

Minutes of the Meeting of the Planning Committee

Date: Wednesday, 10 March 2021

Time: 19:08

Venue: Virtual Meeting

Attendees:

Councillor Praveen Anand, Councillor Josh Blacker, Councillor Gary Busuttil, Councillor Paul Conlan, Councillor Stephen Donnelly, Councillor Tariq Mahmood, Councillor Shital Manro, Councillor Miriam Rice, Councillor Nigel Sumner, Councillor Lauren Wall, Councillor Ray Wall, Councillor Simon Woodroffe, Councillor Anthony Young

1 Apologies for Absence and Substitutions

There were none.

2 Urgent Matters

There were none.

3 Declarations of Interest

There were none.

4 Matters to be Considered in Private

There were none.

5 Minutes

The Committee considered the minutes of the meeting held on 17 February 2021.

RESOLVED:

That the minutes of the meeting were agreed as a true and accurate record of proceedings.

6 Site Visit Attendance

There were none.

7 Perceval House, 14-16 Uxbridge Road, Ealing, W5 2HL

Gregory Gray, Principal Planning Officer, introduced the report, explaining that the application was for the demolition of existing buildings and a phased redevelopment of the site in order to provide a mixed-use development comprising a replacement Civic Centre with community uses, offices, a relocated public library, flexible office and commercial non-residential floorspace, below ground ancillary space, 477 dwellings to include 50% affordable homes in 6 blocks (including a residential tower of 26-storeys), replacement of an existing electricity sub-station, associated landscape and public realm works and the provision of new pedestrian and vehicle access. The application site was 1.36ha. Perceval House was at the meeting point of the Office Corridor/Civic Quarter/Town Centre in central Ealing which was the primary concentration of town centre office space in the Borough. The proposed mixed uses were therefore strongly supported by the Development Plan which had highlighted the importance of any new building to the setting of the adjacent Conservation Areas and heritage assets, particularly Ealing Town Hall, which was also a designated Landmark building. If approved, the application would be subject to a referral to the Secretary of State under Regulation 3 and a Stage 2 referral to the Mayor of London.

At its meeting held on 17 February 2021, the Planning Committee had considered the application and had resolved to defer it, in order to seek further clarification and reconsideration of the affordable housing mix including the size of the units, tenure and rental levels.

Following on from the Committee's decision to defer the application, the applicant (Vistry) had revised the affordable housing mix by reconfiguring the internal layouts of Blocks B2 and B3, without enlarging them. The changes were as follows:

- 42 of the originally proposed two bed affordable units were replaced by 21 one bed and 21 three bed units which increased the number of 3 bed units from 7 to 28. 12% of the total affordable units were now 3 bed.
- 14 of the units would be London Affordable Rent and 14 Discount Market Rent.
- In combination with the 99 two bed affordable units, there would now be 127 affordable family two and three bed units, equating to 55% of the affordable housing in the scheme.
- The scheme now offered deeper discounts to 45 of the discount market rented homes which would make them affordable to a larger number of Ealing families looking for homes.

It was explained that the proposed affordable housing offer met the Council's Policy requirement for 50% and the increase in family units had been improved to the satisfaction of the Council's Housing Supply Team, who had welcomed the revision to the application in order to increase the number of family homes of two bed and three bed units that would offer more choice to people on a modest income who would benefit from an affordable home in this central location.

Having regard to the written correspondence between SEC and GLA Officers, the following comments had been made in response to the analysis of policy issues that had been raised. The inclusion of a tall building on the Perceval House site was a matter of planning balance and impact not policy principle. The London Plan, formally published on 2 March 2021, and tall buildings Policy D9 set out that Local Plans should use a Character Study form of evidence to specify the locations of tall buildings within the Borough. Locations for tall buildings would be defined in the adopted Local Plan. The London Borough of Ealing did not presently have a Character Study of this type but one was in the latter stages of preparation. One of its key recommendations was that tall buildings be allocated to broad locations not specific sites, so that their impacts be subject to detailed analysis rather than conceded in advance by the Plan, based on the following considerations:

- This approach had come specifically from the Character Study and accorded with London Plan Policy D9.
- Ealing Town Centre and more specifically the Office Corridor were locations that any future Plan would identify. Proposals within those areas would then be subject to an impact assessment.
- Officers' views and that of GLA, were that the application scheme for Perceval House met the criteria-based impact assessments set out in the development plan including the Local Plan, London Plan, and CENP.
- CENP Policy HBE3 specifically diverged from the Local Plan by applying criteria-based assessment to the location of tall buildings rather than specifying sites.
- Prior to formal adoption, the Secretary of State had made clear that his directed changes to Policy D9 were designed to prevent: 'isolated tall buildings outside designated areas for tall buildings'. This did not apply to Ealing Town Centre or the Office Corridor. The Secretary of State made clear the pressing need to 'dramatically increase' housing delivery in London; an objective that would not be served by putting extant schemes on hold while plans were made ready. Accordingly, the development remained four-square with the formal adopted version of D9.

It was explained that in accordance with the legal tests and planning practice, the affected statutory and non-statutory heritage assets had been identified and the harm had been assessed and was considered to be less than substantial. In accordance with the 's66 duty', considerable weight must still be attributed to the harm. In addressing the public benefits, significant weight in favour was given to the contribution of 477 dwellings. Weight was also given to the employment benefits during the period of construction and investment in local services and facilities in the new civic offices and to the substantial new public realm, civic space and improved public accessibility contained in the scheme. It was further explained that the public benefits were considered to have sufficient weight to outbalance the less than substantial harm to the significance of the heritage assets. Therefore, it was considered that they would, taking all considerations into account, tip the balance under NPPF para.196 in favour of the supporting a grant of permission for this positively beneficial regeneration development in accordance with the development plan and having regard to all other material considerations.

The Committee was informed that, transport, heritage, environment, energy, Mayoral CIL and Section 106 matters and requirements were assessed. The GLA had strongly supported this mixed redevelopment. Representations from

and on behalf of local residents were reviewed and addressed. The objections however were not sufficient to outweigh the recommendation for approval.

The Committee was informed that, having given careful consideration to all the material planning considerations, including that contained in the NPPF and NPPG, National Design Guide (NDG), GLA and LBE development plans both adopted and to be adopted and taking policy as a whole and in applying the Planning Balance, the Officer's conclusion was that this would be a sustainable development in accordance with Framework criteria. It was therefore recommended that full planning permission be granted, following prior referral to the Secretary of State, with conditions and subject to completion of a Section 106 agreement and Stage 2 referral to the Mayor of London.

A briefing note in respect of the application had been produced by Planning Officers, circulated to the Committee and published on the Council's website prior to the meeting. It had provided details of corrections to the report and further representations that were received.

Andrew Colvin, an objector to the development, made a representation to the Committee which included the following key points:

- Residents did not think that they were getting planning that cherished the past, adorned the present, or built for the future. They were not getting the community that they wanted to live in. Case by case engagement with the public was not a substitute for required policy formulation.
- The developers had acknowledged the loss of sunlight and daylight for residents of Longfield and Apsley House. The loss would cause a significant impact on residents, but their loss had been swept aside in the balancing exercise.
- Even after tweaking the application there was still a clear failure to provide family size accommodation for Ealing's families. The social and private housing elements were segregated from each other – why?

Sara Parkinson, on behalf of the applicant, spoke in favour of the application. The representation made the following key points:

- The uplift in affordable 3 bed homes had resulted in a significant improvement to the mix particularly to those homes available at London Affordable Rent.
- There would be a 48% reduction in operational carbon emissions, with the remaining carbon emissions offset by the council's Carbon fund to achieve net zero. Vistry were also committed to reducing embodied carbon over the life cycle of the building, through the use of low embodied carbon materials, recycled construction materials and prefabricated elements.
- The London Fire Brigade had not raised any objection to the Perceval House proposal and Vistry would continue to consult them during the detailed design stage in addition to submitting a Building Regulations application to be determined by the Council's Building Control team.

Councillor Seema Kumar, a local Ward Councillor, made a representation to the Committee which included the following key points:

- Hundreds of residents living nearby would experience a significant loss of daylight to their homes as a result of the proposed development. Due to

the complexity of the application documents, many residents did not realise this.

- The proposed development would have a negative impact on the residents of Apsley House and Dickens Yard. Most of the residents were over 70 years old and had moved there for a peaceful life. The proposed development would block daylight and sunshine and would also result in a loss of privacy.
- The proposed high-rise block would not fit in with the character of the area.
- Ealing was a historic suburban town centre. The report did not consider the impact of how such a huge scheme would impact on the conservation area.

Rupa Huq MP, made a representation to the Committee which included the following key points:

- The proposed application should be deferred in order for a review to take place on the requirement of council staff workspace needed and Library service provision.
- The increase in three bed family homes was an improvement, however, this only equated to five per cent of the overall housing proposed to be delivered.
- The proposed play space was below standards.
- Public space, scope, scale and location meant that the proposed development would impact every citizen of Ealing.

Officers provided information with regards to the proposed housing offer confirming that:

- The proposed housing offer was an improved offer that secured more family size dwellings.
- The homes in the affordable envelope were aimed at family accommodation.
- There was an income cap so that anyone earning over sixty thousand pounds would not be offered accommodation by the Council of the kind of affordable housing options proposed.
- There were a number of working households who would love the opportunity to access some low-cost housing. The discount market rent fell into that category and was regarded as affordable housing.

Note: At approximately 10pm, shortly after the Committee began to debate the application, there was a technical error that meant that the public were not able to watch the remainder of the Committee meeting using the live stream.

The Committee debated the proposal and in response to some of the questions and points raised, Officers confirmed that:

- In each phase of the development two blocks would be built. There would be a different tenure in each block, however, the tenures would not be mixed in the individual blocks.
- There would be cycle parking at the front of the Civic Office and a cycle ramp within the staircase.
- The private amenity space balconies were fully compliant.
- The play space provision was not compliant as there was a shortfall.

- There were no flank windows on block b6 and b4 at the 11-meter separation distance and so there was no direct overlooking.
- The proposed new Council office building would be a more efficient building for a number of reasons. The existing building did not reflect in any way modern construction and operational standards. The new building was designed to minimise its carbon footprint.
- A Construction Management Plan condition would be in place and no concerns had been raised.
- According to the latest evidenced-based data, there was a high need in Ealing for one and two bed units.
- There would be a provision within the Section 106 agreement for the use of car rentals and car clubs as part of the scheme.

Following discussion, the Committee then proceeded to vote on the Application.

RESOLVED:

That for the reasons set out in the committee report, planning permission for the application REF **203275FUL** be **GRANTED** subject to:

1. Satisfactory completion of a Section 106 Legal Agreement.
2. Successful resolution of Planning Conditions of Consent and Informatives as set out in the committee report and amended by the briefing note.
3. A referral to the Secretary of State under Regulation 3
4. A Stage 2 referral to the Mayor of London.
5. The addition of an informative in order to secure Blue Badge Parking in Longfield Avenue for visitors to the Council Offices (to be implemented in conjunction with the Parking Department and the Chair).

Note:

Due to the technical error which meant the public were not able to watch the end of the debate and the vote on this application, the Monitoring Officer has ruled that the decision made by the Committee cannot stand. This is because it did not meet the legal requirement that it be taken in public.

8 Date of Next Meeting

It was noted that the next scheduled meeting would be held on Wednesday 17 March 2021.

The meeting of the Committee concluded at 10:35pm