

## Planning Committee: 19/10/2022

### Briefing Notes

#### ITEM 02 - Friary Park Estate, Joseph Avenue, Acton, W3 6NL (221747HYBRID)

##### Corrections/Clarifications

Page 1 – Description of Outline planning permission should read ....in height from 40.06m AOD to.... And not ....in height from 40.60m AOD to....

Page 4 – Correction: Phase 1 and 2 comprises the detailed element of the application and Phase 3 comprises the outline element of the application. Previously stated Phase 1 comprised the detailed element.

Page 5 – there are nine blocks not seven as quoted/

Page 7 – reference is made to superseded policy should read: London Plan (2021) and the National Planning Policy Framework (2021) as referred to elsewhere in the report

Page 13 – the Difference in the total number of affordable homes between the previously granted scheme and that now proposed should be +216 not +1216 as noted in the table.

**Wind microclimate** – Chapter 11 of the submitted Environmental Statement considered wind microclimate both within the site and within the immediate vicinity. Wind tunnel testing was undertaken which identified in the baseline scenario wind conditions ranging from suitable for siting to strolling use during the windiest season and from suitable for sitting to standing use during the summer.

During demolition works the change in wind conditions would be expected to represent a negligible (not significant) effect.

In the context of the existing surrounding buildings wind tunnel testing identified a scenario without any landscaping or other wind mitigation measures where wind conditions would result in significant adverse effects and instances of strong winds.

To address these effects wind mitigation measures were tested and adapted and further tested and through the enhancement of the landscaping scheme the occurrence of strong winds was reduced and wind conditions in the context of surrounding buildings also improved.

With mitigation measures and the proposed landscaping in place the majority of locations both within and off site would be suitable for the intended use. Where wind conditions still exceeded acceptable levels further mitigation in the form of tree planting, hedging, planters and screens are proposed. With these additional measures resultant wind conditions would represent minor adverse or moderate beneficial effects. The proposal can therefore be considered to comply with the relevant parts of London Plan policies D8 and D9 and E7.D.5 of the Development Management DPD.

**Viability** – as noted on page 45 of the Committee Report at the time of writing the report the applicants updated Costs Analysis was still being considered by LBE's advisors (DVS) this review has now been completed.

Based on the amendments to the applicants Cost Analysis that included the improved offer comprising a change of tenure for eight Shared Ownership (2B4P) units to London Affordable Rent within Block D (Phase 3) as reported in the Committee Report a marginal deficit of -£19,217 has been identified.

DVS conclude having reviewed the appraisal in detail that the proposed affordable housing offer is the maximum reasonable provision at this stage.

## **Planning Committee: 19/10/2022**

### **Briefing Notes**

DVS have recommended that a mid-term review of all costs and values at either the 18 or 24 month stage be included and this is to be captured within the S106 agreement.

#### **Further Written Representations**

Following the publication of the committee report the following further correspondence has been received:

#### **Support**

56 support cards have been received from residents of the existing Friary Park Estate setting out their support for the proposed development. A summary of the matters noted in the support cards include:

- Looking forward to the green spaces and larger home and outside space
- Use of solar panels
- Community centre and shops will support the community
- Wider instead of taller blocks are good
- It will bring the community together
- Siting areas, rooftop gardens
- More green spaces, community kitchen
- We are not losing the open space
- Bigger community centre
- Great space for the community and a positive environment

#### **Objection**

Since the Committee Report was published a further 103 objections have been received online. These additional objections raised similar matters to those previously submitted and detailed in the committee report including:

- Over development
- Too tall
- Lack of playspace/open space
- Pressure on local amenities

A further matter raised in a number of the additional objections concerns St. Dunstan Gardens and the perception that the proposals for Friary Park seek to grab, take over or develop St. Dunstan Gardens. It should be noted there are no proposals included within this application in respect of St Dunstan Gardens. Financial contributions have been secured in the S106 including £322,490 towards play space in the local area and £318,701 towards open spaces in the local area. The applicant has suggested that this funding could be used to improve facilities at St Dunstan's Garden or a number of other local sites. LBE Parks and Open Spaces Team have however advised that the funding should go towards projects at Friary Road Common, North Acton Playing Fields, Spring Field Gardens and Acton Park. There are no proposals for the funding secured to go towards improvements a St Dunstan's Gardens.

#### **Comment**

## Planning Committee: 19/10/2022

### Briefing Notes

A further comment was received on behalf of Cap the Towers, Central Acton Neighbourhood Forum, Churchfield Community Association, West Acton Residents Association, Ealing Matters raising concerns in respect of the reporting of the 5 Year Housing Land Supply. The latest position was detailed in the Committee Report further comments set out below:

#### Officer response:

The Council published a revised Statement of Community Involvement on the 15th March 2022.

The statutory requirement for monitoring is established through legislation rather than guidance. Section 113 of the Localism Act 2011 amended section 35 of the Planning and Compulsory Purchase Act 2004 removing the duty on the authority to make annual reports.

As reported previously officers have to date not been able to prepare an up to date and robust 5 Year Housing Land Supply statement because they have been unable to access sufficiently accurate and robust development monitoring data needed to confirm our position regarding the level of supply. Officers are continuing to work closely with the GLA to finalise the necessary data. The transition from the London Development Database to the Planning London Datahub gave rise to a significant gap in the permission data captured in the Datahub, and therefore it has not been possible for officers to establish an accurate pipeline of permissions. This incomplete pipeline poses a significant barrier to establishing a 5-year land supply in particular, since most of that supply will derive from capacity already permitted. Whilst this data gap was technically closed in May 2022, considerable ongoing work is needed to cleanse the data to get it to a sufficiently robust and accurate state. Amongst other steps, this involves capturing the latest status changes (starts, completions, lapsing, superseding etc) for individual schemes to determine if they should count towards the pipeline. In addition, to minimise incidences of double counting, permissions need to be linked where they relate to the same site. This detailed ongoing work is critical to ensure that the pipeline is in a sufficiently robust and useable state to inform the preparation of the 5 Year Housing Land Supply and Housing Trajectory, and remains an ongoing priority for officers.

#### Old Oak Neighbourhood Forum

A letter of objection has been received from the Old Oak Neighbourhood Forum (OONF). The objection raises concerns in respect of the late publishing of London Fire Brigade comments and concerns associated with a single stair core serving the proposed development. Concerns are also raised in respect of the status of the author of the committee report.

The concerns raised by LFB and other matters associated with the proposed developments fire strategy and fire safety are set out in pages 30, 30-33 and pages 66-67 of the Committee Report.

The employment status of the author of the report is not relevant to the decision. Chris Maltby, although not an employee of the Council, has been retained to provide professional advice and expertise on the application which, as a qualified planner of 22 years' experience he is well qualified to do. Furthermore, although he is the author of the report, the final report is the product of internal discussion and review and is submitted to Committee on that basis.

Cllr Hitesh Tailor

## Planning Committee: 19/10/2022

### Briefing Notes

An e-mail from Cllr Taylor was received shortly after publication of the Committee Report confirming his objection to the proposed development at Friary Park.

Cllr Taylor raised concerns with the amount of affordable housing proposed and the tenure of the affordable housing. Concerns are also raised in respect of the capacity of GP places and the pressure the proposed development will put on capacity. The funding for TFL is also queried and whether there will be an increase in actual bus frequency. Cllr Taylor also queries the additional provision for amenity space for the additional flats.

#### **Appendix 1**

##### **Amendments to proposed conditions**

The following amendments to the proposed conditions are recommended:

Condition 6 - Hours of use – restriction not to apply to the proposed affordable workspace as this use would have limited noise impact and flexible opening hours are a requirement of the operator.

Condition 10 updated to reflect the updated mix of different sized units:

10 The proposed housing mix within the reserved matters application/s shall be strictly in accordance with the following parameters:

Private Housing Mix:

- Studios - 10-20% of the total quantum of private units
- One bedroom - 60-70% of the total quantum of private units
- Two bedrooms - 20-30% of the total quantum of private units

Low cost rented mix (Social Rent and London Affordable Rent):

- One bedroom - 22% (+/- 5%) of the total quantum of low cost rented homes
- Two bedrooms - 49% (+/- 5%) of the total quantum of low cost rented homes
- Three bedrooms - 22% (+/- 5%) of the total quantum of low cost rented homes
- Four bedrooms - 7% (+/- 5%) of the total quantum of low cost rented homes

Intermediate housing mix:

- One bedroom - 40-50% of the total quantum of intermediate tenure homes
- Two Bedrooms - 50-60% of the total quantum of intermediate tenure homes

Condition 28 to include the following:

e) Strategy setting out how parking will be reduced over time

Condition 53 to be replaced with:

#### **53. Fire Statement**

Prior to the commencement of any phase or building a Fire Statement, in the form of an independent fire strategy produced by a third party suitably qualified assessor, shall be submitted to and approved in writing by the Local Planning Authority. The statement should detail how the phase or building will function in terms of:

## Planning Committee: 19/10/2022

### Briefing Notes

1. The building's construction: methods, products and materials used, including manufacturers' details;
2. The means of escape for all building users: stair cores, escape for building users who are disabled or require level access, and the associated evacuation strategy approach;
3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans;
4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these;
5. How provision will be made within the site to enable fire appliances to gain access to buildings; and
6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

The development shall be implemented in accordance with the approved Fire Statement and retained as such for the lifetime of the development.

Reason: In order to achieve the highest standards of fire safety and ensure the safety of all building users.

#### **Proposed additional conditions**

The following additional conditions have been recommended to be added to the recommendation:

##### 59. Passenger Lifts

All passenger lifts serving the residential units hereby approved shall be fully installed and operational prior to the first occupation of the relevant core of development served by a passenger lift.

Reason: To ensure that adequate access is provided to all floors of the development for all occupiers and visitors including those with disabilities, in accordance with policy 1.1(h) of the Ealing Core Strategy (2012), Policy D7 of the London Plan (2021) and the National Planning Policy Framework (2021).

##### 60. Lifts Noise Insulation

Prior to commencement of the development, details shall be submitted to the Council for approval in writing, of enhanced sound insulation of lifts and lift shafts, in accordance with noise limits specified in Table 5 BS8233:2014. Where noise emissions include characteristic features, the Noise Rating level shall not exceed NR20 Leq 5mins inside a habitable room. Details shall include mitigation measures and the resulting sound insulation value and internal sound/rating level. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with policy D14 of the London Plan (2021).

##### 61. Construction Logistics Plan

## Planning Committee: 19/10/2022

### Briefing Notes

Prior to the commencement of development, a site Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The submission shall take into account other major infrastructure and development projects in the area and shall include the following:

- a) The number of on-site construction workers and details of the transport options and parking facilities for them;
- b) Details of construction hours;
- c) Anticipated route, number, frequency and size of construction vehicles entering/exiting the site per day;
- d) Delivery times and booking system (which is to be staggered to avoid morning and afternoon school-run peak periods);
- e) Route and location of site access for construction traffic and associated signage;
- f) Management of consolidated or re-timed trips;
- g) Details of site security, temporary lighting and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) Secure, off-street loading and drop-off facilities;
- i) Wheel washing provisions;
- j) Vehicle manoeuvring and turning, including swept path diagrams to demonstrate how construction vehicles will access the site and be able to turn into and emerge from the site in forward gear and including details of any temporary vehicle access points;
- k) Details as to the location(s) for storage of building materials, plant and construction debris and contractor's welfare facilities and offices;
- l) Procedures for on-site contractors to deal with complaints from members of the public;
- m) Measures to consult cyclists, disabled people and the local schools about delivery times and necessary diversions;
- n) Details of all pedestrian and cyclist diversions;
- o) A commitment to be part of Considerate Constructors Scheme; and
- p) Confirmation of use of TfL's Fleet Operator Recognition Scheme (FORS) or similar.
- q) The submission of evidence of the condition of the highway prior to construction and a commitment to make good any damages caused during construction.
- r) Details of parking restrictions which may need to be implemented during construction work.

Reason: To protect the amenity of local residents and ensure adequate highway and site safety in accordance with policies D6, D11, D14, SI1, S12, T1, T2, T4 and T5 of the London Plan (2021); the Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006)'; and BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open

## Planning Committee: 19/10/2022

### Briefing Notes

sites-Part 1: Noise and TFL Construction Logistics Planning Guidance

#### 62. Equalities Action Plan

Prior to the commencement of Phase 1B of the development an Equalities Action Plan shall be submitted to and approved in writing by the local planning authority. This shall include:

- the detailed process by which all equality impacts arising from the development will be monitored by the applicant from the grant of planning permission until completion, including assessment of the decant strategy and of the demolition and construction works on the estate's residents and sensitive receptors nearby;
- the detailed process by which the applicant will explore how any negative impacts that may be caused by the development to people who share a protected characteristic will be prevented and/or satisfactorily minimised and mitigated.

The development shall be then carried out in accordance with the details so approved unless otherwise agreed in writing by the Council

Reason: To ensure the equality impacts of the development are monitored and mitigated in accordance with London Plan policy GG1.