

Briefing Notes

ITEMS 03 & 04 – TWYFORD ABBEY, PARK ROYAL

Amended Recommendation

Additional S106 provisions

Repair and conversion of the Abbey, Walled garden and Cottage, planting landscaping, future management and long-term maintenance of the Abbey and the walled Garden.

1. Lifts Condition

The following condition has been added to the recommendation to ensure all passenger lifts are functional for future residents at the time of occupation:

54. 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).

2. Maintenance of South Lawn

The details of the maintenance of the South Lawn are still being discussed with the applicant. Agreement is still to be reached to either secure a contribution towards the maintenance or a third party to maintain the South Lawn. Officers requested delegated authority to resolve this in the drafting of the S106.

Further Written Representations

1. Member of Parliament, Rupa Huq

An additional objection addressed to councillors was received from Rupa Huq MP, raising that the application should be refused on the following grounds (summarised):

- Overdevelopment on Metropolitan Open Land,
- Failure to meet governmental requirement of biodiversity net gain,
- Highways impacts including concerns about traffic levels in relation to Twyford primary school, and
- The objections raised by the Greater London Authority in their stage I response.

Planning Officer Response: An assessment on the impact of the development on the openness of metropolitan open land, and the principle of it, is provided within the main body of the officer report. The impact on biodiversity impact is also discussed with the submitted Environmental Impact Assessment finding that the development would result in a biodiversity

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net gain. Issues raised by the Greater London Authority generally relate to the impact of the development on metropolitan open land, fire safety, transport and sustainable development. The applicant and council have been working with the Greater London Authority to address the issues which will need to be fully resolved for Stage II referral.

2. Neighbouring Objections

Since publication of the officer report, an additional sixteen objections have been received in relation to the full application (Ref: 222341FUL), raising (in summary) that the development would result in an unacceptable loss of tree canopy, its air quality impact, loss of green and open space, adverse ecological impacts, only the bare minimum of living standards policies have been met, LBEs failure to meet its statutory duty in terms of Housing Land Supply, and the development not qualifying as 'very special circumstances' to justify its impact on designated metropolitan open land.

Planning Officer Response: The issues raised are discussed within the main body of the officer report.

While it was submitted prior to the officer report being published, the West Twyford Primary School objected to the application and the transport and amenity impacts of the development in relation to the school are assessed below. The objection from the school can be found below in Appendix A.

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.

Additional information

1. Transport Impacts in Relation to West Twyford Primary School

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It is not considered that there would be a detrimental transport impact on West Twyford Primary School with there being no objection raised by Transport or Highways Services on this matter.

While the eastern access would be adjacent to the school, it is an existing access. While the development would increase vehicle movements from the access with it serving 79 parking spaces, it should be noted that the financial contribution of £150,000 would be partly allocated to the improvement of road safety on Twyford Abbey Road including raised tables to slow traffic with a raised table at the eastern access, width restrictions and footway improvements in front of the application site for 100m either side of the application site accesses. The detailed design of the improvements would be subject to Highway Services approval under the Section 278 agreement and, with those in place, it is considered that the impact on the safety and functioning of Twyford Abbey Road would be sufficiently mitigated. Additionally, the residential travel plan seeks to promote use of sustainable modes of transport and minimise private vehicle trips.

It should be noted also that the construction management plan would restrict construction vehicle movements from being undertaken during school opening and closing times. It would be sought with the final delivery and servicing plan, to be secured by condition, that service and delivery trips are carried out at off-peak times to minimise traffic generation during school peak times.

2. Amenity Impact on West Twyford Primary School

As shown on the image below, the closest new buildings of the development would be sited approximately 77m in distance from the West Twyford Primary School's main building. While nearest to the grounds of the school, the windows of the closest buildings are predominantly orientated east/west with the closest windows being a distance of between approximately 15m and 21m from the grounds which is considered sufficient to avoid undue overlooking of the grounds.

The increased vehicle trips would likely generate some additional noise, though vehicles would pass through the site slowly given the narrow, winding access and it is not anticipated that the noise generated would be above what is typical of a residential area. The shared boundary with the school would be well populated with trees and it is noted that Pollution Technical (Environmental Health) have raised no concerns with the impact of the proposed development on the school in respect of noise, disturbance, pollution or air quality and have not recommended any conditions in relation to it.

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3. Community and Design Review Panels

Although omitted from the consultation section of the officer report, the proposed development was reviewed by both DRP (twice) and CRP prior to submission of the planning applications. Following those discussions, there were reductions in the number and footprint of blocks, especially along the North Circular, refinements to the design and appearance of the facades in relation to the Abbey, as well as improved provision of public, community and play space.

The first Design Review Panel (DRP), held in November 2021, found that the site offered an excellent opportunity for affordable homes, a new public open space and the restoration and refurbishment of an at risk heritage asset and historic landscape. The panel found the site would benefit from more permeability towards the northern boundary, and increased connections to the wider area and existing community. Finally, the panel noted that the scale and location of the blocks would likely compromise certain aspects of the historic landscape and listed building, while more information was needed to demonstrate the quality of the homes and public realm provided. As a result of this meeting, the elongated 6 storey Block L along the North Circular was removed, while the size of the gate houses were reduced, with Block M moved to be paired with Block G.

The second DRP was held in March 2022, and the Panel felt the layout and massing of the proposed development had been improved, though the design treatments to balconies and upper floors needed further refinement. The Panel felt the permeability issue had been resolved, and the landscape strategy well developed, though thought more information was required to address boundary treatments and the creation of defensible space. The Panel recognised that public use was key to justifying development on MOL, and as such, the various public benefits were welcomed. However, they advised a café be implemented somewhere in the South Lawn to create a designation for the local area and the principal rooms were provided with permanent public access. As a result of this meeting, further design refinements were made to the balconies and materials detailing, while the principal rooms were legally secured for managed public use.

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The most recent Community Review Panel was held in February 2022, following a previous Panel in November 2021. The panel was pleased to see responses to their previous comments but found the massing and quantum of development needed further justification in light of the MOL designation. The Panel welcomed the habitat and biodiversity features, while concerns were raised regarding the amount of people who would use the site, both as residents and visitors. The Panel also welcomed the proposed community uses within the Abbey and Walled Garden, though suggested the spaces be designed with input from the local community. As a result of both meetings further reductions to the mass of the blocks was implemented, while a study looking at potential community uses for the principal rooms has been secured by condition.

Corrections/Clarifications

1. Walled Garden Opening Hours

On page 22 of the officer's report, under the planning officer response to Secure By Design comments, it is stated that the walled garden would be closed from dawn to dusk. It will actually be closed from dusk to dawn.

2. Walled Garden – Management and Community Use

The management and use of the walled garden would be secured solely by planning condition rather than Section 106 legal agreement and this approach has been accepted by Legal Services.

3. Reference to Informatives

On page 25 of the officer's report, reference is made to development plan policies 'above' within the informatives of the report. Reference is actually being made to the informatives that are below that text.

4. Ensuring Completion of The Abbey Works

The Section 106 legal agreement would contain provisions to ensure the restoration and repair works are completed which would be linked to the occupation of the proposed buildings. The specific level of occupation allowed prior to construction of The Abbey to be completed would be determined at the legal agreement stage and based on the financial viability aspects of the development.

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APPENDIX A WEST TWYFORD PRIMARY SCHOOL OBJECTION

As the Governing Body of West Twyford Primary School, we wish to register our objections to the proposed development of The Twyford Abbey site. These concerns are about the impact that it will have on the children attending the school both now, and in the future, and the impact on their education, health and quality of school experience.

We are particularly concerned about the increase in traffic that this development will bring and the attendant issues of noise, pollution and danger to children.

The development is considerable and will allow for 100 car parking spaces. This will mean a very significant increase in traffic on Twyford Abbey road. This road is already busy and is the only access road for the school. Even those walking, cycling or scooting need to use this road to enter and leave the school in the morning and evening. This increased traffic will present a much greater danger of an accident. Parents regularly complain about the dangers of traffic on the road and this development will make this situation worse. In particular one of the exits from the site is barely 1 meter from one of the school gates which children use to enter and exit the school. This represents an unacceptable danger of children and families being hit by cars.

The increased car usage will result in greater noise. West Twyford currently has the main road on the southern side but this development will add traffic to the western side too. When the school was rebuilt, it was moved away from the main road to both reduce noise and pollution. This development will put that back. In order to learn their best children require a calm environment. Noise can distract, disturb and negatively impact on stress and mental health. This will put them at risk. Currently 38% of the school is identified as disadvantaged children (they are eligible for the pupil premium grant). These children often live in small, cramped accommodation. Many of them live near the North Circular Road or Hanger Lane Gyratory. West Twyford is an oasis of calm and peace. Our children already have many stresses and strains in their lives which impact their health and life chances: we as the governors do not think these should be added too by this development.

Pollution is another major concern, as noted the cars will exit right next to our children entering and exiting the school, which will dramatically increase the pollution levels both from exhaust fumes and tyres. There is very clear evidence of the negative effect of air pollution on young children and we are also concerned about the reduction in trees and how this will affect this. The gate next to the entrance is used mainly by young children from years 1, 2 and 3. They are still growing and developing, and would be negatively impacted by increased pollution.

We think that 100 parking spaces for 326 dwellings is insufficient. In discussion with the developers, they stated that car use is declining London. In our view this is naïve and anyone living next to such main roads will want a car; some dwellings may well want two or more and we are concerned about the effect of cars being parked in the local area, which would mean a greater number than the allowed for 100 cars. We understand that this already happens in other developments nearby. Once the site is completed there will be nothing that we can do about this potentially very large increase in the number of cars in the area and the increase in traffic. However, it will affect the children of West Twyford for generations to come. We understand that many of our school community are very concerned about this and this is a concern that we share and take very seriously.

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We also object to the placing of an electric substation adjacent to the schools grounds. This appears on the plans next to the northern boundary. Substations can be noisy and it is concerning to have one sited so close to where the children will play. In conclusion we have reviewed the plans carefully and spoken to the developers. In our considered opinion this development will have an unduly negative impact on the school and its children. We foresee an unacceptable increase in noise, pollution and traffic. We consider this development to be overambitious in the number of new dwellings and to have inadequately dealt with the traffic restrictions imposed by the location. For these reasons we object to the proposed development.

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APPENDIX B K. RAO HOUSING LAND SUPPLY OBJECTION

Dear Ealing Council planning committee,

In respect of planning application 222341FUL of Twyford Abbey, I would like to make the following comments.

Planning is a quasi-judicial process, which places certain obligations on local planning authorities. Ealing Council is failing in its statutory duties regarding planning.

Para 062 of the [gov.uk](https://www.gov.uk)'s Guidance on plan-making states that:

Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

- Ealing's Local Plan has not been reviewed or updated since the core strategy was adopted in 2012, more than ten years ago.
- A revised Statement of Community Involvement was only published in March 2022, almost seven years after the previous SCI.

Para 065 of the Guidance states that one of the items of information that local authorities can consider in their review is:

the success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report

Para 073 of the Guidance states that:

Local planning authorities must publish information at least annually that shows progress with local plan preparation... This information should be made available publicly.

- Prior to October 2021, the most recent AMR on the Council's website had been published in 2015 and related to 2013/14.
- The Council published an interim AMR in October 2021 covering in a single report the years 2014/15 to 2018/19.
- This interim AMR was only published following repeated attempts by residents (32 that I am aware of since September 2016) to get the Council to fulfil their statutory duty, and a complaint to the Local Government Ombudsman (LGO) as a last resort. The LGO ruled in our favour on 15 September 2021.
- While the interim report was published as required by the LGO, it did not contain crucial housing data, namely LBE's housing trajectory since 2013/14 nor a five-year housing land supply figure.
- The LGO also required the Council to produce a final AMR to cover 2019/20 including the missing housing data within three months of their decision notice, i.e. by

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15 December 2021. This has not been done despite more resident requests since the LGO ruling.

- Ealing Council blames this failure on problems with migrating pipeline data into the GLA's Planning London Datahub, which replaced the GLA's London Development Database in 2020. Worse still, it is now using this excuse to apply the NPPF presumption in favour of sustainable development (see Twyford Abbey planning application ref - 222378LBC and 222341FUL (Schedule Items 03 & 04 f2 of the officer's report) due to be decided at Planning Committee on 19 October).

We dispute the Council's account of the reasons given in the officer's report for Twyford Abbey for the lack of a 5-year housing land supply figure. See **Planning Policies - Housing Land Supply**

- The figures provided to the GLA's Planning London Datahub originate from Ealing Council. If the Council has been aware of this data migration problem since 2020, why has it not taken steps to analyse its own data in the meantime as most other local authorities across the country have to do?
- Indeed, why is it that by July 2021 (it may well be more now), 15 London boroughs, including the largest (Barnet) have been able to produce AMRs including 5-year housing land supply for 2019/20 when Ealing hasn't?
- When we enquired directly with the GLA on 28 September, we received by return an email from Peter Kemp, the Head of Change and Delivery, Planning saying that:

'You will be pleased to hear that the Datahub is now fully operational for Ealing, and as such any data that you are now looking for is now accessible, plus significant amounts more.'

Why is it that the Council, knowing the significance of the 5-year housing land supply, has not used the almost three weeks since the GLA's confirmation to calculate that as a matter of urgency?

It seems to us that the Council's withholding of a 5-year housing land supply figure betrays its own desire to collude with the developer in tipping the balance in favour of the development.

Kind regards,

Kiran Rao

Senior Consultant

Resident of West Twyford