

<b>Ref :</b>	<b>215058FULR3</b>
<b>Address:</b>	<b>Land comprising Public Car Park, Business Premises, Roads and Adjacent Land Lying to the north west and rear of The Green and adjoining Featherstone Terrace, Dominion Road and Dilloway Yard, Southall, UB2</b>
<b>Ward:</b>	<b>Southall Green</b>
<b>Proposal:</b>	<b>Demolition and mixed-use redevelopment (phased) to provide 3 urban blocks comprising 564 residential units (Use Class C3), 2922.8 sqm of flexible commercial, non-residential institutional/local community and employment floorspace (Use Classes E, F1 &amp; F2), private and public car parking, servicing bays, public realm and associated landscaping, play and amenity space, plant and refuse areas and access arrangements.</b>
<b>Drawing Numbers/ Plans/Reports:</b>	<b>See Appendix 1, Condition 3</b>
<b>Type of Application:</b>	<b>Full Application (Regulation 3, Application by London Borough of Ealing and Peabody Developments).</b>
<b>Application Received:</b>	<b>23/7/2021</b>

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**Report by: Gregory Gray**

**Recommendation: Grant Permission with conditions and completion of a s106 agreement subject to referral to the Secretary of State and the Stage 2 referral to the Mayor of London.**

**Executive Summary:**

In 2017 Cabinet received a Report concerning the future of The Green car park and resolved to invite and evaluate competitive tenders for a joint venture partner for its redevelopment and the delivery of new homes in the Borough. Pursuant to this Cabinet resolved in 2018 to select Peabody Developments as their preferred development partner. The 'applicant' is LB Ealing and Peabody Developments Ltd ('Peabody'). Peabody has taken responsibility for the preparation and submission of the application documentation.

The application is for the demolition and mixed-use redevelopment (phased) to provide 3 urban blocks comprising 564 residential units (Use Class C3), 2922.8 sqm of flexible commercial, non-residential institutional/local community and employment floorspace (Use Classes E, F1 & F2), private and public car parking, servicing bays, public realm and associated landscaping, play and amenity space, plant and refuse areas and access arrangements.

The majority of the site is located within the King Street Neighbourhood Centre. It is laid out and designed to represent the first phase of a comprehensive redevelopment of land identified in the Southall OAPF, 2014 and designated as Ealing Development Sites DPD SOU8 - The Green. Implementation may require the use of CPO powers to support the land assembly if agreement with those landowners cannot be secured.

The application site is approx.2ha, primarily comprising the Featherstone Terrace Car Park (owned by LBE), and privately owned industrial and banqueting facilities in Dilloway Yard and behind The Green. A small part, a coach park, is designated LSIS by contains no employment floorspace as such.

In accordance with development plan objectives, the application offers significant potential for regeneration development uplift and the proposed uses fit well with local and strategic policies and are strongly supported by the Development Plan. The proposals provide a successful mix of integrated, managed town centre uses including a net uplift in the employment capacity of the site and 564 units of housing at a policy compliant tenure mix.

It will regenerate a generally rundown and under-utilised of this area at The Green and will:

- Complement recent investment by the Council to renovate the listed Southall Manor and the Dominion Centre, to create a new public space, to refurbish the disused toilet block into a new café and to invest in the main shopping parade
- Create new jobs and replace jobs lost through existing site users in commercial and business undertakings
- Create new homes, including 51% affordable by habitable room in this sustainable location
- Make best use of Council assets by optimising opportunities for new uses of the Featherstone Terrace Car Park.

The Development Plan emphasises the importance of any new building responding to the setting of adjacent Conservation Areas and other statutory heritage assets, the latter in this case being Southall Manor as the closest as well as the locally listed St Anselm's Church and sub-station. The proposed development takes these as its points of reference and responds appropriately in respect of massing and layout.

The opportunity to secure high design quality and materiality generally and outstanding quality for the towers, are vital to achieving a successful outcome. In this context, careful account has been taken of the impacts of the development in terms of bulk, mass, scale, design quality and external appearance of the new buildings, in particular the incorporation of tall buildings and the ability of the scheme to satisfy these criteria whilst securing the qualities identified by the Design Review Panel, that is appropriate to its setting.

The applicant has produced a reasoned analysis to show why less tall buildings 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 is also had to whether the scale gives rise to significant harmful or adverse impact on the character of the area, and residential amenity.

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 have been considered. Impacts of the development on existing trees on and off site has been assessed in terms of their amenity value, health, contribution to the achievement of a high-quality development and resilience to development. The proposal is considered to strike a satisfactory balance with tree protection and management and amenity. Substantial new tree planting is also proposed.

Residential car parking (including Blue Badge), cycle and vehicle parking and servicing is to satisfactory standards in this location and taking account of concerns regarding current traffic conditions.

The application scheme on balance represents 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 meets the Council Policy requirement for 50% on site, as well as a tenure mix.

Overall, the development proposes a high quality, mixed use regeneration of this previously land developed site, 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. Ground floor commercial uses will positively contribute to Place Making objectives.

The development looks outwards to the surrounding area and merges satisfactorily in terms of permeability, accessibility and cohesiveness.

The inclusion of tall buildings is a matter of planning balance and impact, not policy principle. The London Plan and tall buildings Policy D9 sets 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. LBE does not presently have a Character Study of this type but one is in the latter stages of preparation. One of its key recommendations is 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:

1. This approach comes specifically from the Character Study and accords with London Plan Policy D9.
2. The Green is an allocated site for comprehensive regeneration in this Neighbourhood Centre location. Proposals within these areas would then be subject to an impact assessment.
3. Officer's view and that of GLA, is that the application scheme meets the criteria-based impact assessments set out in the development plan including the Local and London Plans.
4. The Secretary of State made clear that his directed changes to Policy D9 that they are designed to prevent: '*isolated tall buildings outside designated areas for tall buildings*'. This does not apply to The Green. Similarly, the SoS made clear the pressing need to '*dramatically increase*' housing delivery, particularly in this case where it is in close proximity to Southall Crossrail; an objective that will not be served by putting extant schemes on hold while plans are made ready. Accordingly, the development remains four-square with the formal adopted version of D9.

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 and taking policy as a whole and in applying the Planning Balance, the Officer's conclusion is that this would be a sustainable development in accordance with Framework criteria. Para.11 of the Framework states that planning decisions should apply a presumption in favour of Sustainable Development.

In accordance with the legal tests in *Barnwell* and planning practice in the NPPF, the affected statutory and non-statutory heritage assets have been identified and the harm to has been assessed, including by the demolition of the locally listed sub-station and is 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 is given to the contribution 564 dwellings (50% affordable) will make to the supply of housing and the provision of affordable housing in this highly sustainable location. Weight is 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, community space and improved public accessibility contained in the scheme.

Collectively, the public benefits are considered to have sufficient weight to outbalance the less than substantial harm to the significance of the heritage assets. Therefore, it is considered they would, taking all considerations into account, tip the balance under NPPF para.202 in favour of the supporting a grant of permission for this positively beneficial regeneration development in accordance with the development plan to all other material considerations.

Transport, heritage, environment, energy, Mayoral CIL and s106 matters and requirements are assessed. The GLA supports this mixed redevelopment. Representations from and on behalf of local residents are reviewed and addressed. The objections however are not sufficient to outweigh the recommendation for approval.

To conclude, this is a sustainable development in NPPF terms. On its merits, and in weighing the impacts and benefits in applying the Planning Balance and taking account of the

performance of the application scheme against the provisions of the development plan as a whole, it is recommended that full planning permission be Granted, with conditions and subject to completion of a s106 agreement, following referral to the Secretary of State and Stage 2 referral to the Mayor of London.

**Recommendation:** Grant Permission with conditions and completion of a s106 agreement subject to referral to the Secretary of State and the Stage 2 Mayoral referral to secure:

A. Non-Financial obligations:

1. At least 50% of units by habitable rooms as affordable housing in the form of 157 LAR, 112 shared ownership units to be developed as affordable housing and held in perpetuity as set out in Mayor of London guidance,
2. Affordable dwellings will be prioritised by LBE for people living and/or working in the Borough,
3. Car club provision,
4. Participation in an Apprentice and Placement Scheme, schools engagement, 24 construction phase apprenticeships, access to local labour opportunities to be advertised through LBE job brokerage service, penalties if apprenticeships are not created,
5. Restoration of roads and footways damaged by construction,
6. Restriction of Parking Permits - precluded from obtaining a parking permit and visitor parking vouchers to park within existing or future CPZs, nor in public car parking spaces, in the area
7. Agreement under ss38 and 278 of the Highways Act in accordance with a specification to be agreed with the Council,
8. Monitoring, maintenance of renewable and low carbon equipment,
9. Payment of the Council's reasonable legal and other professional costs incurred preparing the s106 agreement,
10. Financial contributions to be index-linked, with staged payments at first residential occupation and 50% occupancy,
11. Administrative costs for monitoring the legal agreement.

B. Financial Obligations:

- i) Economic Development: £46,000
- ii) Carbon off-set: £605,739
- iii) Post construction Energy Monitoring and Equipment: £21,269
- iv) Air Quality monitoring: £50,000
- v) CPZ Review and Parking Stress Measures: £5000
- vi) High Street Link and footway improvements: £10,000
- vii) South Road and The Green Link and footway improvements: £10,000
- viii) Traffic calming/ pedestrian crossings improvements: £20,000
- ix) Cycle Infrastructure improvements: £10,000
- x) Bus stop improvements: £8,000
- xi) Southall Crossrail bridge and lifts £30,000
- xii) Travel Plan Monitoring: £4000,
- xiii) Child Play, Amenity space, green infrastructure, allotments and amenity infrastructure £300,000 directed to improve amenity space and allotments in the local area including at Southall Manor House Grounds, Southall Recreation Ground, Spencer Street play area and Bixley Fields open space,
- xiv) Leisure/Sport England: £70,000 directed to additional sports hall and swimming pool space either new build projects or extensions to existing facilities as well as single gender sports facilities in the Southall area,
- xv) Education: £470,000 directed to Dairy Meadow Primary School with a reserve of Havelock Primary School or other local primary phase education provision at primary phase and Villiers High School or other secondary phase provision at secondary phase,

AND the conditions and informatives set out in **Appendix 1** to this Report.

**Ss 38 and 278 Highways works costs:**

It should be noted that the prospective highways works costs to include hard landscaping including new paving and edging to replace existing sub base and tarmac surfacing in Dominion Road, Featherstone Terrace, service road at the rear of 102-122 The Green and Dilloway Yard road and footways and public car parks (north and south sides), cycle stands, external furniture, tree grilles, soft landscaping, tree pits with permeable resin bound gravel for new street trees and public realm, laying out of new pedestrian road surface crossing artwork to The Green are estimated by the applicant to be £1.5m. The applicant proposes to carry out these works rather than making a s106 contribution.

### **Site and Surrounding Area Description**

The site is located to the west of The Green in Southall. The majority comprises an open, surface public car park (Featherstone Terrace) and an adjacent car park leased to the Dominion Centre, industrial premises (on Dilloway Yard), private hire rooms/clubs (Milan Palace and Monsoon), retail and commercial frontages fronting The Green. It also encloses the area of an electricity sub-station, lying outside the site, on the east side. On the west side of Featherstone Terrace lies a group of portacabins that house four community groups. Pedestrian and vehicular is from Featherstone Terrace, Dominion Road The Green and Dilloway Yard. Southall Crossrail station is about 350m north of the site. There are bus stops on The Green, the closest being opposite the Manor House and the Tudor Rose.

The site forms part of a wider primarily frontage commercial centre designation focussed around The Green and King Street. Lying within the centre but outside the site, is a number of retail and commercial uses, as well as community facilities, such as for example, at the Dominion Centre, St Anselm's Church, National Sikh and Somali Resource Centres and other meeting halls and Southall Working Men's Club (currently under re-construction). To the south west is the Featherstone Road Health Centre/Clinic.

Opposite The Green is the Manor House Gardens and Park and St Anselm's School. To the north and west the site is bounded by industrial undertakings at TR Suterwalla and Sons and the Featherstone Industrial Estate. These are generally equivalent to 3 – 4 storeys in height. Other buildings fronting The Green are of varying heights but mainly 2-3 storeys. The tallest building visible in the locality is the 10-storey TRS Apartments building.

The site is not in a Conservation Area. The Southall Manor House, is Grade II\* listed. The Southall Wall Memorial to the north of the Manor House is Grade II listed, beyond that to the north is the former sewage works water tower, also Grade II. There are Local Heritage Assets nearby including St Anselm's Church, 13-15 The Green, a former stable and coach house located on Dilloway Yard to the south of St Anselm's Church and Southall Library, located on Osterley Park Road.

The Site is located in Flood Zone 1 Low Probability – having a less than 1 in 1,000 annual probability of river flooding. In common with the whole of the Borough, it is designated an Air Quality Management Area (AQMA). The site is not subject to any environmental designations or recognised interests of ecological value. Proximity to Heathrow Airport imposes a restriction on tower block heights.

In policy terms, the site forms part of a wider site allocation SOU8 in the Southall OAPF, 2014. The majority of the site is located within the King Street Neighbourhood Centre and an Area of Archaeological Interest. A small part is designated LSIS, a coach parking area on the north west side of the site. Review of this designation suggests its inclusion may have been a mapping error in producing the Core Strategy Proposals Map.

The whole site is designated as Ealing Development Sites DPD SOU8 - The Green. This includes the site as well as land to the north (up to the railway line) and land to the west (up to Gladstone Road and Hartington Road. The PTAL is 3 and 4.

The application site is outlined in red below:



The site is in multiple ownerships, including by the Council (the public car park). The Applicant and Council are making every effort to obtain these other ownerships through negotiations with relevant landowners but envisage that the use of compulsory purchase powers (CPO) may ultimately be required.

**Background to the Application**

On 14<sup>th</sup> March 2017, Cabinet received a report concerning the Southall Big Plan – The Green, Southall:

*‘This report aims to inform Cabinet of proposals to redevelop land in the Green including Council land (Featherstone Terrace Car Park) for a residential-led mixed-use development with replacement car parking that will enhance the district town centre at Southall Green.*

*Featherstone Terrace Car Park is an opportunity for the Council to use its asset in Southall to stimulate development and regeneration and to create an income/capital receipt from an asset. This is part of the commercialisation of assets work taking place in the Council.*

*Officers in Regeneration and Environment and Customer Services have been considering a number of options to bring forward development on the car park. This report sets out the options that have been considered ranging from do nothing, development of the car park alone and more comprehensive redevelopment.*

*The recommendation is to partner (through a contract) with a neighbouring landowner and then to select a developer who is capable of bringing forward a large development across the Council car park and the surrounding sites. Ideally the larger site would include some other land that is not in the ownership of the Council or the other landowner, in order to create a better development, and therefore the Council will consider using CPO powers if necessary (subject to an agreed CPO strategy and proper indemnity arrangements being secured from a suitable developer) to complete the land assembly process and enable the delivery of a scheme.’*

It resolved to invite and evaluate competitive tenders for a joint venture partner for its redevelopment. The Council undertook the invitation and evaluation procedures to potential tenderers in accordance with standard practice, including all appropriate advertising of the Invitation to Participate in the Tendering process. Pursuant to this, on 10<sup>th</sup> July 2018, Cabinet received a Report to select a preferred development partner for the Council in relation to the redevelopment of the Green. The Report stated:

*‘2.3 In line with the approvals granted by Cabinet outlined above, in July 2017, the Council, together with its collaboration partner, Ealing Gateway Limited, advertised in the Official Journal of the European Union accordance with EU procurement regulations to find a*

*development partner for a scheme at The Green Southall. The procurement procedure chosen was Competitive Dialogue.*

*2.4 Twelve parties expressed interest at the Selection Questionnaire stage, of which the top five were selected to proceed to the Outline Solutions Stage. Following the conclusion of the Outline Solutions Stage, in December 2017, three parties proceeded to the Detailed Solutions Stage.*

*2.5 Detailed dialogue took place through January and February 2018 and, in March 2018, two compliant Detailed Solutions were received, which were then reviewed, evaluated and scored by the Council in accordance with the approach set out in the procurement documents. This process did not result in a clear front runner so the Dialogue process was re-opened in April 2018 and final solutions were received in late April...'*

Cabinet Resolved:

*'That Cabinet:*

- i) approves the recommendations contained in this report as to the selection of the Council's preferred development partner for the redevelopment of land at The Green, Southall.*
- ii) agrees to delegate to the Executive Director of Regeneration & Housing, following consultation with the Executive Director of Environment & Customer Services and the Lead Members for Regeneration & Transport and Housing, Planning & Transformation, authority to negotiate the final detailed terms of the agreements to be entered into, and the authority to agree that the Council enters into those agreements with the preferred development partner in accordance with EU procurement regulations as follows:...*

In making this resolution, Cabinet took account of:

*'The two final solutions reviewed, evaluated and scored are similar in terms of their quality, massing and overall net development area, but with some key differences. The scoring criteria were set out in advance of the competition in the Invitation to Participate in Dialogue. This document, and its associated clarifications, formed the only basis on which the two solutions could be judged and compared. The table in the report sets out the reasons why Peabody is being recommended as the preferred development partner rather than Bidder A. Overall, while the two solutions were both compliant and were similar in terms of quality (with Bidder A actually being one mark ahead at the end of the quality and legal scoring), Peabody (Bidder B) scored significantly higher on the financial assessment, leading to an overall recommendation for Peabody to be the Council's preferred development partner. Bidding criteria are set out in the report (table 1) and following that is a table (table 2) setting out how the bidders scored. In June 2018 Cabinet approved the new priorities for Ealing Council for the coming four years following the priorities set out in the Labour Party's manifesto. These priorities will be the council's overarching strategic priorities for the four years 2018-2022 They are:*

- Good, genuinely affordable homes*
- Opportunities and living incomes*
- A healthy and great place.*

*The recommended preferred development partner's solution comprises 474 residential units of which half will be affordable including 60% (145) genuinely affordable homes for rent and 40% (78) shared ownership properties. This helps to meet priority one agreed by Cabinet in June and will contribute to the administration's target of 2,500 new genuinely affordable homes for the borough.*

*In addition, the scheme proposes to deliver 19,055sqft for retail, food and drink and 29,331sqft of office space including workspace, alongside new community space, increased permeability and high quality public realm. This helps to deliver priorities two and three agreed by Cabinet in June. In particular - related to workspace - the scheme proposes c. 260 new jobs on site which will more than replace those jobs lost through the redevelopment (currently estimated c. 100 jobs on site). This will provide opportunities to enhance and support the existing town centre and revitalise opportunities for businesses. The scheme will also present a catalytic opportunity to change the quality of place including new routes through a currently disconnected site, allowing for walking opportunities for residents in the surrounding streets.*

*The scheme meets the Council's minimum requirements for 90 public car parking spaces in legacy, to replace those lost at Featherstone Terrace car park. The scheme also provides limited parking for the proposed new residential properties appropriate to its location close to Crossrail and to minimise the traffic impacts likely to be generated from the scheme.*

*The scheme would retain the shopping parade along The Green (potentially with some minor impacts) and has no impact on the Council's land at Featherstone Terrace, where the Resource Centre is based...'*

On 16th June 2021, Cabinet received an update in respect of the proposals, as set out below, and resolved as follows:

***Reason for Decision and Options Considered***

*'...In July 2018, Cabinet approved the selection of Peabody as the Council's development partner and a Development Agreement was entered into in April 2019. Since then, Peabody had consulted on a proposed planning application, which was due to be submitted for approval in early 2020 and Peabody and the Council engaged with local residents and landowners affected by the proposed CPO required to deliver the scheme. However, the Covid pandemic and the need for the Council to respond to that by providing a range of new public services, meant that senior officers and members were not able to consider the response to this consultation, along with Peabody, until Summer 2020.*

*As a result of the consideration of public responses a slightly amended scheme had been developed which Peabody would like to consult on now. The scheme comprised a cluster of buildings ranging from 2-19 storeys in height and offered a placemaking quality mixed use scheme at the heart of Southall, which included 50% affordable housing provision. The scheme was generally supported at the public exhibitions although few written comments were received.*

*The main objection to the original scheme related to the proposal to include the Tudor Rose within the red line boundary of the CPO scheme and to demolish the existing building. The objections to the demolition of the Tudor Rose, related mainly to the loss of what was clearly considered to be an important cultural and community asset. Peabody and officers had carefully considered the impact of removing the Tudor Rose from the scheme and Council officers representing the Council's interests as landowner were now recommending that the building be retained, although some improvements to disabled persons access, its setting and façade would be welcome, if feasible, to enhance the success of the future scheme.*

*As part of the redesign of that element of the scheme to exclude the Tudor Rose from the CPO, it was now recommended that other properties, not included in the current red line area, in particular a substation located on Dilloway Yard access road and a small part of the car park of St Anselm's Church, be included. This report sought Cabinet's approval to the revision to the red line boundary for the planning application and CPO to reflect that.*

*Since Summer 2020, Peabody had been working to revise the planning application to take account of public concerns about the original scheme and to develop a suitable alternative proposal. As part of this work, a dialogue had taken place with representatives of St Anselm's Church, and Peabody would be carrying out a further public consultation with affected landowners and provide an online based update to the wider public on a revised draft scheme commencing in late June 2021. Dialogue with the Church was due to resume ahead of this date.*

*Further pre-application discussions had taken place with the Council and the scheme as now proposed was expected to fulfil the policy requirements as set out in the local plan.*

*From a job creation perspective and based on the current anticipated demand focused towards Class E(g) (ii) and (iii) uses, the estimated minimum employment demand was for 90 jobs (FTE). This was based on 2,502 sq.m. of the 2,923 sqm of flexible commercial floorspace being Class E(g) (ii) and (iii) uses at an employment density of one employee per 30 sq.m. and 421 sq.m. being a nursery (Class E(f)) at a density of one employee per 60 sqm. As a flexible*



*approach is sought to allow the commercial floorspace to interchange between uses subject to demand, the job creation will continue to change over time. However, the calculation used assumes a 'worst case' scenario of lower employment density uses rather than higher density uses (e.g. retail or office) that could potentially operate from the site within the use classes sought. As such, the creation of 90 jobs is considered to be a cautious estimate and may well likely increase. Alongside jobs created once the development is completed, there would also be a significant number of jobs created through the construction period for which there would be opportunities for apprenticeships.*

*The slight reduction of commercial space had been offset to some extent by reconfiguring the parking proposed. This reconfiguration also allowed for slightly more cycle parking and for the cycle parking to be lifted up from the ground floor allowing for active uses throughout. To achieve this, Peabody was also considering securing some at grade parking on Council land at Featherstone Terrace. If approved by Cabinet, it was proposed that this would operate outside the CPO process and would be made available under a licence agreement). To enable this, the existing tenants of that site, which consisted of a number of Somali led community groups, which served a wide client base mostly comprised of recent immigrants, including GOSAD the umbrella organisation, would need to be relocated. A temporary location could be found nearby or within an undeveloped part of the site, with the potential opportunity for permanent accommodation within the development. This proposal would also simplify in the longer term consequent leaseback arrangements with the Council for parking spaces as it would put all Council controlled car parking spaces outside the buildings and in publicly accessible land. The proposal was that the tenants should enjoy a guarantee of a tenancy on equivalent conditions to those they currently enjoy at Featherstone Terrace through a guaranteed 'Right to Return'. They would be relocated into one of the flexible commercial / community units in phase 1 or in the allocated 'community centre' in phase 3 depending on detailed discussion with the groups and their needs.*

*Ward Councillors had raised concerns about the impact of the proposed development on local infrastructure in particular traffic impacts, impacts on health and education services. These impacts would properly be considered thoroughly as part of the planning process. However, officers had considered the following issues in developing the scheme with Peabody and were able to report the following:*

*- Traffic impacts: there was a substantial amount of parking provided in the proposed scheme mainly as replacement to the existing public car parking. This new provision (90 public parking spaces and 60 spaces for the residential properties) is roughly equivalent to the public parking provision currently on site and, taking account of informal parking around the existing businesses, would represent a reduction in overall parking provision on site. Therefore it was not considered that the traffic impacts would be worse from this scheme. Further, servicing impacts from the shops along the Green will be ameliorated by the provision of improved service access to the rear of those properties and away from the main road which was a requirement of the planning policy and should reduce congestion. The scheme also provided opportunities for alternative travel options like cycling and walking. There was significant new cycle parking for residential properties as well as 40 secure cycle parking spaces for businesses. Further, it would include 44 public on street cycle parking spaces which would enhance opportunities for local people to travel to the shops and facilities in the town centre by cycle. It would also include new walking and cycling routes through the site which would enhance opportunities for sustainable travel between neighbouring residential streets and North Southall away from the main road. This tied in with proposals by 'Let's Go Southall' to upgrade significantly opportunities for existing local residents to get healthy and take advantage of better walking and cycling facilities locally. To address the local issue of traffic congestion the Council could consider reducing further the amount of public car parking proposed to be reprovided on the site. Reduced car travel and a reduction in congestion arising from servicing would also help to reduce airborne vehicle pollution.*

*- Educational impacts: the scheme was expected to generate a child yield of approximately 58 primary school aged children and 42 of secondary school age. Of these, many will be existing Ealing residents moving out of temporary or overcrowded accommodation who also have a school place. Some will be net new to the area. The scheme will be expected to make a s106*

*contribution to education to support provision of additional school places as required. Currently Southall has a net surplus of 14% primary school places and south of the railway, where this scheme is located, the surplus is currently 18% so there should be no undue pressure on primary places generated by this scheme. However at present Southall has a 0% surplus of places at Secondary level and need is currently being met by the provision of 1 FE 'bulge class' to accommodate year 7 and 8. The Education department would prefer to meet secondary needs arising through the expansion of existing schools to ensure they retain viable ongoing futures and bearing in mind the bulge would be expected to reduce in future given the surplus at primary level. However any s106 contribution agreed from this scheme could contribute to the provision of appropriate additional places at secondary level.*

*- Health impacts: the impact on health would be calculated using the HUDU model and then discounted to have regard to the fact that many incoming residents would be relocating from other areas in Ealing. There is a nearby community health centre at Featherstone Road and initial discussions between officers and the CCG indicate that it is unlikely that the CCG would want to utilise any of the proposed commercial space in the development to meet needs for GPs. However the GP and primary care provision in Southall is currently being reviewed as part of a borough wide study to support the emerging local plan and this will result in a clear view from the CCG and the Council about the need for and location of new GP provision. This is likely to result in the reconfiguration of existing GP provision across the area to support expansion. The scheme will generate a s106 contribution towards health provision. Initial discussions with the CCG indicate it is possible that it would wish to negotiate an allocation of affordable homes towards health workers as housing pressures are significant for health workers in the area; if this is not agreed then it is likely the CCG would expect a capital payment towards the provision of health services in Southall. The scheme may be suitable for providers such as dentists and opticians to locate into and Peabody will explore these possibilities with local practices as part of the ongoing community consultation process.*

*- Urban greening and amenity: In addition, the scheme provides new communal public open space, planting, trees and child play space, which will positively contribute to healthy living objectives and the greening of the area.'*

The application scheme as set out below is designed and set out to secure the implementation of the above quoted Cabinet Resolution objectives, along with s106 contributions included in the recommendation.

### **The Proposals**

The details of the proposed development are:

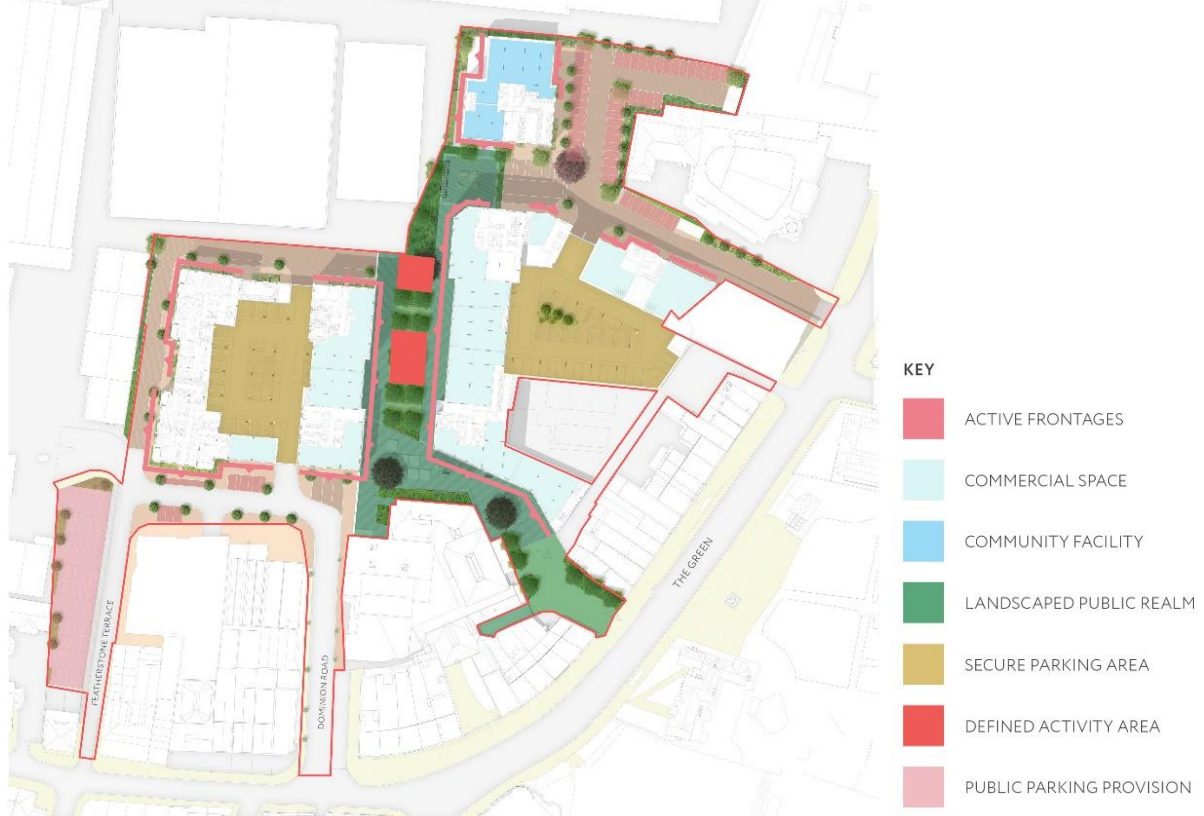
1. Demolition of existing buildings and phased redevelopment of the site to provide a mixed-use development comprising:
2. 564 flats to include 51% by habitable room (269 units),
3. 2502.1sqm of flexible Commercial/employment space (Use Class E),
4. 313.8sqm of Day Nursery (Use Class F1),
5. 106.9sqm of Community space (Use Class F2)
6. 3 principal blocks A-C, comprising residential towers of between 4 and 19 storeys, with commercial and community space on the ground and first floors,
7. Reprovision of 90 Council parking spaces in 2 locations,
8. Residential and commercial cycle and car parking,
9. Lorry loading/unloading bays,
10. New landscaping and public realm works,
11. Highways works to Dilloway Yard, Dominion Road, adjacent to St Anselm's Church and rear of The Green for access and servicing.

PROPOSED LAYOUT

- Block A: 4, 6, 11, 13, 16-storeys
- Block B: 5, 6, 7, 16, 19-storeys
- Block C: 9 and 19-storeys



GROUND FLOOR LAYOUT OF BLOCKS, PARKING AND OPEN SPACE



The development is laid out utilising the existing road layout from The Green via Dilloway Yard, Dominion Road and Featherstone Terrace, along with the current service road entrance serving the rear of shops facing The Green and the Dominion Centre, the latter serving a central 'spine' of public realm/plaza leading to the centre of the site, which is intended to form the core route for future phases.

Commercial uses flank the public realm, leading to the community facility on the north side. Replacement public car parking is proposed to the south on Featherstone Terrace and north behind St Anselm’s Church.

Along Dilloway Yard, a two-way vehicular route along the northern frontage of the block adjacent to Saint Anselm’s Church will be improved to facilitate pedestrian and two-way vehicles movements. To achieve this the road will be widened to the north by approximately 2.5m which will result in land take from Saint Anselm’s Church by the reduction of the raised planting area and the loss of one parking space in the forecourt. The Green junction itself will also be improved with new kerbing and radii.

ILLUSTRATIVE VIEWS

Below, view from improved pedestrian entrance on west side of The Green:



Below, new public realm with the site:



Below, view north from Dominion Road, with the Dominion Centre to the right:





Below, view from north side of The Green towards the Tudor Rose and St Anselm's Church:



The development is designed to be delivered in three phases 1- 3 indicated below:



**Phase 1:** Erection of Block A and potential to deliver 40 public parking spaces in Featherstone Terrace to compensate early for lost public parking in the existing public car park (subject to satisfactory temporary relocation of the Community Centre users).

**Phase 2:** Erection of Block B and highway improvements to Dilloway Yard.

**Phase 3** Erection of Block C and balance of 50 public parking spaces.

New housing delivery in each Phase will be:

Phase	Buildings Constructed containing New Homes	Homes Delivered (Split by tenure)
Phase 1	Building A1 Building A2 Building A3 Building A4	Private: 118 LAR: 124 S/O: 0
Phase 2	Building B1 Building B2 Building B3	Private: 101 LAR: 33 S/O: 82
Phase 3	Building C1	Private: 76 LAR: 0 S/O: 30
Total	Buildings A - C	<b>Grand Total: 564</b>

The table below sets out the proposed commercial and community floorspace in the Blocks:

Proposed Community and Commercial Provision					
Phase	Location	Level	Plot Ref	Unit Type	Area (m <sup>2</sup> )
1	A1	0	AC1	Commercial	89.9
1	A3	0	AC2	Commercial	231.7
1	A4	0	AC3	Commercial	161
1	A4	0	AC4	Commercial	145
2	B1	0	BC1	Commercial	187.2
2	B1	0	BC2	Commercial	205.9
2	B1	0	BC3	Commercial	223.2
2	B1	1	BC9	Commercial	395.4
2	B2	0	BC4	Commercial	182.4
2	B2	0	BC5	Commercial	283.9
2	B2	0	BC6	Commercial	51.6
2	B3	0	BC7	Commercial	150.4
2	B3	0	BC8	Commercial	194.5
3	C1	0	DN2	Day Nursery	313.8
3	C1	0	CC1	Community	106.9
	<b>Total</b>				<b>2922.8</b>

Temporary arrangements will be made during the phases for access, site access, demolition etc as set out in the Demolition and Construction Management Plan, which includes measures to regulate, dust, noise, waste and lighting. Construction vehicle traffic is expected to be primarily from the M4. Entrance will be via Parkway and The Green. Exiting will be Western Avenue and back to Parkway. Arrangements will be put in place to minimise impacts on day to day usage and parking at the Dominion Centre.

There will be no site operatives parking. They will be encouraged to use public transport, walking or cycling. Showers will be provided for staff to change clothing before leaving.

Currently there are 25 trees and 3 groups on site. The scheme is designed to retain and incorporate existing trees on the approach from Dominion Road. Other surveyed trees within the car parks and around the perimeters are generally of Category C or U being of low or no retention value. Only 3 trees, 2 on Dilloway Yard and 1 on the northern extremity are Category B. 17 trees will be felled. They will be replaced with 215 new trees in public areas and new amenity spaces as set out below:



Residential, commercial and public cycle and car parking would primarily be at ground level. The residential provision is 60 spaces, equivalent to 11% of the total number of dwellings, 25 in Block A, 31 in Block B and 4 adjoining Block C. 35 will be accessible (DDA) compliant and the remainder standard size. Accessible spaces are distributed between the Block.

Public parking will be reduced from 150 to 90 spaces in accordance with the Council's development requirements as set out below:

Public parking	Total no. of spaces	Disabled bays	Electric vehicle charging point	Car club bays
Existing	150 (incl 15 leased to The Gym Group)	7	3	0
Proposed	90	9	9	1

No car parking will be provided for commercial uses. Loading and unloading is distributed between the three Blocks as illustrated on the image earlier in this Report. Vehicle accesses will continue to be from Dilloway Yard, Dominion Road and Featherstone Terrace and a service access to shops on The Green and the Dominion Centre, between 98 and 102 The Green. Pedestrian and cycle access will be the same roads as well. The service road currently running behind 70 – 98 The Green and the sub station behind will be retained unaffected.

Cycle parking would also be provided at various locations at ground and mezzanine level in the civic space and individual Blocks totalling 1006 long stay secured and covered spaces, 46 of which will be oversized spaces. 24 non-residential long-stay cycle parking spaces which will

be secure and covered, in the under croft of Blocks A and B. A total of 44 short-stay spaces will be provided with cycle hoops located across the site.

The dwelling mix comprises 269 affordable in LAR and Shared Ownership tenures and 295 market, a total of 564 flats. This would result in a residential density of 301dw per ha or 835hrh. The tenure breakdown is as follows:

The Green - Proposed Accommodation Schedule by Tenure																						
Tenures	Social Rented							Shared Ownership							Market Sale							Total
Location	1B2P	2B3P	2B4P	3B4P	3B5P	3B6P	4B	1B2P	2B3P	2B4P	3B4P	3B5P	3B6P	4B	1B2P	2B3P	2B4P	3B4P	3B5P	3B6P	4B	Total
A1	29	1	18	1	12	0	5															66
A2	17	12	15	1	6	2	5															58
A3															24	7	30	0	1	6	0	68
A4															42	8	0	0	0	0	0	50
B1								43	12	27	0	0	0	0								82
B2															48	2	51	0	0	0	0	101
B3	17	5	5	0	6	0	0															33
C1								11	1	8	0	10	0	0	28	14	28	0	6	0	0	106
Total	63	18	38	2	24	2	10	54	13	35	0	10	0	0	142	31	109	0	7	6	0	564
Unit %	40.1%	11.5%	24.2%	1.3%	15.3%	1.3%	6.4%	48.2%	11.6%	31.3%	0.0%	8.9%	0.0%	0.0%	48.1%	10.5%	36.9%	0.0%	2.4%	2.0%	0.0%	
Total Unit	157							112							295							564
%	28%							20%							52%							
Hab Rms	126	54	114	10	120	10	60	108	39	105	0	50	0	0	284	93	327	0	35	30	0	
HR%	26%	10.9%	23.1%	2.0%	24.3%	2.0%	12.1%	35.8%	12.9%	34.8%	0.0%	16.6%	0.0%	0.0%	36.9%	12.1%	42.5%	0.0%	4.6%	3.9%	0.0%	
Total HR	494							302							769							1565
%	32%							19%							49%							

The tenure distribution between the Blocks:

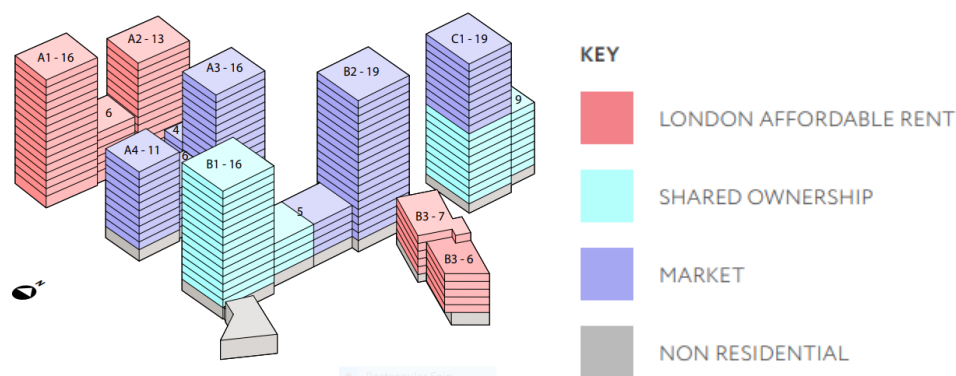


FIG 6.16 - TENURE DISTRIBUTION DIAGRAM

**Employment Space**

A small part of the site approx. 364sqm is designated as LSIS. This comprises a private coach park that falls in Class B8 use. It does not contain any floorspace, nor does the site appear to provide jobs. In any event it appears to be a Proposals Map mapping error. Nevertheless new employment workspace is proposed.

Non-designated land in industrial use is found on Dilloway Yard, primarily but not exclusively in car repairs and related businesses, all served from the narrow, single lane between St Anselm’s Church and the rectory on one side and the Tudor Rose and Milan Palace on the other, which is not conducive to an attractive environment appropriate to these uses.

The current industrial floorspace is estimated to be 3400sqm. The applicant estimates approximately 66 jobs are provided. This includes the two banqueting facilities, which are not industrial uses.

Flexible commercial and employment floorspace of 2922.8sqm (11 units are indicated of varying sizes) suitable for SMEs is proposed on the ground floor of Blocks A and B facing into the new public realm space. The applicant has produced a Commercial Justification Strategy from Forty Group a specialist commercial advisor, on unit sizes, potential uses and design features with the aim of contributing to the Place Making attributes of the scheme, taking account of its positioning in this part of Southall centre at The Green.



On potential job creation from the scheme, the Strategy notes: *'We understand that the current number of full-time employees on site is 66, which creates an employment density of 1 FTE per 124m<sup>2</sup>. The new opportunities created at The Green will provide employment opportunities at far higher densities. By way of an example, B1 is occupied at a range between 8m<sup>2</sup> and 16m<sup>2</sup> per job. As such, the renewal of existing employment sites for mixed use development with high densities enables the creation of increased job numbers, while also enabling the release of less strategically located sites for residential use. The overall proposed quantum is 2922.8 m<sup>2</sup>. For the purposes of calculating the likely FTE creation we have assessed 2502 m<sup>2</sup> as former B1c use class and 420.7 m<sup>2</sup> as D1 use class for use as a nursery (both planning classifications are now captured under E class)...*

*'Another important consideration is not only the number of jobs created, but the quality of the jobs. The current employment offer on site is noted to incorporate "heavy" industrial uses. The new build accommodation will offer competitively priced units, with low service charges that will create long term employment opportunities in space that will no doubt be attractive to SME's. Therefore, if we apply an employment density of 1 FTE per 30m<sup>2</sup> against 2,502m<sup>2</sup> and 1 FTE per 60m<sup>2</sup> against 420.7 m<sup>2</sup> this creates a total FTE figure of 90 jobs.'*

This figure should be treated as a minimum, given it does not account for part-time job creation in the businesses, as well as services, such as office cleaning.

The Strategy also refers to the benefits of the child nursery space, noting there is a *'... national demand for children's nurseries, particularly within regeneration areas seeing substantial increases in residential communities. Whilst it is noted that Southall is well known for generational care of children in the community, there is still a requirement for nursery operators and with the inflow of new residents, this is viewed as a positive addition to the scheme.'*

In conclusion, the Strategy states: *To conclude, Forty Group recommend that Peabody looks to deliver a 'tailor-made' employment environment that meets the specific requirements of local businesses and occupiers that will be drawn to the prime location that is The Green. This is due to the following observations:*

- *There is a distinct lack of demand for larger footprint employment space within Southall. A local requirement exists for quasi light industrial office and storage/workshop units with sizes ranging from 100m<sup>2</sup> to 250m<sup>2</sup>.*
- *The emergence of competing developments and impact of Covid-19 raises concerns of over-provision of traditional B1a workspace. The above factors further substantiate the need for Peabody to differentiate their product from the standard employment model. In light of the above factors, Forty Group make the following recommendations:*
- *To focus commercial activity within the scheme at the ground floor of blocks A & B, in the central courtyard area.*
- *To deliver an 'employment hub' whereby the majority of premises work within B1b/c use class planning (E(g) (ii) (iii)).*
- *To deliver 'tailor-made' commercial units with distinctive characteristics in order to target and attract local businesses that will operate as a curated mix of quasi office/retail and light industrial uses.*
- *To deliver employment units with floorplates that range from 100-200m<sup>2</sup>. Peabody may wish to deliver 1 or 2 units with larger floorplates ranging from 200-400m<sup>2</sup>.*
- *To consider a maximum commercial quantum for commercial employment (E(g) (ii) (iii)) uses of no more than 2500m<sup>2</sup> (excluding Block C proposed nursery accommodation).*
- *To define the first 1.5 meters of the premises as the 'design control zone' in order to ensure the delivery of a commercial environment that is both clean and inviting to members of the public as well as the residential tenants.'*

The application scheme is designed to achieve these objectives, including offering commercial units in a range of sizes and locations through the scheme, mainly on the ground floor but with additional space on the first floor of Block B, that can be amalgamated or sub-divided as necessary.

## **Retail Floorspace**

Flexible Use Class E incorporates both former Retail and Business Use Classes. Accordingly there is scope for enhancement to the current retail offer in The Green and the Neighbourhood Centre, as well as employment space policy objectives in the range of Unit sizes proposed in the application.

**Community Space**

The Applicant has undertaken an Equalities Analysis Assessment, which was presented to Cabinet in July 2021. It acknowledges that the proposals will involve loss of the Milan Palace and Monsoon Banqueting suites. It nevertheless concludes that the proposed development does not have a negative impact on any local community groups with a protected characteristic.

As set out in the application submission, the proposals incorporate 106.9sqm of community (Use Class F2) and 313.8sqm of child day nursery (Use Class F1) floorspace, which has the potential to be increased subject to demand. The proposals involve the relocation of the four community groups including the Somali Youth Helpline from their current location in Featherstone Terrace. As noted later in the Report, the Helpline Treasurer states they will be very happy to be relocated to new premises in the development.

**Public Realm/Open Space**

In addition to the publicly accessible landscaped Public Realm, the residential development proposes private balconies, podium and ground floor private amenity space as follows:

The following play space by age group for all 3 Blocks A-C, is proposed:

- Block A (podium level) under 12s - 350sqm
- Block B (podium level) under 12s - 404sqm
- Block C (ground level) under 12s - 461sqm

The developer should provide 2219.5sqm dedicated play area for under 12s. They provide 754sqm (excluding Block C as this is public amenity space) so there is a shortfall of 1465.5sqmf or children aged 0-12yrs. The developer is providing no dedicated play space for over 12s giving a shortfall of 465sqm Shortfalls and contributions towards sports and allotments are to be met by s106 contributions.

**Appearance and Materiality**

The main external facades appearance and materials are a key component of achieving exceptional design quality:

Block A, main elevation from Dominion Road:



Blocks A and B main elevations and sections facing south:



Blocks B and C, main west elevations facing new public realm:



Block B elevation to Dilloway Yard adjoining the Tudor Rose:



Block C, main elevations west and north:





Overall, the Blocks designs and appearance individually and as a ‘family’ of Blocks respect without challenging the Manor House and other heritage assets.

In the wider area, the Heritage and Townscape Visual Impact Assessment (HTVIA) presents a set of verified Wire Diagrams of the impacts of views of the Blocks in the local and wider area:

**Verified View (from HTVIA) from junction of Beaconsfield Road and Lewis Road of Blocks A and C**



**Verified View (from HTVIA) from junction of Beaconsfield Road and Randolph Road showing Blocks A and B:**



**Verified View (from HTVIA) from The Green/railway bridge Road of Blocks B and C:**





Verified View (from HTVIA) from Bridge Road/Hortus Cemetery of Blocks B and C:



Verified View (from HTVIA) from Havelock Cemetery of Blocks A and B:



Verified View (from HTVIA) from Southall Recreation Ground showing Blocks A and B:



**Verified View (from HTVIA) from Minet Country Park showing Blocks A and B:**



**Design Development**

The scheme formulation has been developed during the pre-application stage and tested in presentations to the GLA, Ealing DRP and consultation with the community, landowners, MoD and LBE Officers. Details of the pre-submission consultation and engagement undertaken are set out below.

The applicant has prepared a Design and Access Statement to provide a discrete rationale for the development, which accompanies the application, beginning with evaluation of site and other constraints and opportunities as set out in the extract below:

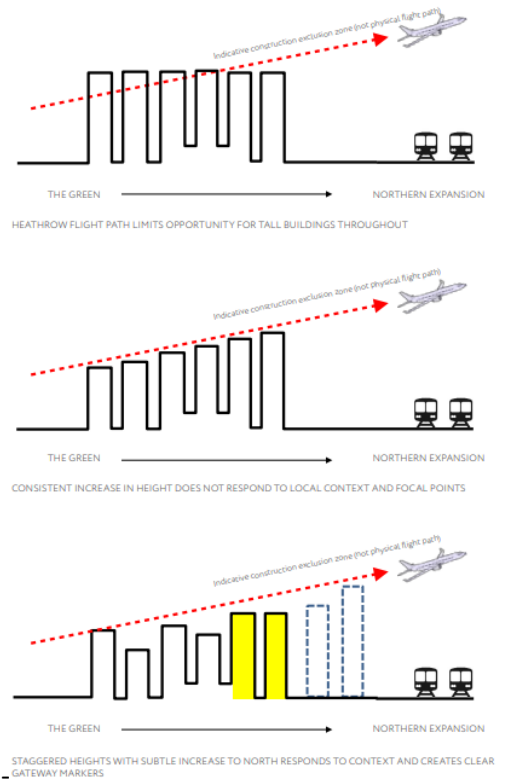
Design development was prepared with specific regard to Council Policy and guidance, including the Core Strategy, DMDPD, Site Allocation, Southall Opportunity Area Planning Framework (SOAPF), London Plan and The Green SPD (TGSPD), community and pre-application consultations. In addition, the design is informed by the Heritage Townscape and Visual Impact Assessment (HTVIA) and the Design and Access Statement (DAS).

Following careful site analysis including consideration of the site conditions, neighbouring impacts in particular the Heathrow flightpath and from adjacent industrial uses, HTVIA, DRP and related policy, it was concluded that the site represents an appropriate location for tall development.

HE has not raised any objections or concerns in consultation to the scheme in general or the incorporation of tall buildings. Nevertheless specific regard has been given to NPPF advice and London Plan Policy D9 in respect of the impact of tall elements of the scheme, particularly the towers, on heritage assets and to demonstrate the consideration given to alternatives, as part of the balance with public benefits.

Options to distribute greater height were not pursued given the impact on the Heathrow flightpath as illustrated below:





The extract from the Design Statement below shows the consideration given to the development of the adopted massing form:

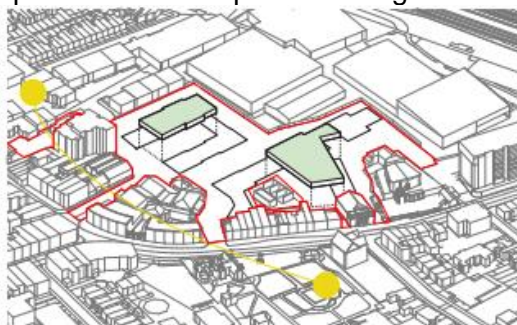


FIG. 4.21 - A. SOUTH FACING SHARED PUBLIC REALM



FIG. 4.22 - B. LOW RISE MASSING BOOKENDS EXISTING MANOR HOUSE PARADE ATTRACTING PEDESTRIAN MOVEMENT TO THE HEART OF THE PROPOSAL

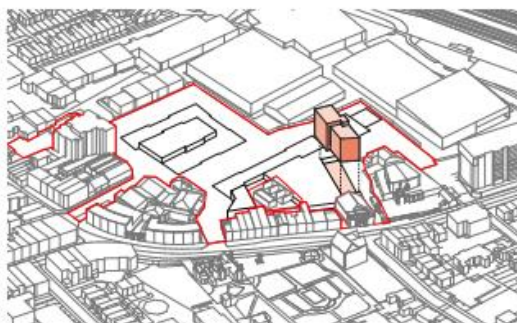


FIG. 4.23 - C. LOW TO MID-RISE BLOCK ADJACENT TO ST ANSELM'S PROVIDES TRANSITION FROM HEIGHT ALONG THE GREEN TO HIGH RISE WITHIN THE SITE

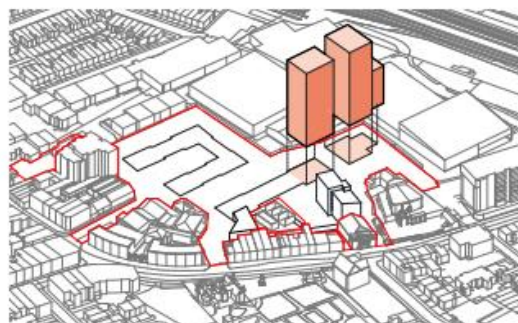


FIG. 4.24 - D. MASSING CREATES A GATEWAY TO THE NORTH OF THE SITE (THE ENTRANCE CLOSEST TO SOUTHWALL STATION)

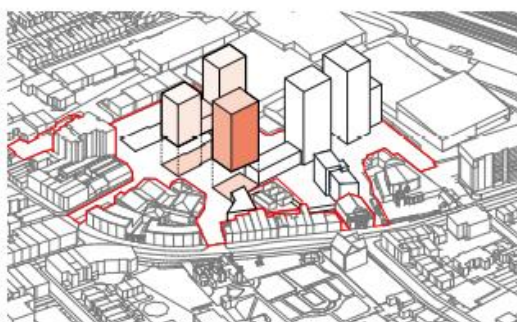
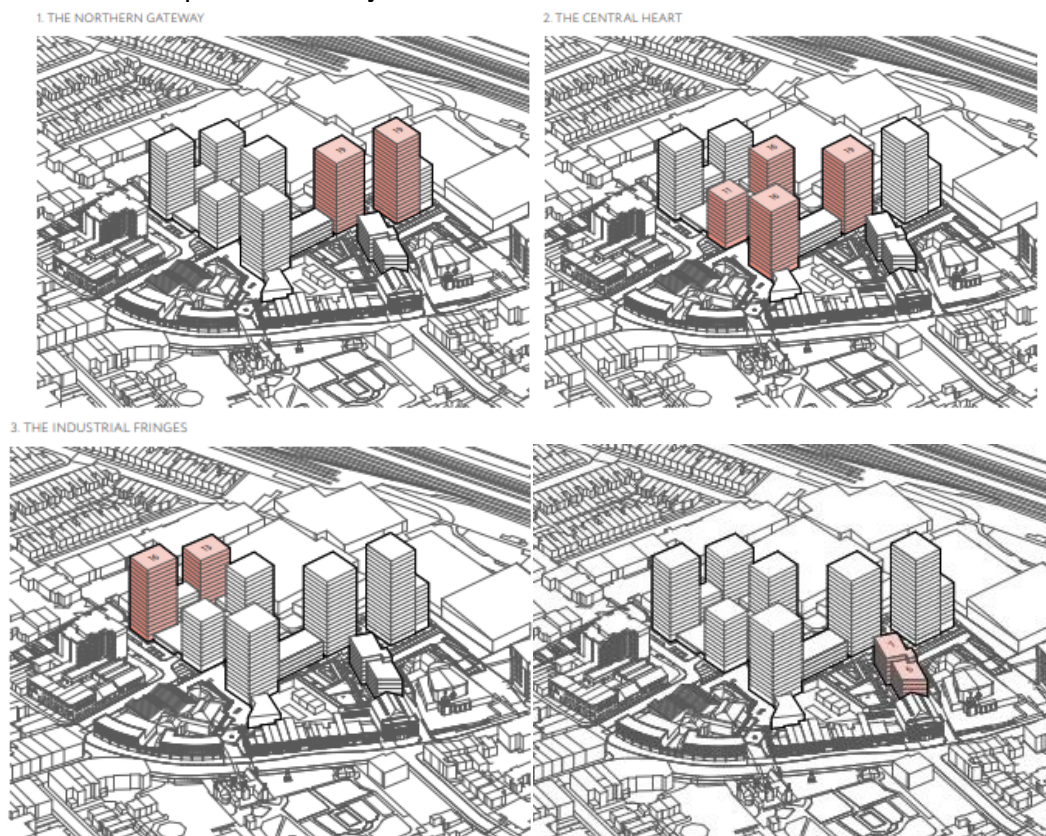


FIG. 4.25 - E. MASSING HERE CREATES A DESTINATION AT THE HEART OF THE SCHEME



FIG. 4.26 - F. MASSING AT FEATHERSTONE TERRACE CREATES A TRADITIONAL STREET

From this the concept of the ‘family’ of Blocks has been conceived in the form of:



1. The northern gateway, as stated by the applicant: *These two principal towers serve as a visual gateway into the heart of the development as the site is approached from the North. These two towers start to define the potential increase in height for the future northern expansion area to the south of the railway line.*
2. Central heart, as stated by the applicant: *This central space is defined by the 4 principal towers to the four corners of the primary public realm. Whilst each building performs a different function in terms of the space or the node that they create. The changes in brick colour also help to differentiate between the different elements.*
3. The industrial fringes; as stated by the applicant: *The buildings to the Western edge of the development need to deliver a scale and a design solution that addresses the current outlook over the existing and currently retained industrial units but also be able to fit seamlessly with future phases of development as they evolve. As the only frontage within the development that incorporates residential use at street level, the proposed buildings present a much more intimate scale to those facing the central heart. The buildings are characterised by the use of deeper reveals, a more accentuated grid, and a higher solid to void ratio to reflect the aesthetics of the adjacent ‘warehouse’ style buildings.*
4. The transition building, as stated by the applicant: *The massing has been developed to adapt to its urban surroundings, graduating from The Green to the heart of the scheme. Building B3 has been designed to respond to the existing massing on The Green, whilst also acting as an anchor point and site entrance from The Green. The 6 storey element follows the principles of the link blocks and act as a transition from Manor Parade and the Tudor Rose to buildings B2 and C1 (The Northern Gateway).*

### **Phasing and Comprehensive Development**

Consideration has also been given to the implications of this scheme for the successful achievement of a comprehensive future development of the whole of the SOU8 allocation for The Green in terms of the distribution of built development and the permeability of the site, particularly in the opportunity to significantly enhance access to the town centre east west from Queens Road and Gladstone Road for example, as illustrated below:





The applicant has reviewed the massing options against the following criteria:

- Townscape impacts,
- Site optimisation,
- Impact on heritage assets
- Daylight
- Sunlight
- Public Realm
- Meeting affordable housing target
- Delivery of public benefits.

Having assessed that review, the application is considered to be the optimal solution. Taking all this into account, the application scheme, with the towers as proposed is considered to achieve the optimal planning balance on its merits and in consideration of London Plan Policy D9 and was pursued accordingly.

**Pre application consultation**

Pre application meetings were carried out with GLA and TfL and stakeholders between July 2019 and July 2021. Support was given to the scheme in relation to matters of residential-led land use, density and site optimisation, scale and design, permeability and accessibility, affordable housing offer and housing mix, energy efficiency and renewable energy, residential amenity, replacement public car parking, tree impacts, drainage strategy, servicing, car and cycle parking and Healthy Streets.

Further information in relation to existing and proposed floorspace was required to demonstrate that the proposal can sufficiently accommodate all uses and that existing community facilities are not unduly displaced, locational relationship of residential use to peripheral industrial undertakings and scope to retain the locally listed sub-station.

With regard to the suitability of the site for tall buildings the GLA noted that site allocation SOU8 does not identify the site as suitable for tall buildings. GLA officers consider that the proposals for tall buildings are not in an area identified suitable for tall buildings contrary to the locational requirements of London Plan Policy D9.B. Notwithstanding this and having regard for the Opportunity Area status, the proximity to a transport node, and the changing character of the Opportunity Area, a case for tall buildings in this location could potentially be made subject to addressing the assessment criteria within D9.C. and securing an appropriate balance of public benefits.

Two pre-application meetings were held with Historic England (HE) in 2019. HE advised:

*'Having reviewed the information provided by you, we conclude that this proposal would lead to an application for which Historic England would be a statutory consultee, due to the proximity of the site to the grade II\* listed Southall Manor. Whilst the proposals are likely to be visible within the context of the Manor, these views are not considered critical to the setting or significance of the manor. We are therefore unlikely to raise any concerns or objections to the proposals if they were submitted for planning permission.'*

Eight pre application meetings were held with Officers between 2019 and 2021, in respect of development principles, community engagement, design, heritage, transport, housing, sunlight/daylight, trees, and amenity impacts as well as EIA scoping, followed by a formal pre-application letter in February 2020.

Follow up pre application consultation with the GLA following the 2019 pre app (issued in August 2021 after submission of the application) states: *'The principle of the redevelopment of the site to provide flexible commercial floorspace and residential units is acceptable in land-use terms, however, the proposal would result in net loss of industrial and community/night-time economic floorspace. Further information in relation to existing and proposed floorspace is required to demonstrate that the proposal can sufficiently accommodate all uses and that existing community facilities are not unduly displaced. Advice is given with respect to land use principle, housing, affordable housing, urban design, layout of the site and the heights of the proposed buildings, inclusive design, heritage, transport and sustainability. The applicant should ensure that any future application addresses these matters to ensure compliance with the London Plan.'*

### **Design Review Panel (DRP)**

A DRP was held on 13th July 2021. The Panel was generally supportive of these proposals and raised no in principle objections to building heights or the arrangement of development across the site, in relationship to future development phases and to permeability of the site with the surrounding area and in summary made the following design comments on the scheme under the following headings:

#### **Architecture, heights and massing**

1. supports the intention to differentiate the blocks as the architecture develops - would like to see a clearer hierarchy.
2. approach to massing in terms of block footprint currently results in rather bulky towers, especially Block C.
3. redistributing the massing, more slender and elegant elements would be possible, breaking up the visual impact of the scheme, especially from Manor House Grounds.
4. more slender towers would also help to reduce overshadowing - a significant issue. The analysis of overshadowing and microclimate effects is welcome. Likely impacts on specific uses at specific times of the day e.g. the central boulevard or for play space would be helpful.
5. welcomes over two thirds of the units are dual aspect and urges opportunities to increase this. Daylight studies for the residential accommodation.

#### **Layout and permeability**

6. welcomes the development of a permeable grid across the site with the potential to connect effectively into the wider locality.
7. proposed pedestrian crossing to Manor House Grounds is essential to the layout ideally a generous raised table.
8. some concerns about the condition of the Block A residential frontage to industrial uses on the western boundary. Greater clarity needed as in the interim this could feel quite hostile and intimidating to residents here.
9. Block A the end of Dominion Road functions as a barrier, rather than as an invitation. Signals a termination to the public realm. Suggest focusing on activation and landscape to draw visitors into the scheme.
10. consider bringing the proposed nursery towards the front of the scheme, would guarantee a level of activity to potential visitors.

#### **Public realm and amenity**

11. need further detail on how the servicing and delivery strategy will co-exist with public realm users. Should develop a stronger narrative about how ground floor uses will function, including how amenity space will be used.

12. managing the potential for conflict between cyclist and pedestrians using the public realm will be critical.

13. public spaces are of a similar dimension so the landscape design will need to work hard to differentiate them and to give them character.

14. much development is likely to rely on existing green space, especially for older children's play. Urge the authority to ensure that the cumulative effect does not place unsustainable pressure on this amenity. Both indoor and outdoor spaces for teens should be provided.

#### Landscape

15. concerns about viability of the tree proposed for the aperture in the podium. Need to demonstrate this is achievable, thorough and robust species specification.

#### Inclusive design

16. welcomes targets for Blue Badge parking, at appropriate proximity to residential entrances. Space for different types of cycles should be provided.

17. balconies of accessible flats should be large enough to be used comfortably by disabled people.

The applicant has addressed these comments in the final submission and amendments and which are included in this report.

#### Community Engagement

The applicant has undertaken the following consultation events involving:

- -Political representatives,
- -Stakeholders,
- -The community.

In all the applicant has sent out to some 2500 leaflets and invitations to engage in the consultation process. A consultation website ([www.thegreensouthall.co.uk](http://www.thegreensouthall.co.uk)) was also created to provide information on the proposals, supported by a consultation office contactable by email and phone. The online adverts posted in June 2019 were viewed around 116,000 times with a click-through rate of 0.10%. The September 2019 online adverts were viewed around 96,000 times with a click-through rate of 0.11%.

A press release was issued to the local media on 18 June 2019, containing key information on the proposals, the date, time and venue for the June 2019 events. The press release was issued to Ealing News Extra, Around Ealing, My London, Ealing Gazette, Capital West London, Ealing Today and Ealing Times.

The applicant provided a range of ways for the community to comment on the proposals, with a printed and online feedback form providing the main mechanisms for this. It reported back to the local community on how the feedback from the consultation had informed the detailed plans by holding a second exhibition event. Four drop-ins were held at the Manor House on 27<sup>th</sup> and 29<sup>th</sup> June and 19<sup>th</sup> and 21<sup>st</sup> September 2019. The events provided local people with the opportunity to view and comment on the emerging proposals, which were displayed on exhibition panels. The events were staffed by the project team, including representatives from Peabody, LBE, Hunters (architect), Avison Young (site assembly consultants), Montagu Evans (planning consultants) and Camargue (communications consultants).

On 12 June 2019, Peabody and LBE issued invitation letters to 153 properties near or on the site of the proposed redevelopment. The letters presented key information on the emerging proposals, the date, time and venue of the public consultation events, and contact details for the development team. Invitation letters were also sent to key elected representatives including all councillors at the London Borough of Ealing, Mr Virendra Sharma (MP for Ealing Southall) and Dr Onkar Sahota (London Assembly Member for Ealing and Hillingdon). In addition, letters or emails were issued to the community groups, clubs and organisations listed below:

Southall Community Alliance
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Ealing Community and Voluntary Service
Southall Black Sisters
Ealing Civic Society
Ealing Community Network
Save Ealing's Centre
Ealing Green and Ealing Town Conservation Areas Advisory Panel
West London Business
Make It Ealing
Central Ealing Neighbourhood Forum
Ealing Friends of the Earth
Norwood Green Residents Association
Gurdwara Sri Guru Singh Sabha
Gurdwara Sri Guru Singh Sabha
Vishwa Hindu Temple
Shree Ram Mandir
Shri Guru Ravidass Sabha Southall
Ramgarhia Sabha Southall
Gurdwara Guru Nanak Darbar, Southall (Charity Trust Name: Afghan Ekta Cultural / Religious Community Centre)
Bethany Church
Imambargah Al-Hasan
Southall Spiritualist Church
Southall Christian Fellowship
Grace Church Southall
St Anselm's Catholic Church
The Victoria Climbié Foundation
Sikh Missionary Society
St John's Southall Green
Kings Centre Southall
Christian International Community Southall Baptist Church
Freedom Worship Centre
Southall Church of God
Central Jamia Masjid
Havelock Family Centre
Milan Palace
Southall Day Centre
Indian Workers Association
SSPC Southall
Golden Opportunity Skills and Development (GOSAD)
Somali Family Learning & Regeneration Projects (Sofale)
Featherstone Road Health Centre
Ambedkar Centre
Buddha Vihara
Bhagwan Valmik Mandir
Education and Skills Development Group
Somali Youth Helpline
Dominion Centre and Library

Manor House
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Southall Inter Faiths Forum
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The applicant's Statement of Community Involvement notes in relation to the June 2019 consultation:

- Approximately 64 people attended the two consultation events in June 2019 and 56 people attended the two September 2019 consultation events.
- The events were attended by local residents, business owners, local police and community groups, including, Ealing Civic Society, St Anselm's Church, Ealing Friends of the Earth, Southall Faith Forum and The Tudor Rose.
- No feedback forms were submitted across the two June 2019 events. Four feedback forms were received at the two September events.
- Throughout the consultation period, two enquiries were sent to the consultation email address, including from a local resident and a community group. Two phone call enquiries were made to the consultation telephone line.

Feedback from the September 2019 consultation was:

- Concerns about potential crime and ASB occurring in the newly creating public realm were common – often focusing on existing problems in the local area.
- Businesses bordering the site were concerned about their access routes but saw the benefits of having more potential customers on their doorstep.
- For almost all attendees traffic was a key issue and that more homes would have a negative impact on parking, congestion and air quality.
- Five feedback forms were completed and returned to the consultation team. 3 do not support the scheme objectives, 2 broadly supported them.
- No online feedback forms were completed during the September 2019 consultation period.
- The consultation email inbox received two emails during the September consultation period. Both emails focused on housing affordability, the public realm, the impact of additional traffic and community facility provision.
- Key points/issues in planning merits to emerge from this consultation were with:
  - the height of new development and overshadowing,
  - too many new homes,
  - negative impact on local heritage buildings,
  - traffic, congestion,
  - need for more cycle and pedestrian routes, lanes and storage facilities
  - disruption and congestion from construction traffic,
  - not enough affordable housing,
  - Public realm will attract anti-social behaviour,
  - Mix of ground floor uses not supported,

Prior to submission of the application, in June/July 2021, the applicant undertook a further period of community and stakeholder engagement. The engagement, by letter, newsletter, Press Release, website update, was centred around a programme of targeted communications to key stakeholders and several one-to-one meetings with community groups and political leaders. The meetings, arranged to comply with Covid safety advice, took place in June and July 2021 and included the Tudor Rose on The Green and the Somali community groups based at The Resource Centre on Featherstone Terrace.

The applicant has considered and responded to this feedback by making appropriate changes to the plans or by ensuring that the issues and concerns are addressed within the application.

An Addendum to the SCI has been submitted. The applicant continues to keep the local community and relevant stakeholders updated during the application period. The consultation website is being updated to reflect the planning application and the consultation telephone line and email address will remain active so local people are able to keep up to date with progress.

In addition, engagement with the landowners within the proposed development boundary continues throughout and in the event permission is granted, will continue on beyond the



application determination period. This is led by Peabody and LBE's appointed consultant Avison Young, who will continue keep all landowners informed of the planning progress as well negotiating the potential acquisition of their land, upon which work has already begun with St Anselm's Church and the owners of:

- Milan Palace
- Monsoon Banqueting
- Medina Dairy
- Unit 3B Dilloway Industrial Estate.

**Application Consultation:**

**Neighbour Notification:**

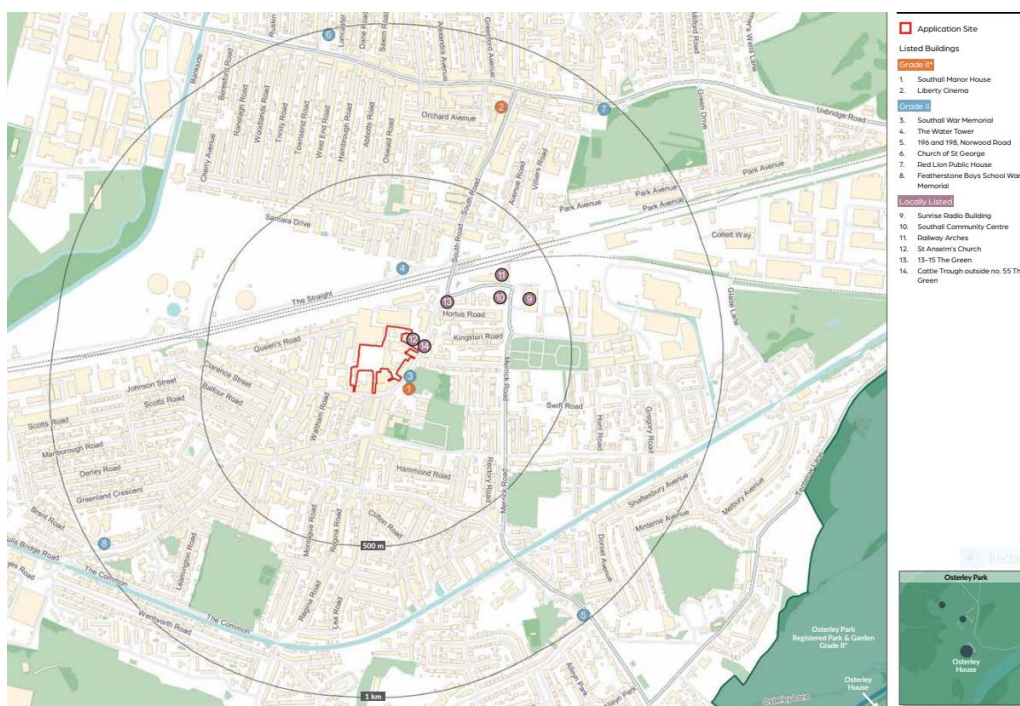
The geographical extent of the notification area is in red below:



Re-consultation and notifications of revisions or amendments has been carried out, including re-advertising in the Press. It is considered the applicant's community engagement satisfies the Council's SCI requirements, both pre- and post- application submission including measures necessitated by the Covid-19 pandemic.

**Heritage Assets**

Conservation Areas and other assets, all of which are shown below in relation to the application site, which is edged below in red in relation to Conservation Areas (the isochrone is a 500-1000m 'study area':



The study area isochrones were verified on site to ensure they represented the reasonable limits of intervisibility.

The arrangement and layout of the Blocks and their heights have been set to ensure that the housing, employment, community and open space delivery can still be optimised in a way that is cognisant of their context and surrounding streetscape and the opportunity to make a positive contribution to local character and significance. This is manifested in the 'rise and fall' of block heights. This is to ensure that there is none or no undue harm to the character, setting or significance of, or outlook from, or towards, statutory heritage assets, noting that none occur on the application site and none adjoining or nearby would need to be altered or demolished to accommodate the proposals. Only the local listed sub-station will be demolished.

In relation to heritage assets, from examination of the submitted HTVIA accompanying the application the following heritage assets are considered to be affected and are therefore assessed in the application. They are listed on the Plan above. The majority of views from beyond the site boundaries relate to the impact of the towers. The townscape and visual impact on CAs are assessed in the submitted HTVIA.

**Biodiversity**

A Preliminary Bat Roost Assessment has confirmed that the site is of low ecological value and the buildings are considered to have low or negligible potential to support roosting bats. Only the substation to be demolished is considered to have moderate bat roosting potential. The area comprising the Milan Palace and Monsoon Banqueting could not be inspected and it is recommended that an Assessment is carried out. Any mitigation can be secured by condition of permission.

The ecological desk study revealed no European statutory sites within 5 km of the survey area, no UK statutory sites and no ancient woodlands within 2 km, and nine non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats; however, does fall within a SSSI Impact Risk Zone. It is recommended that an ecological walkover be carried out of inaccessible areas, where feasible, retain existing mature trees, incorporate biodiversity enhancements, carry out an updated bat roost assessment, restrict clearance during the bird nesting season, carefully remove or leave in situ cherry laurel and butterfly bush as they are invasive species. The scheme is designed to address the above alongside the submitted Biodiversity Enhancement Strategy, or conditions are recommended as appropriate.

**Landscaping and Open Space**

Proposed new areas for communal public amenity space, accessible to the wider community and private amenity space. The scheme is designed to achieve a new landscaped environment for the site compared to the existing surface car park, industrial buildings and banqueting halls, with poor quality green environment, particularly in relation the extent of tree cover and opportunities for ecological enhancement of the site. Below is the masterplan:



Proposed new areas for communal public amenity space, accessible to the wider community and private amenity space. The scheme is designed to achieve a new landscaped environment for the site compared to the existing, with a largely non-existent, poor quality green environment, particularly in relation the extent of tree cover and opportunities for ecological enhancement of the site. As previously noted some 215 new trees will be planted, a very substantial increase on the existing number.

### **Archaeology**

The site lies contains no designated or non-designated archaeological assets above or below ground, nor does it lie in an Archaeological Priority Area and has low potential for significant finds or features. Nevertheless, as a result of the site size, the applicant's report recommends a Written Scheme of Investigation could be carried out under the terms of a standard archaeological planning condition within a grant of planning permission.

### **Accessibility**

57 (10%) of flats will be wheelchair accessible, located at lower levels across the tenures:

- levels 1-6 in Blocks A1-A4
- levels 2-5 in Blocks B1-B2
- levels 1-3 in Block C1.

The development will be entirely 'step-free'.

### **Renewable Energy**

The application proposes a communal site-wide low-temperature (ambient) heat distribution network to both the dwellings and the non-residential space. The heat network will be driven by a borehole Ground Source Heat system with individual dwelling (storage tank) Water Source Heat Pumps (WSHP). There are no existing or planned district heating networks within the vicinity of the site. The central plant has been designed to connect into a network should one become available in the future.

London Plan Policy requires developments to reduce overheating and reliance on air conditioning systems through sustainable and efficient design, following a hierarchy which prioritises minimising internal heat generation and reduction of heat entering through orientation, fenestration, and insulation. The application includes an Overheating Assessment, which confirms that the design has followed the overheating and cooling hierarchy of Policy to reduce potential overheating risk and reduce demand for active cooling.

Through the incorporation of the energy strategy, the development will achieve an overall reduction of at least 65.33% CO2 emissions, which is greater than the 35% target set out in London Plan Policy. The scheme will also maximise the use of renewable energy by incorporating PV panels at roof level. A carbon off-set payment is proposed to be agreed as a s106 obligation.

### **Fire Statement**

The applicant has produced a Fire Safety Strategy Report setting out the measures for each Block and each of the proposed land uses contained in the Blocks.

### **Whole Life Carbon Assessment**

A comprehensive Whole Carbon Life assessment has been produced. The applicant has been requested to review the scheme to better optimise reaching the aspirational GLA target. An update will be provided in the Briefing Note.

### **Highways and Access Improvements**

The proposed development is designed to optimise its accessible, central location and prioritise pedestrian and cycle access and movement, while minimising car parking provision and reliance on the private car. It will result in a significant reduction in the amount of parking as a result of the substantial reduction in on-site public car parking provision, with emphasis placed



on future employees, residents and visitors walking or cycling and public transport, particularly Southall Crossrail.

The site will have three main points of access: Dilloway Yard, Dominion Road, Featherstone Terrace and the service road loop to the rear of The Green. Transport Assessment acknowledges the development will result in an increase in the number of car-borne trips in the AM and PM peaks (65 and 58 two-way trips, an increase of 45 and 4 trips, respectively). In carrying out the impacts on the highway network, the applicant has also had regard to impacts from other developments in the area. The applicant’s table below shows the effects on the highway in conjunction with other schemes in the area:

Location	Future Baseline (2026)		Future Baseline + Cumulative Schemes		Future Baseline (with Cumulative) + Proposed Development - Existing Flows		Percentage Difference	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Featherstone Road	355	354	362	360	370	345	+2.2 %	-4.2%
The Green	917	661	1,021	875	1,046	889	+2.4 %	+1.6 %
King Street	602	507	706	721	731	735	+3.5 %	+1.9 %

As can be seen from the applicant’s assessment of traffic movements, King Street is expected to experience the highest increase (+1.9%). Featherstone Road is expected to see a reduction (-4.2%). The applicant acknowledges and has assessed the busy nature of and congestion that is experienced by The Green as well as parking demand in the area, including in particular the Featherstone Terrace car park. The applicant nevertheless concludes that there is sufficient capacity on the public transport network surrounding the Site to accommodate the increase in public transport trips created by the proposed land uses. In doing so it is noted that:

1. improvement of the pedestrian and cycle permeability throughout the site and the wider area will facilitate more convenient and safer movement through the site ahead of using a private vehicle,
2. Crossrail at Southall Station will provide more services towards key destinations throughout London, resulting in a higher number of site users travelling to and from the site by train,
3. car club services in the local area could provide an economic alternative to owning a vehicle, whilst restricted parking on site, removal of CPZ permits and restrictions on use of the public car parks as an alternative will act as a deterrent,
4. measures provided within the Travel Plan, which will be distributed to both residents and staff at the site, will aim at encouraging sustainable transport ahead of the use of private vehicles.

**EIA Scoping**

An Environmental Impact Assessment (EIA) Screening Request (ref 194509SCE) was submitted in October 2019. In accordance with the Regulations it includes an in-combination assessment with other permitted local urban development projects in the area. It was determined:

- ‘1. The proposed development falls within 'Schedule 2 Development', as the area of the development exceeds 0.5 hectares and falls within the definition of infrastructure projects (10(b) Urban Development Projects)
2. The proposed development has been 'screened', having regard to the selection criteria for screening Schedule 2 development set out in 'Schedule 3'; namely having regard to (i) the characteristics of development; (ii) the location of development, and (iii) the characteristics of the potential impact.
3. On this basis the Local Planning Authority is of the opinion that the proposed development will not be likely to have significant effects on the environment as interpreted by the EIA Regulations 2017 and thereby does not constitute EIA development requiring an Environmental Statement. This is not to say that the proposed development will not have environmental effects of a localised nature which will need to be considered in determining any planning application(s).’

Following changes to the scheme resulting in an increase in the number of dwellings and associated parking, inclusion of land in Featherstone Road to locate public parking, reduction in commercial space and changes to Block design as a result of the exclusion of the Tudor Rose and demolition of the locally listed sub-station and addition of other development as part of the cumulative impacts assessment, a further request was submitted in May 2021 (213937SCE). In accordance with the Regulations it was determined:

1. The proposed development falls within 'Schedule 2 Development', as the area of the development exceeds 0.5 hectares and falls within the definition of infrastructure projects (10(b) Urban Development Projects)
2. The proposed development has been 'screened', having regard to the selection criteria for screening Schedule 2 development set out in 'Schedule 3'; namely having regard to (i) the characteristics of development; (ii) the location of development, and (iii) the characteristics of the potential impact.
3. On this basis the Local Planning Authority is of the opinion that the proposed development will not be likely to have significant effects on the environment as interpreted by the EIA Regulations 2017 and thereby does not constitute EIA development requiring an Environmental Statement. This is not to say that the proposed development will not have environmental effects of a localised nature which will need to be considered in determining any planning application(s).'

*(Officer Note. Environmental effects of a localised nature are assessed below).*

**Relevant Planning History:**

App Number	Proposal	Status	Decision Date
194509SCE	Demolition and mixed-use redevelopment (phased) to provide three urban blocks ranging in height from two to nineteen storeys (ground inclusive) comprising 550 residential units (Use Class C3), 3,655sqm. GIA of flexible commercial and employment floorspace (Use Classes A1-A3, B1, D1 & D2), private and public car parking, servicing bays, public realm and associated landscaping, play and amenity space, plant and refuse areas, and access arrangements	ESNQ	07.11.2019
213937SCE	Demolition and mixed-use redevelopment (phased) to provide 3 urban blocks comprising 564 residential units (Use Class C3), 2922.8 sqm of flexible commercial, non-residential institutional/local community and employment floorspace (Use Classes E, F1 & F2), private and public car parking, servicing bays, public realm and associated landscaping, play and amenity space, plant and refuse areas and access arrangements.	ESNQ	29.06.2021
160738FUL	Change of use from banqueting hall/community hall (sui generis) to large HMO (32 rooms) (sui generis); external alterations involving new openings and recladding; and partial demolition to provide associated courtyard amenity areas and a roof terrace	REFUSE	11/05/2016
P/2005/4665	Change of use from car repair/ MOT garage (Use class B2) to banqueting/community hall (Sui-generis use); ground floor 'porch' addition; and external alterations; vehicle drop-off area, disabled parking and refuse storage r/o 68, The Green	GRANT	2/02/2007

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**Schedule Item 01**

160936FUL	Construction of single storey building for use as vehicle repair centre (Use Class B2), following demolition of existing building used as storage and distribution centre (Use Class B8)	COND	16.05.2016
PP/2013/4020	Single storey vehicle storage building	APPCON	12.11.2013
P/2006/4061	To change use of existing (b1) office to a booking office (b1)	RTD	15.11.2006
S2741	NEW INTERNAL OFFICES.	APP	24.03.1960
S1988	CONTINUED PERMISSION FOR NEON SIGN ON FLANK WALL.	APPCON	28.03.1957
S1537	USE OF STABLE FOR LIGHT ENGINEERING.	REF	28.07.1955
S1320	PORTABLE BUILDING.	REF	29.07.1954
S4095	USE AS LIGHT ENGINEERING WORKSHOP FORMERLY USED AS STABLES.	APPCON	26.04.1955
09695/B	CONTINUED USE OF STORAGE BUILDING FOR LIGHT INDUSTRIAL PURPOSES. (RENEWAL OF CONSENT)	APP	25.07.1973
09695	CONTINUED USE OF STORAGE BUILDING FOR LIGHT INDUSTRIAL PURPOSES. (RENEWAL OF CONSENT)	APPCON	11.08.1967
S1448	OPEN END BUILDING AND LEAN-TO.	REF	23.03.1955
S0790	CONTINUED PERMISSION FOR USE AS ENGINEERS AND WELDERS.	APPCON	23.05.1951
S1828	USE OF BUILDING FOR LIGHT ENGINEERING.	REF	06.09.1956
S0616	EXTENSION TO OFFICE ACCOMMODATION.	APPCON	07.06.1950
S4064	INSTALLATION OF LIGHT MACHINERY.	APPCON	11.03.1965
S3177	ERECTION OF WORKSHOP BUILDING.	APPCON	02.11.1961
S1533	CONTINUED PERMISSION FOR EXTENSION TO OFFICES.	APPCON	30.06.1955
S2923	ERECTION OF WORKSHOPS.	APPCON	08.12.1960
S1885	USE OF BUILDING FOR STORAGE AND OFFICE PURPOSES.	APPCON	31.10.1956

S1884	CONTINUED PERMISSION FOR USE OF BUILDINGS FOR INDUSTRY AND STORAGE.	APPCON	31.10.1956
S2086	ERECTION OF 8' HIGH CONCRETE PANEL FENCE ALONG FRONTAGE.	APP	15.08.1957
S1506	OPEN END BRICK BUILDING.	APPCON	28.04.1955
S1468	PETROL TANK AND PUMP.	APPCON	23.03.1955
S1234	NEON SIGN ON FLANK WALL.	APPCON	24.02.1954
09695/9	RETENTION OF TWO STOREY BUILDING COMPRISING GARAGE/WORKSHOP ON THE GROUND FLOOR AND ANCILLARY OFFICE ON THE FIRST FLOOR	APPCON	08.07.1994
09695/1	ERECTION OF PRE-FABRICATED BUILDING TO BE USED FOR OFFICE PURPOSES.	APPCON	23.06.1976
09695/A	CONTINUED USE OF STORAGE BUILDING FOR LIGHT INDUSTRIAL PURPOSES.RENEWAL OF CONSENT.	APPCON	17.02.1971

**Representations Received on the Planning Application**

**Diocese of Westminster (on behalf of St Anselm's Church)**

Object to loss of any car park and parish land as this will impact on the community and users of parish facilities, making access to The Green more difficult. Also object to continued use of the road for two-way traffic. One-way only as would be safer to control.

No need for servicing and shops as retail currently spread too widely.

Residential adjacent to the church needs to be sympathetic to funerals and parish facilities for events. Also the rectory is a place of work where the priest lives.

Removal of the industrial use and replacement with dense housing will not address all issues and creates new ones.

*(Officer Note. The applicant has been in ongoing discussion with the Church and Priest regarding the proposals more widely and the effect specifically of the proposed road widening on the church. The widening will not have a significant detrimental impact on its use or functioning. There is no effect on the new development as the church access will remain opposite the Tudor Rose, which is retained. Vehicle entry/exit to the church will be improved. The residential pastoral use of the rectory will be improved by removing non-conforming industrial/business uses from Dilloway Yard.)*

**Ealing Civic Society**

Object. Over development, poor design and insufficient recognition of local heritage. 19 storeys towers will be overbearing and out of scale. Unimaginative and unattractive design and

incoherent materials. No consideration given to retention/re use of the former stable/sub station. Fate of the local listed cattle trough is unclear and should be retained and incorporated. *(Officer Note. Design, scale and related issues are addressed later in this report, along with the matter of whether the former stable/sub station should be retained having regard to all the material considerations. The cattle trough lies on the opposite side of The Green continues to be used as a planter and is unaffected by the proposed junction improvement with Dilloway Yard).*

### **Dominion Centre and Library**

Support the application with the following caveats: how will Centre function during construction; where will users park and rubbish collection; noise pollution; competition from new community space out -pricing the Centre; could a new library entrance and better space in Centre be incorporated; how will increased footfall, rubbish, pollution be managed.

*(Officer Note. The applicant has been in consultation with the Centre to address concerns during construction and perceived competition from new community space. The applicant is a Considerate Constructor. It is not the intention of this development to compete with other community facilities but to work in conjunction with them. The Construction Management Plan has been updated to take account of the Centre's need. As a phased development, the new 32 space public car park would be delivered in the first phase to compensate for the replacement of Featherstone Road car park. New and improved public access will be provided from The Green. A waste management plan will regulate collection and disposal.)*

### **Maven Planning on behalf of local landowners**

An objection letter has been received from Maven Planning Consultants on behalf of the following owners of land within the application site affected by the proposals:

- Milan Palace – (Mr Malhi)
- Monsoon Banqueting – (Mr Malhi)
- Medina Dairy – (Mr Butt)
- Faroh Limited - (Mr Ohanian)

By way of preamble, the landowners and their representatives have been in discussion with Officers since 2016, the Council's representative Avison Young (negotiating on land purchase/acquisition) since 2019 and more latterly in 2021 with Peabody, in connection with the realisation of the SOU8 site allocation and pursuant to the Cabinet resolution in 2017 to seek a development partner (or partners) to bring the land forward.

Officers met with one or more of the landowners during 2016 and 2017 to discuss individual proposals and to be introduced to the provisions of The Green SPD and the Council's objectives to secure a partner developer capable of bringing forward a large development across the Council car park and the surrounding sites. Ideally the larger site would include some other land that is not in the ownership of the Council, in order to create a better development.

In September 2017, a pre application consultation was undertaken with Officers in connection with a redevelopment of the Tudor Rose and Medina Dairy alone. Although this consultation took place during the period of the Invitation to Participate in the Tendering process for a development partner (as resolved by Cabinet in March 2017) it appears the landowner(s) did not decide to participate in that process. Ultimately Peabody, who tendered along with another developer, was selected as the Council's partner.

Finally, in February 2021, the owners of Dilloway Yard, Tudor Rose, Medina Dairy, Monsoon Banqueting and Milan Palace undertook through Maven Planning, a further consultation with Officers, the purpose of which was to demonstrate how their land could be developed individually but in conjunction with the emerging Peabody scheme that had been the subject of community consultation.

In this context, turning to the Maven Planning objections to this application, as summarised verbatim by the objector:

- Although the applicant has committed to providing 50% affordable housing, split 60% London Affordable Rent and 40% intermediate housing, therefore negating the need for a financial viability appraisal, there is no explanation as to how this will be achieved when the land value

for the large portion of the site has not been agreed. In our clients' view Peabody and the Council are unable to make this commitment until the value of all or most of the land within the red line has been agreed.

*(Officer Note. The application is submitted on the basis of delivering at least 50% affordable housing across the whole of the application site and can only be determined on that basis and what is before Committee for decision. Land values is a matter for a CPO Tribunal if agreement cannot be reached between the parties. The Council has instructed Avison Young and the land owners have instructed their own and negotiation is ongoing. It is not a matter for this planning application, nor is it germane to the planning merits of this application.)*

- If the applicant does make this commitment, there needs to be a clear explanation in the Committee report as to how a potential variation in our client's land value would not affect the ability to deliver this amount and tenure of affordable housing. The reason for this is that the value of our client's land interests is currently being negotiated based on initial valuations varying between circa £XXXX by Avison Young (inclusive of Unit 3B Dilloway Yard) and up to £XXX by Gerald Eve, such that it is difficult to understand how such a variation could still result in the same amount and tenure of affordable housing being delivered on the site.

*(Officer Note. Financial sums redacted in the interests of commercial confidentiality. Nonetheless, as already indicated, land value is not a matter for the planning application.)*

- Although there is no policy requirement to provide 50% affordable housing across approximately half of our clients' land (as Mr Malhi's land contains two sui generis banqueting hall uses rather than industrial uses which would only be required to provide 35% affordable housing), the planning application commits to providing 50% affordable housing. In our clients' view this is undermining the potential value of their land as it is making a commitment to provide more affordable housing than would otherwise be required by planning policy.

*(Officer Note. Ditto above. The applicant commits to delivering at least 50% across the site and is a reason that the Council supports Peabody as a partner with a proven track record in the delivery of high-quality schemes of affordable housing. A scheme that seeks to promote a less than 50% site-wide provision would be sub-optimal and would not achieve the same objective.)*

- Although the Tudor Rose building formed part of the original proposals consulted on by Peabody in September 2019, the owners of that site were successful in having it removed for the application site and any subsequent CPO on the grounds it was an important cultural and community asset. If that is the case, then it should follow that the Tudor Rose building is either statutorily or locally listed. This would prevent it being redeveloped in the future in a way that is currently being denied by other landowners affected by the proposals.

*(Officer Note. The owner of the Tudor Rose has made clear that it is not available for redevelopment, unlike Maven's Clients who wish to see their land redeveloped. The exclusion of the Tudor Rose and any implied heritage significance as a consequence is a non sequitur. The opportunity to consider its inclusion arose at the time of preparation of the Local List, when the next door sub station and St Anselm's Church were included on the List, but it was not considered of sufficient merit to warrant inclusion.)*

- Our clients maintain that, had the proposals been developed in closer consultation with them, it would have been possible to position the buildings so they were sited on each relevant land parcel (i.e. the Council's land, their land and some adjoining land they would have been able to acquire, and Dilloway Yard) , as indicated in the proposals they issued to the Council in January 2020, such that each site could have been developed independently in accordance with a wider masterplan, or a more straightforward assessment could have been made of the relative land value of each site as a proportion of the overall development value. Our clients therefore request that the current application be held in abeyance until discussions around those relative land values are complete as, in their opinion, if the scheme had evolved in a different way, there would have been no need for a CPO over their land. Indeed, they still believe a CPO may not be necessary if a 'fair' valuation can be reached with respect to their land interests relative to the overall development value of the site with planning.

*(Officer Note. The application before Committee should be determined on its individual merits. It is not necessary for the applicant or the LPA to consider the possibility of alternatives. The landowners have had equal opportunity as all potential developers to participate in the Tendering process and/or ample opportunity bring forward their own planning application.*

*Consideration of alternatives is a matter for a CPO inquiry. There is no reasonable basis therefore to hold the application in abeyance.)*

- This site is located within the heart of the Southall Community and will impact on a large number of local people and businesses. The Council have recently established a Community Review Panel (CRP) and it would be appropriate for this matter to be reported to that Panel prior to determination of the application to ensure full and proper engagement with the local community.

*(Officer Note. It is not necessary to effective public engagement that an application be presented to a CRP. As noted in the Community Consultation Section of this Report, the applicant has been engaging widely and inclusively with the community, community groups, businesses and other stakeholders, including Maven's clients, on these proposals since 2019 and that process continues into this application.)*

### **Somali Youth Helpline**

Assured that the charity will be looked after, including during the building phase and when the project is complete will be allocated space on the ground floor. Very happy to hear will be included and our work can continue.

*(Officer Note. The charity is one of four currently operating from portable buildings on Featherstone Terrace, which is to be replaced with part of the new public car park. The charity wish to be relocated to the new community space in Block C. The others are being consulted on whether they wish to relocate there as well.)*

### **Indian Workers Association**

The IWA is affected by these proposals and we have already held discussions with council officers. Hope to carry on with conversation and negotiation in this matter with the Council.

*(Officer Note. The IWA is freehold owner of the surface car park currently leased to the Council for use by the Dominion Centre.)*

### **Let's Go Southall**

No comments received at the time of preparing this Report. Any comments received will be included in the Briefing Note.

### **Southall Community Alliance**

No comments received at the time of preparing this Report. Any comments received will be included in the Briefing Note.

### **Our Southall**

No comments received at the time of preparing this Report. Any comments received will be included in the Briefing Note.

### **Shree Sorathia Prajapati Community (SSPC)**

Object. Traffic, noise and pollution during construction. Loss of parking, especially disabled parking on Featherstone Road fundamental to their operation, elderly, frail members and children cannot easily access new parking, competition for parking from new residents, banqueting suites, shops, temple visitors etc., public transport and cycling investment does not benefit frail and disabled.

*(Officer Note. SSPC is situated in Featherstone Road Community Centre. Phase 1 of the application is designed to deliver the first 32 of the replacement public parking spaces in Featherstone Terrace, which is closer to the SSPC Community Centre than the existing public car park. For information, the area in Featherstone Terrace will not be used for construction purposes. Accordingly, members will be able to access these spaces early on in the construction and certainly once the community uses in the proposed car park are provided with temporary alternative accommodation pending construction of Block C. Further as advised by Parking Services, residents of the development not eligible for Blue Badge parking will have access to their own, as part of the 60 resident spaces included in the scheme and will not be permitted to purchase long stay permits so the public parking will remain available for public users).*

### **Neighbour Representations**



At the time of preparing this report 117 objections, 5 supporting, 1 neutral (a total of 122) received, summarised as follows:

- Contrary to policy re open space deficiency, traffic and poor environment,
- Not enough space for more flats;
- Underfunded/staffed community facilities, crime, cultural diversity;
- Car park should be made multi storey;
- Lack of Council honesty and transparency; not been discussed with local residents and businesses, public consultation took no account of their concerns, faith groups, local businesses and residents will suffer from lack of parking, housing an issue in London and Southall residents have supported community developments but concerns have not be dealt with appropriately;
- Contrary to policy, not allocated site for tall buildings;
- Conflict of interest with the Council deciding its own application;
- Fails to deliver genuinely mixed affordable housing;
- Exposure of ground contaminants to the local area during construction;
- Carbon footprint of large buildings is too high;
- Increase congestion and pollution / increase air pollution;
- Council does not take public consultation seriously, no weight given to any;
- Excessive cumulative development already;
- Overwhelming public objection;
- Poor and unattractive design;
- Will harm the Conservation Area;
- not in the interests or residents;
- Not enough thought on the flooding impact of the development;
- too tall and an eyesore;
- loss of privacy and light to rooms and gardens;
- out of keeping with local character;
- overshadowing;
- lack of parking already; inadequate on-site parking;
- lack of parking for senior citizens visiting the Dominion Centre;
- contrary to human rights, more like a dictatorship;
- no where to park by the medical centre;
- extra CPZs will burden residents;
- loss of local businesses;
- will create more flooding;
- car park regularly used by shoppers, worshippers and library visitors;
- Need more parking, more shops, more leisure facilities;
- increased traffic congestion;
- over populated already; difficult to access train station during peak times;
- too much traffic;
- Homes not for family living;
- Height and density are not appropriate to the area;
- Impact on conservation areas and listed buildings;
- Erosion of local character;
- Social and mental health issues associate with tall buildings;
- Need more health facilities and schools to support new people. Increase pressure on schools, doctors and community services in the area
- Inadequate public transport will give rise to greater car traffic; nowhere to park in the area;
- LBE disregards wishes of the local LBE community with constant policy of maximising development without basic services; social housing, not truly affordable; not for local people; driven by profit;
- More family-sized homes required / flats aren't big enough;
- No meaningful consultation;
- Contrary to Council's carbon-free, clean air objectives;
- More consideration should be given to how children would use the development;



- Should be developed as hospital, school or another public amenity;
- Uses designated green space for development; Concern about impact on skyline;
- Harmful visual impact;
- Erosion of Southall skyline;
- Already too many vacant flats;
- Should be built in Northolt;
- Support as increases living in the area and helps businesses and the economy;
- Lack of affordable housing;
- No real plan to integrate with the community;
- Would not build this near Ealing Common;
- Will encourage pressure of income and exploitation of low skilled migrants;
- Effects of Covid 19 on high rise living with little amenity space and no gardens'
- Ugly and out of keeping;
- Needs to consider flight paths;
- Don't need more housing;
- Potential effect on sunlight, overshadowing, public amenity;
- Should be houses, not flats;
- Not enough parking, cars will park in neighbouring streets causing more congestion;
- Lack of affordable housing; unsustainable density of development;
- Area already overdeveloped;
- High rise monstrosity;
- overshadowing, loss of privacy, high wind tunnelling; CV-19 concerns inadequate space for social distancing;
- fire risk;
- More infrastructure provision required / strain on local services;
- Lack of community infrastructure / community enrichment projects;
- Council should concentrate on building schools and public facilities/amenities;
- Will infringe on privacy and outlook;
- Lack of community consultation;
- Public realm will attract anti-social behaviour;
- Increased crime risk;
- increased accident risk and danger to pedestrians and young children;
- out of scale and character with the area;
- Impact the Grade II\* Manor House;
- will disrupt skyline and local landscape;
- additional cars contrary to Low Traffic Neighbourhoods Scheme;
- overshadows adjacent homes;
- already excessive parking in the area, disruption and health risks to residents from construction noise, dust and works;
- nuisance risk to residents living nearby during construction, no assessment of impact on air quality;
- incongruous and ill-advised scheme;
- adverse effects on light and will over shadow properties and block views;
- Affect local ecology and a waste of money;
- Don't need more high rise flats;
- loss of light to and overshadowing of adjacent block;
- design and scale of development does not reflect the character of the area;
- no consideration for people nearby; already too much traffic and parking in the area; inadequate public transport;
- Broad support for development;
- Community needs more open space, healthy areas, parks;
- Not enough council support for cleaning, maintenance, policing, education;
- Racism by the Council, taking advantage of under privileged local Asian/Black community;

- Already too difficult for elderly to move around;
- Full support extra housing, need to reform Southall, Good
- Unacceptable changes to a listed building;
- New flats do not maintain social distancing in shared areas;
- Out of scale with surrounding areas and services, underutilised buildings should be reused first;
- Less parking for shoppers in King Street;
- May lead to loss of characterful Indian shops;
- Insufficient consultation time for residents and workers to appeal/comment;
- Vulnerable/homeless/students do not have sufficient housing, Night Shelter, HSSH needs a house;
- no explanation how construction works will be accommodated, concerned for welfare and safety from lorry traffic;
- increased light, noise, environmental, pollution, danger of sewage overflow;
- will jeopardise future generation’s health;
- Project must go ahead to provide more affordable homes but with adequate parking;
- lower building in traditional materials required; excessive density;
- For profit only and not the community;
- Welcome proposal but considered to be too tall;
- Support design;
- Areas behind shops have problems of fly tipping, waste, drug use and antisocial behaviour so welcome tidying up, need to maintain public parking during and post construction, need waste management, need adequate cctv monitoring.

*(Officer Note: Matters relevant to the application of planning policy, a CPZ and design are addressed in the Sections below. Where the adjacent social infrastructure of the area is insufficient a financial contribution is negotiated to meet the need in accordance with national policy guidance. As a car-free (other than disability and car club) development the scheme promotes lower emissions and pollution objectives in line with the Mayor’s Vision Zero and TfL Healthy Streets. The scheme also incorporates measures for security and will achieve Secure by Design standards).*

**External Consultees:**

Met Police Secured by Design	Reported crime in the area is high. Development should be able to reach Secure by Design accreditation. <i>(Officer Note: An Informative is proposed in the recommendation).</i>
Crossrail	No comments.
NHS Property Services	No comments received at the time of preparing this report.
Environment Agency	No comments received at the time of preparing this report.
GLAAS	Request investigation condition. <i>(Officer Note: A condition is proposed in the recommendation).</i>
London Fire Brigade	No comments received at the time of preparing this report.
GLA	No comments received at the time of preparing this report. <i>(Officer Note: GLA advises the Stage 1 assessment will be completed before the Committee meeting. The Report will be included in the Briefing Note).</i>
Transport for London (TfL)	No comments received at the time of preparing this report.

MoD Estates Assets	Initial holding objection on aircraft safety risk. In consultation with applicant to secure mitigation measures. Anticipate agreement will be forthcoming.
Natural England	No comments received at the time of preparing this report.
NATS/Heathrow Safeguarding	No objections in respect of foul or surface water and no conditions requested.
Network Rail	No objections.
Thames Water	No comments received at the time of preparing this report.
London Wildlife Trust	No comments received at the time of preparing this report.
Ealing Chamber of Commerce	No comments received at the time of preparing this report.
Highway England	Holding objection pending receipt of information concerning worst case vehicle trip generation using TRICS and trip assignment to extend to M4 junction3. <i>(Officer Note: The applicant is assessing matters with HE. An update will be provided in the Briefing Note).</i>
Historic England	Does not wish to offer any comments. <i>(Officer Note. It should be noted that in pre application consultation HE advised that: 'Whilst the proposals are likely to be visible within the context of the Manor, these views are not considered critical to the setting or significance of the manor. We are therefore unlikely to raise any concerns or objections to the proposals if they were submitted for planning permission.')</i>
Sport England	Additional population will generate additional demand for sports facilities. If not met on site then financial contribution requested. <i>(Officer Note. DMD Policy accepts the principle of financial contributions, which is acceptable in this case and is included in the recommendation).</i>

**Internal Consultees:**

Housing & Regeneration	LBE Housing Supply team welcomes the affordable dwellings in excess of the 50% minimum and tenure mix, in particular strongly support the amount of family-sized units. The proposed tenure mix is acceptable. Welcome this as it will bring much needed homes.
Transport Services	No highway safety issues raised, nor in relation to parking or traffic circulation. No objections, subject to conditions, legal agreement clauses in relation to CPZ consultation, parking permit restrictions, Travel Plan, cycling and public transport. <i>(Officer Note: Requirements included in the recommendation and conditions).</i>
Environmental Services (Refuse Team)	No comments received at the time of preparing this report.
Energy & Sustainability	No objections subject to conditions/s106 obligations. <i>(Officer Note: Included in the recommendation).</i>

Regulatory Services (Pollution Technical)	Site is in an Air Quality Focus Area. Area is a Medium to High risk from dust impact during construction. Concerns re air quality with already congested roads. Should look to decrease number of car spaces. Conditions informatives and s106 clauses to cover train and commercial noise mitigation and separation, dust monitoring, odours, emissions, hours of operation, installation of any emergency generators, air quality, construction and demolition, contaminated land, external lighting, bonfires, removal of asbestos. <i>(Officer Note: Included in the recommendation).</i>
Pollution Technical (Contamination)	Conditions requested. <i>(Officer Note: Included in the recommendation)</i>
Active Ealing	Community space could provide a gym. No significant indoor/outdoor sports space so request financial contribution towards sports facility improvement projects for the local area in the Ealing Sports Facility Strategy 2012 – 21 Annual Action Plan, the main identified priority projects to be delivered in the Southall area. <i>(Officer Note. Included in the recommendation.)</i>
Tree Officer	No comments at the time of preparing this report.
Education	Financial contribution requested applied to Dairy Meadow Primary School with a reserve of Havelock Primary School or other local primary phase education provision at primary phase and Villiers High School or other secondary phase provision at secondary phase. <i>(Officer Note: Included in the recommendation).</i>
Leisure & Parks	Urban Greening Factor (UGF) proposed 0.38, should be 0.4. Ecology and Biodiversity reports very good. Good mix of new tree species. Financial contributions required to address shortfalls in amenity, child play, allotments and sports space and conditions requested for new soft and hard landscaping, play equipment, boundary treatments, management, Green/Brown roofs, SUDS and ecology strategy. <i>(Officer Note: Planting and management conditions included in the recommendation and financial contribution to shortfalls. The UGF is considered acceptable given the significant improvement over the existing poor environmental quality of the site).</i>
Regeneration	Request Apprenticeships, schools engagement, local labour opportunities through LBE job brokerage and a financial contribution in a legal agreement <i>(Officer Note: Included in the recommendation).</i>
LLFA	No comments received at the time of preparing this report. <i>(Officer Note: No flood risk identified. Conditions requested by Thames Water).</i>
Parking Services	Parking restrictions in the new car parks and street bays will be enforced and no permits issued to residents. Whilst no check of residency is conducted at point of sale for the hourly/daily paid for parking (using PayByPhone), this is not desirable to most residents. Would typically request 20% EV charging bays with ducting for a further 20% to meet demand. <i>(Officer Note. The applicant proposes 20% resident charging points in accordance with the London Plan and 10% for the public car parks. A condition is recommended concerning the installation of ducting for future expansion of charging points.)</i>

**Reasoned Justification:**

The proposal is assessed in terms of its potential impact on the area, on the amenities of the occupiers of neighbouring development, taking into account the relevant development plan policies for the area, considerations of the impacts of the development and all other material considerations. The main issues (not in order of importance) are:

- New/replacement employment space
- Residential use
- Affordable housing
- Associated commercial floorspace
- Policy compliance
- Scale of development
- Impact on neighbouring properties
- Tall Buildings
- Design
- Heritage Assets and Public Benefits
- Highways, transport and parking
- Amenity/open space
- Energy
- Environmental Health, noise, air quality
- s106 agreement and Community Infrastructure Levy

### **National, Regional and Local Planning Policies**

The assessment of the proposal has had regard to the following planning policy documents and guidance: National Planning Policy Framework (NPPF), NPPG and National Design Guide (NDG)

London Plan

Ealing Development (Core) Strategy

Southall OAPF

Development Management DPD

Development Sites DPD

Ealing adopted Supplementary Planning Guidance/Documents

Mayoral Supplementary Policy guidance

Further details of the relevant documents and guidance to the pre-application submission are set out in Appendix 1 to this letter.

### **Planning Policy**

Those policies of particular relevance are summarised for consideration as:

#### **NPPF**

At the heart of the NPPF lies the principle of sustainable development. Para.8 states:

*'8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

The policy relationship between development plans applicable to this application is discussed later. The Framework sets out the following considerations:

*'12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making....Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

The objective to secure a sufficient supply of housing states:

*'60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'*

With regard to town centres, the Framework states:

*'86. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies and decisions should:*

*'...'*

*c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

*d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;*

*e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*

*f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'*

*'92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

*b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*

*c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

*d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

*e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'*

In relation to making effective use of land, the Framework states:

*'119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'*

*120. Planning policies should*

*a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*

*...'*

*c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...*

*d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...*

*121. Local planning authorities, ... should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, ..., where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.'*

In seeking to optimise the potential contribution of sites the Framework sets out criteria that are applicable to this application:

*'124. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

*'125. ...Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*

*a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;...*

*...; and*

*c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'*

On design quality, the guidance states:

*'129. Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.'*

New guidance on tree planting in the 2021 version of the Framework states:

*'131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that*

*appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'*

As already noted, the application involves a very substantial increase in tree planting across the site comprising 215 new trees, about 100 of which alone will be street or public realm trees that will positively contribute to improving the character of the area.

Finally, in achieving well designed places, the Framework states:

*'133. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large-scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.'*

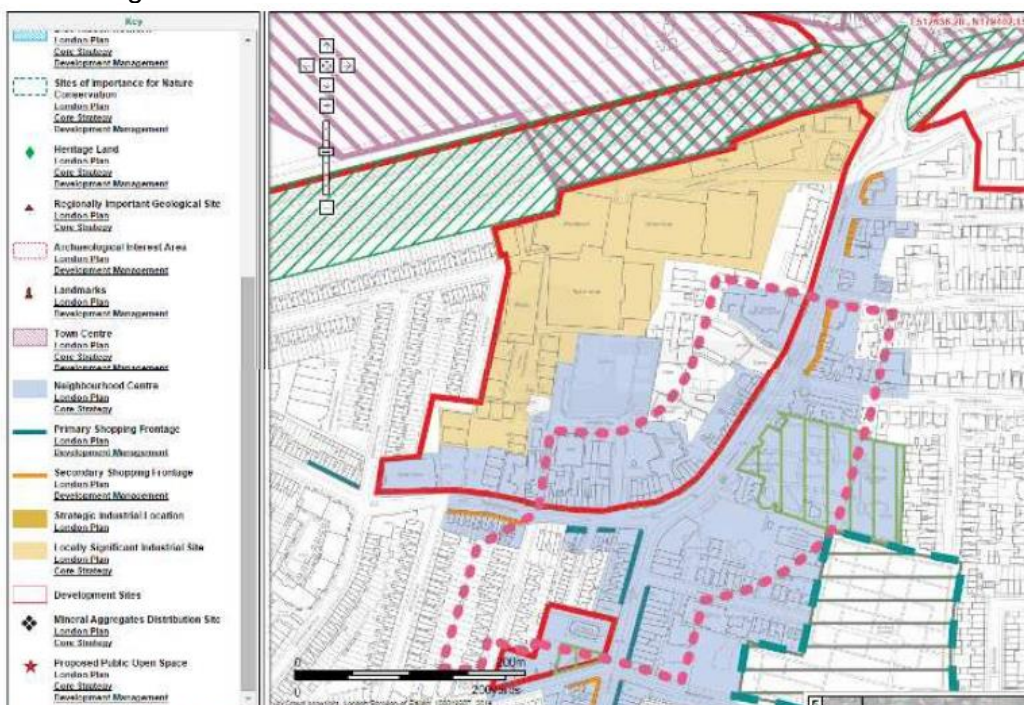
In the same context, the Government's advice on design was significantly expanded in the National Design Guide 2019 (NDG) and more recently in the NPPG 2021. However, the fundamental principle at para.130(c) of requiring new development *to be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities)* remains consistent. (NPPF guidance in relation to heritage assets is addressed later in this Report).

**Core Strategy/Local Plan**

The site has the following designations:

- i) Neighbourhood Centre,
- ii),LSIS (north west corner only),
- iii) DPD, SOU8 The Green is allocated as a Development Site,
- iv) Archaeological Interest Area,
- v) Area of Local and District Park Deficiency.

Below, Proposals Map extract showing the relationship of the site Neighbourhood Centre and other designations:





Development Sites DPD

**SOU8 Southall Green**

The Green / Featherstone Road / Dominion Road Southall UB2



**Site Area:** 8.30ha  
**Ownership:** Private, some Council  
**Current Use:** Retail, commercial, community, Dominion Arts Centre, light industrial and industrial, warehousing, surface level car park.  
**Development Strategy Policies:** 1.2(b), 2.8, particularly 2.8(b) and 2.8(c)  
**Setting:** Urban  
**PTAL:** 2-4  
**Planning Designations:**  
 Southall Opportunity Area  
 Neighbourhood Centre  
 Setting of Grade II Listed Manor House  
**Relevant Planning Applications:** P/2005/4387 Phoenix House

**Allocation:** *Mixed use development appropriate to the town centre, with continued protection of existing industrial uses on the Featherstone, Dominion and Suterwalla estates as a Locally Significant Industrial Site (LSIS) and retention of the Dominion Arts Centre.*

**Justification:** *The site contains a wide variety of comparatively low density uses and an underused surface level car park. Consolidation and intensification of the site will allow retention of the locally important industrial uses and support the introduction of new uses to support the vitality and viability of the neighbourhood centre.*

**Indicative Delivery Timetable:** 2021-2026

**Site Context:** *The site forms the interface between Southall Station and the heart of King Street neighbourhood centre, containing a varied, and in places incompatible, mix of uses. Phoenix House is undergoing refurbishment to provide residential units on upper floors with Council offices at the ground and first floor. The south and west of the site is occupied by light industrial, warehousing and storage units with access via Southbridge Way or Gladstone Road. The car park in the centre of the site is surrounded by small business units and isolated from the main routes in the local area.*

*The buildings fronting The Green accommodate predominately commercial activities, with some residential to upper floors. Industrial and business uses are accommodated in functional sheds; the frontages to The Green are largely continuous three storey buildings subdivided to provide narrow shopfronts. Despite being an important community facility, the Dominion Arts Centre has little prominence from The Green due to its substantial setback. There are several other community uses on the site, including community centres, places of worship and an elderly day care centre.*

**Design Principles:** *The existing industrial uses will continue to be safeguarded for B1c, B2, and B8 industrial uses. Reorganisation of the site is encouraged to improve access arrangements and minimise adverse impacts on the adjacent residential neighbourhoods. Proposals for modification and/or redevelopment of existing units will be expected to contribute to improved site operation and reduction of the environmental impact of these industrial activities on the surrounding residential areas.*

*On the remainder of the site, consolidation and intensification offers the opportunity for improved provision for commercial/business uses with a variety of unit sizes and types to support a vibrant activity mix; the provision of flexible B1 type space for small and medium enterprises is encouraged. The layout and block structure should explore the opportunity afforded by the significant backland area across the site to better manage the relationship between the industrial uses to the south and east of the site and the high street environment of The Green, based around a rationalised block structure and street layout.*

*Along The Green, development should provide continuous active frontages with a built form of sufficient scale to appropriately define the street, with buildings decreasing in height from north to south in reflection of the transition from the eight storey Phoenix House to the*

*three/four storey heights predominant on King Street. New buildings must be of high design quality to conserve and enhance the setting of the listed Manor House, with building lines consistent with those established by neighbouring properties. Redevelopment along the Green should realise the potential to improve the size/quality of commercial units fronting this main route and enhance the particular local character of this area.*

*Access and servicing for retail/commercial units fronting The Green should be from the rear to minimise congestion; this will require a joint approach to development by the various site owners to ensure delivery of an integrated vision for the site as a whole. Treatment of access and/or frontages along Featherstone Road should create an appropriate transition from the high street environment of The Green to the residential context on the south side of Featherstone Road.*

*Residential use on ground floor frontages to The Green is not acceptable. Residential accommodation on upper floors and to Featherstone Road will be acceptable dependent on the layout of proposals and their success in responding to the dual high street/ industrial setting while avoiding on-site conflicts between uses and achieving a satisfactory level of amenity. Any residential dwellings proposed should be dual aspect (north facing single aspect units are not acceptable) and provide access to suitable private and/or communal garden space. Both balconies and communal garden space will be expected in flatted schemes; communal garden space may be provided above ground level in the form of courtyards or roof gardens.*

#### **Analysis of applicable Policy**

The London Plan was adopted in March 2021. It is worth noting that the last letter from the SoS (on the 29th January 2021) concerning adoption of his Modifications includes the following, under the title 'Next Steps' which is key to understanding both Government's view of the new London Plan and of its directed changes:

*"Now that you are in a position to be able to publish your London Plan I fully expect you to start working to dramatically increase the capital's housing delivery and to start considering how your next London Plan can bridge the significant gap between the housing it seeks to deliver and the actual acute housing need London faces."*

The London Plan 2021 forms part of Ealing's development plan, along with the Local Plan, primarily comprising the Ealing Core Strategy and associated Development Management and Sites documents. For the purposes of weighting policy, it is a long-established principle that where there is conflict between two or more plans then the most recent should take precedence.

NPPF paras 20-23 of the NPPF (including the Housing Minister's advice this month regarding the application of para.22 concerning the long-term vision for Plans) give a good basis for distinguishing strategic policies, which in summary are those that set out the overall strategy for the pattern, scale and quality of development, particularly where these relate to securing adequate provision against objectively assessed development needs.

NPPF paras 29-30, meanwhile undertake the complementary task of defining what is meant to constitute non-strategic policies, namely those that 'set out more detailed policies for specific areas, neighbourhoods or types of development' and explicitly including site allocations. The Local Plan and the more recent London Plan complement each other in the delivery of Site Allocations, which includes SOU8 – The Green.

The London Plan identifies very substantial need for housing and employment growth in London and take a town centres and opportunity areas first approach to accommodating this development need. London Plan Policy SD6 for Town Centres and high streets states the vitality and viability of London's varied town centres should be promoted and enhanced by:

- *'identifying locations for mixed-use or housing-led intensification to optimise residential growth potential, securing a high-quality environment and complementing local character and heritage assets',*
- *delivering sustainable access to a competitive range of services and activities by walking, cycling and public transport*

- *‘strengthening the role of town centres as a main focus for Londoners’ sense of place and local identity in the capital,*
- *‘ensuring town centres are the primary locations for commercial activity beyond the CAZ and important contributors to the local as well as London-wide economy ‘supporting the role of town centres in building sustainable, healthy and walkable neighbourhoods with the Healthy Streets Approach embedded in their development and management.*
- *‘the potential for new housing within and on the edges of town centres should be realised through mixed-use or residential development that makes best use of land, capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public transport.*
- *‘The particular suitability of town centres to accommodate a diverse range of housing should be considered and encouraged, including smaller households, Build to Rent, older people’s housing and student accommodation.’*

In addition, the strategy of the London Plan identifies a sufficient increase in development needs to necessitate progressive densification across Boroughs even outside of the main centres for growth, set out principally in Policy H2.

The new London Plan passed its examination without fundamental changes to these aspects of the spatial strategy, however the Secretary of State remained concerned about the levels of growth set out in the plan and directed changes to increase housing growth.

Most significant of these to the current proposals are the changes to Policy D3 which require:  
*‘A The design of the development must optimise site capacity. Optimising site capacity means ensuring that development takes the most appropriate form for the site. Higher density developments should be promoted in areas that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.  
 B Where there are existing clusters of high density buildings, expansion of the clusters should be positively considered by Boroughs. This could also include expanding Opportunity Area boundaries where appropriate.’*

While Ealing’s Local Plan predates these documents, it follows a similar spatial strategy with a strong town centres and opportunity areas first approach that has now been expanded both by the increase and extension of opportunity areas and by the provisions of new London Plan H2.

Southall is a principal focus of growth in Local Plan Spatial Vision Policy 1.1(b). This is amplified by Policy 1.2(h) of the Development Strategy which further states that the Plan will:  
*‘...support higher densities in areas of good public transport accessibility. Whilst proper regard shall be made to relevant London Plan policies, the council will take into account primarily the quality of the design, the location of the site and the need to provide a suitable housing mix. Tall buildings are acceptable where they contribute positively to the urban environment and do not cause harm to existing heritage assets.’*

In addition, the development balance should give regard to the growing development needs of the Borough as identified in the London Plan and the desirability of achieving these on this sustainable site in Southall centre and the positive contribution it will bring towards meeting the objectives of the wider SOU8 allocation.

#### **Application Site Policy Allocation**

The relationship of the application site to the SOU8 site allocation (coloured pink) is shown below (with the extent of LSIS designation dotted in blue):



The application site uses established by the SOAPF objectives, SOU8 allocation and The Green SPD, are mixed uses to include:

- residential on upper floors,
- commercial,
- retained community space,
- business (in Class B1, now Class E) including enhanced provision for SMEs,
- communal amenity space.

The Allocation combines requirements for the use of the site and its role within the town centre with design objectives intended to ensure that any development fits within its broader context including existing community/faith facilities for example at the Dominion Centre, St Anselm's Church and the Manor House.

The broad approach in maintaining a moderate building height to The Green and forming a neutral backdrop to the Manor House, is considered appropriate in policy terms. The proposals are effective in securing the residential intensification envisaged by SOU8 and the mix of other commercial/employment/community uses as well as ensuring that development plays its enabling role in the regeneration of The Green.

In conclusion, the principle of the proposed uses on the application site accord with the development plan and with Development Plan Site Allocation SOU8. Southall is identified as a key location for sustainable growth within the Borough and an essential part of the spatial strategy for London's growth as a whole, as enunciated in the London Plan. The NPPF places a duty on local authorities to bring forward housing allocations in a timely manner and to make full and optimal use of available land.

The scheme will make an important contribution to the delivery of development plan targets for growth in affordable and market housing and commercial floorspace in this location and no less importantly, in positively assisting in bringing forward the wider objectives of SOU8. The application represents a significant step in the delivery of the wider SOU site allocation. As such the scheme is supported in national, GLA and Borough policy terms. Issues of heritage impact are assessed later as part of the policy balance.

**Residential use**

The development of affordable and market housing in the Borough is encouraged, particularly where it can demonstrate adherence to standards set out in London Plan Policies and to the Ealing Local Variations Policies 3.5 and 3A. The market housing proposed will contribute to policy objectives to secure mixed communities, including pepper-potting with affordable housing tenures.

All flats are designed to meet or achieve, NDSS, Building Regulations, GLA and LBE policy stands for internal living space, adaptability (where relevant including 10% wheelchair access) and accessibility, including the Mayor's SPG space standard 24. All the flats (market and affordable) meet GLA and NDSS standards. The total net area required (NDSS) is 34,815sqm, and the proposed net total area adds up to 37,506sqm. This exceeds the required minimum standard by 7.7%. In terms of aspect and orientation, 76%

of flats are dual aspect. The remaining 24%, single aspect flats, face east or west. None are north facing only.

57 (10%) of flats will be wheelchair accessible, located at lower levels across the tenures:

- levels 1-6 in Blocks A1-A4
- levels 2-5 in Blocks B1-B2
- levels 1-3 in Block C1.

All will have level access. In addition all DDA-compliant accessible flats have balcony space of between 6.4 – 8.2sqm, in excess of the GLA 5sqm minimum.

### **Affordable Housing**

Core Strategy Policy 1.2(a) and DMD Policy 3A seek affordable housing at a level equivalent to 50% of new residential development on public land. The GLA's strategic target is also 50%. The GLA operates a fast-track route whereby applications are not required to be accompanied by a Viability Assessment where a scheme exceeds certain threshold levels for affordable provision. The standard threshold for public sector land it is 50%. The scheme proposes 51% by habitable room, making it eligible for the fast-track route.

The Council's housing supply team has carefully considered the tenure and unit mix proposed and advises:

*'Policy H4 of the 2021 London Plan says that "the strategic target is for 50 per cent of all new homes across London to be genuinely affordable" and that all major developments of more than ten units trigger an affordable housing requirement. As this site is providing 564 homes then it should be providing affordable homes. This development is providing 51% affordable homes on a habitable room basis (269 by number). The affordable element of the scheme will satisfy the criterion of "genuinely affordable" as it will comprise a 62%/38% split of London affordable rent (LAR) and intermediate homes on a habitable room basis. Even though it is not precisely the generic 60:40 tenure split sought by policy, the bias towards LAR is particularly welcome in this case as better reflecting local need.*

*Consequently Housing Supply strongly supports the application.*

*The affordable provision comprises 157 homes for LAR, of the units being provided in the rented tenure there are 38 larger family homes of 3 bed and above, which is 24.2% of the LAR homes provided. We also strongly support this mix of larger family homes in the affordable rented element as LB Ealing, has a severe shortage of larger, family sized homes for affordable rent. In this context we also support the contribution that will be made to provision of 35.7% 2 bed (3 and 4 person) family housing. Overall this gives a welcome bias of LAR to family homes, comprising 59.9% of this tenure in the scheme.*

*The affordable provision will also include 10 larger family homes (3 bed, 5 person) for shared ownership, with a bias overall of shared ownership to family housing, comprising 51.8% of this tenure in the scheme.*

*Taking the proposed affordable tenures as a whole therefore, the above clearly demonstrates that the majority of affordable housing will be for family units of 2,3 and 4 bed units in the range of 3 to 6 person flats).*

*With respect to the shared ownership homes, we would ask that the affordable provider should aim to make these affordable to a range of incomes and that they should not all be pitched at the top end of the shared ownership eligible income (£90K) and would be happy to review advise further on the applicant's response.*

*We would ask that there is an early stage review mechanism as recommended in the Mayor's 2017 Housing SPG. The early review is triggered where an agreed level of progress on implementing the permission has not been reached after two years of the permission being granted.'*

*(Officer Note. The applicant has been requested to provide details of the ranges of incomes they would seek to reach. An update will be provided in the Briefing Note).*

Below is the residential mix and total tenure breakdown:



Unit Size Breakdown – By Units								
No of bedrooms:	1B	2B		3B			4B	Total
	1B2P	2B3P	2B4P	3B4P	3B5P	3B6P	4B6P	
<b>Total</b>	259	66	178	2	41	8	10	<b>564</b>
<i>Percent</i>	44.9	43.3		10.8				100
Unit Tenure Breakdown – By Units								
No of bedrooms:	1B	2B		3B			4B	Total
	1B2P	2B3P	2B4P	3B4P	3B5P	3B6P	4B6P	
<b>Affordable Rent</b>	63	56		28			10	<b>157</b>
<i>Percent</i>	40.1	35.6		17.8			6.4	100
<b>Shared Ownership</b>	54	48		10			0	<b>112</b>
<i>Percent</i>	48.2	42.8		8.9			0.0	100
<b>Market</b>	142	140		13			0	<b>295</b>
<i>Percent</i>	48.1	47.4		4.4			0.0	100

With regard to unit sizes, Housing Supply has advised that the 2-4 bed affordable family homes proposed (152 or 56% of the total affordable) is their preference and are to be welcomed. This significant number and bias to LAR, represents a welcome contribution to mixed, affordable family housing within the development and in the area.

In addition, it should be noted that the occupiers of each block will have access to the same amenities in that block regardless of tenure and without additional service charges. This includes amenity and play areas, shared lift cores, flats specifications, aspect and orientation and balcony space. Residents of Block C will also have access to amenity space facilities in Block B.

**Community Space and Equalities Analysis**

The Council has undertaken an Equalities Analysis Assessment. It acknowledges that the proposals will involve loss of the Milan Palace and Monsoon Banqueting suites. Attention is drawn to the owners of the Medina Dairy and the Milan Palace / Monsoon Banqueting suite wishing to promote an alternative development over the land they own, which may involve the removal of these facilities.

It should be noted these are not the only banqueting, community or faith facilities currently available in Southall. Locally, there is the Dominion Centre, Tudor Rose and The Manor House and The Southall Community Centre/Banqueting Centre in Merrick Road. In addition there St Anselm’s Church (which also carries out a range of social and community services such as a Food Bank and homeless support service) as well as other faith Resource Centres nearby on Featherstone Road.

As noted in the Community Consultation section of this report, extensive pre-application consultation has been undertaken with religious and community groups during the preparation of the application and that process continues. Consultation continues with St Anselm’s Church concerning the need to taken a section of frontage to Dilloway Yard to widen the road. This does not affect the access to the church but may require the loss of one parking space that it may be possible to re-provide in the church car park. None of the pastoral services are affected by this.

Turning to people with disabilities, the application proposes 57 flats specifically designed for wheelchair users. All 564 flats are designed to meet the requirements of Approved Document Part M (2015 edition incorporating 2016 amendments), which incorporates the previous requirement for Lifetime Homes Standards as Category 2 ‘Accessible and Adaptable Dwellings’ M4(2) and the requirements of the Peabody design guide which stipulate higher standards than the requirements set out within Approved Document Part M. The layouts for each unit will also adhere to the requirements set out in the GLA London Housing Design Guide.



The application proposes 106.9sqm of flexible commercial/community space (Use Class F2) in the ground floor of Block C, which is intended to provide a replacement for the four community groups to be relocated from Featherstone Terrace, including the Somali Youth Helpline and a further 313.8sqm of flexible commercial/child care nursery. In addition, the proposed flexible commercial units can also incorporate uses that contribute to the night-time economy.

The DRP questioned whether this location in Block C on the north side of the site will guarantee the same level of activity compared to moving it towards the front of the scheme. Whilst this is possible given the range of commercial space available in other Blocks, on the other hand, it will be noted that this application represents the first phase in the future delivery of the rest of the SOU8 allocation so that in due course, taking in other land to the north as may be likely to come available will put the community/nursery space at the centre of the allocation and better placed to serve not just the wider site, but also the surrounding residential areas either side of The Green as permeability is improved with new east-west pedestrian and cycle routes.

Overall, it is considered that with the inclusion of these facilities, the proposed development does not have a significant negative impact on local community groups with a protected characteristic nor upon the wider community in consideration of the Equalities Analysis Assessment.

#### **Featherstone Road Car Park**

The Green SPD states: *'4.139 The area currently has an over-supply of surface public car parking facilities. The Featherstone Road car park is poorly used as it is located off the high street network and poorly overlooked. The redevelopment of this car park for alternative uses will support an improved block structure and layout between the LSIS and the town centre, improving pedestrian and cycle connections in this area.'*

The Council has resolved to see this land developed in accordance with the SOU8 allocation and application involves the re-provision of 90 parking spaces (as required by the Council) for the existing 150 space car park. Whilst representations object to its loss, pre-Covid surveys show that the car park did not function at full capacity on a day to day basis, including even when it was partly used as a Covid testing centre. Although plainly it would assist in providing parking for banqueting events when they take place at the adjacent facilities, more recent analysis from Parking Services show that parking levels are still broadly consistent with pre Covid levels and still below capacity.

The inclusion in the application of the Featherstone Terrace car park, which currently houses a number of community resources portacabins, will assist in the early re-provision and maintenance of public parking (32 spaces) while the development proceeds. The balance of provision in front of Block A (8 spaces) and flanking Block C (50 spaces), will meet the Council's requirements.

#### **Commercial and Employment Floorspace and LSIS**

The 2922.8sqm of flexible business and commercial, non-residential floorspace is distributed to the ground floors of all 3 Blocks looking into the new public realm plaza in a range of unit sizes between 89sqm - 394.5sqm. The applicant's Commercial Justification Strategy proposes the employment will be directed towards SMEs and other small businesses, as well as cafes, restaurants or other retail uses that will help to activate the area and assist the needs of new and existing local businesses and the night time economy. New employment space can also positively contribute towards supporting Southall's cultural and creative industries and attractions.

Although there is an estimated reduction in existing employment space of about 500sqm (from 3400sqm), by virtue of the size and quality of replacement space being provided, in a range of unit sizes, the estimated number of jobs is expected to rise from 66 at present to 90 FTE as a minimum and without regard to the multiplier effect in retention in other businesses locally such as administration, cleaning etc. There will also be an environmental dividend from

these new uses, removing for example a number of non-conforming industrial businesses in Dilloway Yard that will benefit St Anselm's Church and rectory.

Units facing the new development and with convenient access to The Green will directly benefit from existing footfall. Generally, within the scheme the development will attract the public to the development, enhanced by new pedestrian access. They will also be anchored the substantial, new, public space/realm and positively assist in Place Making.

As previously noted, a small part of the site approx. 364sqm is designated as LSIS. This comprises a private coach park that falls in Class B8. It does not contain any floorspace, nor does the site appear to provide jobs. It appears to be a Proposals Map mapping error in that the area in question is physically and functionally separated from the LSIS and does not provide any industrial capacity. In any event its loss does not have any wider or strategic implications for the rest of the LSIS in this location.

In conclusion, the new commercial and employment space accords with the objectives of SOU8 and does not undermine LSIS policy objectives by reason of the loss of this small area of land used as a coach park.

### **Scale of Development**

Objections to the scheme on grounds of over-development alone are not, of themselves, decisive. Policy objectives are expressed in terms of achieving optimum, rather than maximum development potential. The site also provides the opportunity to make full and efficient use of sustainable brownfield sites to boost the supply of housing in four squares with NPPF and development policy and guidance. Commercial and related floorspace is appropriate to this location and will positively assist in 'Place Making'.

The application scheme on balance represents a good example of optimisation, balancing policy, amenity and site constraints, whilst maximising the potential for additional mixed affordable and market housing. Regard to whether the scale gives rise to significant adverse impact on the character of the area and residential amenity is addressed below.

The proposed scheme is considered to be of an exemplary quality design that successfully responds to the, acknowledged, generally lower scale and character of the existing surrounding context, without causing significant adverse impacts including to heritage assets. The impact of the development and in particular the tall buildings are assessed below.

### **Siting, Design and Materiality**

The proposal has been developed during an extensive process of pre-application consultation with Council and GLA Officers, public and community consultation. The design iterations and development process are set out in the applicant's Design and Access Statement.

The new development overall is a qualitative improvement, with a high quality, contemporary design and appearance when compared to the present buildings on the site. The Blocks are designed to respond to a number of urban components in the historic Manor House and gardens and other listed and local listed buildings like St Anselm's Church.

Through the consultation process taking on board comments from the GLA and DRP, the ethos of the form and scale has developed with the variety of facing materials and colours, namely facing bricks and glazed panels that bring together this mixed urban regeneration development. On the ground floor the buildings incorporate commercial/employment/community space to positively integrate the blocks with the King Street Neighbourhood Centre functions. The positioning and design of all the buildings comprised in the scheme has developed through an iterative process. The DRP has tested the massing and materiality of the scheme to which the applicant has positively responded. Planning conditions will ensure the use of high-quality materials throughout the scheme.

The new residential blocks are also considered to be high-quality in design, culminating in the 13 – 19 storey family of towers. They are an exemplary standard of architecture, design and appearance that will positively contribute to the townscape, using varied but attractively-

coloured range of facing bricks and high-quality detailing. HE has examined the scheme in relation to heritages assets and no comments whatsoever to make. This means that harm that the harm to assets is no more than 'less than substantial.'

It is considered the development is enhanced by its singular outstanding character and exceptional, high-quality detailing and materiality in relation to heritage assets. Overall, the Blocks will positively contribute to the skyline without causing substantial harm to the settings of heritage assets. Collectively the building forms and typology throughout the scheme secure an exemplary design that respond positively to their location and positively contribute to the character of the area, enabling the scheme to achieve the potential of a high level of quality and outstanding quality and meet sustainable development objectives, on its merits and having regard to the NPPF and development plan policies.

To Dilloway Yard, in relation to the retained Tudor Rose and opposite St Anselm’s Church, it positively complements the scale and materiality of these buildings that will continue to be the primary built form elements to The Green. Facing Dominion Road, the DRP requested changes to make the front elevation to enliven the approach from the south. The two images below show has this is delivered with the change in colour of external materials to a light grey concrete at ground floor drawing the eye to the entrance to the Block:



The overall design of this scheme would therefore be development plan policy compliant in terms of urban design (sense of place, density, new public realm, landscaped areas and active frontages) and optimises development potential. In its wider context no significant adverse harmful impacts are identified. The THVIA views towards the site are framed by tall buildings such as the TRS building in the local area.

Cumulative impacts will not harmfully lessen the sense of open sky between existing and new buildings so the impacts would be no more than minor. Overall, in terms of the development plan and on its merits therefore, the scheme would in townscape and visual terms be a significant enhancement over the existing buildings, parking, storage and service areas in an exceptional-quality development.

**Tall Buildings**

Being a Council-led scheme, the application site is the focus of both supplementary planning guidance and a full masterplan approach designed to address the broader environmental and heritage considerations of the area. The approach to density and massing on the site is the result of careful consideration of both the needs and constraints of the complex and important town centre site, its broader role in regenerating the centre, and future phases of development to deliver the remained of the site allocation.

The Southall Green SPD sets as its objectives that development will create a coherent and legible street network, optimise land use, and integrate with surrounding areas, in addition to

retaining St Anselm's and the Dominion Centre, incorporating supporting uses including social infrastructure, and facilitating the broader consolidation of industrial uses. The present scheme is the product of further master planning which has examined these needs in detail and given close consideration to the optimisation of the site.

Development Strategy DPD Policy 1.2(h) and DMD Policy 7.7 and London Plan Policy D9 (excluding in this section those functional or operational aspects of the development which are assessed under appropriate headings below), state that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets. The quality of the design, especially in relation to context and accessibility are the overriding considerations.

The site is not in a location allocated in the development plan for tall buildings (but as noted below is considered to have scope in the SPD). The NPPF, in conjunction with policy guidance on design quality and related criteria, supports site optimisation and the efficient use of land particularly in accessible locations. Development Plan Policy states that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets. The quality of the design, especially in relation to context and accessibility are the main considerations.

A 'tall building' is defined by London Plan Policy D9 as one which exceeds 6 storeys or 18m from ground to floor level. For the purposes of the application that would constitute the majority of the development. The Green SPD states: *'4.134 In general, building heights should relate to the surrounding context of 2-4 storeys. There may be an opportunity for taller buildings in locations that would enhance the legibility of the area. However limited intensification that reflects the existing context is likely to be the most appropriate response in the majority of circumstances.'*

Tall buildings therefore are appropriate to the area and can enhance townscape provided they are exemplars of outstanding quality of design. Each scheme must be assessed on its merits having regard to locational constraints, such as neighbouring development and will not result in a significant harmful worsening of the residential amenities of neighbours opposite the site or the area generally.

GLA Officers in pre application consultation and in knowledge of the emerging policy position of the new London Plan towards locations for tall buildings, as well as the DRP, raise no in principle objections to the provision of new tall buildings on the site. They have been tested in the applicant's HTVIA and the analysis in the Design and Access Statement and in pre application consultation. HE has raised no objections to the proposals in respect of impacts on any heritage assets. No reason is seen to disagree with these conclusions subject to satisfying the GLA requirement to meet the relevant assessment criteria in London Plan Policy D9 and Local Plan Policy 1.2(h) and DPD Policy 7.7.

Representations have been received from residents about the proposed towers. They seek to conflate the principle of a tall building on the one hand, with the effects of that tall building on the other. Policy is only able to discuss the principle of a tall building on this site. The effects of that tall building must be a matter for the development management balance, the specific impacts of the scheme and the detail of the specific criteria-based policies.

There is no question that this allocated site for comprehensive redevelopment, located within this part of Southall Centre, would constitute an isolated site or one otherwise inherently unsuitable for a tall building. Southall as a whole for example is identified in Local Plan Policy 1.1 as one of the Borough's primary locations for new homes and businesses, which feeds through into the SOU8 allocation.

Para.3.9.2 of the London Plan makes clear that the identification of suitable 'locations' for tall buildings is a task for evidence base such as a Borough character study. An Ealing Character Study is in preparation but is not yet complete. However the SPD considers the site to be a suitable location for tall buildings.



Neither Policy D9 nor other London Plan policies go to the principle of a tall building on the application site. It defines tall buildings as 6 storeys or 18m and directs these to 'locations' that are identified as suitable in development plans. The term 'locations' is not defined but, from the supporting wording, can clearly be taken to refer to areas as a whole, rather than solely to specific sites.

The 'purpose of the policy overall is to avoid isolated tall buildings in locations considered unsuitable by the LPA and to prevent Boroughs from adopting a definition of tall buildings that is less than 6 storeys (or 18m) thus frustrating medium-rise buildings. It is plainly not the substance of the London Plan that any and all proposals for tall buildings now in train should be refused pending the updating of Local Plan evidence bases - still less that LPAs should now be unable to promote tall buildings in locations that they consider suitable.

The assessment of the specific impacts of a tall building on this site according to the detailed criteria-based policies of the development plan is a matter for development management consideration.

Finally, it is worth noting the GLA Pre Application Report to this application, states:

*67... 'The site allocation SOU8 does not identify the site as suitable for tall buildings, as such GLA officers consider that the proposals for tall buildings are not in an area identified suitable for tall buildings in the Development Plan and is contrary to the locational requirements of London Plan Policy D9.B. Notwithstanding this and having regard for the Opportunity Area status, the proximity to a transport node, and the changing character of the Opportunity Area, a case for tall buildings in this location could potentially be made subject to addressing the assessment criteria within D9.C. and securing an appropriate balance of public benefits...*

*'73. Although, the application site would not comply with the locational requirements of London Plan Policy D9.B, in this instance, GLA officers are of the view that a case may be made for further the height, subject to a full assessment of the future planning application against Part C of Policy D9, including the proposed architectural design, and the supporting Townscape Visual Impact Assessment and Heritage Assessment to justify how the scheme could be considered acceptable in this location. The applicant is advised to continue to work closely with the Council to establish appropriate heights and address any microclimate impact. Ultimately an issue of non-compliance with Policy D9.B would need to be considered in the context of the scheme's performance against the London Plan as a whole, as well as all other relevant material considerations and public benefits.'*

The applicant has provided a detailed and rational assessment of the distribution of height within the scheme and in doing so has had regard to the comments of the DRP (noted earlier in this Report) in this regard. The heritage and development management impacts are assessed later in the Report.

In relation to the scheme generally, locating the lowest elements to the east side steps down to the lower traditional buildings on The Green and facing Dilloway Yard adjoining the Tudor Rose and St Anselm's Church and helps to reduce its scale and minimise its impact. Gaps east/west between the new blocks and across the site would continue to give some uninterrupted views, or glimpsed views, to the new open spaces so that a sense of space and separation is generally maintained, particularly in open views across The Green from the Manor House as illustrated below, the view north west from entrance to the Manor House Gardens across The Green:



The view or outlook from flats proposed in Block A from the north west and north adjoining industrial undertakings on next door land was a matter raised by the DRP. The applicant has undertaken a study, addressed in additional drawings that demonstrate that the space (averaging 9m in width along its length) will be attractive, convenient and accessible even with the effects of shadowing in June:



Further, for the reasons set out earlier the new development is considered to be of a high-quality design that can positively contribute to the amenities of the locality. Overall, it is considered the location, scale and massing of the proposed tall buildings is successfully incorporated into the locality. Supporting text to Core Strategy Policy 1.2(h) notes that higher density housing does not automatically equate to high rise development.

Tall buildings can be appropriate and enhance townscape provided they are exemplars of high-quality design and in suitable locations. Sites suitable for tall buildings help delivery of housing targets away from less appropriate and more sensitive locations. Each scheme must be assessed on its merits having regard to locational constraints, such as neighbouring development. Representations against the development do not support taller buildings here.

Advice on tall buildings in the National Design Guide (NDG), para. 69 states that *'well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline'*. Para.70 adds that *'proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character'*.

Other relevant paragraphs include:

63 *'Compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car'*. 64 *'Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context'* and 65 *'Built form is determined by good urban design*

*principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.*

The development of tall buildings is to be ‘plan-led’ and ‘design-led’ as the intention is that impacts would be addressed at plan-making stage. It is the Council’s stated development plan policy intention to increase its housing supply; this accords with national and GLA policy. Policy D9 includes a comprehensive list of criteria.

The proposed range of blocks of between 3 and 19-storey towers would plainly change present open areas and lower scale buildings interspersed with contemporary development at TRS on The Green, for example. In the context of this emerging scene, the new towers and associated blocks will relate well to their surroundings in contrast it is acknowledged to the traditional suburban scale and design of housing to the north and north west.

By separating the taller blocks as proposed then a strong sense of open space between them will be maintained. Open sky views between the blocks are emphasised by stepping back in the taller blocks.

The applicant has responded to DRP comments concerning a ‘slender’ built form and by further separation of the massing, particularly Blocks B facing the Manor House and Block C in its location on the north side of the site, by reviewing their materiality in favour of a lighter grey shade brick and perceived vertical emphasis to reduce the perception of bulk and mass. The images below show how it is achieved, contrasting the as submitted (left side) to the amended (right side):



For Block C, the slenderness ratio is addressed by a combination of materiality (lighter brick colours) with vertical and horizontal banding, as illustrated below (as submitted to the left, as amended to the right):





The effect of the inclusion of taller buildings within the site has been tested as part of the applicant’s HTVIA. The baseline study concentrated on the site and the wider area within the surrounding townscape within which to consider the wider townscape setting.

The variety of massing and heights have been developed in response to particular townscape considerations, and to give good levels of amenity into the residential accommodation and for neighbours. The tower Blocks arrangement is the tallest component and is positioned as the hub, centrally within the site. The HTVIA provides a rational and supportable analysis for their location.

It is acknowledged that a substantial number of respondents to the public consultation have raised objections to the introduction of taller buildings and consider that the development would adversely affect views and negatively detract from the character of the surrounding area and their residential amenities. The site is considered appropriate on its merits to accommodate these blocks, subject to normal development management criteria being satisfied.

The scheme has been independently assessed by the GLA and DRP as part of the design development process. Taken together, the development proposal is considered to be suitable for tall buildings subject to heritage impacts and satisfying design policies in the development plan and national policy guidance.

The applicant has produced a HTVIA of the scheme from surrounding roads as well as CGI views in the DAS from locations around the site. This assessment has considered the impact of the development on views from important and sensitive heritage locations surrounding the site including adjacent to the Manor House and locally listed buildings. Where visible, the tall blocks would generally appear in the background, in the distance or middle distance and often in conjunction with the existing tall and large-scale buildings. They clearly be visible as new building forms in this part of Southall but are an appropriate addition to the built environment nevertheless.

No local or strategic views have been identified as being affected by the development. There are no significant negative townscape impacts on views from publicly accessible places. The HTVIA shows that viewed from verified views locations (which, compared on site, appear to be accurate representations), individually and cumulatively, the development will not have an overriding significant harmful impact in terms of its design, height and massing is accepted,



having regard to LBE Plan Policies 7.4, 7B and 7.7, which refer to local character, design and amenity and that tall buildings should not affect their surroundings adversely in terms of, inter alia, microclimate, wind turbulence, noise or overshadowing.

Coupled with this, the slender form and step-backs, variation of finishes and the open terraces element at the tops soften the overall bulk of the tower Blocks. Separation distances of the blocks are addressed later. The setbacks in the blocks will help to minimise a perception of being overlooked.

Overall, therefore the scale and massing of the tower Blocks is successfully incorporated into the locality. Lastly, it is not feasible to incorporate public access to the roof of the Blocks (as proposed by Policy D9D) to allow wider views of London and in any event would require significant design changes, including the possibility of reducing the number of flats, in order to construct a public lift access or changes to scale and massing to accommodate them, as well as conflicting with access to ground floor uses.

In conclusion, it is reasonable as set out in the NPPF to balance the non-compliance with London Plan Policy D9 with the performance of the scheme against Policies of the London Plan as a whole. The main Policies to weigh in the balance that support the development are:

GG1 – building strong and inclusive communities

GG2 – making best use of land

GG3 – Creating a Healthy City

GG4 - Delivering the Homes Londoners Need

GG5 – Growing a Good Economy

SD1 – Opportunity Areas

SD6 – Town Centres and High Streets

D3 – Optimising Site Capacity

D6 – Housing Quality and Standards

D7 Accessible Housing

D8 – Public Realm

H1 – Increasing Housing Supply

H4 – delivering Affordable Housing

S3 - Education and Child care

S4 – Play and informal recreation

E3 – Affordable Workspace

HC5 – Supporting London’s Culture and Creative industries

HC6 – supporting the night time economy

G5 – Urban Greening

This list demonstrates the wide of development plan compliance and public benefits the application will support and why its individual merits outweigh the D9 non-compliance.

### **Heritage Assets**

No World Heritage Sites, Scheduled Monuments, Statutory or Local Listed Buildings, Registered Parks and Gardens, Historic Battlefields or Historic Wreck sites are recorded within the site.

The site adjoins, or is visible from statutory and local heritage assets and are acknowledged in the HTVIA to have an impact upon the following:

#### **A. Statutory Designated Assets**

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in making planning decisions. Where it concerns listed buildings, all decisions should: *‘have special regard to the desirability of preserving the building or its setting or any other features of special architectural or historic interest which it possesses.’* In considering the impact of the proposal on the significance of a heritage asset, the NPPF states great weight should be given to the asset’s conservation and the more important the asset the greater the weight should be.

Guidance in the NPPF is that substantial harm to a heritage asset should be exceptional. Substantial harm is a high test that is rarely encountered and in general would necessitate or

involve some demolition of the asset itself. No demolition of a statutory asset is comprised in the scheme. HE has consistently stated it does not have any adverse comments to make on the application. Indeed it advised in pre application consultation: *'Whilst the proposals are likely to be visible within the context of the Manor, these views are not considered critical to the setting or significance of the manor. We are therefore unlikely to raise any concerns or objections to the proposals if they were submitted for planning permission.'*

The GLA has also advised that: *'...the development site is considered to be of a scale, position and orientation, relative to the listed buildings, to not cause substantial harm to the Manor House and Water Tower. 'The same conclusion is reached in relation to the War Memorial.*

Having regard to the HTVIA photomontage stringline images as well as to the CGI images in the DAS included in this report, it would not be reasonable to ascribe more than less than substantial harm because those views demonstrate that the development is unlikely to dominate or have a significant detrimental impact on the setting of these assets. Instead, this is a high-quality development that integrates well in relation to these assets, as well as positively in the area. It is appropriate therefore to follow the national policy test and balance the less than substantial harm with the benefits of the scheme, which is carried out below.

London Plan Policy HC1 states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. London Plan Policy D9, Tall Buildings, reads at C1(d) that: *Proposals resulting in harm will require clear and convincing justification demonstrating that alternatives have been explored...* As set out in the Height and Massing Study (HMS), the applicant commissioned at the outset a range of alternatives to the current proposals in the pre application process and subjected them to independent scrutiny by the DRP and in consultation with HE, LBE and GLA officers. HE clearly has no objections to the application scheme; in which case it is not necessary to consider any alternatives.

The applicant's HTVIA Report assessment and conclusions are accepted. Case law and practice is clear that even if less than substantial harm to the significance of a designated heritage asset is found, the decision maker still needs to give special regard to the considerable weight (the s66 duty) to the desirability of preserving the setting of the asset. Harm to the setting of heritage assets identified in the application is concluded to be less than substantial. Whilst not applicable to the demolition of non-listed buildings, the public benefits of the development, taking the development plan as a whole, must be assessed in this context.

### **B. Non statutory Assets**

Although non-statutory, locally listed buildings do not share the same legal protection as statutory ones, NPPF para.203 nevertheless states: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* DMD DPD Policy 7C sets the same requirements.

In relation to the site, these comprise:

- St Anselm's Church
- Substation building in Dilloway Yard
- Cattle Trough outside no. 55 The Green

It is proposed to demolish the small substation building and the low wall and piers at the church car park entrance shown below, along with a modern galvanised steel barrier and hedge lying behind the substation, as part of the proposed acquisition of 2.5m of the flank boundary to widen Dilloway Yard:



The low boundary wall, barrier, hedge and piers have no discernible heritage significance and their removal will have no significant harmful effect on the setting of St Anselm’s Church and in many respects will improve it by opening this part of the site to public view, where the building can be better appreciated in a more open and accessible environment. Demolition of the substation would, additionally, further open views and appreciation of the Church.

The substation on the other hand, although partly joined to the low brick boundary wall appears to have no connection to the church. Its entry in the Local Heritage Register says: *‘Works, formerly stable and coach house opposite Osterley Park Road’* indicating that its original purpose may have been different and possibly related to the industrial units in Dilloway Yard when they were originally stables. It is included in the Local List as a ‘Landmark’, architectural interest as a ‘Type of Building’ and ‘Local Historical Association’ of social, economic, cultural, military interest.

In light of these characteristics, its demolition to provide an improved pedestrian and vehicular access to The Green in connection with the proposed regeneration development of this site and the balance of the public benefits of the wider development, are the matters to be considered as to whether they outweigh the heritage harm from its loss. This is addressed in the Public Benefits section below.

**Trees and Landscaping**

The site contains 25 individual and 3 tree groups of trees. Other than the street trees to Dominion Road, within the public car park or flanking the rectory in Dilloway Yard, there are none that make any particular contribution to the character of the area and only 3 achieve Category B quality. There is considerable scope therefore for new greening within the site.

The tree planting strategy set out early in the Report proposes 215 new trees along with amenity and other planting in the public realm and resident’s spaces. 22 alone will be added to streets and public spaces alike.

8 of the existing trees will be retained. The applicant has submitted an Arboricultural Impact Assessment (AIA) and Tree Management Plan (TMP) for the protection, management and incorporation of trees during the construction process to be incorporated into conditions, in the event permission is granted.

The DRP expressed reservations about the likely success of tree planting in the car park below the proposed aperture in the Block B podium. The applicant has, on reflection, removed the tree, but not the ground level shrub planting, from the car park level and has retained the aperture as a light-well to the shrubs in the car park.

**Play and Amenity Space**

According to London Plan Policy GG3 and the Healthy Streets objectives, new developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. LBE Core Strategy Policy 5.5 supports healthy communities by setting out the importance of addressing deficiencies in the provision of parks and local green space, which is acknowledged to be an issue in Southall.

The application proposes:

1. residential private amenity space i.e. balconies: 4148sqm
2. residential communal amenity space: 1842sqm

Giving a total of 5880sqm. In addition proposed is:

3. pedestrian public realm: 2381sqm and
4. shared space and footways: 4321sqm

which will also be planted such as with new street trees.

Private balcony amenity space equates to 7.35sqm per unit for all tenures of flats, which is 2820 sqm more than the minimum 5sqm required to meet Housing SPG standards, The applicant proposes 100% of new dwellings are provided with private amenity space (in the form of a balcony or terrace) in accordance with the Mayor's Housing SPG standards.

The following play space by age group for all 3 Blocks A-C, is proposed:

A (podium level) under 12s 350sqm

B (podium level) under 12s 404sqm

C (ground level) under 12s (461sqm)

The play area for Block C is public amenity space not a dedicated children's play space so cannot be included. The developer confirms that children in Block C will have access to the playspace in Block B.

The central public realm will include table tennis and places to meet that will be accessible to all age groups as well as the public at large. The applicant should be providing 2219.5sqm dedicated play area for under 12s. A total of 754sqm (excluding Block Cs play space), resulting in a shortfall of 1465.5sqm dedicated play space for children aged 0-12yrs.

The developer is providing no dedicated play space for over 12s giving a shortfall of 465sqm, and is therefore requesting to make a contribution for this off site.

Leisure Services has calculated the requirement, summarised as follows:

**Private Amenity Space:** 8460sqm of private amenity provision required, proposed 5880sqm a shortfall of 2470sqm.

**Play Space:** 2680sqm required, proposed 754sqm a shortfall of 1926sqm.

**Commercial/community/nursery space:** 146sqm required. None proposed

**Public open space:** 23,039sqm required, proposed 5920sqm shortfall of 17,118sqm.

**Allotment Space:** 2008sqm required. None provided

**Formal Sports:** 8625sqm required. None provided.

The satisfactory delivery of all of these open spaces, through conditions of permission, are key components contributing to the objectives of successful Place-Making, the Neighbourhood Centre and the surrounding residential area. Conditions are recommended to secure new planting as part of a comprehensive landscaping scheme.

The Dominion Centre forms a key anchor to the southern part of the site and the established hinterland. Increased footfall past the Library and Centre will inevitably increase its attractiveness and should help to encourage more use of shared community space in the building such as hiring rooms for clubs and events. The scheme positively encourages new public access into and within the development and will form a 'hub' to the long term delivery of the allocation.

Taking account of DRP comments there are facilities available for older children, in the form of open space and MUGAs within 400m of the site at Manor House Grounds, and 800m

radius of the site at Southall Park, Bixley Field, Southall Recreation Ground, all of which are within reasonably level walking distance.

Where there is a shortfall in on site provision, financial contributions towards off-site play space, allotments and to formal sports space and facilities in the area are proposed. Leisure requests contributions directed to improve amenity space in the local area including at Southall Manor House Grounds, Southall Recreation Ground, Spencer Street play area and Bixley Fields open space.

### **Ecology**

Phase 1 Habitat Survey and Desk Study have confirmed that the site is of low ecological value. The buildings and other structures were found to have low or negligible potential for roosting bats.

A range of ecological enhancements are proposed, including installation of bird and bat boxes, 215 new trees green roofs, native planting. Urban Greening will be met with the significant new landscaping. Invasive species of trees and shrubs are to be removed and further investigation for bats once all buildings on site are fully accessible, to be secured by condition.

The applicant's Aviation Impact Report suggested that roof top podium space may not be feasible to the risk of bird strike for aircraft on the Heathrow flightpath. This is capable of being addressed by a suitable Management condition of permission which is included in the recommendation and has enabled roof greening to be included in the scheme.

The Urban Greening Factor (UGF) is 0.38, which is just below the London Plan requirement of 0.4 for mixed developments. The scope for improving the UGF has been explored during the design development, taking account of the site's urban location, regeneration and land use priorities and the multiple functions of the proposed public realm. It is confirmed from the design development that the applicant has made all reasonable efforts to maximise the UGF, which is a substantial improvement on the current site characteristics that currently make little or no significant urban greening contribution.

### **Public Benefits**

HE does not raise objections in relation to the impact on statutory heritage assets. The proposals however involve demolition of the locally listed sub-station in Dilloway Yard and the proposed highway improvements in terms of their effect on the setting of the local list St Anselm's Church.

Therefore it is still necessary to assess whether the test of less than substantial harm is engaged, NPPF para. 202 require there must be substantial public benefits that outweigh harm. NPPF guidance does not explain the concept of public benefits. In accordance with statute, policy and case law, the public benefits of the development must be weighed in the planning balance.

The NPPG however states: '*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework.... Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long-term conservation.'*



The application is proposed to deliver public benefits of the development. In accordance with statute, policy and case law, the public benefits of the development must be weighed in the planning balance. The benefits in this application concern:

1. regeneration of this under-utilised urban site to provide 564 new dwellings and employment, commercial and community space, with retained public parking, in this sustainable location,
2. 51% affordable housing (by habitable room) in a range of unit types and family -sized units, to help meet housing need,
3. mix of genuinely affordable homes comprising London Affordable Rent (LAR) and Shared Ownership (S/O) held in perpetuity,
4. accessible and adaptable homes,
5. replacement of the current industrial and business uses with new, high quality, energy-efficient development and incorporation of associated community uses and community access,
6. new Business floorspace to help SMEs, new start-ups and similar industries and direct and indirect expenditure locally including those that support local culture and the creative industries,
7. new flexible commercial/retail floorspace,
8. at least 90 jobs new jobs,
9. training and apprenticeships in construction and training,
10. improvements to air and environmental quality,
11. significant new public realm and spaces,
12. improved public accessibility, pedestrian and cycle-friendly connections through the site,
13. environmental enhancements from substantial new tree planting, ecological enhancements, reduced surface water run-off, and carbon reduction measures,
14. improve the appreciation of the St Anselm's Church in views from The Green and Dilloway Yard.

These components advanced against the acknowledged harm. In accordance with the NPPG, they are considered to be clear, substantial and genuine and of a scale and nature to benefit the public at large.

Para.8 of the Framework explains that *“achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives”*. The Proposal meets all three objectives:

a) economic objective – it will make a significant contribution to the local economy by providing commercial and employment space for SMEs. It has the potential to create some a range of new jobs and generate substantial direct and indirect expenditure locally.

b) social objective – it makes a meaningful and early contribution to the supply of new homes (of particular importance it will provide 269 new affordable homes in a range of tenures.

It will contribute towards enhancing a strong, vibrant and healthy community, with a range of well-designed new flats creating a safe built environment, with accessible services and facilities and high-quality open spaces including public realm and open space.

c) environmental objective – contributes to protecting and enhancing the natural, built, and historic environment, including making effective use of land and improving biodiversity.

Para.11 of the Framework states that planning decisions should apply a presumption in favour of sustainable development. As it has been demonstrated that the proposal accords with the Development Plan and with Government policy and advice set out in the Framework, it should clearly be regarded as a sustainable development.

The presumption in favour of sustainable development means that the Council can support this proposal that will create a high quality and attractive extension to this part of Ealing centre, help to support a thriving and active community, make an important contribution to the delivery of new homes, local jobs and open spaces and fully respect the significance of the heritage assets, local character and sense of place.

The regeneration benefits set out above are the components of the planning balance to advance against the acknowledged harm. Having given careful consideration to all the material planning considerations, including that contained in the NPPF and NPPG, GLA and

LBE development plans and taking policy as a whole and in applying the Planning Balance, the conclusion is that this would be a sustainable development in accordance with Framework criteria. In light of this it is concluded that the non-compliance with London Plan Policy D9 is satisfied in that the balance of benefits more than outweighs the policy harm.

Collectively, the public benefits are considered to have sufficient weight to outbalance the less than substantial harm to the significance of the heritage assets and the loss or partial removal of the local heritage assets noted above. Harm to heritage assets therefore is not a reason to refuse permission. Therefore, taking all considerations into account, they clearly tip the NPPF balance in favour of the supporting a grant of permission for this positively beneficial development in accordance with the development plan and having regard to all other material considerations.

**Privacy and Overlooking**

Development plan policies and guidelines relating to privacy seek minimum distances of between 18 and 21m. The plan below gives the principal separation distances from neighbouring buildings that are primarily in residential use:



Flank to flank residential separation is generally in excess of 20m with the exception of Block A towers, which are 15m and 16m as shown, but the opposing rooms are secondary windows to living rooms or to bedrooms. Concerns regarding the prospect of overlooking and loss of privacy are noted. Separation from Block C to the Rectory is 22m. Balconies and main rooms face in the opposite direction with only bathrooms and bedrooms facing the rectory so there will not be any direct overlooking.

To Southall Working Men’s Club which is under reconstruction, the minimum depth of the projecting bays is 21m. Towards housing in Gladstone Road, the distances are generally 70m. To flats above premises in Featherstone Road and The Green, the distances are generally from 30- 60m. Overall, it is not considered this will give rise to an unacceptable loss, or the perception of loss, of privacy or amenity between existing and proposed residential accommodation.

The elevated position of the roof terrace/amenity areas to Block A could allow overlooking by residents utilising the terraces, or the perception of same, for existing residents that could

harm their enjoyment of their homes or gardens. A condition for boundary screens to control and minimise this potential impact is proposed.

**Impact of the Development**

Turning to the individual and cumulative impacts of the development having particular regard to London Plan Policy D9, the following are identified in the applicant’s submission documents and Reports:

**Air Quality**

LBE is an Air Quality Management Area (AQMA). The site is in an Air Quality Focus Area that is a Medium to High risk from dust impact during construction and the applicant has carried out an Air Quality Assessment (AQA) in accordance with Policy 1.1. Pollution Technical is satisfied with the submission subject to the range of mitigation measures proposed including electric car charging, a Travel Plan and car share schemes.

A s106 contribution to the Council Air Quality Action Plan is requested and conditions are proposed to cover train and commercial noise mitigation and separation, dust monitoring, odours, emissions, hours of operation, installation of any emergency generators, air quality, construction and demolition, contaminated land, external lighting, bonfires, removal of asbestos.

**Sunlight/Daylight**

With regard to daylight and sunlight, both internal to the scheme and external to existing neighbouring dwellings, when determining whether the changes in height are appropriate for the area, it is important to consider the current unique site context (undeveloped on the north west side), current and emerging policy and the retained daylight and sunlight values.

The Report prepared by the applicant’s agent analyses the daylight and sunlight impacts having regard to national and local policy, BRE guidance and the individual circumstances of the site. In doing so the Report assess impacts on neighbouring properties, Assessment of Proposed Dwellings, Daylight and Sunlight Assessment to Neighbouring Properties and Daylight and Sunlight Assessment internal to the Proposed Development.

The Report finds:

*‘The analysis has shown that the proposal has been reasonably optimised for daylight and sunlight amenity as the majority of sensitive receptors experience negligible or minor adverse effect, with only one property out of 41 considered to experience a moderate to major adverse effect. This is a very good result considering the scale of the proposal, urban context and number of neighbouring sensitive receptors.*

*‘This level of daylight and sunlight amenity retained to neighbouring residential properties is considered to be reasonable for a development of this size in an urban context and likely to be better or broadly comparable with other residential typologies within the area and of a similar nature across London.’*

The single property likely to suffer a moderate to major adverse effect is the rectory situated behind St Anselm’s Church. The front of the property is already affected, largely as a result of the fact that it is already diminished in terms of sunlight and daylight by its north-south orientation and enclosing effects of the west wing of the house, containing the garage and the rear wall of the church on the east side. The applicant’s analysis shows that in actual fact, in relation to daylight, 12 out of the 21 windows would be likely to experience a major adverse impact but still retain what the Report concludes to be a view of the sky (VSC) or No Sky Line (NSL) which it considers to be reasonable in this urban context.

With regard to sunlight, 14 out of 15 windows adhere to BRE Guidelines, only 1 suffering a major adverse effect in relation to loss of winter sunlight albeit still close to BRE guidance. None of the north (rear) garden receives currently 2 hours of direct sunlight and the scheme does not change this. The front garden will retain direct sunlight as existing as the anticipated overshadowing effect is considered to be negligible.

With regard to daylight and sunlight within the proposed dwellings in the planning application, the Report concludes:

*'The assessment demonstrates that the Proposed Development has been reasonably optimised for daylight... This represents a high overall daylight compliance level for a development of this size in an urban context and is better or broadly comparable with other residential typologies within the area and of a similar nature across London.'*

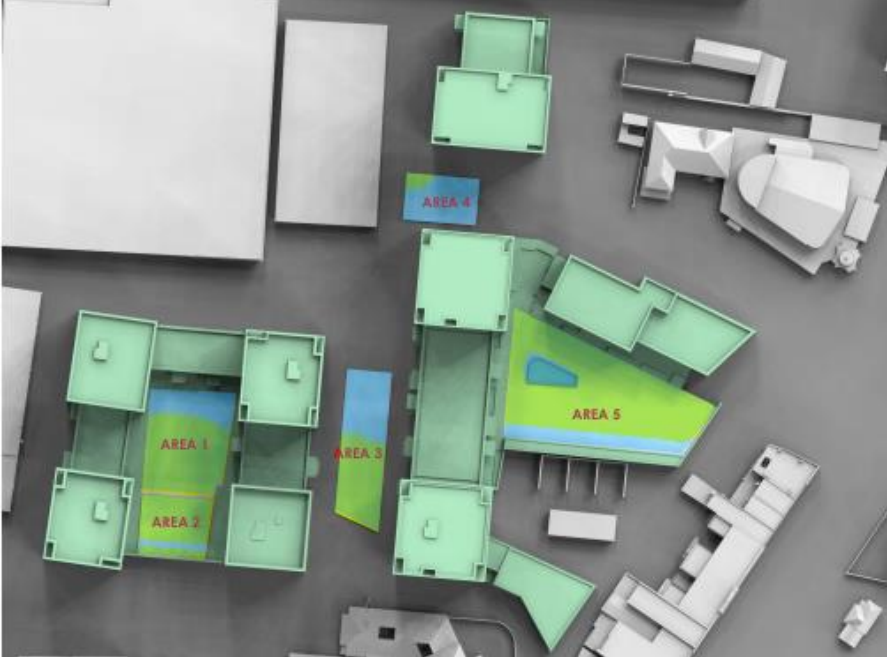
It is important to bear in mind that BRE Guidelines are not to be employed rigidly. They are not mandatory and as the Guidance states: *'...should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer'*. Having regard to this and the Report response to impacts, no reason is seen nevertheless to disagree with the conclusions that the development would be likely to cause *'significant harm'* to the residents of surrounding properties or in the new development.

The question is whether that harm would be sufficient to justify withholding permission. A key consideration of these impacts arises from the acknowledged unusual (in a London context) circumstances of the western part of the site, namely its undeveloped nature alongside the comparatively low height of on site buildings.

Regard must be had to the planning benefits that should be weighed in the balance. Given the combination of these and the site-specific factors concerning full and effective use of this highly sustainable, allocated site for much-needed affordable and market housing, in conjunction with the single property adversely affected – but not unacceptably so -, and the retained sense of space or openness, it is considered there is no overriding justification to withhold permission for this reason.

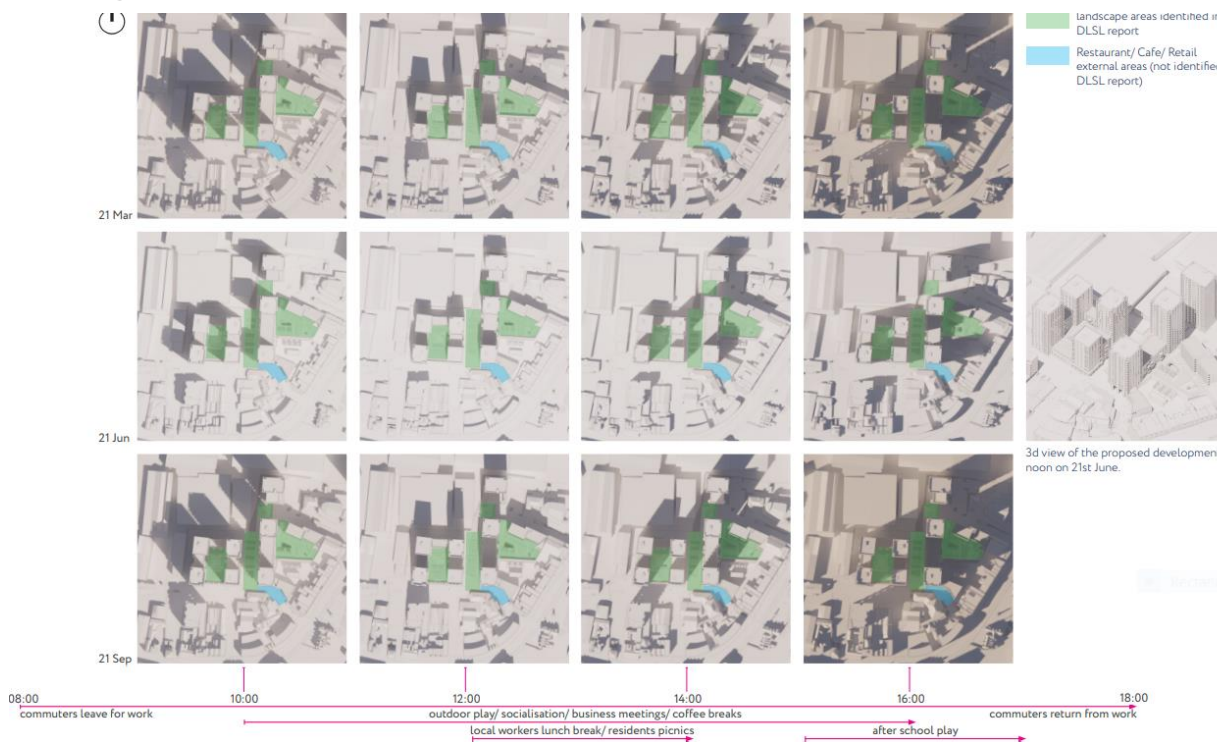
The DRP commented about overshadowing impacts but with the benefit of the above Reports did not raise any objections, instead commenting on shadow impacts on amenity spaces and the central boulevard/public realm in relation to less bulky towers. The applicant has reviewed the impacts of the current tower designs in the above context.

Sun hours have been calculated for the open spaces. The areas coloured yellow will receive at least 2 hours of sun on 21<sup>st</sup> March, which meet BRE Guidelines:



Sunpath and shadow lines have been assessed at significant times of the year (March, June and September at 1000, 1200, 1400 and 1600 hours). A time line has been added to indicate times of day when they would be expected to be in use:





The above images show that overshadowing from the presently designed blocks is unlikely to give rise to significant adverse impacts on the use and enjoyment of these spaces at times when they are most likely to be occupied for rest and play, for example after school hours, when sunlight (rather than shade in summer for example) is to be expected.

**Noise**

The Noise Impact Assessment which accompanies the application has been assessed. As noted in the Consultations Section, EHO/Pollution Technical raise no objections and request conditions. The applicant has prepared a Construction Management Plan (CMP). It provides a strategy for the management of site-based works and proposals for the mitigation of wider reaching impacts of the implementation of the development. The CMP describes the strategy, including the scope and programme of works, site security, health and safety measures, noise and dust disruption, emergency routes and hours of work on site.

Measures are also conditioned to ensure satisfactory access and parking is maintained to the Dominion Centre during the construction phase. The implementation of its measures is included in a recommended condition of permission. Taking all the above into account, noting inter alia, that separation distances are generally within the normal allowances and not likely to give rise to a significant adverse impact, cumulatively or individually, these effects are not considered sufficiently harmful to amount to a sound and clear-cut reason for refusal.

**Wind and Microclimate**

The applicant produces a Report to address the environmental impacts of the development in respect of wind and air movement, including a pedestrian level assessment and within the balconies of flats, based on the Lawson Comfort Criteria. The Report concludes external areas will be safe for intended uses.

The Report demonstrates that wind conditions at and surrounding the proposed development would be safe and suitable for the proposed uses in context of both the existing and cumulative future surrounding buildings. These are achieved with landscaping and screening to balconies as proposed. None suggest the scheme requires re-designing to accommodate them.

**Highways/Transport**

The London Plan requires that new development ensures highway safety and is designed to maximise the use of public transport and other non-car methods of travel and also requires that development provides adequate servicing capability and does not subject surrounding



streets to parking stress or compromise traffic safety. Car parking standards are set out in the London Plan. The scheme objectives are to provide the equivalent of 11% residential parking (60 of which 35 are Blue Badge) and 90 public parking spaces.

The applicant proposes a pedestrian crossing point across The Green from the site to the Manor House in the location below. The DRP suggested a raised table format however there are already two raised tables and an informal dropped kerb crossing at this point in The Green, as illustrated below. Transport also does not support a further raised table due to conflict with the retained service road exit as shown:



An alternative approach is proposed therefore. The image below is of a typical crossing form. The artwork is unique in each case:



It will help to achieve the key objective of the DRP’s view to help link visually and functionally the entrance to and from the site across the this point of The Green. The applicant is willing to fund a community-led consultation or competition to design the artwork that can be incorporated into the crossing. As it involves works in the highway, delivery would be through a s278 agreement.

A Travel Plan is included in the application. The provision of shared car club vehicles and parking bays is encouraged as a means to reduce levels of private car use/ownership. The Travel Plan can be designed to ensure it is feasible and deliverable through the s106 agreement. Transport is satisfied that there will not be Delivery and Servicing Plan conditions are recommended.

The site is in an excellent location to improve upon cycle accessibility. Civic offices access to cycle storage will be from the principal elevations, save the north side, with all storage in the basement. Consultation has been undertaken with LBE Officers and TfL and is ongoing with regard to the provision of an appropriate design of crossing from the site, across The Green to the Manor House Grounds. A condition is recommended to ensure is satisfactory delivery.

Short stay cycle racks, including a proportion of covered racks will be provided around the perimeter of the civic offices, including the under croft as well as facing Uxbridge Road,

Longfield Avenue and externally to the mansion blocks. TfL is satisfied with the level of cycle parking and storage across the scheme and notes that even though there is currently a shortfall, future re-purposing of unused car spaces could help to reduce that.

Transport is satisfied that with the measure proposed in the application to positively encourage public and other transport options and the Travel Plan is likely to give rise to a lower level of parking than the local demand. No highways or pedestrian safety issues are raised by Transport, nor in relation to the servicing and delivery strategy will co-existing with the public realm as raised by the DRP.

Transport requests a financial contribution for highways improvement and undertakings, including CPZ review, restrictions on new residents obtaining future parking permits and appropriate conditions, a Construction Management Plan, which the applicant has prepared.

### **Energy and Sustainability**

Reports concerning sustainable energy usage, sustainability of the scheme generally, alternative technologies, management of CO2 emissions, PV provision and other relevant matters are included in the application.

Heating will be from communal site-wide low-temperature (ambient) heat distribution network via a Ground Source Heat Pump to both the dwellings and the non-residential space and photovoltaic panels to meet the policy requirement for at least 35% reduction to be achieved on site. The remainder to achieve the required 100% reduction would be achieved through a carbon offset payment in accordance with normal practice, set at the LBE level of £95/tonne.

### **Environmental Health (Noise, Air Quality and Contaminated Land) and Drainage**

The application is supported by a noise and vibration impact assessment, an air quality assessment and a desk top study for contaminated land. Conditions and Informatives are proposed for Air Quality management. A financial contribution is requested towards air quality monitoring.

The site is in Zone 1, at the lowest risk of flooding. The applicant has produced a Flood Risk and Drainage Strategy including a detailed SUDS assessment, incorporating underground catch modular catch tanks for attenuation. Measures for SUDS, surface water and foul water management and drainage can be regulated by appropriate conditions.

### **Summary of Cumulative Impacts**

Taking all of the above into account, including and employing the relevant criteria of Tall Buildings Policy as well as London Plan Policy D9 and LBE Policy 1.2(h) i.e. functional, architectural, townscape, aesthetic, environmental and residential amenity external and internal amenity space standards; not have an adverse impact on existing and future residential neighbouring properties and offer acceptable residential amenity for future occupiers (daylight and sunlighting); respect the setting of heritage assets it is concluded that the development plan policies are satisfied.

Taking the development plan as whole, it is concluded that the non-compliance with development plan Policies D9 and 1.2(h) is more than satisfactorily balanced with the cumulative benefits of the development in achieving other Policies of the same Plan as listed above and the LBE Local Plan, to secure full and optimal use of this site allocation to provide new homes, particularly affordable homes with significant new employment and community space, as well as environmental improvements.

### **s106 Contributions**

The scheme would be mitigated by relevant financial and non-financial clauses within a s106 agreement to secure 51% (by habitable rooms) affordable housing; transport; health; education; amenity/open space; construction, employment and training contributions; apprentice and placement scheme; energy monitoring; highways restoration and payment of the Council's legal and professional costs incurred in preparing the agreement as well as any s278 highway works agreement to implement off site highway works (site access, etc.).

Accordingly, development plan policies are satisfied.

### **Fire Safety**

Large schemes may require a number of different consents before they can be built. Building Control approval needs to be obtained so that certified developments and alterations meet building regulations. Highways consent will be required for alterations to roads and footpaths. Various licenses may be required for public houses, restaurants and elements of the scheme that constitute 'house in multi-occupation'. The planning system allows assessment of a number of interrelated aspects of development when planning applications are submitted to the Council.

The proposed materials to be used may be approved under a planning permission based on the details submitted as part of the planning application or may be subject to a condition that requires such details to be submitted and approved prior to the commencement of the development. Whichever the case, planning officers' appraisal of materials is focused on the visual impact of such materials in relation to the design of the overall scheme itself, the character of the local area or indeed on the amenities of local residents.

The technical aspects of the materials to be used in any development, in relation to fire safety, are considered under the Building Act (1984) and specifically the Building Regulations (2010). These require minimum standards for any development, although the standards will vary between residential and commercial uses and in relation to new build and change of use/conversions. The regulations cover a range of areas including structure and fire safety.

Any person or organisation carrying out development can appoint either the Council's Building Control Service or a Private Approved Inspector to act as the Building Control Body (BCB), to ensure the requirements of the Building Regulations are met. The BCB would carry an examination of drawings for the proposed works and carry out site inspection during the course of the work to ensure the works are carried out correctly. On completion of work the BCB will issue a Completion Certificate to confirm that the works comply with the requirement of the Building Regulations.

In relation to fire safety in high rise residential developments some of the key measures include protected escape stairways, smoke detection within flats, emergency lighting to commons areas, cavity barriers/fire stopping and the use of sprinklers and wet/dry risers where appropriate.

### **Community Infrastructure Levy**

Of the total chargeable development of approx. 52,000sqm GIA, and MCIL relief applied to approx. 24,000sqm GIA of affordable housing floorspace, an estimated calculation gives £1.61m assuming offset relief is available for existing occupied floorspace, or £1.83m if not.

### **Conclusion**

Overall, the development proposes a high quality residential-led mixed use regeneration of this previously land developed site, whilst achieving strategic and local regeneration and spatial objectives. It would deliver a high quality and modern new, mixed, residential, employment, community and commercial floorspace, including affordable and market housing to a high standard with a good mix of unit sizes that comply with adopted standards in an appropriate mix of tenures.

The development is an example of a scheme where, as stated in NDG para.16: *'Well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context.'*

At NDG para.59 it states: *'Where the character of an existing place has limited or few positive qualities, then a new and positive character will enhance its identity'*. The existing environment presented by the site is visually unattractive and uninspiring. The proposed

scheme will positively transform the area with residential buildings in a new typology of high architectural and material quality.

The urban design of the scheme would create a high-quality sense of place that accord with the development plan. It proposes a high quality, tall buildings elements in a rational and well-planned form.

S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when determining planning applications, special regard must be had to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess. Preservation in this context means not harming the interest in the building, as opposed to keeping it entirely unchanged.

The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014* made it clear that in enacting s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise, which is undertaken in this application.

The assessment of HE and the GLA concludes (implied in the case of HE as it expressly makes no comments on the application) that the scheme would result in less than substantial harm to the significance of the designated heritage assets. Demolition of a locally listed building is involved. Para.196 of the NPPF confirms that where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, although this provision is not applicable to locally listed buildings.

The public benefits of the proposals are set out above. They are substantial and decisively outweigh the less than substantial harm to the designated and local heritage assets.

Having established there are substantial and decisive public benefits, it is demonstrated that taking the development plan as a whole, non-compliance with D9 and 1.2(h) is outweighed by the other policy benefits of the development. Overall therefore, application of the Planning Balance and NPPF sustainability criteria support this development.

Other matters, including amenity and heritage impacts, affordable and market housing, transport and resident parking concerns, environmental health, energy, Mayoral CIL and s106 matters have been assessed and found to be acceptable. Objections have been reviewed and addressed however these are considered insufficient to outweigh the recommendation for approval.

It is therefore recommended that **Permission be Granted with conditions and following completion of a s106 agreement subject to referral to the Secretary of State and the Stage 2 Mayoral referral.**

### **Human Rights Act**

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Ealing to act in a manner, which is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### **Public Sector Equality Duty**

In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

f) The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

g) The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 which is only one factor that needs to be considered and may be balanced against other relevant factors.

h) It is considered that the recommendation to grant planning permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### **Appendix1: Conditions and Informatives**

#### 1. Time Compliance.

Development shall commence no later than 3 years following the date of grant of this permission.

Reason: To comply with s91 of the Town and Country Planning Act 1990.

#### 2. Quantum of Development

Unless otherwise agreed in writing, the quantum of development hereby permitted shall not exceed the following:

564 residential dwellings

2502.1sqm of flexible Commercial/employment space (Use Class E),

313.8sqm of Day Nursery (Use Class F1),

106.9sqm of Community space (Use Class F2)

Reason: to ensure conformity with the submitted application.

#### 3. Approved Plans and Supporting Documents/Reports

1. M9516-02-0001-Site Location Plan-1\_1250
2. M9516-02-0002-Existing Site Plan-1\_500
3. M9516-02-0003\_A\_-Proposed Site Plan-1\_500
4. M9516-02-0004-Existing Site Elevations
5. M9516-02-0100\_A\_-Proposed Ground & Mezzanine Floor Plans-1\_500
6. M9516-02-0101\_A\_-Proposed First Floor Plan-1\_500
7. M9516-02-0102-Proposed Second Floor Plan-1\_500
8. M9516-02-0103-Proposed Third Floor Plan-1\_500
9. M9516-02-0104-Proposed Fourth Floor Plan-1\_500
10. M9516-02-0105-Proposed Fifth Floor Plan-1\_500
11. M9516-02-0106-Proposed Sixth Floor Plan-1\_500
12. M9516-02-0107-Proposed Seventh Floor Plan-1\_500
13. M9516-02-0108-Proposed Eighth Floor Plan-1\_500
14. M9516-02-0109-Proposed Ninth Floor Plan-1\_500
15. M9516-02-0110-Proposed Tenth Floor Plan-1\_500
16. M9516-02-0111-Proposed Eleventh Floor Plan-1\_500
17. M9516-02-0112-Proposed Twelfth Floor Plan-1\_500
18. M9516-02-0113-Proposed Thirteenth Floor Plan-1\_500
19. M9516-02-0114-Proposed Fourteenth Floor Plan-1\_500
20. M9516-02-0115-Proposed Fifteenth Floor Plan-1\_500
21. M9516-02-0116-Proposed Sixteenth Floor Plan-1\_500



22. M9516-02-0117-Proposed Seventeenth Floor Plan-1\_500
23. M9516-02-0118-Proposed Eighteenth Floor Plan-1\_500
24. M9516-02-0119-Proposed Roof Plan-1\_500
25. M9516-02-A0500\_A\_-BlockA-ProposedGround&MezzanineFloorPlans-1\_200
26. M9516-02-A0501\_A\_-BlockA-ProposedFirst&SecondFloorPlans-1\_200
27. M9516-02-A0502-BlockA-ProposedThird&FourthFloorPlans-1\_200
28. M9516-02-A0503-BlockA-ProposedFifth&SixthFloorPlans-1\_200
29. M9516-02-A0504-BlockA-ProposedSeventh&EighthFloorPlans-1\_200
30. M9516-02-A0505-BlockA-ProposedNinth&TenthFloorPlans-1\_200
31. M9516-02-A0506-BlockA-ProposedEleventh&TwelfthFloorPlans-1\_200
32. M9516-02-A0507-BlockA-ProposedThirteenth&FourteenthFloorPlans-1\_200
33. M9516-02-A0508-BlockA-ProposedFifteenth&SixteenthFloorPlans-1\_200
34. M9516-02-A0509-BlockA-ProposedRoofPlan-1\_200
35. M9516-02-B0500-BlockB-ProposedGroundFloorPlan-1\_200
36. M9516-02-B0501-BlockB-ProposedFirstFloorPlan-1\_200
37. M9516-02-B0502-BlockB-ProposedSecondFloorPlan-1\_200
38. M9516-02-B0503-BlockB-ProposedThirdFloorPlan-1\_200
39. M9516-02-B0504-BlockB-ProposedFourthFloorPlan-1\_200
40. M9516-02-B0505-BlockB-ProposedFifthFloorPlan-1\_200
41. M9516-02-B0506-BlockB-ProposedSixthFloorPlan-1\_200
42. M9516-02-B0507-BlockB-ProposedSeventhtoNinthFloorPlans-1\_200
43. M9516-02-B0508-BlockB-ProposedTenthtoTwelfthFloorPlans-1\_200
44. M9516-02-B0509-BlockB-ProposedThirteenthtoFifteenthFloorPlans-1\_200
45. M9516-02-B0510-BlockB-ProposedSixteenthtoEighteenthFloorPlans-1\_200
46. M9516-02-B0511-BlockB-ProposedRoofLevelPlan-1\_200
47. M9516-02-C0500-BlockC-ProposedGroundtoFifthFloorPlans-1\_200
48. M9516-02-C0501-BlockC-ProposedSixthtoEleventhFloorPlans-1\_200
49. M9516-02-C0502-BlockC-ProposedTwelfthtoSeventeenthFloorPlans-1\_200
50. M9516-02-C0503-BlockC-ProposedEighteenthtoRoofFloorPlans-1\_200
51. M9516-02-A1101\_A\_-Block A - Proposed North and South Elevations-1\_200
52. M9516-02-A1102\_A\_-Block A - Proposed East and West Elevations-1\_200
53. M9516-02-A1103-Block A - Proposed North and South Sections-1\_200
54. M9516-02-A1104-Block A - Proposed East and West Sections-1\_200
55. M9516-02-B1101-Block B - Proposed East Section and South Elevation-1\_200
56. M9516-02-B1102-Block B - Proposed West and North Elevations-1\_200
57. M9516-02-B1103-Block B - Proposed North and South Sections-1\_200
58. M9516-02-B1104-Block B - Proposed South West Section and South East Elevation-1\_200
59. M9516-02-B1105-Block B - Proposed North East Elevation and North West Section-1\_200
60. M9516-02-C1101\_A\_-Block C - Proposed South and North Elevations-1\_200
61. M9516-02-C1102\_A\_-Block C - Proposed East and West Elevations-1\_200
62. M9516-02-0120-Proposed Substations-1\_50
63. M9516-02-0204-Proposed Long Elevation West-1\_250
64. M9516-02-0205-Proposed Long Elevation North-1\_250
65. M9516-02-0206-Proposed Long Section South-1\_250
66. M9516-02-1201-Typical 1B2P Apartment Layout-1\_50
67. M9516-02-1202-Typical 2B3P Apartment Layout-1\_50
68. M9516-02-1203-Typical 2B4P Apartment Layout-1\_50
69. M9516-02-1204-Typical 3B4P Apartment Layout-1\_50
70. M9516-02-1205-Typical 3B5P Apartment Layout-1\_50
71. M9516-02-1206-Typical 3B6P Apartment Layout-1\_50
72. M9516-02-1207-Typical 4B5P Apartment Layout-1\_50
73. Schedule of Areas and Accommodation Schedule by Hunters
74. Planning Statement (including Affordable Housing Statement, draft Heads of Terms and Assessment of impacts on LSIS land) by Montagu Evans
75. Design and Access Statement to include Tall Buildings Design Quality Assessment and Addendum October 2021 by Hunters
76. Landscaping Statement & Drawings, including: - Details of external lighting - Urban Greening Factor Assessment and Addendum October 2021 by Turkington Martin

77. Statement of Community Engagement and Addendum October 2021 by Camargue
78. Heritage, Townscape and Visual Impact Assessment and Addendum October 2021 by Montagu Evans
79. Transport Assessment by TTP
80. Framework Travel Plan by TTP
81. Servicing and Refuse Management Plan and Addendum October 2021 by TTP
82. Daylight and Sunlight Assessment (Surrounding Development) by Avison Young
83. Daylight and Sunlight Assessment (Internal) by Avison Young
84. Air Quality Assessment by REC Ltd
85. Noise Impact Assessment by REC Ltd.
86. Preliminary Ecological Appraisal by Middlemarch
87. Preliminary Bat Roost Assessment by Middlemarch
88. Framework Biodiversity Enhancement Strategy by Middlemarch
89. Flood Risk Assessment and Drainage Strategy by Price & Myers
90. Utilities Statement by Premier Energy
91. Energy Statement by Elementa
92. Circular Economy Statement by Elementa
93. Whole Life Cycle Carbon Assessment by Elementa
94. Overheating Statement by Elementa
95. Sustainability Statement by Elementa
96. Phase 1 Geo-environmental Assessment by Land Science
97. Wind Assessment by RWDI
98. Aviation Impact Assessment by Pager Power
99. Historic Environment Assessment by MOLA
100. Draft Construction Management Plan and Addendum October 2021 by Silver
101. Preliminary Arboricultural Assessment by Middlemarch
102. Arboricultural Impact Assessment by Middlemarch
103. Fire Strategy by BWC
104. Commercial Justification Report by Forty Group
105. Health Impact Assessment by Ramboll

Reason: For the avoidance of doubt.

#### 4. Phasing Plan

Prior to commencement of the development hereby approved, a Phasing Plan shall be submitted to and approved by the Local Planning Authority. All development shall be carried out in the phases identified in the Phasing Plan unless otherwise agreed in writing with the Local Planning Authority. The approved Phasing Plan may be amended from time to time to reflect changes to the phasing of the development, subject to obtaining the prior written approval of the Local Planning.

Reason: To ensure the orderly and satisfactory development of the Site, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive Regeneration Scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a satisfactory manner.

#### 5. Materials

For each phase, prior to substantial commencement of works on any part of any of the superstructures forming this development for any phase, samples of all external materials shall be submitted to and approved in writing by the local planning authority in relation to that phase. The development shall be constructed in accordance with the approved materials and be retained as such, thereafter.

Reason: To ensure that the materials harmonise with the surroundings in accordance with policies 1.1(h) and 2.1(c) of the Ealing Development Strategy (2012), and policy 7B of the Ealing Development Management Development Plan Document 2013.

#### 6. Whole Life-Cycle Carbon Assessment

The relevant phase of development hereby approved shall not commence until a Whole Life-Cycle (WLC) Carbon Assessment has been submitted to and approved in writing by the local planning authority. The submitted Assessment shall demonstrate compliance with draft GLA 'Whole Life-Cycle carbon Assessments Guidance' (October 2020) on how to calculate and reduce whole life-cycle carbon emissions to capture the development's carbon impact.

Reason: To assess and implement measures to minimise the carbon life-cycle of the development in accordance with London Plan Policy SI2(F).

#### 7. Circular Economy Statement

The relevant phase of development hereby approved shall not commence until a Circular Economy Statement (CES) has been submitted to and approved in writing by the local planning authority. The CES shall demonstrate compliance with draft GLA 'Circular Economy Statement Guidance' (October 2020) on how to integrate circular economy principles.

Reason: To demonstrate the development integrates circular economy principles in accordance with London Plan Policies SI7 and D3.

#### 8. Air Quality and Dust Management Plan (AQDMP)

Before the development of any Phase is commenced, (including demolition and site clearance) an Air Quality and Dust Management Plan (AQDMP) that includes an Air Quality (Dust) Risk Assessment shall be produced in accordance with current guidance The Control of Dust and Emissions during Construction and Demolition, SPG, GLA, July 2014, for the existing site and the proposed development. A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works on the relevant phase.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012), policies 7A & 7B of the Ealing Development Management Development Plan Document (2013), Ealing SPG10 and the National Planning Policy Framework.

#### 9. Existing/shrub retention

No trees within the site which are shown to be retained in the Landscape and Public Realm Design and Access Statement TM-408-RE-010 A shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority.

Any shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation.

Any trees removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: to secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area.

#### 10. Arboricultural Method Statement

Notwithstanding the submitted details, no operations (including initial site clearance) shall commence on the relevant phase in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees within the boundary of that phase has been submitted to and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process, taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan\*\* detailing all trees for retention and removal.
- Outline programme and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications
- A tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection

areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent and temporary hard surfaces.

- With the exclusion of the basement excavation and installation, the RPAs of all existing trees will be a no dig zone. Within these zones only minor hand digging to 200mm will be permitted, and only with Arboricultural supervision. See Tree Protection Plan: Monitoring and Implementation.
- All hard surfaces beneath the existing (or proposed) tree canopies, or within the existing Root Protection Areas (RPAs), must be of permeable construction to ensure water and gaseous exchange with the underlying soils and tree root systems. The London Plane trees adjacent to Longfield Avenue shall have an area of soft landscaping the extent of which is to be agreed with the LPA.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed, and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason: To secure the protection, throughout the time that the development is being carried out, of trees growing within or adjacent to the site which are of amenity value to the area.

#### 11. Tree Protection – Monitoring and Implementation

No operations (including initial site clearance) shall commence on the relevant phase of the development hereby approved until a suitable programme of monitoring of all approved tree protection measures for that particular phase has been submitted and approved by the Local Planning Authority. The monitoring program shall include the following:

- Confirmation of who shall be the lead arboriculturist for the development.
- Confirmation of the Site Manager, key personnel, their key responsibilities and contact details.
- Details of induction procedures for all personnel in relation to Arboricultural matters.
- A programme of events concerning the approved tree protection plans, including initial implementation of the protective measures, the final removal of the protective measures and any incursion/alterations to accommodate site specific construction/demolition procedures as approved in the Arboricultural Method Statement, and the level of supervision required.
- Procedures for dealing with variations or non-approved incursions into the construction exclusion zones as detailed in the approved Arboricultural Method Statement.
- Agreements of when site monitoring will take place with the local Tree Officer either by site meetings or by some other pre-arranged agreement.
- Post development assessment of the retained and planted trees relating to construction relating activity and any necessary remedial action.

The programme of Arboricultural monitoring shall be taken in full compliance with the approved details. No variation of the approved monitoring program shall take place without the prior written agreement of the Local Planning Authority.

Reason: In order to safeguard trees considered to be worthy of retention in the interests of visual amenity for the area.

#### 12. Tree Planting

No development, other than site clearance and/or demolition, shall commence on a particular phase until a detailed scheme of new and replacement tree planting for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted in accordance with approved landscape plan ref.

- Full planting specification – Tree size, species and the numbers of trees.
- Positions of all proposed species.
- Comprehensive details of ground preparation.
- Staking/tying method(s).
- 2 year post planting maintenance schedule with an agreed inspection schedule.

All tree-planting shall be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 31st March inclusive) to the completion of the approved development, unless agreed otherwise in writing by the Local Planning Authority. The quality of all approved landscape works shall be in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees included within the approved scheme shall be healthy, well-formed specimens with single leading shoots and shall be of a minimum quality compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and BS8545: 2014 or any subsequent revisions.

Any trees which within a period of 5 years from the completion of all tree planting die, are removed, uprooted or significantly damaged, become diseased or malformed shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the works are carried out as approved in the interests of the visual amenity of the area.

### 13. Ecological Mitigation and Management Plan (EMMP)

Prior to occupation of the relevant phase of development hereby approved, an Ecological Mitigation and Management Plan (EMMP) shall be submitted to and approved in writing by the Local Planning Authority showing the details of the mitigation and enhancement measures and their management including the installation of new biodiverse habitat, tree and shrub planting and installation of bird boxes and bat boxes for that phase.

Reason: To comply with Council policy in the interests of ecological protection and enhancement.

### 14. Bird Hazard Management

Prior to commencement of the superstructure of the relevant phase, detailed drawings and supporting documentation for a Bird Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence, for that phase and which shall include the following details:

- a. Site management to monitor the number of birds on site,
  - b. Undertake bird control (using appropriate licensed means) to address or to disperse any populations of gulls (or other bird species) occupying the green roof considered to be hazardous to air traffic using RAF Northolt Aerodrome,
  - c. Prevent gulls and other bird species considered to be hazardous to air traffic using RAF Northolt Aerodrome from successfully breeding at the site,
  - d. Ensure the roof or roofs are accessible for personnel engaged in bird control activities,
- Prior to first occupation of any dwelling, the scheme shall be completed in strict accordance with the approved details and thereafter maintained for the life of the development.

Reason: In the interests of aviation and public safety.

### 15. Landscaping and Management

Prior to the commencement of landscaping works for any particular phase, details of landscaping proposals to be comprised in a Landscape Management Plan for that phase, comprising:

- A. Soft and hard landscaping including tree planting,
- B. Boundary treatments,
- C. Green and Brown roof construction,
- D. Children's play areas including safety surfacing and equipment,
- E. Proposed ecological enhancements
- F. Public Realm

shall first be approved in writing with the local planning authority.

They shall be laid out and planted in accordance with the Management Plan prior to the first occupation of any dwelling and thereafter maintained. The completed landscaping shall thereafter be maintained and any trees or plants which within 5 years of planting, die, are removed or become seriously damaged or diseased shall be replaced with others of the same size and species and in the same positions within the next planting season.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area.



16. Piling Method Statement

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority for the relevant phase. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

17. Roof terrace/amenity space screens

Prior to the fitting out of the roof top amenity areas of any Phase of development hereby approved details of screening to the perimeters of the roof terrace amenity areas for that phase shall have been submitted to and approved by the local planning authority.

Reason: To safeguard the visual and residential amenities of neighbouring residents and of the area.

18.Overheating and Cooling

The development shall incorporate the overheating and cooling measures in line with the relevant CIBSE guidance as detailed in the Dynamic Overheating Assessment submitted by Elementa Consulting in April 2021 (issue/version 6).

Reason: To ensure that the risk of overheating has been sufficiently addressed in accordance with the London Plan; Ealing's Development (Core) Strategy, and Development Management DPD.

19. Renewable/Low Carbon (&CO2) Energy

a) Prior to construction completion and occupation of the relevant phase, the permitted phase of development shall implement and maintain, and in the case of energy generation equipment confirm as operational, the approved measures to achieve an overall sitewide reduction in regulated CO<sub>2</sub> emissions of at least 65.33% (equating to 400.46 tonnes of CO<sub>2</sub> per year) beyond Building Regulations Part L 2013. These CO<sub>2</sub> savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the Energy Statement prepared by Elementa Consulting in April 2021 (issue/version 6) including:

- i. Lean, passive design measures to achieve an annual reduction of at least 15.07% equating to at least 77 tonnes in regulated carbon dioxide (CO<sub>2</sub>) emissions over BR Part L 2013 for the residential development, and at least 11.76%, equating to at least 12 tonnes, over Part L 2013 for the non-residential space.
- ii. Green, renewable energy equipment including the incorporation of photovoltaic arrays with a combined total capacity of at least 237 kWp, and Heat Pumps to achieve an annual reduction of at least 50.81%, equating to 311.47 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) emissions over Part L 2013.
- iii. Seen, heat and electric meters installed to monitor the performance of the PV and the carbon efficiency (COP) of the heat pumps including the heat generation and the combined parasitic loads of the heat pumps.

b) Prior to commencement of construction of the relevant phase, details of the specifications including manufacturers performance data sheets, design, and layout of the proposed low and zero-carbon (LZC) energy equipment, and the associated monitoring devices required to identify their performance/efficiency (COP), shall be submitted, to and approved in writing, by the Council. The development shall be implemented only in accordance with the approved details.

c) Prior to the installation of the renewable/low-carbon energy equipment technical details of the equipment shall be submitted to the Council for approval. The details shall include the exact heat pump thermal kilowatt output, heat output pipe diameter(s), parasitic load supply schematics, monthly energy demand profile, and the exact number of PV arrays, the kWp capacity of each array, the orientation, pitch and mounting of the panels, and the make and model of the panels. The name and contact details of the LZC installation contractor(s), and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.

- d) On completion of the installation of the LZC equipment copies of the MCS certificates and all relevant commissioning documentation shall be submitted to the Council.
- e) Details of the layout of the energy plant room and equipment and the method of how the facility shall be designed to connect to, or allow for future connection to, an offsite district heating network, if an on-site energy centre is provided;
- f) Within three months of the occupation/first use of the relevant phase of development the relevant Energy Performance Certificate (EPC) and detailed SAP Worksheets showing clearly the TER and DER, and/or the Display Energy Certificates (DEC's), accompanying Advisory Reports and detailed BRUKL modelling output reports showing clearly the TER and BER from the 'as built stage' following completion of the development, shall be submitted to, and approved by, the Local Authority in order to confirm compliance with the energy efficiency measures detailed in the approved Energy Strategy. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interest of addressing climate change and to secure environmentally sustainable development in accordance with policies Si2 and Si3 of the London Plan (2021), and the relevant guidance notes in the GLA Energy Assessment Guidance 2020, policies LV5.2 and 7A of Ealing's Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy 2012.

#### 20. Post-construction energy equipment monitoring

In order to implement Ealing Council DPD policy 5.2.3 (post-construction energy equipment monitoring), and key parts of London Plan policy SI2 ("be Seen"), the developer shall:

- a) Upon final construction of the development, or relevant phases of the development, and prior to first occupation of any part of the relevant phases, the agreed suitable devices for monitoring the performance/efficiency (COP) of any renewable/low-carbon energy equipment shall be installed. The monitored data shall be automatically submitted to the Council at daily intervals for a period of four years from occupation and full operation of the energy equipment. The installation of the monitoring devices and the submission and format of the data shall be carried out in accordance with the Council's approved specifications as indicated in the Automated Energy Monitoring Platform (AEMP) information document. The developer must contact the Council's chosen AEMP supplier (Energence Ltd) on commencement of construction to facilitate the monitoring process.
- b) Upon final completion of the relevant phase of development and prior to first occupation of any part of that phase, the developer shall submit to the Council proof of a contractual arrangement with a certified contractor that provides for the ongoing commissioning, maintenance and repair of the renewable/low-carbon energy equipment for a period of four years from the point that the building is occupied and the equipment fully operational.

Reason: To monitor the effectiveness and continued operation of the renewable/low carbon energy equipment in order to confirm compliance with energy policies and establish an in-situ evidence base on the performance of such equipment in accordance with London Plan (2021) policy SI2 ("Be Seen" stage of the energy hierarchy), Ealing's Development (Core) Strategy 2026 (3rd April 2012) and Development Management DPD and Policy 2.5.36 (Best Practice) of the Mayor's Sustainable Design & Construction SPG.

#### 21. Non-Residential BREEAM Energy/CO2 accreditation

The non-residential space shall be registered with Building Research Establishment (BRE) and achieve BREEAM Rating 'Very Good' (based on the latest BREEAM NC Technical guidance).

- a) Within 6 months of the completion of the non-residential space in each phase of development, Interim BREEAM NC Assessment and related Certification verified by the BRE shall be submitted to the Local Planning Authority for written approval.
- b) Within 6 months from the date of first occupation of the non-residential element of the development, BREEAM 'Post Construction Stage' Assessment and related Certification shall be submitted to and approved in writing by the Local Planning Authority confirming the BREEAM standard and measures have been implemented.

Following any approval of a 'Post Construction Stage' assessment and certificate of the development, the approved measures and technologies to achieve the BREEAM Very Good or higher standard shall be retained in working order in perpetuity.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies LV5.2 and 7A of the Ealing Development Management DPD 2013, and Policies 1.1(k) and 1.2(f) of the Ealing Development (Core) Strategy 2012.

### 22. Floodlights, Security lights and Decorative External Lighting

Prior to installation on any phase of the development, details of external artificial lighting shall be submitted to the Council for approval in writing. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations for Environmental Zone 3 of the Institution of Lighting Professionals in the 'Guidance Note 01/20 For The Reduction Of Obtrusive Light'. Details should also be submitted for approval of measures to minimise the use/hours of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of residents and minimize impacts on adjacent land uses.

### 23. Masts and Aerials

No microwave masts, antennae or satellite dishes or any other such plant or equipment shall be installed on the exterior of the building, whether existing or approved, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard the appearance and character of the new buildings in the interests of the amenities of the area.

### 24. Cycle Parking

The cycle parking spaces hereby approved shall be provided and maintained in accordance with the approved drawings. These facilities shall be provided prior to first use or occupation of the relevant phase of the development hereby approved and be maintained thereafter in association with the approved uses of the building.

Reason: To ensure that there is adequate provision for cycle parking within the site in accordance with policies 1.1, 1.2 & 2.1 of the Ealing Development (Core) Strategy (2012), policy 6.13 of the Ealing Development Management Development Plan Document.

### 25. Car Parking

Prior to the occupation of the relevant phase of the development hereby approved, a Car Parking Management Strategy shall be submitted and approved in writing by the Local Planning Authority for that relevant phase. This Strategy shall detail the arrangements for management of:

- i. Visitor car parking
- ii. Residential car parking
- iii. Disabled persons car parking
- iv. Non-residential car parking

The Car Parking Management Strategy shall also include:

- a) Measures for preventing parking in undesignated places throughout the site;
- b) The provision of active Electric Vehicle Charging Points (EVCP) for a minimum of 20% of all public and private car parking spaces and all remaining spaces with passive provision; and
- c) The safety and security measures to be incorporated within the development to ensure the safety of car parking areas. The car parking within a Phase shall be provided and managed in accordance with the approved strategy for that Phase for the life of the development, or as otherwise agreed in writing by the Local Planning Authority.

Reason: To provide adequate facilities for drivers, in accordance with the London Plan and Ealing Development (Core) Strategy.

### 26. Detailed Delivery and Servicing Plan

Prior to occupation of each relevant phase of the development hereby approved, a Delivery and Servicing Plan (DSP) for the relevant component/Phase detailing servicing arrangements, times and frequency and operational details, including swept path analysis, shall be submitted to and approved in writing by the Local Planning Authority. The servicing of each component/Phase shall be operated strictly in accordance with the details approved and shall

be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: To ensure a satisfactory standard of residential amenity is provided for future occupiers of the residential units located above the approved non-residential units.

#### 27. Refuse Storage

The refuse and recycling storage enclosures hereby approved shall be laid out in accordance with the approved drawings and these areas shall not thereafter be obstructed or used for any other purpose.

Reason: In the interests of the adequate disposal, storage and collection of waste and recycling, to protect the living conditions of occupiers of the area and in the interests of highway and pedestrian safety.

#### 28. Ventilation

Prior to the completion of the first superstructure of any residential buildings within that phase, a scheme for providing fresh air ventilation to habitable rooms and the supply to be provided, for that particular phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units within that phase are occupied and shall thereafter be retained.

Reason: To ensure that the development accords with the London Plan the Ealing Development (Core) Strategy (2012); the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework.

#### 29. Sound Insulation between commercial, industrial, communal, cultural uses and facilities from dwellings

Prior to commencement of the superstructure for that relevant phase, details shall be submitted to the Council for approval in writing, of enhanced sound insulation of at least 10/15dB, as necessary, above the Building Regulations value for residential use, of the floor/ceiling/walls separating the non-residential and communal use from dwellings. Where noise emissions include characteristic features, the Noise Rating level shall not exceed NR25 Leq 5mins (octaves) inside a bedroom and NR30 Leq 5mins (octaves) inside a living room. Details of mitigation measures shall include the installation method, materials of separating structures and the resulting sound insulation value and internal sound/rating level. The assessment and mitigation measures shall be based on standards and noise limits of the Council's SPG10 and BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance Standard 30 of the Housing SPG and the London Plan.

#### 30. External noise from machinery, equipment, extract/ventilation ducting, mechanical installations

Prior to installation, details shall be submitted to the Council for approval in writing, of the external rating noise level emitted from plant/machinery/equipment/ducting/air in- and outlets/mechanical installations, together with mitigation measures as appropriate. The measures shall ensure that the external rating noise level LAeq emitted will be lower than the lowest existing background sound level LA90 by 10dBA at the most noise sensitive receiver locations at the development site and at surrounding premises. The assessment shall be made in accordance with BS4142:2014, with all plant/equipment operating together at maximum capacity. A post installation sound assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation/ use of plant/ machinery/ equipment and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with the Ealing Core Strategy (2012), the Ealing Development Management Development Plan Document (2013), policies, the London Plan, the National Planning Policy Framework and Interim guidance SPG 10 'Noise and Vibration'

#### 31. Anti- vibration mounts and silencing of machinery etc.

Prior to use, machinery, plant or equipment/ extraction/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration noise from mechanical installations/ equipment, in accordance with the Ealing Core Strategy (2012), the Ealing Development Management Development Plan Document (2013), the London Plan (2021), the National Planning Policy Framework and Interim guidance SPG 10 'Noise and Vibration'

### 32. Extraction and Odour Control system for non-domestic kitchens

Prior to commencement of above ground construction works for that relevant phase, details shall be submitted to the Council for approval in writing, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet without cowl at least 1m above the eaves of the main building. Details shall be provided of a reasonable distance of the extract outlet approximately 20.0meters from any openable window unless effective odour control is installed, of equipment and ducting to be fitted with anti-vibration mounts and silencers and of additional mitigation measures as necessary to ensure that noise and vibration transmission via internal ceilings, walls and external façades will meet the Council's standards specified in the SPG10. Approved details shall be implemented prior to use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, smell or steam, in accordance with Interim Supplementary Planning Guidance 10, the Ealing Core Strategy (2012), the Ealing Development Management DPD (2013), the London Plan (2021).

### 33. External Doors

All external doors to commercial kitchens /employment /workshops shall be fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows be fixed in an open position during the emission of noise, smell, steam or other effluent.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, smell, steam or other effluent

### 34. Intrusive Land Investigation

Prior to the commencement of any works on site on that relevant phase (other than demolition for which a type 3 asbestos survey must be undertaken prior to demolition and site clearance) and based on an approved conceptual site model (contained within Land Science report LS3904 v3 17/4/21) a site investigation (undertaken in accordance with BS1075:2011+A1:2013 and LCRM) shall investigate the site and any previously inaccessible ground. The site conceptual model shall be amended based on the findings of the intrusive site investigation and the risks to identified receptors updated. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The findings of the site investigation and proposed remedial options shall be submitted to the Local planning authority for approval in writing prior to any remedial works commencing and any development works commencing.

Reason: To ensure the land contamination issues are addressed in accordance with the Development Framework (Core Strategy), London Plan and Ealing Local Variations.

### 35. Contamination Remediation Scheme

A detailed remediation scheme to bring that relevant phase to a condition suitable for the intended use shall be submitted to and subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development on the relevant part of the site, other than that required to carry out remediation works. unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given four weeks written notification of commencement of the remediation scheme works. The scheme



shall thereafter be retained as such.

Reason: To ensure the land contamination issues are addressed in accordance with the Local Development Framework (Core Strategy), the London Plan and Ealing Local Variation to London Plan of the Ealing Development Management Development Plan.

### 36. Remediation Verification Report

Following completion of measures identified in the approved remediation scheme for that relevant phase, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

Reason: To ensure the land contamination issues are addressed in accordance with the Local Development Framework (Core Strategy), the London Plan and Ealing Local Variation to London Plan of the Ealing Development Management Development Plan.

### 37. Waste water infrastructure

Within each phase, development (with the exception of demolition and site clearance) shall not commence until a detailed drainage strategy for the disposal of foul and surface water and detailed design drawings detailing any on and/or off-site drainage works (including ground investigations), has been submitted to and approved in writing by the local planning authority for that particular phase. No discharge of foul or surface water from that phase of the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The approved drainage strategy shall be fully implemented at the time of first occupation of any dwelling within that phase and shall be retained thereafter.

Prior to commencement of development (with the exception of demolition and site clearance) of the final phase of the development hereby approved, details should be submitted to and agreed with the Council which demonstrate that surface water run-off is restricted to greenfield run-off rates for the total site area to promote benefits which include bio-diversity, amenity, water quality and attenuation; surface water attenuation systems designed to accommodate the 1 in 100 years plus 40% climate change storm event. a detailed maintenance plan of the proposed drainage system for the lifetime of the development confirming owners/adopters of the drainage system to include measures, so far as practicable for surface water drainage attenuation from the roof terraces/amenity areas and 'green' SuDS.

Reason: To ensure that the development does not cause adverse local environmental impact in accordance with the Local Development Framework (Core Strategy), the London Plan and Ealing Local Variation to London Plan of the Ealing Development Management Development Plan.

### 38. Fire Statement

Unless otherwise agreed in writing, the development hereby permitted shall be implemented in accordance with the terms and provisions of the Fire Safety Strategy Report Issue 8 prepared BWC Fire Limited dated 18<sup>th</sup> June 2021 accompanying the application.

Reason: In the interests of public safety and in accordance with the London Plan.

### 39. Transport/commercial/industrial/cultural noise sources

Prior to commencement above ground construction works on the relevant phase, a noise assessment shall be submitted to the Council for approval in writing, of external noise levels from transport and industrial/ commercial/ cultural sources, having regard to the assessment standards of the Council's SPG10 including reflected and re-radiated noise where appropriate. Details shall include the sound insulation of the building envelope including glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise) to achieve internal noise limits specified in SPG10. Details of best practicable mitigation measures shall also be submitted for external amenity spaces, in accordance with noise limits specified in BS8233:2014. The 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 the Local Development Framework (Core Strategy), the London Plan and Ealing Local Variation to London Plan of the Ealing Development Management Development Plan.

**40. Separation of noise sensitive rooms from different uses in adjoining dwellings**

Prior to commencement of the development, details shall be submitted to the Council for approval in writing, of an enhanced sound insulation value of at least 5dB above the maximum Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings/areas, e.g. kitchen/living/dining/bathroom above/below/adjoining bedroom of separate dwelling. The assessment and mitigation measures shall have regard to standards of the Council's SPG10 and noise limits specified in BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with the Ealing Development (Core) Strategy, the Ealing Development Management Development Plan Document, The London Plan and Ealing interim SPG10.

**41. Demolition Method Statement**

Notwithstanding the submitted reports and documents and references in associated plans, prior to commencement of the development hereby approved, a Demolition and Construction Environmental Management Plan shall be submitted to and approved by the Local Planning Authority. The approved Plan may be amended from time to time to reflect phasing changes to the development, subject to obtaining the prior written approval of the Local Planning Authority. Details shall include:

a. control measures for:-

- noise and vibration (according to Approved CoP BS 5228-1 and -2:2009+A1:2014),
- dust (according to Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition),
- lighting ('Guidance Note 01/20 For The Reduction Of Obtrusive Light' by the Institution of Lighting Professionals),
- delivery locations,
- hours of work and all associated activities audible beyond the site boundary restricted to 0800-1800hrs Mondays to Fridays and 0800 -1300 Saturdays (except no work on public holidays),
- neighbour liaison, notifications to interested parties and
- public display of contact details including accessible phone numbers for persons responsible for the site works for the duration of the works.

b. measures to ensure continued safe access and usage of parking, servicing and other measures necessary for the day to day running of the Dominion Centre and Library.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the site.

**42. Lift Installation**

No dwelling shall be first occupied in each of any building within the development hereby approved until confirmation has been submitted in writing to the Local Planning Authority for approval to confirm that all lifts within the relevant building(s) have been commissioned and are ready for use.

Reason: In the interests of the amenities of residents.

**43. Emergency Generators**

No emergency generators shall be erected or placed on site, whether in connection with construction, or the permanent occupation, of any dwelling without the prior written consent of the Council.

Reason: In the interests of the amenities of neighbouring residents.

**44. Archaeological Investigation**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) for the relevant phase has been submitted to and approved by the local planning authority in writing.

No demolition/development shall take place other than in accordance with the agreed stage 2 written scheme of investigation (WSI) which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: In order to safeguard the archaeological interest on this site.

#### 45. Ventilation

Prior to the commencement of the superstructure for the relevant phase, details shall be submitted to and approved by the Local Planning Authority, for the installation in the dwellings of a filtered fresh air ventilation system capable of mitigating elevated concentrations of nitrogen oxides and particulate matter in the external air. The details to be submitted shall include the arrangements for continuously maintaining the operational efficiency of the system. The ventilation system as approved shall be completed prior to first occupation of the relevant phase and shall be retained permanently thereafter.

Reason: Interests of resident's health.

#### 46. Temporary Arrangements

Prior to the commencement of each relevant phase (with the exception of site clearance and enabling works), details of any temporary arrangements and/or works relevant to that phase, such as building and public realm interfaces or treatments, and any relevant temporary uses (as applicable), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To facilitate temporary arrangements during construction works without prejudice to the construction phasing.

#### 47. Bat Roosts

No demolition works to the relevant building in each phase shall take place until safe access has been provided to a licenced ecologist/ bat worker to assess the relevant building's internal spaces for evidence of bats. In the event that evidence is found and the local planning authority notified then all work shall cease immediately until measures including surveys, mitigation and/or licencing have been submitted to and agreed with the local planning authority to include as appropriate the installation of replacement roosts.

Reason: To safeguard bio-diversity interests and protected species.

#### Informatives:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Ealing Development (Core) Strategy 2012, the Ealing Development Management Development Plan Document 2013, the London Plan 2021, the National Planning Policy Framework 2021 and to all relevant material considerations including Supplementary Planning Guidance and the National Design Guide The scheme complied with policy and guidance. The Local Planning Authority delivered the decision proactively in accordance with requirements of the National Planning Policy Framework.

#### National Planning Policy Framework 2021

#### National Model Design Code 2021

#### National Design Guide 2019

#### Historic England Tall Buildings Advice Note

#### London Plan, 2021

GG1 – Strong and inclusive communities

GG2 – Making Best use of land

GG3 – Creating a healthy city

GG4- Delivering the homes Londoners need

GG5 Growing a good economy

GG6 – Increasing efficiency and resilience

H1 – Increasing Housing Supply  
H4 - Delivering Affordable Housing  
H5 – Threshold Approach to Applications  
H6 – Affordable Housing Tenure  
H10 - Housing Size Mix  
SD6 – Town Centres and High Streets  
D1 – London’s Form Character and Capacity for Growth  
D2 – Infrastructure Requirements  
D3 – Optimising Site Capacity  
D4 – Delivering Good Design  
D5 – Inclusive Design  
D6 – Housing quality and standards  
D7 - Accessible Housing  
D8 - Public Realm  
D9 – Tall buildings  
D12 - Fire Safety  
D13 – Agent of Change  
D14 – Noise  
E1 – Offices  
E2 – Providing suitable business space  
E3 – Affordable workspace  
E4 – Maintaining a Supply of Employment Land  
E6 - LSIS  
E7 - LSIS  
HC1 – Heritage Conservation  
HC5 – Supporting London’s Culture and Creative industries  
HC6 - Supporting the night time economy  
G1 – Green infrastructure  
G4 – Open Space  
G5 – Urban Greening  
G6 – Biodiversity  
G7 – Trees  
S1 – Social Infrastructure  
S2 – Social Infrastructure  
S3 – Social Infrastructure  
SI 7 – Reducing Waste and Supporting the Circular Economy  
SI1 – Improving Air Quality  
SI3 – Energy Infrastructure  
SI4– Managing Heat Risk  
S15 – Water Infrastructure  
SI2 - Minimising CO2 emissions  
SI13 - Sustainable Drainage  
T2 – Healthy Streets  
T4 – Assessing and Mitigating Transport Effects  
T5 – Cycling  
T6 – Car Parking  
T6.1 – Residential Parking  
T6.2 Office parking  
T7 – Deliveries Servicing and Construction  
DF1 - Delivery of the Plan and Planning Obligations

London Plan Supplementary Planning Guidance

Affordable Housing and Viability SPG (August 2017)

Housing SPG (November 2016)

Accessible London: achieving an inclusive environment

Sustainable Design & Construction

Shaping Neighbourhoods: Play and Informal Recreation

Energy Assessment Guidance (2016)

Ealing Adopted Development (or Core) Strategy (April 2012)

## Chapter 1 - Vision for Ealing 2026

## 1.1 Spatial Vision for Ealing

## 1.2 Delivery of the Vision for Ealing 2026

## 2.18 Green Infrastructure

## 2.1 - Realising the potential of the Uxbridge Road/ Crossrail Corridor

## 3.8 Residential Neighbourhoods

## Chapter 4 – Enhancing Residential Hinterlands and North – South Links

## 5.2 Minimising Carbon Emissions

## 5.4 Protect the Natural Environment

## 5.5 Promoting Parks, Local Green Space and Addressing Deficiency

## 5.10 Urban Greening

## Chapter 6 – Ensuring Sustainable Delivery

## 6.1 Physical Infrastructure

## 6.2 Social Infrastructure

## 6.3 Green Infrastructure

## 6.4 Planning Obligations and Legal Agreements

Southall Opportunity Area Planning Framework (2014)

## Policy 4.7

Ealing Adopted Development Management Development Plan Document (December 2013):

## Ealing Local Variation to London Plan Policy 3.4 Optimising Housing Potential

## Ealing Local Variation to London Plan Policy 3.5 Quality and Design of Housing Developments

## Policy 3A Affordable Housing

## Ealing Local Variation to London Plan Policy 5.2 Minimising Carbon Dioxide Emissions &amp;

## 5.2.3. Post-construction energy equipment monitoring.

## Ealing Local Variation to London Plan Policy 5.10 Urban Greening

## Ealing Local Variation to London Plan Policy 5.11 Green Roofs and Development Site Environments

## Ealing Local Variation to London Plan Policy 5.12 Flood Risk Management

## Ealing Local Variation to London Plan Policy 5.21 Contaminated Land

## Ealing Local Variation to London Plan Policy 6.13 Parking

## Policy 7A Amenity

## Ealing Local Variation to London Plan Policy 7.3 Designing Out Crime

## Ealing Local Variation to London Plan Policy 7.4 Local Character

## Policy 7B Design Amenity

## Policy 7C - Heritage

## Ealing Local Variation to London Plan Policy 7.7 Location and design of tall and large buildings

## Policy 7D Open Space

## EA Ealing Local Policy Presumption in Favour of Sustainable Development

Development Sites DPD

## SOU8 – The Green UB2

London Plan Supplementary Planning Guidance

## The Green Southall SPD

## Affordable Housing and Viability SPG

## Housing SPG

## Accessible London: achieving an inclusive environment

## Sustainable Design &amp; Construction

## Shaping Neighbourhoods: Play and Informal Recreation

## Energy Assessment Guidance

Mayor's Sustainable Design & Construction SPG

## 2.5.36 (Best Practice) post-construction monitoring.

Ealing Supplementary Planning Documents/Interim Guidance

## Sustainable Transport for New Development SPD

## Planning New Garden Space SPD



Legal Agreements SPD  
Interim Guidance (SPG 3): Air Quality  
Interim Guidance (SPG 10): Noise and Vibration  
Ealing Strategic Housing Market Assessment Update

2. Demolition and construction works, audible beyond the boundary of the site shall only be carried on between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Bank Holidays. No bonfires shall be lit on site.

BPM & mitigation measures can be found in the following guidance:

- i. 'Guidance on the Assessment of dust from demolition and construction', IAQM, February 2014
- ii. 'The control of dust and emissions from Construction and Demolition' Draft SPG, GLA, 2013
- iii. BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open sites- Part 1: Noise

3. Prior to the commencement of any site works, all sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed. A minimum written period of 1 month would be required.

4. Dust mitigation and control of exhaust emissions from construction vehicles should comply with the Mayor's (GLA and London Councils) 'Best Practice Guidance' to control dust and emissions from construction.

5. The developer will be liable for the cost of any repairs to damage to the footway directly resulting from the construction work. It is recommended that a footway/carriage way condition survey is carried out prior to the start of construction work, in conjunction with the Highways Section.

6. To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, and offers and encourages a comprehensive pre-application advice service, all of which is available on the Council's website and outlined in a 24 hours automated telephone system.

7. Ground Investigation:

a) Reference should be made at all stages to appropriate current guidance and codes of practice this would include:

- The report of the findings must include:  
A timetable of works and site management procedures.  
(i) a survey of the extent, scale and nature of contamination;  
(ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments
- Model Procedures for the Management of Land Contamination, CLR 11, Environment Agency, 2004
- Updated technical background to the CLEA model, Science Report: SC050021/SR3, Environment Agency, 2009
- LQM/CIEH Generic Assessment criteria for Human Health Risk Assessment (2nd Edition), 2009
- BS10175:2011 Investigation of potentially contaminated sites – Code of Practice

- Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination; Environment Agency, 2001
- Verification of Remediation of Land Contamination', Report: SC030114/R1, Environment Agency, 2010
- National Planning Policy Framework (Paragraph 109, 120, 121);
- Guidance for the safe development of housing on land affected by contamination, NHBC & Environment Agency, 2008

b) Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.

c) All raw data should be provided in a form that can be easily audited and assessed by the council.(e.g. trial pit logs and complete laboratory analysis reports)

d) on-site monitoring for ground gases with any relevant laboratory gas analysis;

*'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases, (C735), CIRIA, August 2014*

e) Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made must be included. (e.g. the reasons for the choice of sampling locations and depths).

#### 8. Noise:

a) SPG10 requires that acoustic measurements are carried out and that precise calculations are made for the building envelope insulation. In calculating the minimum sound reductions the following is required:

- A precise sound insulation calculation under the method given at BS EN12354-3: 2000, for the various building envelopes, using the worst case one hour data (octave band linear noise spectra from 63 Hz - 4k Hz) by night and day, to arrive at the minimum sound reductions necessary to meet the SPG10 internal data.
- Approved laboratory sound insulation test certificates for the chosen windows, including frames and seals and also for ventilators, in accordance with BS EN ISO 140-3: 1995 & BS EN ISO 10140-2:2010, to verify the minimum sound reductions calculated.
- Compliance with the internal and external criteria set at SPG10

9. Ground Water discharge - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections

are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

10. A ground water risk management permit from Thames Water will be required for discharging ground water into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

11. Legal changes under the water Industry (Scheme for the adoption of private sewers) regulations 2011 mean that the sections of pipes you share with neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend that you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit the Thames Water website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

12. The Mayor's Community Infrastructure Levy (CIL) was adopted on 01/04/2012. This has introduced a charging system within Ealing of £60 per sqm of gross internal area to be paid to the GLA.

13. The developer is advised that should any external plant be installed the rating noise level emitted from the proposed external plant and machinery at the proposed development, as assessed under BS4142: 1997, shall be lower than the existing background noise level by at least 5 dBA as measured at 3.5 m from the nearest ground floor sensitive facade and 1m from upper floor noise sensitive facades, during the relevant periods of operation.

#### Network Rail

14. The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

#### Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

#### Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the

event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

#### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

#### Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

#### Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

#### Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved

vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

#### Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

#### Existing Rights

The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

If you would like to discuss any of the above, please contact your local Network Rail's Asset Protection team:

Anglia: [AssetProtectionAnglia@Networkrail.co.uk](mailto:AssetProtectionAnglia@Networkrail.co.uk)

Kent and Sussex: [AssetProtectionLondonSouthEast@NetworkRail.co.uk](mailto:AssetProtectionLondonSouthEast@NetworkRail.co.uk)

Wessex: [AssetProtectionWessex@NetworkRail.co.uk](mailto:AssetProtectionWessex@NetworkRail.co.uk)

To identify your route, please use the link: <https://www.networkrail.co.uk/running-the-railway/our-routes>

#### Secured by Design

15. The applicant's attention is drawn to the letter of 9<sup>th</sup> September 2021 from the Metropolitan Police Design Out Crime Office (Met Reference NW6199) requesting that the development must achieve Secured by Design accreditation.

#### Non-Road Mobile Machinery

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/user-nrmm/register>

#### Energy and CO<sub>2</sub> informative

16. In April 2019 Ealing Council passed a motion declaring a Climate Emergency with a commitment to draw up and implement policies that will achieve a target of net zero emissions by 2030.

The provision of sustainable development is a key principle of the National Planning Policy Framework which requires the planning process to support the transition to a low carbon future. Policies 5.2 and 5.3 of the London Plan require submission of energy and sustainability strategies showing how the heating and cooling requirements of the development have been selected in accordance with the Mayor's energy hierarchy.

In particular, policy 5.2 that requires new major development to meet zero-carbon standards with at least a 35% CO<sub>2</sub> reduction beyond Building Regulations Part L 2013 (or any later version) being achieved onsite. Any shortfall will be met through a S106 carbon offset contribution.

Policy 5.2 is to be replaced by Policy SI2 in the Publication London Plan, which adds a fourth layer to the energy hierarchy which requires development to monitor, verify and report on energy



performance in operation. This policy is reflected in Ealing Council's 2013 DPD policy E5.2.3 which requires the post-construction monitoring of renewable/low-carbon energy equipment. Publication London Plan policy SI3 (Energy Infrastructure) recognises that combined heat and power (CHP) may have negative effects on London's air quality. The policy also recognises that because the carbon intensity of grid electricity is steadily dropping due to the increasing use of marine wind turbines, electric air-source-heat-pumps are a better carbon reduction option than gas fired CHP.

In addition, London Plan policy 5.7 (5.42) states that there is a presumption that all major development proposals will seek to reduce carbon dioxide emissions by at least 20% through the use of on-site renewable energy generation wherever feasible. Section 11.2 of the GLA (2018) Energy Assessment Guidance expects all major development proposals to maximise on-site renewable energy generation regardless of whether a 35% target has already been met.

### EA Drainage

1. 17. Please note, for any temporary/permanent works, the Technical Approval process applies to the design of all structures located over, under or adjacent to the public highway. The term "design" shall include the assessment, strengthening, alteration or repair of existing structures. The developer shall apply for approval before commencement of project by making an initial application in advance of starting on site – submit Approval in Principle form for review and approval. This is followed by submission of Design and Check Certificates for acceptance at detailed design stage.
2. All risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. Reports and Risk Assessments should be prepared in line with The Environment Agency's approach to groundwater protection February 2018 Version 1.2 (previously GP3) and the Land Contamination: Risk Management guidance provided on .GOV that has been developed based on the principals defined in the CLR11 (Model Procedures for the Management of Land Contamination).
3. Site Specific Ground Investigations must be clearly presented with accompanying engineering drawings and borehole scan results.

Borehole Investigation - A site specific intrusive investigation entailing a ground investigation undertaken by a chartered engineer/geologist to establish the ground conditions, groundwater levels, surface and groundwater flow, infiltration/soakage tests to BRE365. Variations in ground conditions can occur within relative close proximity therefore the borehole investigation should be undertaken at various locations spread across the site (larger site).

### Thames Water

18. The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition be added to any planning permission. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The magnitude of this development is such that significant water network and treatment infrastructure upgrades will be required to accommodate the development. Thames Water request that the following condition be added to any planning permission. Development here by approved shall not commence - until an integrated water management strategy detailing, what infrastructure is required, where it is required, when it is required (phasing) and how it will be delivered, has been submitted to and approved by, the local planning authority in consultation with the water undertaker. The development shall be occupied in line with the recommendations of the strategy. Reason - The development may lead to no water and or significant environment impacts an Integrated water management strategy is required to ensure that sufficient capacity is made available to cater for the new development; and in order to avoid adverse environmental impact upon the community. Note: In relation to this water condition, Thames Water would be open to a definition of 'the commencement of development' not including certain items such as site clearance, site set up/compound. Alternatively it may be appropriate to link the implementation to a clearly defined phase of the development. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application.





