

## **Manor Road Tower Planning Inquiry Summary**

Manor Road Tower Inquiry started on 13<sup>th</sup> July and is currently expected to last until next Wednesday 21<sup>st</sup> or possibly Thursday 22<sup>nd</sup> July. The Inspector may then make a site visit on the Thursday 22<sup>nd</sup> July. The Inspector may not deliver his decision on whether to accept or reject the developer's appeal until a few weeks after that.

The Inquiry is being held on Microsoft Teams (access is via registration with the clerk, Leanne Palmer to email her [click here](#)). The Developers are represented by a top planning QC ( a Christopher Katowski QC – nicknamed “KitKat” in the planning profession) and junior barrister, solicitors, a leading set of planning consultants and multiple expert witnesses including an architect, urban design consultant, housing and planning witness. The Developers appears to have thrown a huge amount of resource and money at the inquiry.

London Borough of Ealing (LBE) has instructed a barrister from Landmark Chambers a Ms Katherine Olley. LBE is submitting that the decision of LBE planning committee to turn down the appeal should be upheld by the Inspector and he should not grant planning permission for the Manor Road Tower. LBE had its own planning and housing expert who gave evidence later in the inquiry.

Stop The Towers (STT) has its own barrister also from Landmark Chambers, a Nick Grant. Andrew Colvin is heading up STT's efforts on its planning subcommittee. Andrew has lived in the area for 50 years and had extensive planning law experience before he retired and has attended many planning inquiries before. Andrew has submitted a detailed witness statement on behalf of STT setting out its case.

Before the inquiry even began, the parties had submitted evidence running to well over 1000 pages. There were a lot of documents to consider.

During an inquiry the Inspector is scrupulously fair to ensure that that all parties are able to submit their cases. However, while the proceedings are very civilised all parties fight their cases very hard.

### **Planning inspector's opening remarks**

The key issues the planning inspector wanted to cover were

- a. the effect of proposal on character of area;
- b. whether the level of affordable housing was acceptable;
- c. whether the accommodation appropriate for residents of the proposed Tower; and
- d. the impact on other residents of the area.

### **Opening statements**

The developers are arguing broadly that the 144 flats provide genuinely affordable housing and the level of housing justifies the level of development on the site. They say that level of development optimises the development of this valuable underutilised brownfield site. The Developers also submitted that as LBE has not demonstrated that it can meet its housing targets for the next five years. This would mean that under planning guidance there was a “tilted balance” in favour of approving the application because of the housing benefit. If tilted balance applies broadly, unless the harm caused by the development significantly and demonstrably outweighs the benefit, permission should be granted. The Developers have separately submitted that because the site is next to a Crossrail station (a key transport hub) and is in a designated metropolitan area (Ealing Town Centre)

with good strategic transport links under applicable planning guidance, this all justifies a development of the proposed height and density. The Developers also argue that the site has wayfinding function so it will help people find the station and that the development will have a positive impact on the surrounding area given its location on a transport hub.

LBE's barrister argued that the LBE council planning committee members were correct to reject the planning application because of the adverse impact on the surrounding area and the lack of London affordable rent/social housing. LBE's barrister submitted that that the area round West Ealing Station is on the edge of a designated metropolitan area and is very different in character and separate from Ealing Broadway and West Ealing Broadway. LBE also argued that the tower would not, as submitted by the Developers, have a "waymarking function" allowing members of the public to find the station. The station was a commuter station and all the residents knew where it was. LBE also submitted some historic evidence on the amount of housing it had delivered in recent years but could not supply a five year forward projection. The LBE's barrister also argued that regard should be had to the views of the residents on the impact on the area and not just views of planning experts.

STT's barrister argued, among other things, that the level of development was excessive for the site, so is not consistent with planning guidance. The site is not designated for a tall tower and the site guidance indicates that the level of development should reflect and not overpower the surrounding area or the station. Whilst the delivery of the housing was valuable, reduced weight should be given to this because of lack of affordable housing aimed at low income households (social or London Affordable Rent LAR options). STT wants the site to be developed in a way that is beneficial to and adds to the area. STT supports an appropriate level of development for the site consistent with the existing site guidance. The residents are also supportive of a development delivering genuinely affordable housing but there was not social housing nor LAR housing which residents of LBE most needed.

### **Third party witnesses**

We then had what were known as third party witness statements from James Murray MP, Councillor Linda Burke of Cleveland Ward; Gerald Power of Drayton Community Association (DCA); Justine Sullivan of STT/DCA and Will French of Save Ealing's Centre Alliance and Mr Martin Gorst of the Ealing Cycling Association.

James Murray MP was, before he was elected as an MP, a Deputy Mayor at the GLA with responsibility for housing and was involved in the development of the London Plan. James lives in the area, knows a lot about housing and planning, and is an impressive speaker. James argued that the housing mix represented a missed opportunity for the area due to lack of genuine social housing and the development did not optimise the use of the site under a design led approach as required by the London Plan (2021). James was subject to detailed cross-examination by the Developer's QC but was a match for the QC's forensic probing on planning matters particularly on the contents of the London Plan, James at one point had a go at cross-examining the Developer's QC himself which was interesting. James did not accept the QC's analysis on many planning points.

Cllr Linda Burke explained that the local community were strongly against the development, wanted genuine social housing to be included, considered that the tower was just too big for the site and would have a really detrimental impact on the area. Linda did very well.

Dr Gerald Power of DCA/STT gave evidence on the views of residents of the Draytons on the development. Dr Power has lived in the area for over 15 years. The Drayton's residents supported an appropriate level of development of the site but considered that the proposed tower was just too

large and dense and would have a severe adverse impact on the area. The local residents were also supportive of a development with genuine social housing. The housing (mainly aimed at households with incomes of about £60,000 or above) proposed was not going to be affordable for many residents particularly those on LBE housing waiting lists. Again a good performance Gerald held his own.

Justine Sullivan of DCA/STT (who has also lived in the area for over 15 years) gave evidence on what had happened during the consultation process how the residents considered that there had been no genuine consultation. Justine explained that 'she felt sick' when she first saw how high the tower was going to be. (This was referred to several times later in the week.) The Developers in their submissions have argued that the consultation process was exemplary. STT disagreed.

Will French of Save Ealing Centre (SEC) gave evidence on Ealing's 5 year housing supply figures and whether there was a genuine cluster of buildings down the Uxbridge Road and within West Ealing.

The Ealing Cycling Campaign then gave evidence about whether the cycling storage arrangements were adequate. Ealing Cycling Campaign submitted it was not.

Andrew Colvin (on behalf of STT) made the point that the level of blue badge provision was not adequate and the fact that there were some blue badge spaces in the surrounding area did not really help. If you are disabled it is difficult to walk 500 metres, you need a space near where you live.

All the third party witnesses did really well and stood up to cross-examination by the Developer's QC and the points they made were considered by the Planning Inspector who is listening carefully to the arguments submitted by all the parties. So we had a good start.

### **STT's Case**

Andrew Colvin then then gave evidence as STT's main witness. STT submitted that the principal of development in this location was not disputed. Nor is the fact that the Site and the locality could benefit from appropriate redevelopment. However, the current application comprised overdevelopment of the Site. Moreover, there were further issues with the development including a lack of blue badge parking and issues with usable amenity space. Overall the development was not in accordance with the development plan and no other material considerations justified the grant of planning permission

Andrew, among other things:

- (1) Explained who STT was and its role in the proceedings;
- (2) Argued that the views of 2600 plus residents who objected should be given weight when the inspector was considering the impact on the surrounding area;
- (3) Explained how the site fitted into the surrounding area ie. that it was predominately comprised of two/three storey Victorian buildings with Sinclair, Dominion House and Luminosity Court. The proposed Tower was between 2 and 3 times as tall as those blocks;
- (4) Explained that the area round the Station was on the very edge of the designated Ealing Town Centre and not part of, and was separate from both Ealing Broadway Centre and West Ealing Broadway shopping centre;
- (5) Submitted that the pre-application engagement with the local community was inadequate. The community were only contacted very late in the process when the design had reached a very advanced stage after almost 2 years discussion with LBE and very little regard was had to the community's view. Although the height of the tower was reduced from 25 to 20

storeys, the shoulder of the tower increased in height and the total number of units on the site increased;

- (6) Submitted that the tower had an unacceptable impact on the character and appearance of the area, although it was recognised that this was a matter of judgment for the Inspector;
- (7) Noted that it was a policy objective to ensure that any development on the site should be appropriate to the local context and while the development should optimise site capacity this included ensuring that the development was of the most appropriate form and land use for the site;
- (8) Noted that the development was not on a site designated for tall buildings either in the local or London Plan;
- (9) Submitted that the development would impact negatively on the St Stephen's conservation area;
- (10) Submitted that the site had inadequate amenity space for residents and blue badge space.

Andrew noted looking out from his window he would be able to see the new tower which would dominate the skyline.

Andrew explained that the local community supported the provision of genuinely affordable housing but the development only comprised intermediate housing (a type of affordable housing) and did not include any London Affordable Rent/Social Housing needed for those with lower incomes in the Borough so would not create a truly diverse neighbourhood

Andrew concluded that overall the development was not consistent with requirements to optimise development of the site. It is a significant overdevelopment. It was, simply, too big and too dense for the location. It is not in compliance with the development plan and no material considerations outweigh that non-compliance. It is a tall building on an area clearly not allocated for a tall building. STT also considered it was not well designed. It was admitted that affordable housing was important but (i) this does not touch where there is greatest need for affordable housing (social housing and affordable rent) and (ii) no-where does policy indicate that it is intended to be a trump card – any assessment remains subject to other constraints. It is a significant overdevelopment of the site.

Andrew was then subject to a short cross-examination by the Developers' QC. The QC however saved his firepower mainly for the cross-examination of LBE's witness who was on next.

### **London Borough of Ealing's case**

LBE's witness, a Mr Michael Lowndes then gave evidence and went through his witness statement. LBE's witness had produced a characterisation study showing the adverse impact of the Manor Road Tower on the surrounding area showing how the tower would look from different views from the surrounding streets. The pictures of the impact of the tower on the surrounding area used a larger lens than the Developers and were taken from more angles.

LBE's witness came to a different conclusion from the Developers' witnesses on the impact of the development and gave evidence that the Manor Road tower would have a material adverse impact on the surrounding area from a number of viewpoints. It was also noted in the evidence that the Developer's witness only provided affordable housing of an intermediate type and no social housing or London Affordable Rent. This was not consistent with the Local Plan. The LBE witness did not accept the building was on a major transport hub nor had a wayfaring function.

The Developers' QC then challenged many aspects of the evidence in the cross-examination.

## **Discussion of planning conditions**

There was then a round table discussion of the various planning conditions which would be imposed if the appeal was granted. The Inspector explained that the fact the conditions were being discussed did not mean that the appeal would be granted.

Andrew Colvin on behalf of STT had previously argued that the level of Disabled parking spaces (one designated blue badge space with the ability to use two other spaces on a non exclusive basis). In an agreement with LBE there was an additional agreed contribution allocated of £10,000 for additional disabled parking. This was also intended to cover electric charging points reducing the amount available. Andrew ensured clarification of the conditions so that the £10,000 could not be used for electric charging points and the cost of that would be paid from other contributions payable to LBE under the agreement with the Developers.

Andrew also argued for tightening of the wording of the obligation to make a contribution towards local parks to compensate for the fact that there was insufficient amenity space for the residents of the tower. Andrew argued that the condition should be tightened so the money would have to be spent on Drayton Green and Dean Gardens, and not further afield.

Andrew also pressed for adequate notification to local residents of pile driving and building works. Not just a notice on the site but leafletting about when it will take place.

Ealing Cycling Campaign argued for the wording to be tightened up thus ensuring that there would be adequate cycling space in the basement.

## **The Developers' Evidence**

The Developers then started calling its key expert witnesses.

### *Architect Evidence*

The Developer's first witness a Mr Stephen Levrant a prominent architect who took a markedly different view of the architectural merits of the 20 storey tower to STT. He sported a natty blue bowtie and gave evidence against the backdrop of a CGI wood panelled library. Mr Levrant submitted that the "building is striving to reach a particular point in space". Mr Levrant relied, among other things, on Aristotle's ideas of beauty, an architectural tome by a Mr Belcher from the early 20<sup>th</sup> century (~1907?) and submitted the tower was a beautiful well designed building which sat calmly in its environment in a "non-aggressive manner". Architecturally the Manor Road tower was "submissive" to the surrounding two to three storey brick houses (STT were slightly perplexed about what this meant!!). Also the vertical and horizontal banding was attractive and visually appealing. The building had "panache, verve and elan" (we have never heard adjectives like this applied to a tower before). The building was situated on a central hub of roads radiating outwards and responded to the station. A building of this height would form a landmark building on the junction enhancing the area and would have a wayfaring function. He was excited by the tower!

Needless to say neither LBE's barrister nor the STT's barrister's accepted the analysis and Mr Levrant was subjected to cross-examination during which he was challenged on these points. In particular whether the Manor Road Tower responded appropriately to the surrounding area, whether the height was appropriate and on whether it was correct to characterise the area as a central transport hub or there was any need for a landmark given that everyone knows where the station is anyway and it is a commuter station.

### *Townscape and visual Impact Evidence*

The developers' next witness was a Mr Miele who presented his evidence on the townscape and visual appraisal. Mr Miele's evidence was that the tower had a positive impact on the surrounding area and it did respond to the surrounding townscape. Mr Miele had produced his own characterisation study with fewer views than the LBE study and using a different camera lens.

LBE's and STT's barrister challenged many aspects of the evidence. The Developers' witnesses relied significantly on the architectural "merits" of the building and considered that contrary to what 2,600 residents think, the building responds positively to the surrounding area.

### *Housing Witness*

The Developer's next witness, a Ms Dickinson, gave evidence on housing and made much of the fact that it would deliver 144 units of affordable housing. The Developer submitted that Ealing had a pressing need for this type of housing.

The fact that all of these were of intermediate type (London shared ownership and London Living Rent which is a feeder tenure for London shared ownership) did not detract from this need. At this stage we had reached 3 pm on Friday and there was not enough time to cross-examine the witness so the cross-examination was delayed until Tuesday next week.

### *What happens next week?*

Once the cross-examination of the housing witness is complete the Developer's main planning witness a Mr Edmonds of Montague Evans (a leading firm of planning consultants) will give evidence on Tuesday.

On Tuesday the Inspector will also consider Mr French's evidence on whether LBE will exceed its five year housing supply / planning targets.

There will then be closing statements probably on Wednesday afternoon when all the parties will summarise their arguments.

There will then be an accompanied site visit by the Inspector and the parties probably on Thursday.

A few weeks later the Inspector will then give his decision on the appeal.

STT still consider that the Inspector should turn down the appeal. The harm caused by the development on the surrounding area significantly and demonstrably outweighs any benefit from the development in terms of housing or otherwise. The tower is far too high and dense for a constrained site of this nature. STT would welcome development of the site but with a building which is appropriate for the site and consistent with the existing planning site guidelines and which responds positively to the surrounding area and has affordable housing including social housing/London Affordable Rent for low income households.