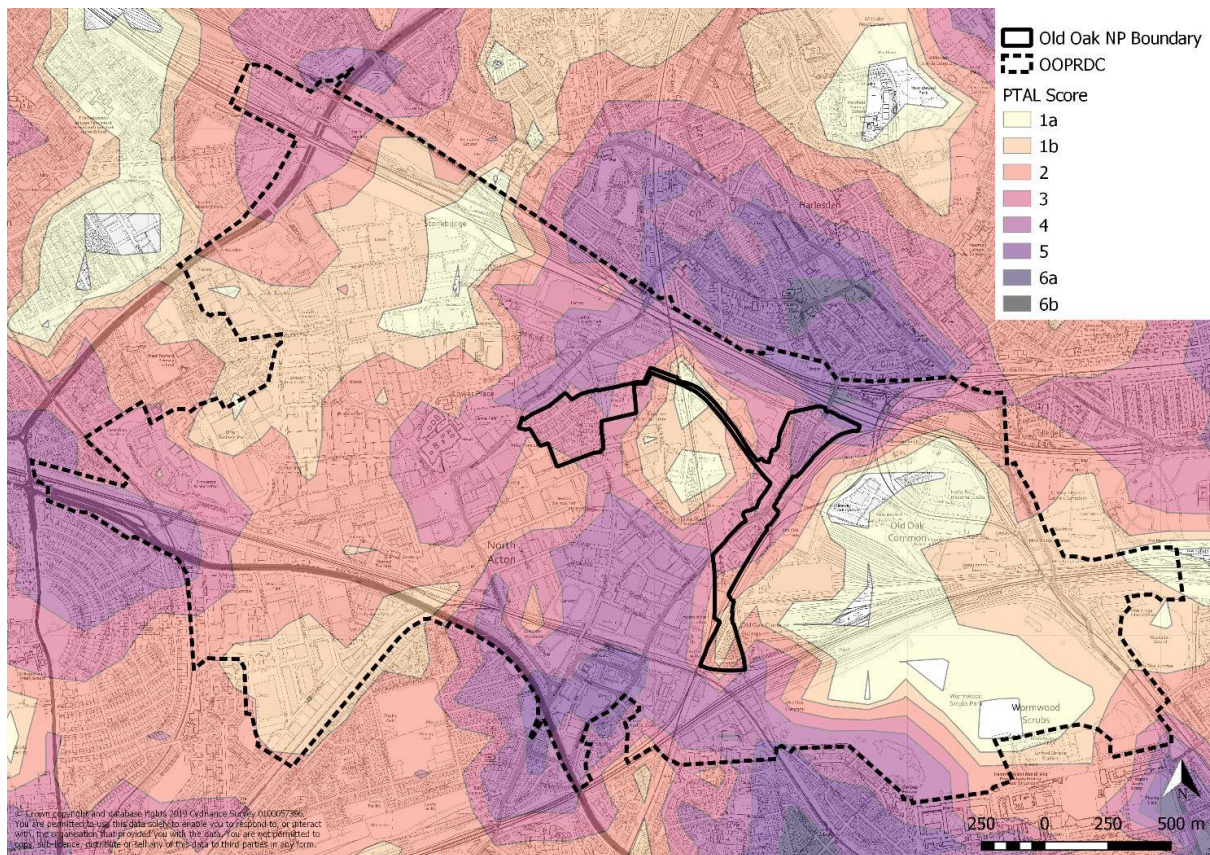


Figure ( ) Map of Public Transport Accessibility Levels (PTAL) showing the OONA within the wider area

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

1.53 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 Vitoria Road Development Framework Principles, for road widening and dedicated cycleways, are uncertain at the present time. *(Possible transport improvements and policies to be discussed at the OONF Forum)*

### Other impacts of plans for HS2

1.54 The OONA lies within a part of the OPDC area of which a series of sites will be used as HS2 construction compounds over the period 2020-26 (and probably for several years longer given delays already incurred on the HS2 timetable). This use of these compounds assumes that the HS2 project goes ahead following the outcome of the Oakervee review.

1.55 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. The implications in terms of noise, disturbance, and air quality are a huge concern of local people living within the OONA.

1.56 As a neighbourhood plan with a proposed 8 year plan period, a number of future site allocations for certain of these construction compounds are made within this document. These allocations aim to define the most appropriate use if these pieces of land, within an integrated and successful long-term neighbourhood that provides the health, retail, social and community needs of the area. For the time being, as part of HS2 plans, these sites remain as ‘excluded development’ under the terms of the 2011 Localism Act and therefore outside the scope of short-term site allocations introduced via a neighbourhood plan.



Figure ( ) Locations of HS2 construction compounds

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

1.57 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.

1.58 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 then arrange the examination process. 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. At the examination

stage it is for the independent examiner of the draft neighbourhood plan to assess the content of the draft plan and to reach conclusions on whether the required 'basic conditions' of a neighbourhood plan are met.

1.59 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.

1.60 There are narrow circumstances where 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