

Local Plan Consultation
Old Oak and Park Royal Development Corporation
Greater London Authority
City Hall
The Queen's Walk
London
SE1 2AA

Date: 11 September 2017
Our ref: 14119/04/MH/DD/14714304v7
Your ref:

Dear Sir/Madam

Old Oak and Park Royal Development Corporation (OPDC): Revised Draft Local Plan Consultation - Representations on behalf of Citrus Group and Fullers

On behalf of our joint clients, the Citrus Group ("Citrus") and Fuller Smith & Turner ("Fullers"), we enclose representations on the Old Oak and Park Royal Development Corporation (OPDC) revised draft Local Plan consultation, published for consultation until 11 September 2017.

By way of background, Citrus¹ own The Portal site within the OPDC area – Site Allocation 17 on Figure 4.2 – and Fullers own The Castle Public House ("The Castle") which abuts The Portal site to the north and is identified in emerging Policy P7. Over the past two years Citrus has been progressing a residential-led development on The Portal site and recently secured a resolution to grant planning permission following an Ealing Council Planning Committee meeting in May 2017 (ref: 165514OPDFUL). Citrus has also entered into an agreement with Fullers to explore the potential of The Castle site in the context of the Council's and OPDC's aspirations for the wider area, and pre-application discussions are currently underway with Ealing Council.

Overall, Citrus and Fullers support the emphasis within the revised draft Local Plan on delivering growth and new residential accommodation within the OPDC area but strongly object to the proposed local listing of The Castle. We provide specific comments below on the following policies below P7, P7C1, TCC7, D8 and H10.

Policy P7: North Acton and Acton Wells

Vision

The vision proposed for the North Acton area is strongly supported by our clients, particularly the recognition that North Acton and Acton Wells "will be a high density area" and noting point V3 which states:

"The area will see high quality tall buildings being delivered in appropriate locations, with high density housing being the main land use along with new hotel and student accommodation."

¹ The legal entity that owns the freehold of the site is Createfuture Limited which is managed by the Citrus Group.

Policy

Land Uses

Citrus and Fullers support the range of land uses proposed for North Acton within Policy P7, especially the targets identified under (b) to support the delivery of mixed use high density residential and student accommodation, which are considered to be suitable uses given the existing and emerging developments in the area. Fullers also support the provision under (d) for the delivery of town centre uses within designated town centres.

Public realm and movement

Our clients support proposals under (g) and (j) to deliver a coordinated high quality public realm supported by positive and active frontages. Citrus incorporated a detailed public realm offering, with active ground floor uses spilling out into this, as part of The Portal scheme and designed the scheme such that it connected well to the existing and emerging network of emerging public spaces in North Acton.

Building heights

The principle of tall buildings in North Acton neighbourhood town centre and other key routes is supported as this is considered clearly to be reflective of the existing, approved and emerging scale of development in North Acton.

Heritage and context

Our clients strongly object to the proposed local listing of The Castle as referenced under (m) and shown on Figure 4.32 of Policy P7. The justification for this is provided as a single response to Policy D8 below.

They also disagree with and object to the justification suggested in NA.15 for preserving The Castle, which is set out below for ease of reference:

“North Acton and Acton Wells has historically been an area of industry supported by the rail and road networks. However, the regeneration of North Acton has seen this character eroded, resulting in a number of heritage assets being lost. To support the construction of Old Oak Common Station, heritage assets will be lost in Acton Wells. However, the redevelopment of both areas offers the opportunity to conserve and enhance the remaining assets, the OPDC heritage themes and ensure new development reflects the existing and evolving local character in terms of design, construction and operation.”

We note the following in respect of this supporting text:

- Beyond the previously locally listed Elizabeth Arden Factory, no other buildings in North Acton have previously been considered to be worthy of designation as a locally listed building by the Ealing Council; nothing has changed in the interim to suggest a different conclusion in respect of this building;
- In the determination of the various recent applications for new developments in North Acton, no heritage assets (aside from the Elizabeth Arden Factory) were identified by the Council or constituted a material consideration; and
- The setting of North Acton has changed from what used to be a historic industrial area to one which is now dominated by tall residential/student accommodation blocks and modern light industrial units. Consequently it is considered that The Castle is now completely out of scale and context with the developments around it and represents inefficient use of land within a designated Opportunity Area.

- That the area has changed and other buildings in the vicinity may have been lost over the years does not affect the historic significance (or lack thereof) of The Castle. What has happened elsewhere should have little or no bearing on an assessment of the merits of locally listing *this specific building*, which is unremarkable and where there are many other examples of buildings typical of this era.

Given that Policy P7 promotes the high density mixed-use development of tall buildings in North Acton (to provide a significant contribution to meeting housing needs), it is not considered that the change in the area from one of industry and rail and road networks should be cited as a reason for retaining buildings with little or no historic value, and where doing so could undermine the objectives of the planned and emerging environment.

The current building is somewhat dilapidated and requires significant investment. Externally it is a physically unremarkable building and now sits in an area which has undergone – and continues to undergo – rapid change. A large amount of The Castle’s current trade came from Carphone Warehouse employees but their office has planning permission and is expected to be redeveloped for residential uses. The area is changing both physically and demographically. New developments planned in the area are incorporating a range of commercial uses at ground level including A3/A4 units (i.e. planned within the ‘Perfume Factory’ development which is located directly opposite the site). There will be no shortage of such uses in this newly forming neighbourhood and the quality of the commercial accommodation proposed will be designed to meet the needs of occupiers and satisfy the demands of the changing demographic client base in the area.

Policy P7C1: North Acton Town Centre Cluster

As identified above, Citrus and Fullers are supportive of the principle of a vibrant high density neighbourhood town centre supported by a variety of town centre uses with residential above as outlined in Policy P7C1. However, both parties object to the retention of The Castle as a locally listed building as identified on Figure 4.35 and particularly the retention of the building, and use, in its current layout and form which represents an inefficient use of a prominent corner site given the policy direction for the area as a whole.

The Castle is an unremarkable pub typical of its era and of little intrinsic historic value. It does not sit comfortably with the rapidly evolving built environment and changing demographic in North Acton.

Policy TCC7: Public Houses

Our clients strongly object to the wording of Policy TCC7 which is overly prescriptive and restrictive towards the loss of public houses. The proposed policy should be sufficiently flexible such that it can respond to the market as necessary, and in order to be “effective” as required by paragraph 182 of the National Planning Policy Framework (NPPF).

Indeed, CAMRA state in their Public House Viability Guidance “times and circumstances do change and some pubs will find themselves struggling to continue.” Planning policy needs to be able to quickly and effectively respond to that, rather than be a financial burden on owners or operators. We set out below our response to the proposed wording of Policy TCC7:

“(a) the public house has been competitively marketed for 24 months as a public house and for an alternative local community facility and there has been no interest in either the freehold or leasehold either as a public house or as a community facility falling within the ‘D1’ use class;”

The identified period of 24 months is considered far too long and presents an unreasonable length of time to market a property, particularly if the business is clearly no longer viable. In our view, 6 months would be a

more sensible period and certainly no more than 12 months as adopted for other uses within the proposed plan (Policy TCC3, 4, 5 and 6). Indeed, standard industry practice and the CAMRA guidance referred to below recommends 12 months. It is unclear on what basis 24 months is justified.

“Competitively marketed” is not standard industry practice, doing so would adversely affect value and viability as the business would decline, staff would leave, it would be difficult to recruit etc. The policy is poorly worded and does not reflect reality. Development control policies should not be worded to be so inflexible that a landowner or operator would stand to make a loss over a significant period of time due to a change in circumstances.

“(b) the public house has been offered for sale in appropriate publications and through specialised licensed trade agents;”

Fullers’ comments in respect of strand (a) also apply to this element of the policy. “Appropriate publications” lacks definition and is poorly worded. It also has the potential to be redundant if it can be demonstrated that the use is unviable and therefore there would be no interest to other users. Please also see comments made at (a) above as they apply equally to this proposed draft text – this is not how the industry operates and to do so would adversely affect the value and viability of the public house. Again, it is unclear on what basis this is justified as a sound or effective approach.

“(c) all reasonable efforts have been made to preserve the facility, including all diversification options explored and evidence supplied to illustrate this;”

This element of the policy is vague and lacks the definition necessary to be considered “effective” in the context of paragraph 182 of the NPPF. Both “all reasonable efforts” and “all diversification options” are unreasonable and far too broad to constitute a reasonable policy. If marketing and viability evidence (as required by (a) and (d)) can be submitted, this part of the policy becomes redundant and should be removed.

“(d) the CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes demonstrate that the public house is no longer economically viable;”

The policy should be reworded and seek to avoid too much reliance or emphasis on a single test, by an organisation with a specific focus. The CAMRA test is not objective but rather is a checklist, and as such is subjective. It does not necessarily represent industry practice (e.g. is 1 mile a suitable yardstick, or should this be 400m or 800m?) and it may be counterproductive to wider Development Plan objectives to enshrine what is essentially a wish-list into development control policy. Flexibility and the ability to adapt to change should be at the heart of policy, and care should be taken to avoid policies which are overly prescriptive or which run contrary to other objectives.

“(e) an assessment has been made of alternative licensed premises within easy walking distance of the public house and premises are identified which offer similar facilities and a similar community environment to the public house which is the subject of the application;”

This element of the policy is overly prescriptive and the requirement to assess alternative licensed premises is not consistent with national policy as required by paragraph 182 of the NPPF. Independent of this the concept of “similar facilities” and “similar community environment” are too subjective and broad to form an appropriate policy test. This is a separate matter to a public house being unviable, and the policy as worded goes beyond a specific application for a specific site. There may be many other venues nearby, there may be none. The policy is too onerous as currently worded, and is therefore not justified or sound.

“(f) the proposed alternative use will not detrimentally affect the character and vitality of the area and will, where appropriate, retain as much of the building’s defining external fabric and appearance as a pub as possible;”

Recognition should be made within this element of the policy that alternative uses could themselves generate a positive impact and one beyond that currently provided by a pub, on the character and vitality of an area through the demolition and redevelopment of the existing site of a pub rather than seeking to retain the built fabric. This strand of the policy is at odds with the other elements which seek to preserve the provision of a viable public house as opposed to the built form of the building. It should be noted that various bars/cafes and restaurants etc. are planned as part of the new developments that are now coming forward in the area.

“(g) there has been public consultation to ascertain the value of the public house to the local community and the proposal does not demonstrably constitute the loss of a service of particular value to the local community;”

This strand of the policy assumes that a definitive conclusion can be reached through a public consultation exercise. There is no guarantee that this would be the case and that the consultation exercise could capture the views of the majority of the local community who may have no interest in the value of a public house.

“(h) if registered as an Asset of Community Value, the premises can be shown to have been offered for sale to local community groups and no credible offer has been received from such a group at a price that is reflective of the condition of the building and its future use as a public house.”

Separate legislation is already in place for this process as part of the The Assets of Community Value (England) Regulations 2012 and as such this strand of policy is considered superfluous.

Policy D8: Heritage

As outlined above, Fullers strongly object to the proposed local listing of The Castle and set out at Annex 1 an assessment of the case for local listing which concludes that The Castle pub does not meet the criteria to be locally listed as set out by Historic England and Ealing Council.

Policy H10: Student Accommodation

Citrus welcome the support for student accommodation within Policy H10 along with the recognition within supporting text of the increasing numbers of students in London and resulting increased demand and need for accommodation.

We trust that the above comments will be taken into account by the OPDC during the preparation of the Draft Local Plan and would be grateful if you would keep us informed of further consultations.

Should you have any questions or require additional information, please do not hesitate to contact me or my colleague Daniel Di-Lieto.

Yours faithfully



Pauline Roberts
Planning Director

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Annex 1: Local Listing Assessment

Policy context for listing

In paragraph 126 of the NPPF local planning authorities are encouraged to create local lists of non-designated heritage assets according to their own selection criteria. Suggestions for local listing are to be set out within the area's Local Plan. This is so that buildings which are not appropriate for statutory listing can be conserved 'in a manner appropriate to their significance'.

In order to support the proposed local listing within draft policies TCC7 and P7C1, the OPDC have published a Heritage Study (2017) which recommends that they create a "Local List" in order to "reinforce the special identity of the area". The Castle pub is suggested within the "Wales Farm Road Character Area".

General guidelines on how to assemble a local list can be found in Historic England's Advice Note 7 (2012). This guidance defines buildings that should be considered for local listing as those that "make a 'positive contribution' to the character of a conservation area" or outside of conservation areas, those which display either:

- 1 Age – those which have accumulated local significance over time.
- 2 Rarity – within the local context.
- 3 Aesthetic Interest – design value relating to the local vernacular.
- 4 Group Value – they have a clear visual or historic connection with other local buildings.
- 5 Archaeological Interest – this may take the form of buried remains or manmade structures.
- 6 Archival Interest – the value of a building may be bolstered if it is connected with a large historic or contemporary written record.
- 7 Historical Association – to important local figures.
- 8 Landmark Status – described as especially striking aesthetic value or communal associations.
- 9 Social and communal value – where a building is seen as a source of local identity, an arena of social interaction (including aspects of intangible heritage) or a contributor to the collective memory of an area.

Local planning authorities are encouraged to devise their own local selection criteria consistent with planning law and national policy and guidance. Ealing Council have defined local heritage assets as those which:

- a Make a contribution to the local townscape – by creating visual unity, through a connection to the surrounding architecture, history or landscape.
- b Are local landmarks – buildings of merit which contrast with their surroundings.
- c Have architectural interest – specifically unusual building types which display craftsmanship, design and building techniques.
- d Have local historical associations – with local people and events.

Comparative assessment

Historic England recently carried out a survey in order to establish the significance of inter-war pubs and to suggest them for statutory and local listing. Within this survey, conducted by Emily Cole (2015), significant features were determined as: the status of the pub; the quality and high rate of survival of the pub's exterior;

its interior plan and internal fixtures and fittings; and its role in typifying a particular architectural style and its contribution to the local streetscape.

The Castle is typical of its age and era, and there are many examples of similar unremarkable pubs throughout London and the UK. This particular building and its use is unremarkable, and does not possess any qualities which stand to warrant consideration for local listing.

On the contrary, to warrant national listing or indeed local listing a building or use should possess a special architectural quality or historic significance. Examples of listed public houses do possess these unique special qualities, this particular building does not.

For example, The Stag's Head in Hoxton, London, has good quality panelling and other original features which remain completely intact. Similarly, The Royal Oak in Hoxton, London, has good quality fittings and features displaying craftsmanship, such as inlaid panelling and a Vitrolite ceiling. A further example is The Gatehouse in Norwich, Norfolk, which has particular architectural interest, as an interesting example of a Neo-Tudor style and retains its original interior plan and many good quality original fittings. When comparing The Castle to other inter-war pubs which have recently gained listing status we do not consider that it matches these buildings in terms of architectural or historic interest. This is because, unlike The Castle, all of these pubs are very much intact, display high levels of craftsmanship and are good examples of their architectural style.

The Castle is neither a high quality example of its architectural style nor has it survived fully intact and therefore does not meet Historic England's criteria for inter-war public houses which are suitable for listing.

Response to proposed local listing

We have assessed the building according to Historic England Guidance and we do not consider that it meets the criteria for local listing for the following reasons:

- 1 Age – Built in 1938, The Castle is not old enough to have gained any special historic value on the basis of age alone. It is a typical pub of many built in this era.
- 2 Rarity – The building is rare within the local context but not in the wider context of inter-war pubs in Ealing. Such as The Forester on Leighton Road in West Ealing (Grade II), which is a high quality example of an open plan pub from the inter-war period, constructed in a neo-Georgian and Tudor style.
- 3 Aesthetic Interest – As an example of the Tudorbethan style, the building does have some limited aesthetic interest. However it is not a high quality example of the style, and is a typical unremarkable example of a pub of this era of which there are many examples.
- 4 Group Value – There are no other buildings of this architectural style within the visual setting of the pub and so it cannot be considered as part of a group. There is one contemporary building adjacent to the pub, but they do not have a visual or historical dialogue with one another.
- 5 Archaeological Interest – There is no evidence that suggests that the site may be of archaeological interest.
- 6 Archival Interest – There are no written records associated with building.
- 7 Historical Association – The Castle is not connected with any important local figures and so has no associative value. It has been recorded as a popular drinking destination for actors using the nearby BBC rehearsal rooms and so may have some historic links to a number of public figures including the ownership of the Fuller brewery. However there is no evidence of this within the building itself. That it may or may not have been used by unknown BBC employees in the past is not sufficient justification to warrant a local listing.

- 8 Landmark Status – the building may be considered to be a local feature as it is a “missing tooth” in the area, an anomaly, which is not necessarily positive. Its context has changed significantly since it was built as a pub for factory workers in the late 1920s, and has changed and been eroded over time. This takes away from any heritage value it may have exhibited due to this context
- 9 Social and communal value – As the building is architecturally isolated it is unlikely to act as a source of local identity. It does however have social value and communal value in common with all pubs by virtue of their very nature and their use. Many public houses are not listed or locally listed, as its use by a local community (its sole purpose) is not enough on its own to justify this. This value has changed and has diminished as the local area has been regenerated, and there is no evidence in the pub relating to the BBC rehearsal studios and the activities which took place there (a reason used by the Council to justify its local listing)

Conclusions

Due to the above considerations we do not consider that The Castle pub meets the criteria to be locally listed as set out by Historic England and Ealing Council.

Although the building has some degree of social and communal value, this is to be expected of all pubs. This in itself is not enough to justify listing or local listing in its own right, it is simply how a public house would be expected to function.

The materials and construction quality are not of high quality craftsmanship, and there are better examples elsewhere from the inter-war period throughout London and the rest of the country.

Moreover, it has not survived fully intact, such as those which were included in Historic England’s research report on inter-war pubs (Cole, 2015). As such the building falls short of one which would justify local listing.

The emphasis of draft policies TCC7 and P7C1 should be reworded accordingly.