

Briefing Note

ITEM 01 – 42 Hastings Road & 50-54 Drayton Green Road West Ealing W13 8QH

Ward Correction, should say: **Walpole**

Recommendation

B. Financial Obligations:

1. Air Quality Monitoring; £42,725
 2. Carbon Off-Setting contribution: £127,754
 3. Energy Monitoring contribution: £6118
 4. Energy Monitoring Equipment and Data Processing Contribution: £4,984
 5. Town Centre Improvements and Management Plans: £150,000
 6. Regeneration, Employment and Skills: £425,000
 7. Private and communal amenity space: £65,000
 8. Active Ealing: £200,000
 9. Trees (CAVAT): £5,005
 10. Link and Junction Improvements to Uxbridge Road: £20,000
 11. Signal junction of Drayton Green Road(B452) j/w Hastings Road: £10,000
 12. Pedestrian Infrastructure Improvement Contribution: £10,000
 13. CPZ Review (Parking Stress): £5,000
 14. Cycle Infrastructure Improvements: £10,000
 15. Relocate Hastings Road on street EV parking space or charging point: £7152
 16. 2-year Membership Credits towards 1 x Car Club space:
 17. TfL Bus Service Enhancements: £50,000
 18. Travel Plan(s) Student arrival/departure Management Plan Monitoring: £3000
- (Total contributions £1,138,738)

(Officer Note: Figure inadvertently omitted for Item 15 and total amended. The EV supplier proposes to increase the number of on street charging units on Hastings Road)

Section 7.5 Landscaping

Amend (underlined) proposed areas to read:

310sqm of external landscaped, student amenity space, which is a shortfall against the Council's standard of 781sqm. In addition to external amenity space, the scheme incorporates internal areas for students, totalling 740sqm. ... In combination with the open areas, the scheme provides 1050sqm, equivalent to 2.54sqm space per person student room.

Section 7.10 Energy and Renewables and Section 15.14e

Amend (underlined) emissions to read:

...site-wide CO₂ emissions will be cut by at least 41% against BR Part L 2021 (using SAP10.2 emission factors), with 34% through "Lean" efficiency measures, and 7% through "Green" renewable energy. There is a shortfall of 1344 tonnes CO₂ (over 30 years)...

Further Written Representations (Section 11)

Neighbour Representations

Up to the point of finalisation of the Officer's Report, there were 555 objections, 4 support, 1 neutral received (a total of 560).

In response to the re-consultation, there have been a further 489 objections, 3 support and 2 neutral, making a total of 1044 objections, 7 support and 3 neutral, (a grand total of 1054 public comments in all) received up to midday today 24th April.

A number of objectors repeat points previously made by themselves or others that are already contained in the main Report. To avoid repetition, only new points made but not contained or addressed in the Report are summarised below:

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Support

- A critical step in addressing current housing shortage. Indirectly contributes to making other types of accommodation more affordable. Not just about adding more houses; enhances the community, providing a foundation for a better quality of life, and helping solve the national housing crisis.
- Brilliant proposal. Demand by students on local family homes and flats etc will be eased. Ideal site for dense housing. (*Officer Note: Noted in relation to both*).

Neutral/Objection

- Draft local plan states (4.2.24) "New development must respond positively to Ealing's character and seek to enhance its identity." Another over-tall tower cannot deliver a positive contribution to local area character or enhance its identity. "Areas of West Ealing ... require targeted investment as Areas for Regeneration, which could see new much needed affordable homes delivered". Will not address these issues.(*Officer Note: The report sets out the suitability of the site for this tall building and student accommodation, for which there is an identified need*).
- Elizabeth line will not cope once joined by HS2 at Old Oak Common.
- Will soil what little view we residents of Dominion Towers have of the Southern London landscape. (*officer Note: Although there is no right as such to a view, the two blocks will lie obliquely to each other there would be no direct or significant adverse loss of outlook*).
- Has been expressly stated by Council that it is desirable to develop the whole site, not just segments of it. (*Officer Note: The applicant has provided illustrations to show how the Halfords site could be incorporated*).
- Transport concerns that are not adequately addressed, particularly during student drop-off and collection at the beginning and end of terms. Premodular units have smaller heights than conventional units and this will affect the sound insulation between floors. (*Officer Note: Conditions are proposed to regulate student collection/drop off (No.27) and for internal sound insulation (No.36)*).
- A large building, vital that it should be capable of being re-purposed if needs change over its lifetime. Many universities are struggling to survive, so demand cannot be guaranteed for this proposal.(*Officer Note: The s106 agreement would include a clause requiring a nominations agreement with a university or similar graduate institution prior to occupation by students*).
- Reg 19 Local Plan specifies that 40% of student accommodation should be affordable, the application allows for only 35%. (*Officer Note: At 35% the proposed affordable student accommodation complies with London Plan Policy H15*).
- Standard of architecture isn't up to much. Will enough of this accommodation will go to people who work in essential services? (*Officer Note: The scheme is expressly for student accommodation*).
- This type of single unit high rise student accommodation is not conducive to the good mental health of the occupants. Students need to live in communities not studio accommodation.
- Student accommodation creates antisocial behaviour.
- Regarding natural light (cf.the applicant's Daylight Report), this is a suburban site and NOT an urban site as claimed. Direct and very deliberate misrepresentation of the facts in an attempt to sway the planning committee. (*Officer Note: Objector references the Daylight Report describing the area as an 'urban environment.'. From observation, the general area portrays both 'Urban' and 'Suburban' characteristics being at the edge of the Metropolitan Town Centre. Ultimately, via the adopted Site Allocation DPD and*

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Draft Local Plan, the Council has expressly allocated the application site and adjoining land as being suitable for new higher density town centre uses).

- Changes have not reduced number of storeys, still a 20 storey tower block. *(Officer Note: The block height is reduced from the original submission as set out in the report).*
- Contrary to NPPF para 15 – ‘planning system should be genuinely plan-led.’ Reg 19 16EA says "Design analysis indicates a maximum height of 13 storeys." 4 storeys must be removed. *(Officer Note: Application of national and development plan policy is contained in the report).*
- With other planned developments, will see circa 3000 more people living within 4-500 metres of West Ealing station. *(Officer Note: Without details of other developments to which the objector refers this figure cannot be verified).*
- Welcome accommodation for students attached to a specific university with space for the young people. Current scheme is too high.
- Disingenuous window dressing. Reducing height of the tallest part to 16 modular constructed storeys still against planning guidance of 7-13 storeys. Already massive student accommodation tower being built on the Hanger Lane gyratory.
- Would not object if it were a moderate height i.e. around 10 storeys.
- Most concerned that seemingly there is insufficient time allocated for public consultation. *(Officer Note: The public consultation runs for 21 days in accordance with normal procedure and expiring before the Planning Committee. Representations received today are also incorporated).*
- Rentals beyond local students - accommodation will be aimed at wealthy foreign students. *(Officer Note: Rent levels will be regulated through the s106 agreement in accordance with London Plan policy).*
- Temporary student housing will only be occupied during term time.
- Precedent is not a legal argument. Hope that the council turns this down. *(Officer Note: Each application is considered on its individual merits).*
- If student rental concept turned out not to work could become residential flats with a much greater pressure on the local infrastructure. *(Officer Note: The use will be restricted to student housing by the s106 agreement)*
- Hazardous nature of the adjacent main road to those in buggies, children walking to local schools, to cross to use the railway line.
- I'd support if Jacob's ladder was also developed significantly to enable buggies, disabled etc to cross.
- Will lose only source of sunlight in my flat (from my kitchen window). *(Officer Note: The objector's flat at Hastings House lies 120m to the east of the site. Intervisibility is already obscured from the site by neighbouring dwellings and boundary trees. As such the occupier is unlikely to experience significant adverse effects from the proposal).*
- Entirely inappropriate. A test for Ealing council and its commitment to its local plan.
- Premature. Over development of part of a potential larger development site could be better utilised for making a significant contribution to social housing.
- Waste of prime building land, could be used to provide homes for people on Ealing waiting list. Development under 13 storeys could be built and appropriately extended if Halfords site came on the market.
- Block natural light/daylight to Luminosity Court flats. *(Officer Note: Impacts on daylight/sunlight to Luminosity Court were addressed and independently assessed on behalf of the Council. Separation distances of 21-22m between that block and the proposal comply with the Council's normal criteria. Whilst it is accepted that the (mainly) single aspect flats at Luminosity Court will be impacted by the new block in*

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terms of No Sky Line (NSL) and Daylight Distribution, the Reg 19 Allocation 7-13 storey height for the application site would still be likely to have a similar impact. BRE guidance indicates it is not always possible to maintain NSL. The impacts of the proposal are considered to be contextually appropriate with this location and in anticipation of future development and do not amount to a sound and clear cut reason to refuse).

- Will take light away from my flat. Feel extremely stressed at the possibility that people will be able to see into my flat when I am being dressed or undressed. (*Officer Note: the objector lives at Dominion House to the north east, some 45m from the proposal. The separation distance is more than twice that normally considered acceptable. Daylighting impacts were assessed. Existing flats already experience some loss of daylight due to main room windows being recessed behind balconies. Nonetheless, the proposal will not materially impact the actual levels of daylight entering the rooms. Further, the buildings will lie at an oblique angle to each other so that there would be no prospect of direct overlooking).*
- Will block out the natural light to our shop, would be very over bearing. (*Officer Note: Impacts on the retained shops is addressed at report para.15.12).*
- Right to light from our windows that will be blocked out. Will be overbearing on the shop fronting Drayton Bridge Road. (*Officer Note: Ditto above. Rights to light are a matter for other legislation than Planning).*

Letter from West Ealing Neighbours:

Ealing Council's plan states that this site is suitable for 7-13 storeys maximum. The application is for 19 storeys It is not simply too tall for this area it is also 6 storeys taller than the Council's own maximum height

This building is for the sole use of students. It therefore makes no contribution to the borough's urgent need for social and affordable housing as clearly laid out in the Council's new Local Plan.

This site is very close to the Elizabeth Line station in West Ealing and is therefore a site far better suited to a sensible and sympathetic development for mixed housing.

This is an area of compact low-rise domestic housing and modest blocks of flats. This 19-storey tower is wholly inappropriate in this environment and will overshadow many homes and deprive them of daylight for part of every day.

Given that this is but one of a number of large housing development within a short walking distance of West Ealing station, we see no evidence of infrastructure planning to accommodate many hundreds, if not thousands, of new residents.

(Officer Note: Noted. The matters raised are addressed in the main Report).

Further Letter from West Ealing Neighbours:

Hello

Planning Application 233551FUL 42 Hastings Road and 50-54 Drayton Green Road

On behalf of the residents' group West Ealing Neighbours, I would like to state our full support for the representation made by Stop The Towers in which they rightly state that it is wholly inappropriate for this application to be considered at the planning committee meeting on April 24th when the deadline for comments is one minute to midnight on 23rd April. This application should be considered at a later date to allow time for the Planning officer to consider comments and write the report in good time for the planning committee to read and consider.

David Highton

Chair, West Ealing Neighbours

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Further Letter from Stop the Towers:

Dear Sirs

I am writing to express deep concern that it is proposed to consider on the planning application 233551FUL 42 Hastings Road And 50-54 Drayton Green Road West Ealing W13 8QH on April 24th. Recent amendments made available on the Planning portal on 8th April and the corresponding Public Notice signs recently erected on lampposts surrounding the site are inviting public comments until the deadline of 23:59hrs 23/4/24.

As the Co-Chairs of the residents' organisation, Stop The Towers, with a membership of 1,700 plus, we are concerned that the Planning Officer has already written his report for Committee, published 18/04/2024, and has advised as to the outcome before the end of the consultation period.

Is it unreasonable to question that the officer has the time in the few hours between the closure of the consultation to assess any submissions made about these proposals and prepare an updated report for Committee members before the Planning Committee commences? Will members of the Planning Committee have sufficient time to read and digest the Planning Officers updated report & associated recommendations? Surely it should be postponed to a later date to allow the Officer and Committee members appropriate consideration of all public comments?

Gunning Procedures for Consultation

In the 1984 court case (R v London Borough of Brent ex parte Gunning) the Gunning Principles have become accepted as essential for public planning consultations. Stop The Towers would argue that the fourth Gunning principle cannot be adhered to with the current amendments still being open to public consultation with a deadline of 23rd April.

Gunning Principles

4. 'conscientious consideration' must be given to the consultation responses before a decision is made

Decision-makers should be able to provide evidence that they took consultation responses into account.

*These principles were reinforced in 2001 in the 'Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan2), which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey3), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.**

We would therefore request that this application be assessed by the Planning Committee at a later date to allow the Planning Officer to both assimilate all the public comments still being submitted as well as communicate these public opinions to the Planning Committee membership in adequate time for them to process and consider the information.

Whenever the application does come before the Planning Committee, Stop the Towers request that they are given an opportunity to speak at the meeting to the Planning Committee members on behalf of the many members that they represent.

We would appreciate a brief acknowledgement of receipt of this email.

Yours sincerely

Denise Colliver

Justine Sullivan

Co-Chairs, Stop The Towers

* Law of Consultation training course provided by The Consultation Institute

(Officer Note: In response to the Further Letters from West Ealing Neighbours and STT, Officers have been able to assess the further representations submitted since finalisation of the Officer Report. New points raised are summarised in this Briefing Note and addressed where necessary).

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16. HERITAGE ASSETS AND PUBLIC BENEFITS

For the avoidance of doubt, planning benefit 7, new construction and training and apprenticeships, will be delivered through a financial contribution through the s106 agreement.

APPENDIX

Conditions

44. Fire Safety

Prior to the first occupation of any part of the building:

- a. the approved development shall be carried out and completed to the satisfaction of the Local Planning Authority in accordance with the details set out in the Efectis RIBA Stage 2 - Fire Strategy Report Number: 222-EFF-XX-XX-RP-R-220-0003 Revision 04 dated 22.04.24 and
- b. the two lifts shall be designated as either a Fire Fighting Lift or Evacuation Lift in accordance with the Planning Fire Statement.

The development shall thereafter be permanently retained in accordance with a. and b. above.

Reason: To comply with London Plan fire safety policy.

(Officer Note: Date and Revision Number of Report updated.).