

## **Minutes of the Meeting of the Planning Committee**

**Date:** Wednesday, 31 March 2021

**Time:** 19:00

**Venue:** Virtual Meeting

**Attendees:**

**Councillor Praveen Anand, Councillor Jon Ball, Councillor Josh Blacker, 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**

**RESOLVED:**

That the minutes of the meeting held on 10 March 2021 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

The Chair, Councillor Manro, explained to the Committee that, at its meeting held on 10 March 2021 there was an unexpected problem with the broadcast stream. The last forty minutes of the meeting which included part of the debate and the vote, were not broadcast publicly on the Council's YouTube stream. As a result, the decision made by the Committee could not stand. The Committee was therefore required to consider the application afresh.

It was moved by Councillor Young that consideration of the application be deferred until after the pre-election period, which motion on being put to the vote was declared **LOST**.

Gregory Gray, Planning Officer, introduced the report and explained that the application was for the demolition of existing buildings and 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 which would include 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 sought 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. Those changes included:

- 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 would be Discount Market Rent.
- In combination with the 99 one bed affordable units, there would be 127 affordable family two and three bed units which would equate to 55% of the affordable housing in the scheme.
- The scheme would now offer deeper discounts to 45 of the Discount Market Rent homes, which would make them affordable to a larger number of Ealing families looking for homes.

It was reported that, 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 had 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 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 had 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 reported that the applicant had produced a reasoned analysis to show why a less tall building to the 26-storey residential tower would not provide the same or similar benefits, without harming these or other assets, including whether transferring the height to other blocks may be likely to have a more harmful impact on other assets. Regard was also given as to whether the scale gave rise to significant harmful or adverse impact on the character of the area, and residential amenity.

It was explained that landscaping, traffic and transport, flood risk, ecology and other environmental effects including noise and air quality, wind and microclimate, the energy strategy, residential amenity, safety and privacy and wider visual impacts had been considered. The Council had been assisted in the consideration of sunlight, daylight, shadowing by EB7 consultants and on heritage matters by Baxters.

It was further explained that the application on balance represented a good example of optimisation of the opportunity provided by this previously developed, brownfield land, balancing policy, amenity and site constraints, whilst maximising the potential for additional mixed affordable and market housing. Affordable housing had met the Council Policy requirement for

50% on site and had been improved to the satisfaction of the Council's Housing Supply team by the replacement of London Living Rent with Discount Market Housing which was within the affordability income cap of the GLA and would result in a mix which would be affordable to a range of incomes in perpetuity. It would therefore provide an affordable, more accessible alternative to social housing for families who may be working, with an income below the maximum household income specified in the eligibility criteria for Ealing Council's housing register.

The Committee was informed that, overall, the development had proposed a high quality, mixed use regeneration, whilst achieving strategic and local regeneration and spatial objectives. It would deliver a high quality and modern new residential accommodation to a high standard with a good mix of unit sizes that comply with adopted standards, in an appropriate mix of tenures. The development looked outwards to the surrounding area and merged satisfactorily in terms of permeability, accessibility and cohesiveness. Ground floor commercial uses would positively contribute to Place Making objectives. As a primarily residential car-free, other than Blue Badge, development, cycle and vehicle parking and servicing were to a satisfactory standard.

The Committee was further 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 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, weight in favour was given to the contribution of 477 dwellings, 50% affordable. 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 further informed that, it had been concluded, that this would be a sustainable development in NPPF terms, on its merits and in balancing the impacts and benefits in applying the Planning Balance, it was therefore recommended by Officers 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 amendments and clarifications to the report and further representations that had been received.

A video which had been provided by Save Ealing Centre, an objector to the development, was broadcast to the Committee and 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 councils 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 Kumar, a local Ward Councillor, made a representation to the Committee and shared a video on behalf of Apsley House residents. The following key points were raised:

- Hundreds of residents living nearby would experience a disastrous 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 block daylight and sunlight and would have a negative impact on the residents of Apsley House.
- The family housing proposed was an inadequate provision.
- The proposed private outdoor space was insufficient.

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

- The application was the biggest in Ealing for a century in the very civic heart of the Borough. The application was on public land up for mostly developer-led private gain with only fifty percent affordable housing by habitable room.
- There had been no public consultation for over a year. Two thousand three hundred objections had been received to date which showed huge local opposition.
- The development would have a huge impact on residents of Apsley House and Longfield House, yet their views had been ignored.
- The application should now conform to the 2021 London Plan.

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

- As part of the Section 106 agreement, funding would be provided in order to improve local public space that was already available.
- TfL had considered that the quantum of cycle parking provided would be acceptable.
- There would be a turning head within the development for service and delivery vehicles.
- No changes had been made to the Tenure mix.
- There would be 21 additional three bed units.
- The three bed units would be in blocks 2 and 3 on level 1 – 7.
- Blue Badge parking would be available at basement level.
- The development would sit 3 - 3.5 meters further forward on the Uxbridge Road than Longfield House.
- In light of any changes to the phasing of the development, the Construction Management Plan would have to be looked at.

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).

6. The addition of an informative requesting consultation with the Chair for any amendments to the phasing of the development within the Construction Management Plan.

## **8 Date of Next Meeting**

It was noted that the next scheduled meeting would be held on Wednesday 21 April 2021.

The meeting of the Committee concluded at 9:56pm