

Grand Union Alliance's Response to the planning application at One Portal Way ref 21/0181/OUTOPDC

The Grand Union Alliance (GUA) brings together a network of resident and community groups and individuals mostly from within and around the OPDC area, established in 2014. It aims to influence large scale developments, strengthening a diverse range of local voices. It holds meeting and events to ensure local groups are well informed, fully consulted and engaged in the decision-making about development plans for this part of London. Collectively it wants to see plans developed that will sustain existing communities, enhance and respect what local communities currently value in their neighbourhoods and which will mitigate the impact of developments. It encourages local initiatives that support bottom-up planning.

These comments are based on discussions at OONF/GUA monthly meetings and emailed communications; and GUA meetings (2014-2019) where policy priorities and principles were discussed in detail.

We raise comments about the following issues in this application.

1. Fast Track application procedure
2. S106 contributions and Viability
3. Affordable Housing Offer
4. Open Space and Play Space
5. Failure to recognise changing circumstances

GUA members also have grave concerns about the height, density and massing of this proposed development with regard to the devastating impact on existing properties (overlooking, sunlight and daylight, massing and unbroken street frontages), energy and environmental concerns, and the kind of place which is being produced. We endorse the comments of the Old Oak Neighbourhood Forum (OONF) in this regard, and note that the Ealing Design Review Panel and the OPDC Community Review Group both raised significant concerns along these lines. The Planning Statement for the application does not always accurately reflect these. The applicant also has not responded positively to all the policy compliance concerns raised in the pre-application meetings with the OPDC and GLA e.g., play space; and has not adopted the OPDC policy statements on tall buildings in regard to providing publicly accessible spaces, open spaces and play spaces at different levels in tall buildings. Provision of community infrastructure for benefit of existing and future residents is minimal (or unspecified as there is no draft S106 prepared) and the density of development will place intolerable pressure on existing facilities. We note that the full pre-application notes from any meetings the developer had with Ealing Council are not provided on the OPDC application portal.

Summary: In our view this application is significantly flawed and is not ready for consideration.

- It does not qualify for a fast track procedure as it includes offsite affordable housing on a cash in lieu basis and will not be able to implement a substantial start on the outline element of the application in a time frame which warrants that route.

- it has made no effort to secure grant income or collaborate with a registered provider to enhance the affordable housing offer but has chosen a US commercial operator – this possibly de-risks the project for the developer in terms of selling on the BTR and co-living housing businesses, but substantially reduces the potential to secure affordable housing for the development. The risk that the outline element land is simply sold on with planning permission is very high, and should be prevented by planning condition. The effective pre-sale of the detailed elements (to “Common”, the for-profit partner for both Co-Living and BTR buildings) is of concern.
- it does not comply with London Plan play space norms and proposes a very small open space offer (for residents who will have very small living spaces). This indicates a claustrophobic public space in which different group’s needs cannot be met; this therefore provides no enhancement to existing facilities in the area.
- it provides very little publicly accessible space.
- Social rent housing and social rent communal space is segregated from the rest of the development, against London Plan policy.
- This is a gargantuan development on a small piece of land with few public benefits and grave disbenefits to neighbouring properties and the quality of London’s urban space – the developer stands to make a disproportionate profit. Its S106 offer is however currently vague and disproportionately small for a scheme of this size, with minimal affordable housing. It does not provide the necessary and appropriate scale, range and quality of mitigations to make the development acceptable and seems to offer no benefit to the wider OPDC development.
- It does not support the flexible approach to viability assessed development which the OPDC local plan and development financing study indicate is needed to secure both the infrastructure for the wider development, and approach the target of 50% affordable housing.
- The affordable housing offer is nominally policy compliant at 35%, but strongly oriented towards intermediate and DMR – the social rent offer is tiny, with only 39 family houses on offer at this rent - 53 units altogether out of a total development of 1709 units (231 habitable rooms out of 3126 habitable rooms). As a proportion of affordable offer this represents only 53/447 units (231/1105 HRs); 11.8% and 20.8% respectively. A small cash in lieu payment of £15,615,061 for the non-provision of affordable housing in the Co-Living element is additional but to be provided off-site. In contrast, the OPDC’s Strategic Housing Market Assessment (SHMA) showed an acute need for the proportion of future housing to offer 86% social/London Affordable Rent and only 14% intermediate provision, and the West London SHMA, which includes the three host Boroughs and OPDC, reached similar conclusions about housing need.
- The model of development being brought forward by this proposal has been made outdated by the accelerating climate and nature emergency and by the current debate over the inadequacy of fire regulations and regimes for tall buildings. It is outmoded, a relic from the recent past and not fitted for the present and likely future of London, one that is a different post-Covid future.

1. Fast Track application procedure

It is our view that this proposal is too large, too complex, and too significant to the OPDC development to be admitted to the Fast Track (FT) procedure.

In the absence of a CIL charge, much more S106 contribution and public benefit needs to be secured from this scale of development than indicated in the planning statement. The vast scale of the development seeks to benefit from the FT procedure by generating surplus profits from the excessive density and height of the scheme, while not being called upon to make an appropriate contribution to the wider development or social and community infrastructure of the surrounding areas. It is this same developer which has already contributed to the developments at North Acton which lack appropriate communal, retail and commercial activities, and open spaces. This deficit is keenly felt by neighbours of the current application (as evidenced in the OPDC Community Review Group), and will not be addressed in this development (but made worse) as a result of the FT route. There is no viability assessment to ensure that the development is proportionate to the needs of the site, the neighbourhood and the OPDC planning authority area. Balancing these different priorities is a key framework of the OPDC local plan. But here, with this development proposal, in terms of the S106 and the resulting environment which will be produced, both the OPDC and the existing and future residents will not gain the necessary mitigations, facilities and amenity and will endure substantial disbenefits. A more modest development would arguably be more beneficial, subject to viability, with potentially more substantial gains for the OPDC in terms of infrastructure, affordable housing, and place making which would enhance the development. The Ealing Design Review Panel repeatedly made this suggestion. As it stands, significant additional S106 contributions would be needed (wasted) simply to ameliorate and mitigate the negative effects of this excess profit-seeking over-development.

Specific reasons for opposing the FT procedure, as not conforming to the Mayor's policy as elaborated in the Affordable Housing and Viability SPG, and not conforming to the OPDC local plan policies and stated approach to financing the development:

- The hybrid nature of the scheme means that it cannot conform to the requirement of a substantial start within 2 years across much of the scheme.
- The long-time scale of the planned development, and the imprecise nature of the buildings in the outline scheme mean that there is considerable uncertainty about the final scheme. A reasonable expectation might be that part of the site is sold on with planning permission – and much of the play space, community infrastructure, commercial and retail space is in the outline element. This places the potential benefits to the occupiers and users of the initial phase(s) of the development, the OPDC and local community at risk. Recognising that much depends on keeping the site, building configuration and elements intact, the OPDC needs, at the very least, if it is at all possible, through legal agreements and conditions, to secure the protection, augmentation and delivery of these benefits.
- Part of the scheme will have to be subject to viability review (the co-living components) to determine the cash-in-lieu of affordable housing, and subject to early stage review.
- The applicant's affordable housing statement (p.2) envisages "bespoke review mechanisms" – these should simply be a standard viability-determined S106

contribution at application stage, followed by robust early, mid and late stage reviews, as envisaged by the OPDC Local Plan. Further, the applicant's AH statement comments (4.27 p.24) that the review mechanisms need a bespoke approach: "However, recognising the bespoke nature of this mixed-use scheme including its scale, diversity and complexity including elements for sale, build to rent and co-living alongside commercial buildings and a variety of affordable housing tenures, it is considered that the standard GLA formulas are not appropriate and a tailored approach is required. The approach considers scheme specific circumstances which are included within Footnote 29 and Footnote 42 of the GLA SPG. The final terms of the review mechanism including the formulas will be discussed further with all parties, finalised and secured within the s106 agreement." This complexity seems to be exactly why a Fast Track approach is not appropriate and the usual application stage viability assessment is called for. This therefore suggests a full detailed application for the whole site is required at this stage.

- The purpose of fast track is to ensure more affordable housing is secured, and that more is delivered more quickly. With this application this is not the case given the combination of uses and tenures, and given that the outline elements part of project will be significantly delayed and subject to uncertainty (see Affordable Housing and Viability (AHV) SPG, p. 7). AHV, p. 19 states that: "**To ensure an applicant fully intends to build the permission**, an Early Stage Viability Review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted or as agreed with the LPA. This will result in additional onsite affordable housing in the event that viability has improved since the application stage." It may well prove not possible to agree the legal agreements and conditions needed to develop a suitable format here given the hybrid part full/part outline nature of the application. To comply with FT procedures all of the scheme should be subject to a full detailed application.
- To be eligible for fast track, the applicant should "have sought to increase the level of affordable housing beyond 35 per cent by accessing grant" (AHV, p. 16; see also, a priority in OPDC local plan para 8.24c), in order to increase the affordable housing offer to 50-60% (p. 7). The chosen residential management partner is a commercial US based entity. Little is presented about "Common". Their proven track record of delivery in London is unknown. Alternatives should have been sought to enable more affordable housing to be developed.
- In addition, the AHV notes that the LPA has option for a higher Affordable Housing expectation, with an evidence-based approach. Here the clearly stated aim of the OPDC is to take a flexible approach in order to secure maximum benefit across the OPDC area, and to cover the substantial infrastructure costs. The FT route is not indicated as an appropriate route by these aspects of the local plan of the OPDC as LPA for this application.
- OPDC local plan policy H2's para 8.23 indicates that for fast track a minimum of 30% social rent or LAR is needed. Para 8.24a indicates that the OPDC will prioritise early delivery of social rent housing – but this is only provided in the outline element of the application to be developed late in the scheme. Building F is co-living; Building A offers intermediate housing with BTR. Further policy text prioritises increasing SR and LAR through early, mid and late-stage review, but this is precluded in the FT approach.

- Table 4.1 of the OPDC Local Plan explicitly states that Tall Buildings in the North Acton and Acton Wells area will enable the OPDC to “**secure additional benefits for the community and wider development**”. Allowing the FT route means that the tall building does not yield additional benefits, but does bring substantial disbenefits. More expansively, OPDC Local Plan para 5.43 notes that “Tall buildings should deliver significant benefits for both the surrounding built environment and existing and future local communities. **Benefits could include provision of publicly accessible open space, social infrastructure and affordable workspace.** Any proposed benefits **should be clearly set out as part of an applicant’s Planning Statement**. Due to the prominence of tall buildings and interest of existing communities, OPDC will expect applicants to demonstrate proactive engagement with the community and other stakeholders on issues including the location, height, scale, massing and design of tall buildings to enable the design of proposals to respond to comments.” Much more is needed from this development to meet this policy requirement. Some very practical suggestions were put forward by the OPDC Community Review Group, including the need for a community hall, space for interaction and community building amongst the currently fragmented groups across North Acton, and a number of identified needs in the OPDC Local Plan. See below on S106 contributions.
- Given that the site in question was considered viable at a substantially lower level of development (table 3.1, OPDC Local Plan), additional development value represented by the vastly increased scale of this proposal should be subject to OPDC review for allocation to affordable housing, in line with Local Plan para 8.25. This is not compatible with a FT approach.

2. S106 contributions

- The S106 contributions listed (p. 42-43 of the planning statement) envisage making no evident contribution to the OPDC development and infrastructure costs involved in mitigating the impact of the development. A number of the stated items are trivial and all fail in terms of scale, range and appropriateness to meet necessary planning mitigations, other requirements and policy compliance. For example, there is no suggestion that they will attempt to address the lack of policy compliance in the scheme (off-site play space, additional open and public space). The OPDC Planning Obligations draft SPD is relevant in indicating that less than policy compliant provision must be compensated for. However, the GUA’s position (and the assumption of the OPDC Planning Obligations SPD) is that all developments in the first instance should fully comply with policy on AH, open space, public space etc. A more modest development would certainly be able to deliver more of such facilities. The GUA views that promises of contributions to off-site provision in the hands of other undefined/unknown agents to deliver do not represent good planning and place-making and do not necessarily achieve sustainable development.
- For example, Planning Statement 6.1113 notes, “With regards to S106 contributions, this would include, for example, health, education, play space and highways contributions. However, where health and play space facilities are intended to be met on site as payments in kind, these elements would need to be considered in the final calculation.”. Our understanding is that play space is a

fundamental policy requirement of housing delivery, calculated per child, and not a negotiated S106 option. Similarly with open space.

- Cash in lieu for Affordable housing for Co-living is calculated at 35%, on 50% DMR = £15, 615,061. How will this be used by OPDC to deliver more affordable housing in the absence of any contribution to land costs? Will it make an appreciable contribution to local housing need? It seems a very low amount for such a substantial residential development (384 HR). Can it construct 130 HRs at social rent levels without providing for the costs of acquiring land?
- A number of items are missing from the brief statement on likely S106 contributions. Notably, a contribution to relocation costs of existing uses as per OPDC draft local plan policy E2. And contribution to wider OPDC development, for example, in terms of access roads, traffic management through Park Royal, air quality improvement, town centre uses, nursery (mentioned in OPDC Local Plan 4.116) etc.
- Going along with the previous point, the Local Plan's Place policy for North Acton envisages "a new neighbourhood town centre will sit within a high quality and coordinated public realm along Victoria Road and Portal Way". But it is manifestly obvious that promises of high-quality tall buildings with high quality and coordinated public realm are not being delivered. Similarly, the promised vibrant, active, satisfactorily maintained neighbourhood and centre are not materialising. This was actually the justification for the GLA grant funded Ealing Council to undertake an economy and public realm study as North Acton is "largely piecemeal and not in a coherent manner". The study's outputs have not been found and the outcomes in North Acton remain dismally unchanged. At the hearings into the OPDC's draft Local Plan it was evident that there was sympathetic understanding for the public criticism of North Acton, that it has not evolved to date to a place of desired standards. This makes it all the more important that the development of this major and relatively extensive site in North Acton contributes to wider place-making and provides the necessary mitigations. The lower floors of the proposal are relatively inward looking onto features that are likely to be oversubscribed by the occupiers of the development given the intensity of development proposed. Its impacts are not succinctly explained and the mitigations to address these are not explicitly set out.
- The lack of any progress on S106 agreements, alongside the FT procedure, makes this planning application premature and difficult to assess from a community perspective, in terms of contribution to social and community infrastructure. That there have been apparently 2 different descriptions of the development applied for and publicly announced indicates the likely difficulty in agreeing the terms of any planning decision, conditions and legal agreements for this current proposal as presently formulated and presented.

3. Affordable Housing Offer

- A starting point for consideration is that 86% of housing need in the OPDC area is for social rent or LAR (OPDC local plan 8.21).
- The OPDC local policy indicates that for a fast track proposal, 30% of the Affordable housing needs to be social rent or LAR (8.23). In the detailed element of the proposal there is no such housing offered (aside from the cash in lieu on the Co-living). In the overall proposal there are only 53 units (231 HRs) at this level, of which 39 are family size houses. The scheme falls far short of the OPDC's and the Mayor's AH policies, at

231/1106 by HR and 53/447 by units (11.8% and 20.8% respectively of the affordable housing offer).

- The choice of developments in the detailed application means that the assessed housing need of the OPDC area, and of London as a whole (as evidenced in the London Plan) is not being met.
- The scheme is also not policy compliant as the outline application proposes a segregated social rent building with self-enclosed courtyard amenity space (not publicly accessible).
- Building D2 is a poor offer for social rent housing. The enclosed courtyard format is conducive to significant neighbour noise, and anti-social behaviour problems. The building also includes units which are adversely impacted by proximity to and overlooking from the planned hotel. The Ealing Design review panel and the OPDC Community Review group commented on these points.

4. Publicly accessible Open Space and Play Space

- The play space offer contravenes London Plan play space policies S4B.
- P. 39 of the Planning Statement, 6.92 clearly states that there will be insufficient play space to meet London Plan policy norms.
- The playspace provision in the detailed element is claimed to be 800 square meters, but it is not clear where this is. Is this private amenity space? Detailed analysis of play space seems to be missing from the Design and Access Statements? A visible small play area is evident in the courtyard/" park", with one single climbing frame structure represented indicating a very small space. The GLA's Pre-application Note requested that the applicants provide detailed information on child counts and play space needs: Pre-app notes of 3 June 2021: "Greening/Play Space. Please set out total area of greenspace and quantum of greenspace provided per capita. We would also like to understand how big each of the key play/amenity spaces are and how many people they can cater for at one time. Please set out total numbers of children by age group and show how you comply with the play space requirements." It does not seem that this information has been provided. The GLA Pre-app notes make very clear the quality of play space required; our view is that this is not being complied with.
- The London Plan states that "good quality accessible play provision for all ages" is required, that provides a stimulating environment. This has not been demonstrated in the application.
- The landscaping of the central park between all the overshadowing buildings is antithetical to playing – a mound disrupts any ball play, a range of hard surfaces and intrusive, fragmenting elements mean that many play activities will be interrupted. The Ealing Design Review Panel make numerous comments on this.
- The super high densities of the development, including many small apartments and a co-Living development mean that adult demands on this open space will be extreme. The visuals in the Design and Access Statement are telling: there are no children visible in the open space, and adults are sitting and lying all over the grass. Where will children play exactly? The Planning Statement proposes that, the whole open space is to act as playable space, with different uses not sectioned off. This is unrealistic and at odds with the London Plan policy which requires safe and

dedicated play space. The Ealing Design Review Panel comment astutely after their second meeting that: “the proposed open space continues to be disproportionate to the density of the scheme. It urges the design team to consider a more appropriate balance between heights, density and useable open space.” Their concerns were not allayed at their final review of the proposals.

- Provision of policy required playspace within the courtyard of the D2 building would be inappropriate. Play spaces should be "an integral part of the surrounding neighbourhood", "not segregated by tenure".
- Any off-site provision should be accessible via a safe route - it is not clear that access to Wormwood Scrubs, for example, will be safe for young children or even youths in current, future, or interim scenarios.
- Evidence is needed that any play space has enhanced sunlight and daylight as anticipated in OPDC policy (Table 5.1 – 4 hours of sunlight on 21 March).

5. Failure to recognise changing circumstances

- The model of development being brought forward by this proposal has been made outdated by the widespread recognition of the accelerating climate and nature emergency that confronts us all and by the current debate over the adequacy or otherwise of fire regulations and regimes for tall buildings. Remedying these issues have or are receiving some traction. Unlike that of an acceptance of a post-Covid London that will be significantly different from the resumption of “business as usual” approach propagated by the Mayor, Deputies and officers, among others. The 2021 London Plan (and Mayor’s Transport Strategy) is predicated is (are) on a future that is no longer realistic, viable, and the GUA would say, no longer wanted given the pandemic's exposure of London’s inequalities and lack of health resilience. Satisfactorily addressing these issues to the degree that merits the grant of planning permission for this current application is not evident from the many criticisms voiced by participants in the GUA, OONF and representations so far made. Simply expressed, it is outmoded, a relic from the recent past and not fitted for the present and likely future of London.
- The proposal as presently conceived and presented does not offer clarity and certainty that the fire strategy and its portrayal in the drawings of the development are adequate and satisfactory in the light of well-known fire tragedies afflicting tall buildings. Unfortunate experience has revealed the inadequacy of current fire regulations, regimes and guidance, requiring grave attention to inadequate measures around fire prevention, firefighting and evacuation strategies. Professional bodies and other campaigning organisations are pressing for more rigorous standards and requirements for tall buildings so that, among other things, they do not depend on the now discredited ‘stay put’ instruction.
- Also referred to by the OONF is the letter of 2 September 2021 from the London Assembly Planning & Regeneration Committee’s Chair Andrew Boff setting out reasoning why tall buildings are not the answer to housing need. It identifies recent research demonstrating the unsustainability of tall buildings principally through the much higher energy demands and embodied carbon to build, operate (heating &

cooling) and eventually demolish, the higher they go. This letter is a matter of public record and it, and its references to evidence, are well worth reflecting on when assessing the current proposal. Interestingly, the Committee stated their belief that the pandemic has “highlighted the critical importance of access to greenspace, private outdoor space, outdoor play space and adaptability needed for home working”. These points have been raised elsewhere in the GUA submission.

In conclusion

We oppose this development application in the strongest possible terms as being out of scale for the site and location; the impacts on the local area will be substantial and negative; the application is inadequate in terms of S106 and affordable housing contributions; it fails to mitigate the development in planning terms; and provides little benefit to the neighbourhood, present and future residents, and the OPDC area. In aspects it is non policy-compliant. The application is premature and does not meet the requirements for a fast track route. A hybrid application is inappropriate for such a large and complex development. A detailed application for the entire site should be submitted, and subject to a full and transparent viability assessment. We strongly urge that close attention be paid to the Ealing and OPDC Community/Design review panel/group comments in determining the design and quantum of development, as well as appropriate scale and nature of S106 contributions. In this regard, consultation with residents, neighbourhood fora and stakeholders who will be heavily impacted by a development of this scale is strongly indicated.