
Appeal Decision

Site visit made on 26 January 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2021

Appeal Ref: APP/A5720/W/20/3262296

Land to the rear of Hanson Gardens, Southall, Middlesex UB1 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Holbrook Investments Limited against the decision of the Council of the London Borough of Ealing.
 - The application Ref 202776FUL, dated 16 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is the construction of 4 buildings ranging in height from 1-2 storeys to accommodate a 43 bedroom hotel (C1 Use Class) including associated parking, cycle storage and refuse storage provision (following the demolition of buildings).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form has a long description of the development's location and a simplified address description has been used above instead, based on that of the Councils. Amended plans show fencing and panel features between blocks and along site boundaries. These have been considered in this appeal.
3. The Council's Statement of Case has raised an objection based on the failure to consider alternative social infrastructure provision which was not within its reasons for refusal. The appellant has commented upon this in their Final Comments and referred to this issue in their Design and Access Statement. Given this, the appellant has been sufficient opportunity to consider this and it has been considered in this decision.
4. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). Both main parties were consulted over this plan change and in this case, LP Policies D3, S1, E10, GG2, GG5, SD1 and SD10 have been referred to in this decision.

Main Issues

5. The main issues are the effect of the proposal on (a) the living conditions of the occupiers of the neighbouring residential properties, having regard to noise and disturbance, (b) whether alternative social infrastructure should be considered further for this site and (c) the character and appearance of the area.

Reasons

Living conditions

6. The appeal site comprises a rectangular parcel of backland, with access between two residential dwellings on Hanson Gardens. Part of the site is bound by the gardens of dwellings on Hanson Gardens, Beaconsfield Road, and Lewis Road. On the remaining boundary, land within the former Southall Gasworks borders the site and this is being redeveloped for mainly housing. The site was formerly an educational facility but is now derelict, with buildings in a poor state of neglect and repair.
7. The hotel would accommodate 43 bedrooms with potential for up to 86 persons plus staff. Most hotel guests would arrive on foot to the proximity of Southall train station and bus facilities. The nearby station has direct connections to both central London and Heathrow Airport. The development would be car free, except for one vehicle using a wheelchair accessible parking space. The appellant's budget hotel business model indicates that guests would be undertaking short stays, with luggage requirements reflecting this. There would be no on-site restaurant or bar, and the hotel would simply comprise a reception and individual bedrooms.
8. The appellant's Transport Statement predicts 12 two-way taxi traffic movements during the morning and evening peaks of the day. It is further indicated most guests on foot would arrive during the daytime. During the daytime, there would be background noise and disturbance associated with this urban location due to road traffic and commercial activities.
9. However, in practice, there will be guests arriving and departing by taxi or foot at anti-social times due to the timings of events, such as early or late transport connections in order to get to or back from places, restaurants, airports, meetings, etc. At night and during early morning, residential occupiers would normally be sleeping when it would reasonably be expected that background noise and disturbance would be low. There is no evidence to the contrary on this.
10. At these particularly sensitive times of day, there would be noise and disturbance due to taxi vehicles, people talking to one another on arriving, such as between guests and/or taxi drivers, and luggage handling. In the area, residential properties are sited close to one another and their frontages are positioned close to roads that serve them. Given this tight-knit residential nature, even a small number of arrivals and departures would be noticeable occurrences to residents at these times and therefore, it has not been demonstrated that the living conditions of residents would not be adversely affected by reason of noise and disturbance.
11. A Noise Management Plan would enable the monitoring and mitigation of noise on the site, through for example CCTV, and hard surfacing leading to reception and rooms, would be constructed with noise resistant materials. Buildings and areas would be enclosed with fencing and panelling to limit noise and disturbance. Signs would be erected to ask guests to be respectful of neighbour's amenities. Staff would record any complaints and undertake appropriate action to prevent re-occurrence, with regular meetings to monitor noise levels at the hotel, and there would be employee training. The

appellant has given an undertaking to meet with residents if noise and disturbance is identified by them. Such a plan and its requirements could be conditioned.

12. However, once noise and disturbance had occurred, it would be too late to rectify the issue. Many visitors may be slow to heed any guide or warning on conduct if they are first time guests, and much of the management plan proposes measures within and not outside the site, including taxi vehicle and people noise. Furthermore, the occurrence of adverse noise and disturbance at night and during the early hours would be particularly damaging to living conditions due to residential occupants generally sleeping at such times.
13. There would have been noise and disturbance arising from the previous education use but this would have been unlikely to have occurred at night and during the early hours. The appellant has indicated possible access from the gasworks site, being currently developed, but this has not been formalised in any detailed way and in any case, the proposals clearly show access to the development between two houses on Hanson Gardens.
14. The proposed development would result in hotel bedrooms blocks which would be set around a series of courtyard circulation spaces. Such an arrangement would result in windows and openings facing one another or set back significantly from common boundaries with neighbouring properties. There would also be panel/fencing barriers and boundaries. Together with acoustic building insulation, such measures would prevent significant noise and disturbance from guests on the site but not outside of it. A planning condition could ensure appropriate lighting in outside areas and entrances to bedrooms, along with blackout curtains for the rooms, but similarly, this would not address the identified harm.
15. For all these reasons, it has not been demonstrated that the living conditions of the occupiers of neighbouring properties on Hanson Gardens would not be harmed, due to noise and disturbance. Accordingly, the proposal would be contrary to Policy 7B of the Ealing Development Management Development Plan Document (DPD) 2013 and Policy D3 of LP, which collectively and amongst other matters, requires a high standard of amenity for adjacent uses and proposals to prevent or help mitigate the impact of noise.

Social Infrastructure

16. Under LP Policy S1, redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan. The explanatory text indicates social infrastructure includes health provision, education, community, play, youth, early years, recreation, sports, faith, criminal justice and emergency facilities. The text further indicates that such infrastructure plays an important role in developing strong and inclusive communities.
17. The appellant has provided evidence that the site is surplus to educational needs of the College. Under the Joint Evidence Base and Infrastructure Study Stage 5 Report dated November 2018, Ealing has more Social Infrastructure projects than any other West London Authority and the highest number of

such projects delivered. However, there is no submitted evidence, such as in the form of a need's assessment, to demonstrate whether any social infrastructure could be provided on this site. In the absence of such justification, the proposal has not been demonstrated to comply with LP Policy S1 and there is a conflict with it.

Character and appearance

18. The surrounding streets comprise mainly two storey terraced and semi detached housing. There is a community college on Beaconsfield Road, which also has many commercial establishments, and Southall Town Centre is situated nearby. There is also an emerging context provided by the Ealing Development Sites Development Plan document (DSDPD) 2013 with nearby land designated for development. Nevertheless, the site is dominated by residential properties bordering onto it and the overwhelming character and appearance is residential.
19. The hotel development would be attractively designed in a contemporary fashion with green roofs and differing two and single storey scales. Many of the hotel blocks would be screened by buffer landscaping and outbuildings, many substantial, at the bottom of neighbours' gardens adjacent to the development. The hotel buildings and use would be mainly hidden from public views along the neighbouring residential roads and the site has previously been in non-residential use, an education use. Therefore, whilst there is a change in character and appearance, it would not be adverse, even taking into account the additional activity of comings and goings into the site. For all these reasons, the proposal would comply with Policy 7.4 of the DPD and Policy D3 of the LP.

Other matters

20. The proposal would provide a 43 bedroom hotel meeting identified needs in the area. LP Policy E10 sets out that in outer London serviced visitor accommodation should be promoted in town centres and within Opportunity Areas where they are well-connected by public transport, particularly to central London. The LP identifies that 2,230 hotel bedrooms will need to be built per annum up to 2041. Under the DSDPD, nearby designated land would result in a significant increase in demand for hotel space.
21. There would be regeneration of a brownfield derelict land. In this regard, LP Policy GG2 seeks to promote the development of brownfield land on sites within and on the edge of town centres, as well as utilising small sites. Again, sites with good transport connectivity should be prioritised. Given development pressures have increased since the last LP plan, the explanatory text indicates creating places of higher density is required in appropriate locations to get more out of limited land, encouraging a mix of land uses, and co-locating different uses to provide communities with a wider range of services and amenities.
22. The hotel would have good service and transport connectivity. DPD Policy 4.5 stipulates that hotel development within Ealing is directed to Southall Town Centre and to areas with good public transport accessibility.

23. The development would provide employment and represent a positive addition to Southall. In this regard, the Ealing Core Strategy (CS) (2012) Policy 1.1 promotes business and enterprise by encouraging regeneration and renewal. CS Policy 2.8 sets out the Council's plan to rebrand the nearby area as an 'Asian Gateway' with a strong cultural offer including restaurants, retailing, conference uses and performing arts. LP Policy GG5 promotes the growing and diversification of the London Economy. LP Policy SD1 sets out that proposals should be supported which create employment opportunities and provide other infrastructure to sustain growth and foster localised regeneration. LP Policy SD10 Strategic and local regeneration emphasises how boroughs and stakeholders should work together to improve the conditions of localised areas
24. For all these reasons, there would be significant economic, social and environmental benefits weighing in favour of the proposal.

Conclusion

25. There is policy support for the hotel proposal due to its economic, social and environmental advantages. Nevertheless, there would be considerable and permanent harm to the living conditions of the occupiers of nearby residential properties, having regard to noise and disturbance, on the basis of the evidence before me. Furthermore, harm would arise from the failure to demonstrate that social infrastructure could not be developed on the site.
26. As a result, the conflict with the respective policies in the DPD and LP would be overriding, and the proposal would conflict with the development plan taken as a whole. Turning to other material considerations, there would be economic, social and environmental benefits but the adverse impacts on living conditions and social infrastructure provision would be significant and overriding. Therefore, the proposal would not accord with the development plan and there are no material considerations to outweigh that finding.
27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR