

REF: 202231FUL

**CONSTRUCTION OF A 20 STOREY BUILDING AT
51-56 MANOR ROAD AND 53-55 DRAYTON GREEN ROAD
WEST EALING, LONDON, W13 0LJ**

**SUBMISSION ON BEHALF OF
STOP THE TOWERS COMMUNITY GROUP**

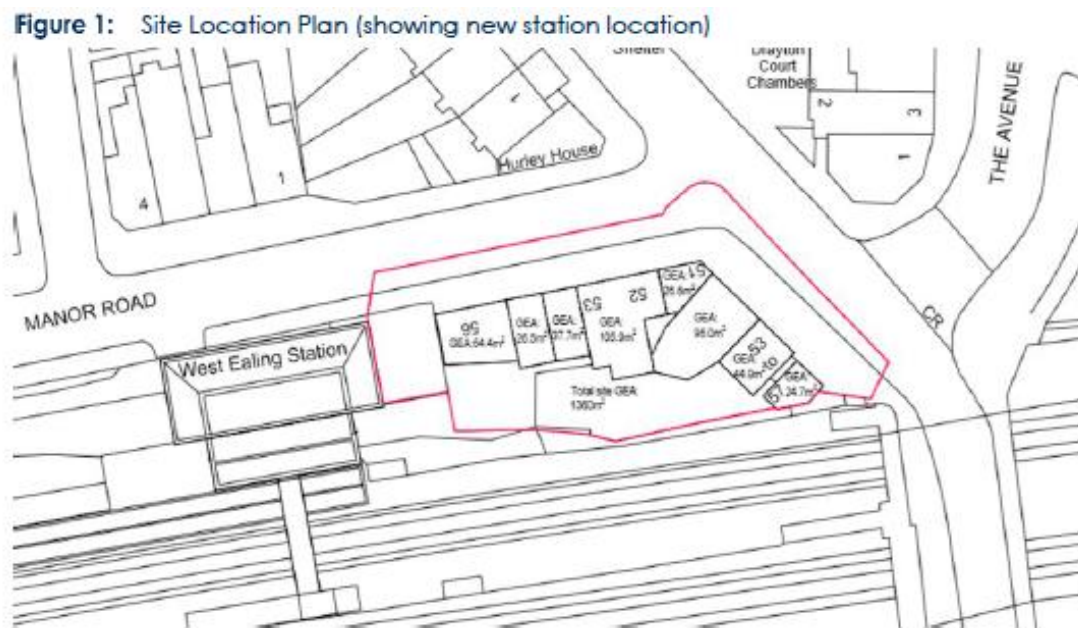


Introduction

1. Stop the Towers Community Group (“**STT**”) objects to planning application 202231FUL (the “**Application**”) for the construction of a tall building (67.97 m) with basement level, part double-height ground floor with part mezzanine floor and 18 and 12 floors above with roof plant and communal roof garden to accommodate 144 for residential units and 2 flexible-use ground floor units together with ancillary development (the “**Development**”) at 51-56 Manor Road And 53-55 Drayton Green Road West Ealing London W13 0LJ (the “**Site**”).
2. Stop The Towers (“**STT**”) is a non-party political community association representing local people, resident associations and businesses in the area surrounding West Ealing station who desire to encourage sustainable and proportionate development in the Area but are opposed to inappropriate development nearby. Membership of STT is open to all residents living in the area surrounding West Ealing Station and to those living outside the Area (as long as those outside do not exceed 50% of the total membership). The current membership is 1,940. The officers of STT are: **Co-chairs:** Denise Colliver and Justine Sullivan; **Treasurer:** Dr Gerald Power; **Secretary:** Sophie Meyrick.
3. These submissions have been drafted with the help and input of leading and junior counsel at a leading planning set.

The Site

4. The Site is 1,360m² (including pavements and roadway) at the corner of Manor Road and Drayton Green Road, West Ealing. It has two frontages to the public highway (North to Manor Road, East to Drayton Green Road), its southern frontage faces one of the West Ealing station platforms and its Western frontage will face what will be the side of the new Elizabeth Line West Ealing Station currently due to open in 2021. A plan taken from the Planning Statement (Fig 1) is:-



5. The Site is reported to have a PTAL level of 4 (good) rising to 5 when the Elizabeth Line opens (currently due in 2021). It is located 350m north of Broadway, which links Ealing Town Centre (and Ealing Broadway Station) in the east to Hanwell “and beyond” in the west. 2km north of the Site is the A40 (accessed via Argyle Road), 3.5km south is the M4 (accessed via Northfield Avenue and Windmill Road).
6. The locally designated heritage asset of West Ealing Delivery Office, Manor Road is at the corner of Drayton Road and Manor Road, in close proximity to the Site. Situated on the nearby wide tree-line road The Avenue are the further locally designated heritage assets of Drayton Court Hotel and 4-24 The

Avenue. The St Stephen's Conservation Area is approximately 200m from the Site.

7. Within the wider area, as documented in the Townscape, Visual & Heritage Impact Assessment ("TVHIA")¹ at paras. 3.11ff, are the Grade I listed Pitzhanger Manor and Grade II listed Walpole Park, Grade II listed Church of St John in Mattock Lane (all three lie within the Ealing Green Conservation Area), the Royal Borough of Kensington & Chelsea Cemetery, Hanwell (Grade II), City of Westminster Cemetery, Hanwell (Grade II) (both within the Hanwell Cemeteries Conservation Area) and the Churchfields Conservation Area.

Policies

8. The development plan for the purposes of the Application comprises:-
 - (1) The London Plan (2016)
 - (2) The Ealing Core Strategy DPD (2012) ("ECSDPD")
 - (3) The Development Sites DPD (2013) ("DSDPD")
 - (4) The Development Management DPD (2013) ("DPDPD")
 - (5) The West Ealing Centre Neighbourhood Plan (2018) ("WECNP")
9. Relevant policy extracts from the development plan are outlined below.
10. The NPPF 2019, PPG, *Accessible London: Achieving an inclusive environment Supplementary Planning Guidance* (Oct 2014), and *Housing Supplementary Planning Guidance* (2017) are material considerations.
11. The draft Intend to Publish London Plan (Dec 2019) ("IPLP") is also a material consideration. The weight to be given to it depends on its stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the NPPF (NPPF 2019 para. 48). In this case, significant changes have been directed by the Secretary of State (see Robert Jenrick MP's

¹ KM_HERITAGE_-_TVHIA-3359734

letter to Sadiq Khan of 13.3.20). Amendments to the IPLP are ongoing, but it is noted that the Mayor's officials are seeking amendments and alternatives to the modifications proposed by the Secretary of State (Sadiq Khan's letter to Robert Jenrick MP of 24.4.20). Accordingly, while the IPLP remains a material consideration it does not provide a reason to depart from the Development Plan.

Submissions

12. The principal of development in this location is not disputed. Nor is the fact that the Site and locality could benefit from appropriate redevelopment. However, the current application comprises overdevelopment of the Site, for the reasons outlined below. The Development is not in accordance with the development plan, and no other material considerations justify the grant of planning permission.

Affordability of the proposed flats

13. Much is made of the claim that the Development will provide 100% affordable housing. STT makes two points to this claim.
14. First, to the extent that it is considered all flats are to be affordable, STT do not dispute that it is a planning benefit to create affordable housing, or that there is a policy imperative to do so. However, the fact that a development may provide affordable housing in compliance with some policies does not mean that other policies in the local plan or indeed other material considerations can be relegated to insignificance. The development plan must be read as a whole, and there is nothing in any of development plan documents that would justify ignoring or marginalising (for example) the detrimental impact of tall buildings. The benefits given to developments providing more than 75% of affordable housing are specified – the Fast Track planning route (see e.g. Policy H5DE of the IPLP). Accordingly, affordable housing is only one factor that has

to be weighed in the mix of planning considerations, and in this case is outweighed by other conflicts with development plan policy.

15. Second, the weight to be given to the provision of affordable housing should be reduced in this case because it is *not* policy compliant. The Development proposes 144 residential units split 65% London Shared Ownership (“LSO”) and 35% London Living Rent (“LLR”). However, Policy 3.10 of the London Plan splits affordable housing into (1) socially rented housing, (2) affordable rented housing, and (3) intermediate housing. And Policy H6A of the IPLP sets a particular split of affordable products to be applied to residential development as follows (emphasis added):-

- 1) *a minimum of 30 per cent low cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes*
- 2) *a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership*
- 3) *the remaining 40 per cent to be determined by the borough as low cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.*

16. LSO is a type of *intermediate* housing (see para. 3.61 to the London Plan (2016)) whilst LLR is also a type of *intermediate* housing.² Consequently, contrary to policies 3.10 of the London Plan and H6A of the IPLP, the Development proposes 100% *intermediate* housing and does *not* provide the minimum 30% *low cost rented* homes (such as London Affordable Rent or Social Rent) accessible to Londoners on low incomes.

17. This is reinforced by Ealing’s latest Strategic Market Housing Need Assessment (2018) which in Figure 36 outlines housing need as follows:

² See *Homes for Londoners Supplementary Planning Guidance* (Aug 2017) para. 2.43ff

Figure 36: Affordability of London Living Rent and Affordable Rent (Source: ORS Housing Model. Note: figures may not sum due to rounding and figures marked “-” are less than 10 dwellings)

Dwellings	Low Cost Rent	Intermediate		TOTAL
	Can't afford London Living rent	Able to afford London Living Rent but unable to afford affordable rent	Able to afford "Affordable rents"	
Ealing				
1 bedroom	4,390	120	200	4,700
2 bedrooms	5,810	420	430	6,700
3 bedrooms	3,670	390	260	4,300
4 bedrooms	1,550	210	100	1,900
5+ bedrooms	430	-	-	500
Total	15,900	1,200	1,000	18,100

18. It is only those able to afford “Affordable rents” that are eligible for products such as shared ownership. See e.g. the following sections of explanatory text:-

4.102 In Figure 36 we have made the following assumptions:

- » Households can spend up to 33% of their gross incomes on rents;
- » Affordable Rents are set at 80% of median market rents;
- » London Living Rents are set at the average figure for Ealing derived from each of the ward levels set out by the GLA; and
- » Households who can afford London Living Rents, but not 100% market rents effectively comprise the intermediate housing need, e.g. Low Cost Home Ownership.

4.104 A second category of need that can be identified is a group of nearly 15% of households who require affordable housing and have sufficient income to afford to meet the costs of Affordable Rents. This group therefore can be considered as intermediate housing need and some of these households could meet their needs via Low Cost Home Ownership products such as shared ownership.

19. The Development therefore does not contribute at all to those areas where the housing need is greatest i.e. the 15,900 households who cannot afford London Living Rent, nor to the need for social rented housing. Therefore, the weight to be given to any purported affordable housing benefits relied on by the applicant in the planning balance should be substantially reduced. It is also in conflict with Policy H6A of the IPLP.

Tall Buildings

20. The Development includes a tall building and granting permission for the Development would be in conflict with the various tall buildings policies in the development plan and the IPLP.
21. The Planning Statement refers to the New London Architecture definition of “Tall Building” as being more than 20 stories in height (Planning Statement para. 3.25). However, that is not a definition reflected in policy. Instead, the relevant policies define tall buildings as those which are “substantially taller than their neighbours and/or which significantly change the skyline” (see Policy 7.7 of the DMDPD, and para. 7.25 of the supporting text to policy 7.7 of the London Plan). Policy 1.2(h) of the ECSDPD states that the policy for tall buildings will be developed in the DMDPD, and so can be assumed to also have adopted that definition. Policy D9 of the IPLP adopts that same definition, with an added caveat that tall buildings are those 30m tall where a borough has not adopted a definition (see para. 3.9.3 of the Explanatory Text).
22. The Development, at 19 floors including a part “double height” ground floor, is substantially taller than its neighbours.³ Luminosity Court is 8/9 storeys tall. Sinclair House (opposite) only has 7 storeys rising above the level of the street that it shares with the Site. Dominion House may be taller but is largely hidden from view by Sinclair House save when crossing the railway bridge approaching the Site. Otherwise, the neighbouring buildings are 2-3 storeys tall. Reference has been made to this development being smaller than the Apex Building (Planning Statement para. 5.9), however, that is located on Broadway alongside other substantial buildings. Furthermore, the Development would materially change the skyline and can be viewed from many angles and approaches to the Site – rising six times as high as the majority of its neighbours and twice as high Luminosity Court. It is also greater than 30m tall.

³ There is an argument that, given the double height ground floor and the lack of precision in measuring height in storeys rather than metres, it could be considered a 20 storey building, and so a “tall building” even within the New London Architecture definition.

The Development unquestionably is a tall building in policy terms and must be assessed as such.

23. The approach to tall buildings is set out in the following policies. Policy 7.7 of the London Plan states:-

Strategic

- A *Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings.*

Planning decisions

- B *Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall or large buildings in the borough's LDF.*

- C *Tall and large buildings should:*

- a *generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
- b *only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
- c *relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
- d *individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
- e *incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
- f *have ground floor activities that provide a positive relationship to the surrounding streets*
- g *contribute to improving the permeability of the site and wider area, where possible*
- h *incorporate publicly accessible areas on the upper floors, where appropriate*
- i *make a significant contribution to local regeneration.*

- D *Tall buildings:*

- a *should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference*
- b *should not impact on local or strategic views adversely*

- E *The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled*

monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

24. Policy 1.2(h) of the ECSDPD provides (emphasis added):-

To 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. The quality of the design solution proposed, especially in relation to its context, and the accessibility of its location are the overriding considerations in the assessment of any proposed development. Tall buildings may be suitable in specified sites within Acton, Ealing and Southall town centres, gateways to Park Royal and identified development sites only. Specific locations identified as suitable for tall buildings will be designated through the Development Sites DPD and also through SPDs/AAPs. In these documents additional work to refine suitable sites and formations with particular regard to heritage assets and their settings will be undertaken. Policies for the management of tall buildings will be developed in the Development Management DPD.

25. Policy 7.7 of the DMDPD is to the same effect (emphasis added):-

*EALING LOCAL VARIATION -
LOCATION AND DESIGN OF TALL AND LARGE BUILDINGS*

Planning Decisions

G *In addition to the above principles, tall buildings should;*

- a) accord with the spatial objectives of the Development Strategy in being located on specified sites within Acton, Ealing and Southall town centres, gateways to Park Royal and identified development sites*
- b) offer an outstanding quality of design*
- c) make a positive and appropriate contribution to the local context and the broader area on which they impact (emphasis added)*

26. The explanatory text continues (emphasis added):-

E7.7.2 Tall buildings have a greater impact on their surroundings and on the borough as a whole than other forms of development, including heritage context and local heritage assets and as such they must be held to higher standards than other development which will be less visually prominent. If the proposal complies with the spatial guidance of the Development Strategy, then the primary consideration for any scheme is therefore that it makes a positive contribution to the urban environment.

E7.7.2 The specific locations identified as suitable for tall buildings will be designated through the Development Sites DPD and also through Supplementary Planning Documents/Area Action Plans.

E7.7.3 After its location, the quality and suitability of design are the overriding considerations in assessing the appropriateness of a tall building. This includes the suitability of the proposed design to its surroundings.

27. The Site is *not* identified as being suitable for tall buildings in the DSDPD. Although identified for development in policy EAL12, the allocation does not identify the Site as suitable for a tall building (*cf* Policy EAL2 at p. 28 and EAL3 at p. 30). Policy WEC3 of the WENP also identifies the Site for development but again does not identify it as a site for tall buildings. This is a deliberate choice. The explanatory text for Policy WE2, for 2-4 Manor Road (immediately opposite the new Crossrail station and in close proximity to the Site) states:-

5.14. Although opposite the new Crossrail station, the site is not suited to any increase in building heights normally resulting from such a location. Instead, parts of the Broadway are better suited to taller buildings.

28. Reference should also be made to Policy D9 of the IPLP. Notwithstanding the design-led approach to development outlined in Policy D2, Policy D9 provides (emphasis added):-

Locations

B 1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.

2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.

3) Tall buildings should only be developed in locations that are identified in Development Plans.

Impacts

C Development proposals should address the following impacts:

1) visual impacts

a) the views of buildings from different distances:

i long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views

ii mid-range views from the surrounding neighbourhood – _particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality

iii immediate views from the surrounding streets – _attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.

b) whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding [...]

d) proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area [...]

4) cumulative impacts

a) the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting

29. Consequently, the most relevant development plan policies i.e. those allocating the Site for redevelopment do not support its development for a tall building.
30. The same focus on only developing tall buildings on land in identified locations is present in IPLP Policy D9. This is not a policy which the Secretary of State has proposed modifications to.
31. STT submits that both the local plan and material considerations such as IPLP Policy D9 requires tall buildings to both (a) be in a specific identified location; and (b) not harm the character and amenity of the area. As the Development is not on a site allocated for tall buildings, it is not in accordance with Policies

1.2(h) and 7.7 of the ECSDPD and DMDPD and is not in accordance with the development plan. Nor would it be in accordance with Policy D9 of the IPLP.

Character of the neighbourhood

32. STT further submits that the Development does not complement the character of the neighbourhood, and will have a negative effect on the amenity of neighbours. It therefore further conflicts with the development plan.
33. The local plan emphasises that any development should respect the character of the neighbourhood. Policy EAL12 in the DSDPD, which allocates the Site for redevelopment, states (emphasis added):-

Justification: *The location of this underused but strategic site in a town centre on premises adjacent to a Crossrail station and nearby designated shopping parades justify a high standard mixed use redevelopment featuring retail uses, which will complement and enhance the Crossrail station planned for opening in 2019, and respect the character of the adjacent residential area.*

Site Context: *The site is adjacent to the site of the West Ealing Crossrail station along the railway and sits on a prominent corner location at the intersection of Manor Road, Drayton Green Road and Argyle Road. It is within the boundaries of Ealing Metropolitan Town Centre and adjacent to a residential area of predominately Victorian terraces. Building heights in the surrounding residential area generally range from one to four storeys. High quality buildings are located nearby including the locally listed sorting office on Manor Road, the parade at 4-24 the Avenue and the Drayton Court Hotel....*

Design Principles: *The height and massing of development on this site should both respond to the adjacent Crossrail station and to the bulk of the buildings featured at this intersection. Its bulk, scale and design should be sympathetic to the adjacent residential area, seek to enhance the setting of the locally listed sorting office and seek to complement rather than compete with the appearance of the new Crossrail station.*

...

A mix of small and medium size retail units and active uses should be provided on the ground floor to provide a lively and agreeable frontage to this increasingly busy thoroughfare and provide continuity with existing retail frontages along a north south axis, from The Broadway to West Ealing station. Careful consideration will need to be given to the location of loading bays and as to how they are accessed to avoid and minimise potential conflict with pedestrian movement along the Manor Road and Drayton Green Road

34. Policy 7.4 of the DMDPD provides:-

EALING LOCAL VARIATION -
LOCAL CHARACTER

Planning Decisions

- D *Development in Ealing's existing built areas should complement their;*
- a) *street sequence*
 - b) *building pattern*
 - c) *scale*
 - d) *materials*
 - e) *detailing*

35. The further explanatory text states:-

E7.4.2 *Street sequence is the spacing and massing of buildings in relation to the street. The sequence of existing street frontages is often regular or deliberately formed and this may be essential to the character of an area. For example, terracing effects of currently detached buildings are damaging to local character. Development proposals should demonstrate how they understand and address the surrounding street sequence.*

E7.4.3 *Building pattern is the layout of development including green spaces and plantings, and the degree of site coverage by built structures. Some areas will be characterised by larger gardens and greater separation between buildings than that which is strictly mandated by design standards. Development proposals should demonstrate how they understand and address the building pattern of their immediate surroundings and the broader local area.*

E7.4.4 *Scale is more than mass or height and relates particularly to the treatment of these attributes within the design as a whole. Different areas of Ealing are characterised by differing and distinctive treatments of building scale and development proposals should demonstrate how they respond to the scale of their surroundings.*

36. Policy 3.5 of the London Plan provides in part (emphasis added):-

QUALITY AND DESIGN OF HOUSING DEVELOPMENTS

[...]

- B *The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.*

37. Policy 7.4 of the London Plan provides:-

LOCAL CHARACTER

Strategic

A *Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.*

Planning decisions

B *Buildings, streets and open spaces should provide a high quality design response that:*

a *has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass*

b *contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area*

c *is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings*

d *allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area*

e *is informed by the surrounding historic environment.*

38. Also of relevance is Policy 7.6 of the London Plan:-

ARCHITECTURE

[...]

Planning decisions

B *Buildings and structures should:*

a [...]

b *be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*

c *comprise details and materials that complement, not necessarily replicate, the local architectural character*

d *not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings.*

39. See, too, Standards 1 and 2 in the Housing SPG.

40. The NPPF (2019) provides:-

127. *Planning policies and decisions should ensure that developments:*

[...]

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

41. Responding positively to the character of the neighbour is also an important requirement of the IPLP. Policy D3, which deals with optimising site capacity, provides (emphasis added):-

Policy D3 Optimising site capacity through the design-led approach

The design-led approach

- A *All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part B.*

B Development proposals should:

Form and layout

- 1) *enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions [...]*
- 11) *respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character*

42. Policy D6 IPLP, which deals with housing quality and standards, provides:

- B *Qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 sets out key qualitative aspects which should be addressed in the design of housing developments. [...]*

Table 3.2 Qualitative design aspects to be addressed in housing developments

Layout, orientation and form	
I	The built form, massing and height of the development should be appropriate for the surrounding context, and it should be shown that alternative arrangements to accommodate the same number of units or bedspaces with a different relationship to the surrounding context have been explored early in the design process (making use of the measures in paragraph 3.3.23), particularly where a proposal is above the applicable density indicated in Part D of Policy D4 Delivering good design

43. Recall, too, the requirement in IPLP Policy D9 to consider cumulative impacts.
44. The Development is patently not complimentary to the street sequence, building pattern, scale, materials or detailing of the surrounding area. The surrounding area is predominantly of low 2/3 storey Edwardian and Victorian red brick terraces, some three storey buildings on Argyle Road, and with footprints typical of residential homes or local shops. None are overlooked by a building quite as tall as the Development. Although reference is made to Luminosity Court, Sinclair House, Dominion House and potential developments on Gordon Road, their impact should not be overstated. The Gordon Road developments take advantage of a natural fall in ground level, Dominion House is located behind Sinclair House, and Luminosity Court is half the Development's height. Once the new West Ealing station is complete, it will comprise a low modern glass and steel construction, complementary to surrounding buildings but not dominating them (and not being dominated by them). In contrast:-
- (1) The Development's footprint will be significantly larger than surrounding buildings, extending a considerable way along Manor Road.
 - (2) The Development's height will dwarf all other development in the locality and tower over the new West Ealing station instead of complementing it.

- (3) The combination of the Development's footprint and height result in a development of a significant scale which is wholly out of keeping with its immediate neighbours.
- (4) The Development is completely different in style and architecture to other buildings in the vicinity. The supporting planning documents go into some detail about how the building is purportedly complementary⁴ but the height and scale of the Development dominates all other buildings.
45. In summary, the Development is entirely out of keeping with its surroundings. It will dominate the neighbouring buildings and not complement them. By dwarfing the surrounding area, the Development is not in keeping with this part of West Ealing. Accordingly, the Development is also in conflict with policies EAL12 of the DPSPS, policy 7.4 of the DMDPD and policies 3.5, 7.4 and 7.6 of the London Plan. It thereby conflicts with the development plan as a whole.
46. It also conflicts with the design led approach required by Policy D3 of the IPLP, and the requirements in Policy D9 that attention be paid to the cumulative impacts of tall buildings. This is predominantly a residential area, in danger of being overshadowed by the Development – particularly when read alongside other recent taller buildings.
47. Furthermore, it conflicts with para. 127c NPPF 2019.

Amenity of the development

48. STT further submits that the Development does not provide adequate amenity to the proposed residents contrary to policy. This is particularly important in the light of COVID-19 and the increased importance put on homes as places where residents can spend extended periods of time.

⁴ See e.g. the Design and Access Statement and TVHIA.

Noise, air quality, and aspect/sunlight

49. Policy EAL12 of the DSDPD provides:-

Due to the proximity of the railway line, a convincing case would need to be presented that proposals for residential accommodation would have a satisfactory level of amenity. Any residential use on the site must be designed to adequately shield residents from the noise and vibrations coming from the adjacent railway through proper insulation and ventilation.

Residential development must provide adequate levels of communal and private garden space for residents; any balconies fronting the railway must achieve acceptable quality and usability standards particularly with regards to noise and air quality, and the provision of accessible roof space or terraces incorporating biodiversity features will be expected in flatted schemes. Residential units should be dual aspect (north facing single aspect units are not acceptable).

50. Policy 7B of the DMDPD provides:-

EALING LOCAL POLICY -
DESIGN AMENITY

Planning Decisions

- A New development must achieve a high standard of amenity for users and for adjacent uses by ensuring;
- a) high quality architecture
 - b) good levels of daylight and sunlight
 - c) good levels of privacy
 - d) coherent development of the site
 - e) appropriate levels of development on site
 - f) positive visual impact
 - g) legibility and accessibility

51. The explanatory text further provides (emphasis added):-

E7.B.2 Good levels of daylight or sunlight are levels that are appropriate to the uses proposed for internal rooms and external spaces within the curtilage of the building. In the case of residential development, for example, dual aspect dwellings are strongly encouraged in all developments and single aspect dwellings are unlikely to be acceptable where they are north facing.

...

E7.B.8 Residential Uses

The London Plan 2011 encourages consideration of the home as a place of retreat, and residential uses have particular need for privacy and quiet. This obligation is reciprocal both to new development which will impact upon adjacent residential uses and to new residential developments themselves. Applications for residential use will be subject to particular scrutiny of their quality of amenity. Consideration will be given to use of

residential buildings at night as this use is unusual in being occupied chiefly at that time. Residential development and development impacting on existing residential areas should demonstrate that it maintains or improve the amenity of residents.

52. Reference should also be made to the Housing SPG (2017). This provides:-

Standard 26 - A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

Standard 27 - The minimum depth and width for all balconies and other private external spaces should be 1500mm.

53. Attention is also drawn to Policy D3 of the IPLP, which seeks to optimise site capacity through a design led approach and requires that development should :-

- 7) *deliver appropriate outlook, privacy and amenity*
- 8) *provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity help prevent or mitigate the impacts of noise and poor air quality*
- 9) *help prevent or mitigate the impacts of noise and poor air quality*
- 10) *achieve indoor and outdoor environments that are comfortable and inviting for people to use*

54. Policy D4 of the IPLP relates to delivering good design and the supporting text states (emphasis added):-

3.4.8 *For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in Policy D6 Housing quality and standards. The higher the density of a development the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design and ongoing management. This is important because these elements of the development come under more pressure as the density increases. The housing minimum space standards set out in Policy D6 Housing quality and standards help ensure that as densities increase, quality of internal residential units is maintained.*

3.4.9 *Higher density residential developments²⁸ should demonstrate their ongoing sustainability in terms of servicing, maintenance and management. Specifically, details should be provided of day-to-day servicing and deliveries, longer-term maintenance implications and the long-term affordability of running costs and service charges (by different types of occupiers).*

55. Policy D6 of the IPLP is concerned with housing quality and standards and provides:-

Policy D6 Housing quality and standards

- A *Housing development should be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. [...]*
- C *Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.*

56. The explanatory text continues:-

3.6.4 Dual aspect dwellings with opening windows on at least two sides have many inherent benefits. These include better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, a greater capacity to address overheating, pollution mitigation, a choice of views, access to a quiet side of the building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms.

3.6.5 Single aspect dwellings are more difficult to ventilate naturally and are more likely to overheat, and therefore should normally be avoided. Single aspect dwellings that are north facing, contain three or more bedrooms or are exposed to noise levels above which significant adverse effects on health and quality of life occur, should be avoided. The design of single aspect dwellings must demonstrate that all habitable rooms and the kitchen are provided with adequate passive ventilation, privacy and daylight, and that the orientation enhances amenity, including views. It must also demonstrate how they will avoid overheating without reliance on energy intensive mechanical cooling systems.

57. In this case, it is submitted the amenity of future residents is not adequate in circumstances where:-

- (1) The attached plans demonstrate a number of single aspect north facing flats.⁵
- (2) It will not be possible to open the windows of the residential units and keep within the recommended noise limits, as is made clear from the

⁵ See e.g. submitted drawing "3545-PL-109_PROPOSED_1ST_12TH_FLOOR_PLAN-3359716.pdf

supporting Noise Assessment which at para. 5.3.1 states that *“To achieve appropriate internal ambient noise levels within residential dwellings, the standard ventilation rates should be achieved with windows closed. This is typical for developments adjacent to a busy transportation network. It is recommended that standard ventilation be provided mechanically. Windows may be openable for purge ventilation purposes at the resident’s discretion. If overheating is found to be an issue then it would be recommended that this be remedied using mechanical cooling as opposed to opening windows.”*

- (3) The analysis in the Summer Overheating Assessment submitted with the Application equally makes clear that ventilation and thermal comfort in the proposed flats can only be achieved through the provision of mechanical ventilation *and* windows being opened as mechanical cooling will *not* be provided – see paras. 1.1, 2.5.4 & 2.5.6.
- (4) Even with natural ventilation (i.e. the windows opened) and mechanical ventilation, a number of flats will fail the criterion for internal temperatures in single periods of intense warm weather and during longer periods of sustained warmth – see paras. 3.1.4 and 3.1.5. The consequence is that residents will have a choice of either keeping the windows closed to prevent unacceptable noise but be uncomfortably hot or to open the windows to keep cool and be disturbed by noise. This is particularly acute at night when windows will be required to be opened to “purge” the air in flats.
- (5) The balconies and rooftop gardens are likely to be noisy. The supporting Noise Assessment⁶ notes a high level of background noise. Although it considers that the proposed wall to the 13th floor roof garden is capable of achieving a required sound reduction, that does not apply to the balconies which provide residents with their only private outdoor amenity space. General guidance outlined in section 6 of the Noise Assessment, for noise in amenity spaces, notes that it is desirable that external noise level does

⁶ See the document entitled MLM_-_NOISE_VIBRATION-3359744.pdf

not exceed 50dB_{L_{Aeq,T}}, with an upper limit of 55dB_{L_{Aeq,T}}. These limits will be exceeded for many balconies and for parts of the 13th floor roof garden. This is of particular concern in light of the GLA's pre-application comments October 2018 (re-iterated in April 2020) that single-aspect south facing units must benefit from good levels of residential amenity "including on their balconies, in accordance with the agent of change policy, set out within the draft London Plan."

- (6) The applicant says that "... the proposals provide extensive amenity space.." ("also defined as play/amenity space") (Planning Statement para. 5.21) but characterises some balconies as less usable "winter gardens" which are the predominant balcony provision throughout the development - clearly the provision does not provide quality "amenity space".
- (7) The NLA survey quoted extensively by the applicant "found that tall buildings are better suited to those not in a family" (Planning Statement para 7.17), yet this cramped provision is still clearly intended for family occupation.

58. Accordingly, there is a clear conflict with the development plan policies and IPLP policies intended to protect residential amenity.

Space Standards

59. It is also submitted that the Development is deficient both in terms of space and amenity space.

60. Policy 3.5 of the DMDPD states:-

*EALING LOCAL VARIATION -
QUALITY AND DESIGN OF HOUSING DEVELOPMENTS*

Planning Decisions

F The space standards in table 3.3 will apply as minimum requirements for residential development in Ealing and should be implemented according to the detailed provisions of the London Housing Design Guide and the London Housing SPG.

G For the purposes of the above space standards, usable floor area is defined as spaces where there is a minimum of 2.5m between finished floor level and finished ceiling level.

61. Although there is no Table 3.3 in the DMDPD, it is understood that this relates to Table 3.3 of the London Plan, which provides:-

Table 3.3 Minimum space standards for new dwellings⁵⁷

Number of bedrooms	Number of bed spaces	Minimum GIA (m ²)			Built-in storage (m ²)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0

Notes to Table 3.3

* Where a one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres (m²).

The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

62. With regard to amenity space, London Plan Policy 3.6 provides:-

Planning decisions

B Development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation sets out guidance to assist in this process.

63. Policy 7D of the DMDPD provides:-

Planning Decisions

A All developments that increase demand for open space will be expected to make an appropriate contribution towards meeting this additional demand, having regard to the standards detailed in table 7D.2.

64. The explanatory text provides:-

E7.D.2 'Contribution' can include actual space provision or a monetary contribution. Financial contributions will be sought in accordance with the tests identified in the NPPF.

E7.D.3 The open space needs generated will depend on the type of development being considered. Table 7D.1 details those uses which generate demand for different categories of open space, sports and recreation space, and for which space provision/financial contributions will be required.

65. Tables 7D.1 and 7D.2 read:-

Table 7D.1 Qualifying development

	Private & Communal Garden Space	Amenity Space****	Public Open Space	Children's Play Space*****	Allotments	Active Recreation (Outdoor)
Housing/Flats 1-9 Units	Y	NA	Y*	Y	Y***	NA
Housing/Flats 10-149 Units	Y	NA	Y*	Y	Y***	NA
Housing/Flats 150+ Units	Y	NA	Y**	Y	Y**	Y
Student Accommodation (Major)	NA	Y	Y	NA	NA	Y
Active Elderly	Y	NA	NA	NA	Y	NA
Less Active Elderly	Y	NA	NA	NA	NA	NA
Commercial (Major)	NA	Y	NA	NA	NA	Y

Key:

* Financial contribution may be sought

** Space or financial contribution sought

*** Financial contribution only

**** This provision requirement is primarily intended to satisfy the needs of none C3 and commercial uses, including although not limited to B1a and A1 uses. Where appropriate this will be substituted with a financial contribution for Public Open Space improvement.

***** A contribution for child play space will be required where the child occupancy rate is calculated as having 10 or more children.

Table 7D.2 Space provision requirements

Provision Type	Area Requirement
Private Garden Space (House)	5 sq. m. per 1-2 person unit, plus 1 sq. m. for each additional occupant*
Private Garden Space (Flat)	5 sq. m. per 1-2 person unit, plus 1 sq. m. for each additional occupant**
Amenity Space	50 sq. m per 1,000 sq. m of floorspace
Public Open Space	19.5 sq. m. per person***
Children's Play Space	10 sq. m. per child****
Allotments	1.7 sq. m per person
Active Recreation (Outdoor)	7.3 sq. m. per person*****

66. The key attached to Table 7D.2 indicates that the figures marked “*****” are derived from the London Plan and the Children and Young People’s Play and Informal Recreation SPG.
67. See, too, Standard 6 in the Housing SPG.
68. Policy D6 and Table 3.1 in the IPLP apply the same GIA standards as Table 3.3. Policy S4 of the IPLP requires 10 sqm of plays pace per child.
69. With regard to the internal area:-
- (1) The minimum single bedroom width in Flat 1.8 is less than the required minimum of 2.15m (2.15m in Policy D6F3 IPLP) (see drawing no 3545-PL-109).
 - (2) Schedule 3545-PL-118 refers to Flat type 1.2 as a one bedroom one person flat, with 39.1m of floor space. However, the bed appears to have space for two people. It is a one bedroom 2 person flat, and therefore requires 50m floorspace.
70. With regard to amenity space, London Plan Policy 3.6 and IPLP Policy S4 require development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. The Play and Recreation SPG expects all new residential developments to incorporate a minimum of 10 sq.m. of good quality, accessible play provision

per child (of all ages). STT also notes the requirements in Table 7D.2. It is notable that the Planning Statement (para 5.32ff) and the GLA (April 2020 pre-application report at para. 26) have arrived at different calculations for how much space is required. If the GLA calculations are correct, the amount of amenity and play space provided is inadequate. It is unclear if a financial contribution toward amenity space is proposed for (the draft Heads of Terms in a potential s. 106 obligation include a “Community” contribution, but it is unclear what this covers). If a suitable contribution cannot be provided, the Development conflicts with Policy 7D of the DMDPD and 3.6 of the London Plan.

71. In any case, the play and amenity space provided by the balconies and Winter Gardens is qualitatively poor, and in some cases is not of the required consistent 1.5m depth (see, e.g. Flats 1.2, 1.3, 1.7 and 1.8 on drawing 3545-PL-109).

Accessibility - Parking

72. Policy 6.13 of the London Plan provides:-

Planning decisions

D In addition, developments in all parts of London must:

[...]

b provide parking for disabled people in line with Table 6.2.

73. With regard to disabled parking, Table 6.2 provides:-

Adequate parking spaces for disabled people must be provided preferably on-site²⁰⁶

²⁰⁶ *Mayor of London. Housing Supplementary Planning Guidance. GLA, 2012. Mayor of London. Accessible London. Supplementary Planning Guidance. GLA, 2014.*

74. Policy 7.2 of the London Plan provides:-

Strategic

A The Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design which seek to ensure that developments:

- a can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- b are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment...

Planning decisions

- C Design and access statements submitted with development proposals should explain how, following engagement with relevant user groups, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards such as British Standard BS 8300:2009 + A1:2010 have been complied with, and how inclusion will be maintained and managed.

75. The *Shaping Neighbourhoods* SPG discusses Accessible Residential Housing at para 4.4, quoting (what was then) London Plan Policy 3.8:-

LDF preparation and planning decisions

B Taking account of housing requirements identified at regional, sub-regional and local levels, boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that:...

d ten per cent of new housing is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

76. SPG Implementation Point 25 expands on this:-

SPG Implementation Point 25: Wheelchair accessible housing

To address the current shortage of homes suitable for wheelchair users in London boroughs and developers should seek to ensure that at least 10 per cent of the units are designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Such units should be evenly distributed throughout the development to ensure equality of choice for disabled residents.

77. The relationship between wheelchair accessible housing and parking is explored in para 4.4.19:-

The Wheelchair Housing Design Guide (WHDG)50 and the Housing SPG require that one parking bay is provided for every designated wheelchair accessible home. The Lifetime Homes Standards require one designated parking bay to be provided beside each residential block entrance or lift core in addition to those provided for the wheelchair accessible homes. Where car parking is provided within the dwelling plot, at least one car parking space should be capable of enlargement to a width of 3300mm. Consideration should also be given to providing bays for disabled visitors. Further detail is provided within section 4.3 of this SPG and SPG implementation Point 20 Parking enforcement.

78. And at para 4.3.18:-

The London Plan requires 10% of all new homes to be wheelchair accessible or easily adaptable for occupation by a wheelchair user³⁵ (see section 4.4 of this SPG). This policy references the 'Wheelchair Housing Design Guide'³⁶ (WHDG) which requires one parking bay for every wheelchair accessible or easily adaptable home (so 10% of the total number of residential units). Any residential development, even when car free, should comply with London Plan Policy 3.8 and provide adequate parking for the wheelchair accessible or easily adaptable units, preferably on-site.

79. Policy 6.13 of the DMDPD provides for local variation to the London Plan parking standards for disabled parking. This does not materially change matters in this case.

80. Standard 18 of the Housing SPG requires each designated wheelchair accessible dwelling to have a car parking space.

81. Policy T6.1G of the IPLP provides:-

Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

- 1) ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset*
- 2) demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. This should be secured at the planning stage.*

82. The Planning Statement states that the Development will include 15 wheelchair accessible units (para 7.16), but intends only to provide three parking spaces, of which only one will be a blue badge space (para. 7.61). It is therefore contrary to the *Shaping Neighbourhoods* SPG, the Housing SPG, Policies 6.13 & 7.2 of the London Plan and Policy T6.1G of the IPLP.

Density

83. Policy 7B of the DMDPD provides:-

POLICY 7B
EALING LOCAL POLICY -
DESIGN AMENITY

Planning Decisions

- A** *New development must achieve a high standard of amenity for users and for adjacent uses by ensuring;...*
- a) *high quality architecture*
 - b) *good levels of daylight and sunlight*
 - c) *good levels of privacy*
 - d) *coherent development of the site*
 - e) *appropriate levels of development on site*
 - f) *positive visual impact*
 - g) *legibility and accessibility*

84. The Explanatory text further notes:-

E7.B.5 Appropriate levels of development are levels of build that are appropriate to local context including relevant policy designations in massing and the extent of site coverage. A guide to density levels is found in London Plan 2011 Policy 3.4, this gives ranges based on PTAL and broad character assessments. Schemes which fall within density ranges defined in Policy 3.4 must still respond successfully to their specific site and local context in order to constitute appropriate development.

E7.B.6 Positive visual impact is an impact on neighbouring development that is attractive, and that complements its character and value. Some areas may exhibit currently poor environmental quality or weak character and require positive intervention and change in order to achieve good development. Conversely, other areas will already exhibit a strong or high-value visual character, and this should be respected and strengthened. Development proposals should identify the positive aspects of the site and its surroundings from the outset, using existing evidence such as character appraisals and conservation documents where these exist. Design statements should demonstrate an understanding of these aspects and show clearly how the development responds to them. All development must have regard for visual impact.

85. Policy 3.4 of the London Plan provides:-

OPTIMISING HOUSING POTENTIAL

Strategic, LDF preparation and planning decisions

- A** *Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimize housing output for different types of location within the relevant density*

range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

86. Table 3.2 reads:-

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150–200 hr/ha	150–250 hr/ha	200–350 hr/ha
3.8–4.6 hr/unit	35–55 u/ha	35–65 u/ha	45–90 u/ha
3.1–3.7 hr/unit	40–65 u/ha	40–80 u/ha	55–115 u/ha
2.7–3.0 hr/unit	50–75 u/ha	50–95 u/ha	70–130 u/ha
Urban	150–250 hr/ha	200–450 hr/ha	200–700 hr/ha
3.8–4.6 hr/unit	35–65 u/ha	45–120 u/ha	45–185 u/ha
3.1–3.7 hr/unit	40–80 u/ha	55–145 u/ha	55–225 u/ha
2.7–3.0 hr/unit	50–95 u/ha	70–170 u/ha	70–260 u/ha
Central	150–300 hr/ha	300–650 hr/ha	650–1100 hr/ha
3.8–4.6 hr/unit	35–80 u/ha	65–170 u/ha	140–290 u/ha
3.1–3.7 hr/unit	40–100 u/ha	80–210 u/ha	175–355 u/ha
2.7–3.0 hr/unit	50–110 u/hr	100–240 u/ha	215–405 u/ha

Notes to Table 3.2

Appropriate density ranges are related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). The setting can be defined as:

Central – areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre.

Urban – areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes

Suburban – areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.

87. The supporting text continues:-

3.28 A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure (Policy 3.16), open space (Policy 7.17) and play (Policy 3.6).

3.29 *The form of housing output should be determined primarily by an assessment of housing requirements and not by assumptions as to the built form of the development. While there is usually scope to provide a mix of dwelling types in different locations, higher density provision for smaller households should be focused on areas with good public transport accessibility (measured by Public Transport Accessibility Levels [PTALs]), and lower density development is generally most appropriate for family housing.*

88. “Family Housing” in this policy is defined as having three or more bedrooms (see para. 3.31 of the London Plan).

89. The importance of appropriate development density is also present in the IPLP. Policy D2 outlines infrastructure requirements for sustainable densities. Policy D3 (which deals with optimising development) has been quoted above. Policy D4 outlines how good design is to be delivered. This is made clear by the supporting text:

3.3.1 *For London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. The design of the development must optimise site capacity. Optimising site capacity means ensuring that the development takes the most appropriate form for the site and that it is consistent with relevant planning objectives and policies. The optimum capacity for a site does not mean the maximum capacity; it may be that a lower density development – such as Gypsy and Traveller pitches – is the optimum development for the site.*

3.3.2 *A design-led approach to optimising site capacity should be based on an evaluation of the site’s attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site.*

90. When the policies are read together the following material points emerge:-

(1) There is a requirement in Policy D3 to “optimise site capacity through the design-led approach”. This requires determining the “most appropriate” form of development. What is “most appropriate” must respond both to a site’s context, and infrastructure capacity (as set out in D2), and best deliver part B requirements. These part B requirements include, for example, enhancing the local context, responding to the existing character of the neighbourhood, and being of high quality;

- (2) It follows that the fact that a site has good infrastructure does not automatically mean it is suitable for a high density development. The other considerations must still be weighed in the balance;
 - (3) It is assumed this design led approach will feature, where a tall building is in issue, thorough scrutiny and an early stage design review;
 - (4) In any case, the imperative to optimise development must be subject to the restrictions set out in the tall buildings policy D9. Policies D2-4 apply to all development. If it were the case that a tall building in conflict with Policy D9 could be permitted based on the considerations in Policies D2-4, there would be no need for Policy D9.
91. In this case, the applicant has failed to provide any calculations as to the density of the Development in terms of habitable rooms per hectare based on the net residential area – see para. 3.31 of the London Plan taking into account the policy imperative of ensuring that the pavement and roadway remain at their current width. The Proposed Schedule of Accommodation (3545-PL-118) calculates 2,780 habitable rooms per hectare (380 rooms/the 0.1367ha Site Area). This is more than double the upper limit of Central accommodation with a PTAL rate of 4-6. When the pavement and roadway are excluded, the Site Area is 0.08754 ha (Planning Statement para. 3.2.). Following the same calculation, that would create a density of 4,340 habitable rooms per hectare, four times the upper limit expressed in Table 3.2. that is far too dense for this location.
92. In any case, even though what is an appropriate density does not stop with the application of Table 3.2, as noted in para 3.28 of the London Plan, taking into account the local context and design factors shows that the proposed density for this location is simply too great. Accordingly, it is submitted this development is in conflict with Policy 7B DMDPD and 3.4 of the London Plan.
93. Nor can it be said this would be an acceptable design density or, “optimised capacity” under the IPLP. It is noted that the Site has good transport links.

However, it is in conflict with other Policy D3 requirements – it does not respond to the site’s context (Policy D3A) nor does it enhance the local context (D3B1) or respond to the character of the place by “enhancing and utilising the heritage assets” which contribute to local character (D3B11, heritage is addressed below). Moreover, there is no mention of a design review in the Planning Statement (save for a suggestion in para. 30 of the GLA’s 15 April 2020 advice) – so it cannot be said to have followed the “design led” process required. For reasons already outlined, it is already contrary to Policy D9. The good transport links are only one factor in determining what, under the IPLP, would be considered an appropriate density. It is heavily outweighed by the other factors. Accordingly, the application is in conflict with the IPLP.

Heritage

94. Finally, it is submitted the Development would adversely affect the setting of a conservation area and local heritage assets.

95. Policy 1.1(h) of the ECSDPD provides that the Spatial Vision for Ealing includes:-

(h) To care for the borough’s historic character and enhance the significance of heritage assets in regeneration proposals, ensure excellence in urban design and design out crime to make Ealing’s environment safe, attractive and accessible for all¹⁵.

96. Policy 7C of the DMDPD reads:-

EALING LOCAL POLICY - HERITAGE

Planning Decisions

A Development of heritage assets and their settings should;

- a) be based on an analysis of their significance and the impact of proposals upon that significance.*
- b) conserve the significance of the asset in question.*
- c) protect and where appropriate restore original or historic fabric.*
- d) enhance or better reveal the significance of assets.*

B Development within or affecting the setting of Conservation Areas should;

- a) retain and enhance characteristic features and detailing and avoid the introduction of design and materials that undermine the significance of the conservation area.*

- b) *retain elements identified as contributing positively and seek to improve or replace elements identified as detracting from the Conservation Area*
- C *The significance of heritage assets should be understood and conserved when applying sustainable and inclusive design principles and measures.*
- D *Harm to any heritage asset should be avoided. Proposals that seek to cause harm should be exceptional in relation to the significance of the asset, and be clearly and convincingly justified in line with national policy.*

97. The Explanatory text clarifies that:-

E7.C.1 Heritage assets include buildings/ structures identified on the Local Heritage Assets Register, and for the purposes of this policy, assets may be identified at any point up to and including the application stage.

98. St Stephen's Conservation Area is considered a "Landmark" in policy 7.12 of the DMDPD.

99. Policy 7.8 of the London Plan provides:-

HERITAGE ASSETS AND ARCHAEOLOGY

[...]

Planning decisions

- C *Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.*
- D *Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.*

100. The explanatory text notes:-

7.31 Crucial to the preservation of this character is the careful protection and adaptive re-use of heritage buildings and their settings. Heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in terms of scale, materials, details and form. Development that affects the setting of heritage assets should be of the highest quality of architecture and design, and respond positively to local context and character outlined in the policies above.

101. Also relevant is the requirement in Policy 7.4 of the London Plan (above, para. 28), and Policies D9 C(d) (that tall buildings should avoid harm to the setting of heritage assets) and Policy HC1ff in the IPLP.

102. Attention is also drawn to paras 193-202 of the NPPF, relating to harm in the setting of designated heritage assets (which, per the Glossary, includes conservation areas) and non-designated heritage assets:-

195. *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

196. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

197. *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.*

103. As outlined above at paras. [5 and 6] above, there are a number of locally designated heritage assets and a conservation area near to the Site. There are also designated heritage assets within the wider area. STT submits that there will be harm to the setting of the nearby St. Stephen's Conservation Area (which has to be given particular consideration and weight in the planning balance) and to the locally designated heritage assets. Further, this harm is not outweighed by any public benefits the Development may bring. In particular:-

- (1) Reliance on an alleged "emerging cluster of taller buildings" (TVHIA para 5.7, 5.22) must be placed in its context. The Development is significantly taller than any of the other tall buildings in the area. It would turn this

“emerging cluster of tall buildings” into an emerging cluster of medium buildings dominated by one twice their size.

- (2) The TVHIA makes a number of points about the design of the Development being used to soften its impact (TVHIA paras. 5.4-5.19). This is a matter of judgment but cannot hide the height of the building and its dominating effect.
 - (3) The TVHIA undertaken does not give an adequate indication of the full effects of the Development. To take view 6 (from the St Stephen’s Conservation Area) as an example, the visualisations use photos, particularly of the open spaces, in the summer with trees in full leaf. The assessment should also be made in winter when the leaves have fallen. See para. 6.28 of the Landscape Institute’s *Guidelines for Landscape and Visual Impact Assessment* (3rd Ed). Moreover, it is submitted that a photomontage from such an important view is more appropriate than a wireframe model which fails to give an accurate impression of the effects of the Development on the Conservation Area.
104. The harm to St Stephen’s conservation area would be exacerbated if plans for its extension southwards (in effect, to the corner of the site) are progressed. See Appendix A to the 22 July 2020 Ealing Local Plan Advisory Committee at pp. 565-577).
105. Overall, the Development is out of keeping with the existing 2-3 storey buildings which are characteristic of the area and will dominate both the locally listed heritage assets (and their settings) and the setting of the Conservation Area. It looms over surrounding residential buildings, becoming a focal point from the Conservation Area. Accordingly, the Development is in conflict of policies 1.1(h) of the ECSDPD, Policy 7C of the DMDPD, policy 7.8 of the London Plan, and relevant policies in the NPPF and IPLP.

Conclusion

106. At the heart of STT's objection is that the Development is too tall for the Site resulting in a scheme which is too dense and has adverse impacts on the character and appearance of the area and on heritage assets. Further, the residential units will not be affordable to those most in need in the borough and fail to provide future residents with adequate residential amenity in terms of noise, thermal comfort and amenity space. It makes inadequate provision for disabled residents in terms of parking. It is in conflict with many of the most relevant policies of the development plan and the development plan as a whole. The demonstrable harm is not outweighed by the benefits of the scheme and planning permission should be refused.

Dated 27th July 2020

Submitted on behalf of the Stop The Towers community group (STT) by:

Signed



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