

# Public Document Pack



Notice of Meeting:

## Planning Committee

**Meeting Location:**

Council Chamber, Ealing Town Hall, New Broadway, Ealing W5 2BY

**Date and Time:**

Wednesday, 19 July 2023 at 7.00 pm

**Contact for Enquiries:**

**Email:** [democraticservices@ealing.gov.uk](mailto:democraticservices@ealing.gov.uk)

**Telephone:** 020 8825 6302

**Chief Executive:**

Tony Clements

**This meeting will be held in public. If you would like attend in person and have any special requirements in order to attend, please email [democraticservices@ealing.gov.uk](mailto:democraticservices@ealing.gov.uk) or telephone on 020 8825 6302 at least three clear working days in advance wherever possible.**

### **Committee Membership: Councillors**

R Wall (Chair), D Martin (Vice-Chair), J Ball, J Gallant, Y Gordon, M Hamidi, A Kelly, S Khan, S Kohli, T Mahmood, S Padda, A Raza and L Wall

# AGENDA

## 1 Apologies for Absence and Substitutions

To note any apologies for absence and substitutions.

## 2 Urgent Matters

To consider any urgent matters that the Chair has agreed should be considered at the meeting.

## 3 Declarations of Interest

To note any declarations of interest made by members.

## 4 Matters to be Considered in Private

To determine whether items contain information that is exempt from disclosure by virtue of Part1 of Schedule 12A of the Local Government Act 1972.

## 5 Minutes

There are none on this occasion.

The minutes of the meeting held on Wednesday 7 June 2023 will be available for consideration at the next meeting of the Planning Committee scheduled for Wednesday 16 August 2023.

## 6 Site Visit Attendance

To share site visit details and note site visit attendance.

## 7 Planning Application - 231604FUL – (Pages 5 - 82) Smiths Farm, Kensington Road, Northolt, UB5 6AH

## 8 Planning Application - 225080FUL – (Pages 83 - 154) 131-137 Broadway, West Ealing, W13 9BE

## 9 Planning Application - 225069FUL – (Pages 155 - 230) 239 Horn Lane, Acton, W3 9ED

## 10 Date of the Next Meeting

The next meeting will be held on Wednesday 16 August 2023.

## **Welcome to the Planning Committee**

### **What does the Planning Committee do?**

- Decides approximately 5% of applications made for planning permission within the borough (a senior Planning Officer decides the rest).
- Decides applications for listed building consent.
- Decides applications for conservation consent.
- Approves enforcement action against work carried out without prior permission.
- Is responsible for carrying out the Council's conservation policies within the borough.

### **Who is present at the meeting?**

Elected Councillors make up the membership of the Committee. They decide whether applications should be allowed or refused. Also present are Ealing Council Officers, namely: a Senior Planning Officer; a Legal Adviser; a Democratic Services Officer; and any other Officers as necessary (e.g., Environmental Health Officer, Transport Officer, etc.).

### **Public Speaking**

Public Speakers will have registered with the Council in accordance with the agreed protocol and are permitted a maximum of three minutes each, apart from when an interpreter is used. If an interpreter is used, the submission will be limited to six minutes. One speaker may be heard in objection and one speaker may be heard on behalf of the applicant, for any application on the agenda. Where members of the public have registered to speak in advance of the meeting, these applications will be taken first. Although other members of the public are not permitted to speak, they are welcome to sit, listen and observe the meeting.

### **Site Visits**

Site Visits are generally held the Saturday morning before the Committee meeting. However, site visits can also be made at a later date arising from a decision of the Committee.

### **Decisions**

The Committee can take decisions which include:

- Planning permission is granted (allowed) with or

- without conditions attached;
- Approval subject to a legal agreement being signed;
- Refusal, i.e., planning permission is not granted; or
- Referral (deferred), e.g., for further reports or a site visit.

If an application is not clearly gaining consensus from the Committee, then a vote will be taken by means of a show of hands and a simple majority will win. If there is no majority, then the Chair will vote a second time.

### **Record of Decisions**

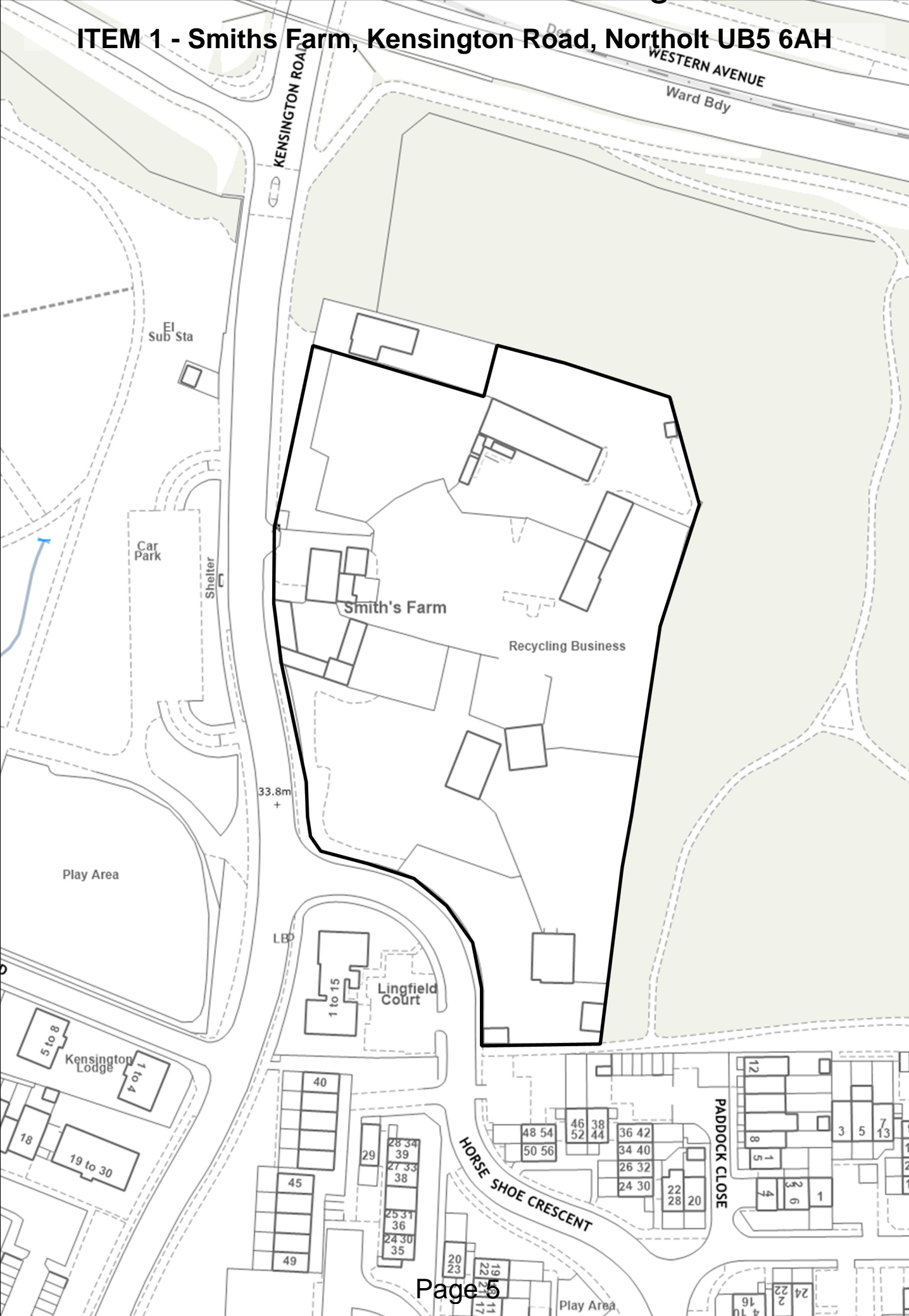
The minutes from tonight's meeting will be available ten working days after the meeting. These will be available from the Committee Section and, also on the Council's website (<https://www.ealing.gov.uk>)

The Planning Department will also send decision letters to the applicants.

Thank you for attending this meeting of the planning committee. If you have any comments on how you feel this meeting could be better organised or improved, please send these to the Head of Democratic Services, Perceval House, Ealing Council, 14-16 Uxbridge Road, Ealing, W5 2HL. Alternatively email [DemocraticServices@ealing.gov.uk](mailto:DemocraticServices@ealing.gov.uk).

**Published:** Tuesday, 11 July 2023

ITEM 1 - Smiths Farm, Kensington Road, Northolt UB5 6AH



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**Ref :** 231604FUL SMITHS FARM, NORTHOLT, UB5 6AH

**Proposal:** Application for redevelopment of site to provide 220 dwellings in 7 blocks of between 4 and 7 storeys; conversion of locally listed farmhouse and barns to provide a cafe / commercial unit (Class E); 67 car parking spaces; improved public access between Northala Fields and Marnham Fields along with associated enhanced landscaping, cycle parking and refuse storage.

**Drawing numbers:** 395-PL-011 Rev 01 Existing Block Plan, 395-PL-010 Rev 01 Site Location Plan, 395-PL-040 Rev 01 Existing Site Location AA, 395-PL-041 Rev 00 Existing Site Sections BB and CC, 395-PL-100 Rev 02 Proposed Block Plan, 395-PL-101 Rev 07 Proposed Site Plan, 395-PL-200 Rev 03 Block A - Proposed Ground Floor Plan, 395-PL-201 Rev 03 Block A - Proposed First Floor Plan, 395-PL-202 Rev 03 Block A - Proposed Second Floor Plan, 395-PL-203 Rev 03 Block A - Proposed Third Floor Plan, 395-PL-205 Rev 03 - Block A - Proposed Roof Plan 395-PL-218 Rev 03 - Block D - Proposed Ground Floor Plan, 395-PL-219 Rev 02 - Block D - Proposed First Floor Plan, 395-PL-220 Rev 02 - Block D - Proposed Second Floor Plan, 395-PL-221 Rev 02 - Block D - Proposed Third Floor Plan, 395-PL-222 Rev 02 - Block D - Proposed Fourth Floor Plan, 395-PL-223 Rev 02 - Block D - Proposed Roof Plan, 395-PL-228 Rev 04 - LLB and Outbuilding - Proposed Ground Floor Plan, 395-PL-229 Rev 02 - LLB and Outbuilding - Proposed First Floor Plan, 395-PL-230-02 Rev 02 - LLB and Outbuilding - Proposed Roof Plan, 395-PL-231 Rev 03 - Blocks B and C - Proposed Ground Floor Plan, 395-PL-232 Rev 02 - Blocks B and C - Proposed First Floor Plan, 395-PL-233 Rev 02 - Blocks B and C - Proposed Second Floor Plan, 395-PL-234 Rev 02 - Blocks B and C - Proposed Third Floor Plan, 395-PL-235 Rev 02 - Blocks B and C - Proposed Fourth Floor Plan, 395-PL-236 Rev 01 - Blocks B and C - Proposed Fifth Floor Plan, 395-PL-237-01 - Blocks B and C - Proposed Sixth Floor Plan, 395-PL-238 Rev 01 - Blocks B and C - Proposed Roof Plan, 395-PL-239 Rev 04 - Blocks E and F - Proposed Ground Floor Plan, 395-PL-240 Rev 03 - Blocks E and F - Proposed First Floor Plan, 395-PL-241 Rev 02 - Blocks E and F - Proposed Second Floor Plan, 395-PL-242 Rev 02 - Blocks E and F - Proposed Third Floor Plan, 395-PL-243 Rev 02 - Blocks E and F - Proposed Fourth Floor Plan, 395-PL-244 Rev 01 Blocks E and F - Proposed Fifth Floor Plan, 395-PL-245 Rev 01 Blocks E and F - Proposed Sixth Floor Plan, 395-PL-246 Rev 01 Blocks E and F - Proposed Roof Plan, 395-PL-247 Rev 02 Block G - Proposed Ground Floor Plan, 395-PL-248 Rev 01 Block G - Proposed First Floor Plan, 395-PL-249 Rev 01 Block G - Proposed Second Floor Plan, 395-PL-250 Rev 01 Block G - Proposed Third Floor Plan, 395-PL-251 Rev 01 Block G - Proposed Roof Plan, 395-PL-300 Rev 01 Block A - Proposed West Elevation, 395-PL-301 Rev 01 Block A - Proposed East Elevation 395-PL-302 Rev 01 Block A - Proposed North and South Elevations, 395-PL-309 Rev 01 Block D - Proposed West Elevation 395-PL-310 Rev 01 Block D - Proposed East Elevation, 395-PL-311 Rev 01 Block D - Proposed North and South Elevations, 395-PL-315 Rev 02 LLB Proposed Elevations 1, 395-PL-316-00 LLB Proposed Elevations 2, 395-PL-320

Rev 01 Proposed Combined West Elevation, 395-PL-321 Rev 02 Proposed Combined South Elevation, 395-PL-322 Rev 02 - Proposed Combined East Elevation, 395-PL-323 Rev 01 - Proposed Combined North Elevation, 395-PL-324 Rev 01 - Proposed Combined Internal West Elevation, 395-PL-325 Rev 01 - Proposed Combined Internal South Elevation, 395-PL-326 Rev 01 - Proposed Combined Internal East Elevation, 395-PL-327 Rev 01 - Proposed Combined Internal North Elevation, 395-PL-328-00 - Blocks B and C - Proposed South Elevation, 395-PL-329 Rev 01 - Blocks B and C - Proposed East Elevation, 395-PL-330-01 Rev 01 - Blocks B and C - Proposed North Elevation, 395-PL-331-01 Rev 01 - Blocks B and C - Proposed Sectional North Elevation, 395-PL-332 Rev 01 - Blocks B and C - Proposed West Elevation 395-PL-333 Rev 01 - Blocks B and C - Proposed Sectional West Elevation, 395-PL-334-00 - Blocks E and F - Proposed Northeast Elevation, 395-PL-335-00 - Blocks E and F - Proposed East Elevation, 395-PL-336-00 - Blocks E and F - Proposed South Elevation, 395-PL-337-00 - Blocks E and F - Proposed West Elevation, 395-PL-338-00 - Blocks E and F - Proposed Sectional North Elevation, 395-PL-339 Rev 01 - Blocks E and F - Proposed Southwest Elevation, 395-PL-339 Rev 01 - Blocks E and F - Proposed Southwest Elevation, 395-PL-335 Rev 01 - Blocks E and F - Proposed East Elevation, 395-PL-341-00 - Block G - Proposed West and Southwest Elevations 395-PL-342-00 - Block G - Proposed Southeast Elevation, 395-PL-343-00 - Block G - Proposed Northeast and North Elevations, 395-PL-350 Rev 02 Proposed Street scene - Kensington Road,

**Supporting Documents:** Environmental Statement (Contamination Report) by Lanmor Consulting (January 2022); Air Quality Assessment by DJC Housing Consultants (March 2023); Daylight and Sunlight Report by Lumina (February 2023); Design and Access Statement by WaM Architecture (March 2023); Heritage Statement by Asset Heritage Consulting (February 2023); Condition Report on Farmhouse and adjacent outbuildings by Stone Rose (undated); Drainage Strategy and Flood Risk Assessment by Lanmor Consulting (March 2023); Ecological Impact Assessment by David Archer Associates (February 2023); Sustainability & Energy Statement by Bluesky Unlimited (March 2023); Planning and Affordable Housing Statement by Howarth Homes Plc (March 2023); Noise Impact Assessment Report by KP Acoustics (February 2023); Statement of Community Involvement by Polity ((March 2023); Transport Statement by Lanmor Consulting (February 2023); Travel Plan) by Lanmor Consulting (February 2023); Construction Logistics Plan by Lanmor Consulting (March 2023); Delivery and Servicing Management Plan by Lanmor Consulting (February 2023); Arboricultural Implications Report and Landscape Assessment by David Archer Associates (January 2022); Planning Gateway One Fire Statement by London Bridge Associates Ltd (February 2023); Fire Statement by London Bridge Associates Ltd (February 2023); Overheating Assessment by Queensbury Design Ltd (March 2023); GLA Carbon Emissions Reporting Spreadsheet, Circular Economy Statement by Cooper Homewood (March 2023); Whole Life Carbon Assessment by Cooper Homewood (March 2023);



**Biodiversity Impact Calculation Report by Syntegra (December 2022), Market Demand Report by Vokins Chartered Surveyors (November 2022), Landscape Addendum by WaM, Schedule of Accommodation Rev 01 by WaM (June 2023), Final Biodiversity Metric Calculations by David Archer Associates, Play Strategy by Udal Landscape Architecture (June 2023), Visual Impact Assessment (July 2023), Alternative Sites Assessment (July 2023).**

**Type of Application: Major**

**Application Received: 12/04/2023 Revised: 21/06/2023**

**Report by: John Robertson**

**Recommendation: Grant with conditions subject to Stage II referral to the Mayor of London, completion of a S106 Agreement and a S278 Agreement, and subject to conditions of consent. This permission would also be subject to a Community Infrastructure Levy payment to the Greater London Authority (GLA).**

**Heads of Terms**

The proposed contributions to be secured through a S106 Agreement are set out below.

| Contribution Heading   | Proposed Contributions |
|--|------------------------|
| Education infrastructure (John Chilton School / Gifford Primary School and John Chilton School / Greenford High School (secondary level) | £542,023               |
| Healthcare provision   | £500,000               |
| Air Quality Monitoring   | £ 22,800               |
| Carbon Dioxide Offsetting  | £ 50,816               |
| Renewable & Low Carbon Energy Monitoring   | £ 16,462               |
| Children’s playspace provision   | £100,000               |
| Improvements to Smiths Farm Open Space   | £150,000               |
| Improvements to paths, the bridge and signage in surrounding area  | £ 57,000               |
| Indoor and outdoor sports provision  | £250,000               |
| Police infrastructure  | £16,339                |
| Town centre improvements (public realm and active travel infrastructure)   | £100,000               |
| Apprentice and Local Labour Scheme   | £ 30,000               |
| Accident remedial scheme on Kensington Road  | £ 50,000               |
| Review of CPZ parking and waiting restrictions near the development  | £40,000                |
| Speed tables at junctions near the development   | £30,000                |
| Cycle infrastructure improvements near the development   | £50,000                |
| Bus stop improvements near site  | £20,000                |
| Pedestrian infrastructure improvements near the development  | £40,000                |
| Travel Plan Monitoring   | £ 3,000                |
| <b>Total Contributions</b>   | <b>£2,089,440</b>      |

- Affordable Housing provision of 111 flats (50.4% of habitable rooms), the tenure mix as a percentage of total affordable units being London Affordable Rent (64%) and Shared Ownership (36%);
- An early stage review of affordable housing provision;
- Participation in an Apprentice and Placement Scheme, which shall provide opportunities across the development, including the construction, design and post construction management of the development. Details of the Apprentice and Placement Scheme including the number of placements details shall be agreed with the Council and include 15 apprenticeships over 3 years; this is in addition to the contribution towards an Apprentice and Local Labour Scheme;
- Restriction of Parking Permits - all the units shall be precluded from obtaining a parking permit and visitor parking vouchers to park within surrounding Controlled Parking Zones and any future CPZs in the area;
- Free 2 years car club membership to residents of the development.
- Additional Contribution for Carbon Dioxide Offsetting (carbon shortfall calculated at current rate of £60 per tonne of carbon for 30 years in the event that the CO2 emissions of the development, including both residential and non-residential, cannot be achieved onsite) as identified in the table above;
- Implementation of the Travel Plan with funding for cycle and road safety education training to all scheme residents;
- All contributions to be index linked;
- Payment of the Council's reasonable Legal and other professional costs in preparing and completing the agreement.

AND

S278 works to implement the site access junction with the proposed cycle route on Kensington Road and introduce raised tables at site accesses;

AND

That the grant of planning permission be subject to the conditions set out in Appendix 1:

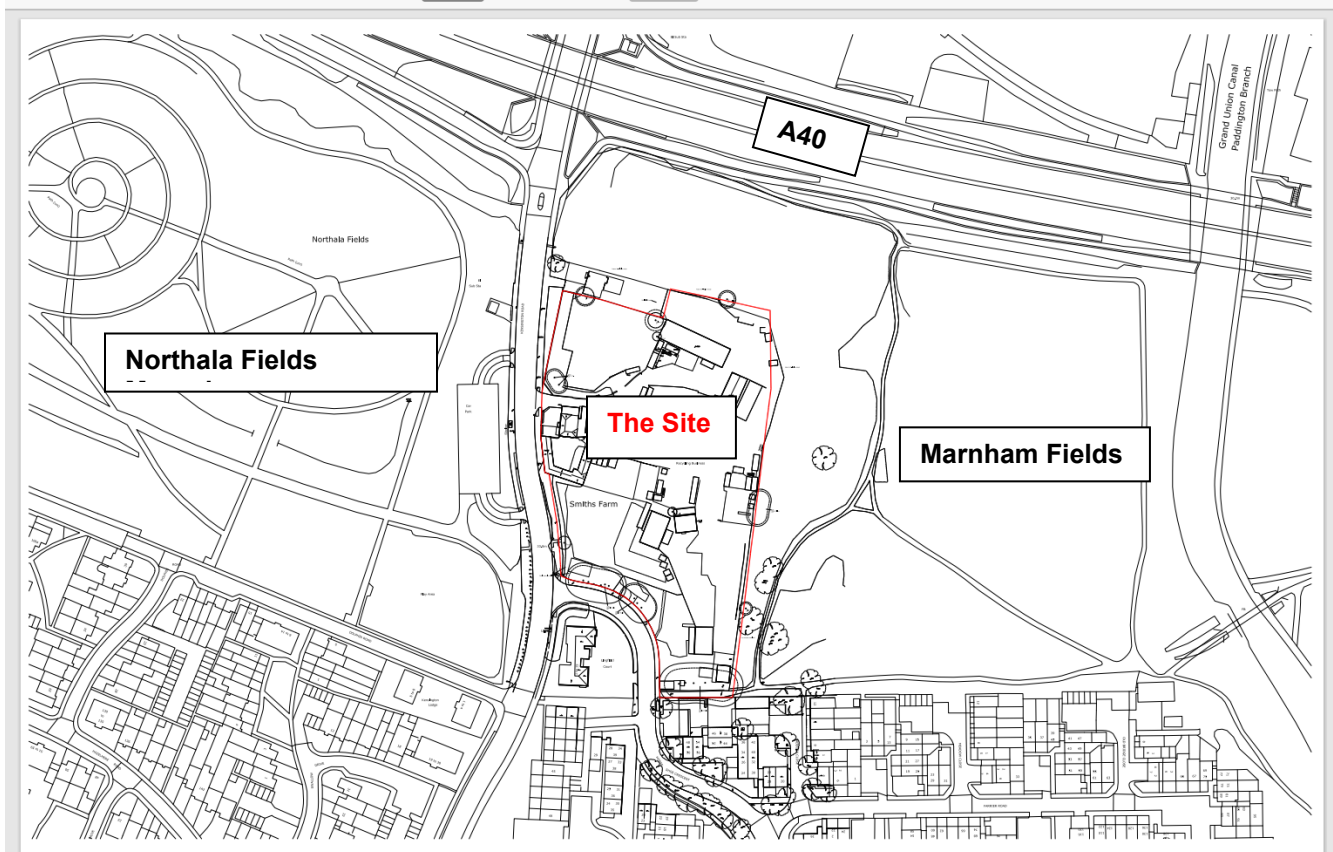
**Executive Summary:**

This application seeks permission for a mainly residential redevelopment of a previously developed industrial site within the Green Belt.

The site lies on the eastern side of Kensington Road some 60m south of the A40 and north of Horse Shoe Crescent. It comprises 1.5 ha occupied by a two storey dwelling and a number of single storey commercial/industrial buildings, temporary structures and extensive hardstanding. Current uses include car sales, a lorry park, and storage of plant and construction equipment.

The site lies within the Metropolitan Green Belt and adjoins open land to the north, east and west, including the Northala Fields mounds and Marnham Fields Country Park, that is also within the Green Belt and designated as Public Open Space and a Site of Importance for Nature Conservation (SINC). The farmhouse and associated outbuildings/barns on the site are locally listed. The site is allocated for residential led development in the emerging Ealing local Plan.

This proposal is for redevelopment to provide 220 dwellings in 7 blocks of between 4 and 7 storeys. The locally listed farmhouse and barns would be converted to provide a cafe / commercial unit. The scheme would also provide a landscaped pedestrian/cycle route across the site between Northala Fields and Marnham Fields along with enhanced landscaping and planting of 115 new trees. 67 car parking spaces and 420 cycle parking spaces are proposed along with 2,865 sq. m of private amenity space, and some 3,380 sq. m of communal amenity space, mainly in a landscaped central park area.



Site Location

The scheme would make an important contribution to meeting local housing demand. Over half of all residential units, comprising 111 flats, would be affordable. It proposes 50% affordable housing on a habitable room basis and with a policy compliant tenure split of 60% social rented and 40% intermediate units. This provision is supported by the Council’s Housing section.

The proposal would constitute inappropriate development in the Green Belt. However, this is a brownfield site that has been allocated for residential-led development in the emerging local plan, and on which the Council has previous resolved to approve residential development. In addition, a range of very special circumstances apply which, on balance, are considered to outweigh any harm to the Green Belt. These include:

- provision of 110 units of market housing to meet local housing needs;
- provision of 111 units of affordable housing;
- provision of over 0.5 ha of new, publicly accessible open space within the site;
- improvements to public accessibility, landscaping and connections between Northala Fields, Marnham Fields and the Grand Union Canal, supported by S106 financial contributions;
- the refurbishment and re-use of Locally Listed Heritage Assets on the site;
- remediation of a contaminated site and unsightly site within the Green Belt;
- a Biodiversity Net Gain which would exceed the 10% policy requirement.



***Proposed Site Layout***

While there would be a loss of employment land, much of the site is used for car sales and adequate justification for this loss has been provided as required by Ealing DPD Policy 4A while the principle of residential development has previously been accepted on the site.

The proposed built development involves 7 new blocks of flats between 4 and 7 storeys high as well as conversion of the locally listed farmhouse and barns to provide a cafe / commercial unit. The 7 residential blocks and the retained farmhouse would be arranged around a large landscaped park area in the centre of the site. The locally listed building would form part of the western side of this grouping, with a frontage on Kensington Road adjoining the main site entrance.

Over 60% of the flats would be larger, family sized units and over 82% would be dual aspect units, providing adequate environmental conditions and living conditions in terms of floor space, layout, daylight and visual outlook.

All the flats would have private balconies that meet London Plan standards. A large, landscaped central park is proposed within the site and there would be adequate amenity space. A shortfall in playspace for older children would be mitigated by a S106 contribution to off-site provision. A landscaped cycle/pedestrian route would also run through the site giving improved public access between Northala Fields and Marnham Fields open space, with a new pedestrian crossing on Kensington Road.

The design of the scheme is the result of extensive pre-application discussion with officers of Ealing Council and the GLA, and public consultation with local residents. Its scale and design are considered acceptable and not to have unacceptable visual impacts on nearby open land or on the amenity of nearby dwellings. While the current scheme contains more dwellings and higher buildings than a scheme refused last year, its design, layout and extensive provision of landscaped open space are considered far superior and more acceptable within its Green Belt surroundings.

It is not considered that the proposal would cause significant harm to nearby heritage assets and any harm would be less than substantial and outweighed by the benefits of the proposal.

The proposed development would provide high standards in terms of sustainable design and construction including Air Source Heat Pump distribution loops (for each of the blocks of flats, dwelling water source heat pumps and five photo-voltaic arrays on the block roofs. With these measures, the overall site-wide CO2 emissions would be cut by at almost 90%. Potential impacts with regard to air quality, noise, and land contamination can be adequately dealt with by the conditions proposed.

Transport Services consider the development acceptable in transport terms subject to conditions and financial contributions towards the review of parking restrictions and a potential CPZ, raised tables at site entrance junction, accident remediation measures, bus stop improvements, and works to improve local pedestrian and cycle infrastructure. S106 contributions have been agreed for such measures. With these measures, including potential parking restrictions on nearby roads and provision of car club memberships to scheme residents, potential impacts arising from the proposal will be satisfactorily mitigated.

The entrance to the site will impact a planned cycle route along Kensington Road, and details will be required of how cyclists from the site will safely join the cycle route. A condition has been applied to require approval of the design of this junction prior to commencement of buildings.

Traffic impacts of the development are estimated to be less than from the existing use, with much fewer heavy vehicles. With appropriate conditions and S106 contributions, the proposed development would be acceptable in transport terms.

Various measures are proposed to enhance the value of the site for wildlife and achieve biodiversity net gain and 115 new trees would be planted, enhancing what is currently an untidy site covered in hardstanding, poor quality buildings and parked vehicles.

Overall, the scheme will provide a number of planning and regeneration benefits including a sizeable increase in the housing stock over 60% of which would be family sized units, 111 affordable flats, improvement of an unsightly, contaminated brownfield site in the Green Belt, improved public access between Northala Fields and Marnham Fields, planting of 115 new trees, refurbishing and providing a long term viable use for local listed buildings, provision of a café available to the local community and visitors to Northala Fields. There will also be some £2.6 million in S106 and CIL contributions towards infrastructure, community facilities and open space improvements in the area.

On balance, it is considered that the proposed development is consistent with the aims of the relevant policies of the adopted the Ealing Core Strategy (2012), The London Plan (2021), Relevant Supplementary Planning Guidance, the National Planning Policy Framework (2021), and the Ealing Development Management Development Plan Document (2013). As such, it is recommended for conditional approval subject to S106 and S278 legal agreements.

### **Site Description**

The application site is located on the eastern side of Kensington Road some 60m south of the A40 and north of Horse Shoe Crescent. It comprises a 1.5 ha site occupied by a two storey dwelling and a number of single storey commercial/industrial buildings, temporary structures and areas of hard surfacing. Current uses include a lorry park, workshops, and storage of plant and construction equipment.

The A40 lies some 50m to the north of the site and is largely screened by a dense belt of trees. To the south across Horse Shoe Crescent lies a 3 storey block of flats. To the south west across Kensington Road and Dolphin Road are 2-3 storey dwellings. To the west across Kensington Road are Northala Fields, an open space with large mounds and a children's playground; this area is largely screened by trees along the site boundary. To the east lies an area of open land separated by the Grand Union Canal from Marnham Fields Country Park.

The site lies within the Metropolitan Green Belt and in Flood Risk Zone 1, with a low risk of flooding. The adjoining open land to the north, east and west, including Northala Fields, is also within the Green Belt and designated as Public Open Space and a Site of Importance for Nature Conservation (SINC). The site is also allocated for residential development in the emerging Ealing Local Plan.

There are no listed buildings within or near the site but Smith's Farmhouse and associated outbuildings/barns are locally listed. The nearest conservation areas are the Canalside Conservation area some 200m to the east and the Northolt Village Green Conservation Area 250m to the north of the site.

There are vehicular accesses to the site from Kensington Road and Horse Shoe Crescent. The Public Transport Accessibility Level (PTAL) of the site is 1b (very low) and it is not located in a Controlled Parking Zone (CPZ).

### **Relevant Planning History**

The site has had a number of recent planning decisions for development proposals which are of general relevance:

- July 2008: refusal for demolition of existing warehouses and the erection of a new outbuilding/workshop incorporating ancillary offices at mezzanine level (PP/2008/2409);

- May 2010 and January 2011: approval of a series of Lawful Development Certificates for the retention of units 2-5 and 7-10 on the site;
- August 2013: the Council resolved to grant outline and full planning permission, subject to completion of a Section 106 Agreement, for conversion and extension of the existing farmhouse and stable buildings on the site to provide 8 flats and outline planning permission for the demolition of other buildings on the site and redevelopment to provide an additional 56 flats in three detached blocks with parking; landscaping and children’s play area; and provision of landscaped extension to the Northolt and Green ford Countryside Park incorporating a fifth conical mound, foot/cycle bridge and surface crossing over Kensington Road (PP/2012/4910); this permission was not implemented.
- March 2016: withdrawn proposal for conversion and extension of existing farmhouse to provide 8 flats, together with demolition of all other buildings forming Smith’s Farm Industrial Estate to provide 4 detached buildings of 2 -5 storeys comprising 66 flats, with associated parking, landscaping and children’s play area; and provision of a landscaped extension to the Northolt and Greenford Country Park, incorporating a fifth conical mound, new foot/cycle bridge and surface crossing over Kensington Road; it is understood this application did not proceed due to viability issues (160531FUL).
- November 2022: permission refused for 5 residential buildings of 3-5 storeys to provide a total of 189 residential units; conversion of existing farmhouse and barns to provide a cafe / commercial unit and improved public access between Northala Fields and Marnham Fields with enhanced landscaping (Ref: 221440FUL). The refusal reasons were:
  1. inappropriate development in the Green Belt that would harm the openness of the Green Belt with no very special circumstances demonstrated;
  2. the proposed design, siting, density and scale would represent overdevelopment of the site;
  3. The application was not accompanied by a Circular Economy Statement and a Whole Life Carbon Statement;
  4. The proposed development did not incorporate adequate urban greening measures, net biodiversity gain or adequate tree replacement;
  5. The submitted drainage strategy did not accord with the London Plan (2021).
  6. The fire safety proposals for the proposed development lacked details relating to the buildings’ construction, means of escape and evacuation strategy, and ongoing maintenance and monitoring of fire access for fire service personnel and equipment.

The November 2022 refused scheme is the subject of a current planning appeal.

**The Proposal**

The application seeks permission to redevelop the site to provide 220 dwellings in 7 blocks of between 4 and 7 storeys. In addition, the locally listed farmhouse and barns would be converted to provide a cafe / commercial unit (Class E); Improved public access would be provided between Northala Fields and Marnham Fields along with associated enhanced landscaping, cycle parking and refuse storage. Key elements of the proposed development are:

- 220 flats comprising 74 x 1-bedroom, 121 x 2-bedroom, 24 x 3 bedroom and 1 x 4 bedroom units;

- 409 sq m of Class E space in existing farmhouse and barn, including a café/ commercial use;
- 67 car parking spaces of which 15 would be disabled parking spaces;
- 420 cycle parking spaces within the buildings and across the site;
- 2,865 sq. m of private amenity space, and 3,380 sq. m of communal amenity space.

The proposed residential units would be distributed across the site as follows:

- Block A – 18 flats (8 x 1 bedroom, 4 x 2 bedrooms, 6 x 3 bedrooms);
- Block B – 25 flats (4 x 1 bedroom, 16 x 2 bedrooms, 5 x 3 bedrooms);
- Block C – 41 flats (21 x 1 bedroom, 20 x 2 bedrooms);
- Block D – 44 flats (14 x 1 bedroom, 28 x 2 bedrooms, 2 x 3 bedrooms);
- Block E – 53 flats (20 x 1 bedroom, 28 x 2 bedrooms, 5 x 3 bedrooms);
- Block F – 25 flats (4 x 1 bedroom, 17 x 2 bedrooms, 4 x 3 bedrooms);
- Block G – 14 flats (3 x 1 bedroom, 8 x 2 bedrooms, 2 x 3 bedrooms, 1 x 4 bedrooms);

In terms of affordable housing, a total of 111 affordable units (305 habitable rooms) is proposed, equivalent to 50.4% of total habitable rooms on the site.

**Environmental Impact Assessment**

The applicants have not sought an EIA Screening Opinion to confirm that the proposed development is not one requiring an Environmental Impact Assessment. Careful consideration has been given to the location, scale and nature of the proposals, which would primarily involve a mainly residential development and take place on previously developed land on a 1.5 ha site within the Green Belt. The proposal is a Schedule 2 development with over 150 dwellings proposed, contains a local listed building and lies partly within a SINC. However, it is not within a conservation area nor any environmentally sensitive area as defined by EIA Regulations and is not in an area of high flood risk. The proposed scale and nature of the development is not such that it would cause unusual or greater impacts than other residential development projects. The relatively few significant environmental impacts identified can be adequately addressed by the various technical reports which accompany the application. It is not therefore considered that this proposal is one requiring an Environmental Impact Assessment.

**Consultation:**

**Public Consultation – Summary**

**Public**

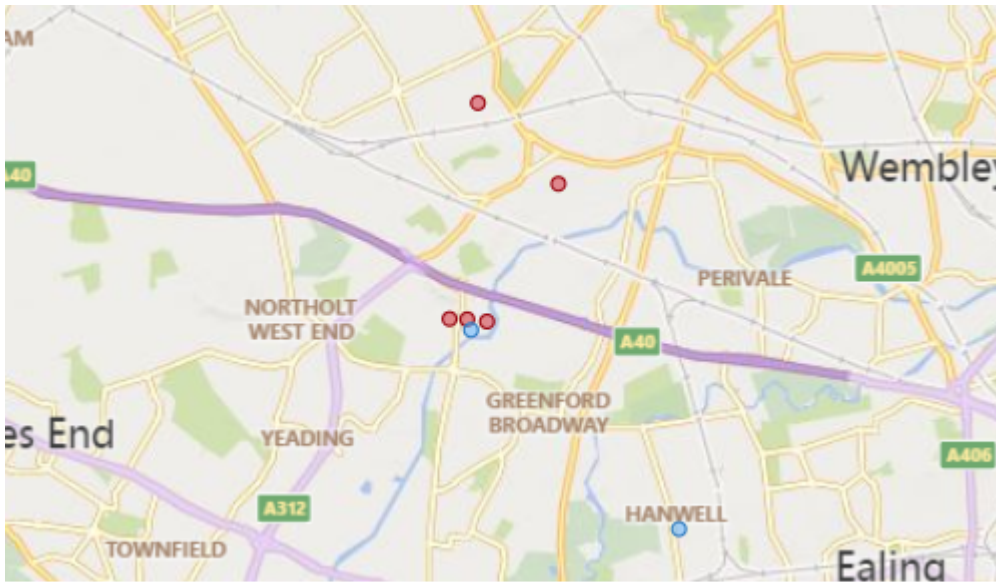
Site notices were posted around the site with a consultation period between 10/05/2023 – 20/06/2023.

Six objections and 2 letters of support were received from local residents. The objections related to:

- lack of local infrastructure to support the level of housing proposed;
- overdevelopment of the site;
- excessive height and number of dwellings proposed;
- likely increase in parking pressures in the area.

The location of these representations is indicated on the plan below.





**External**

Environment Agency – no response.

Health and Safety Executive – noted that insufficient fire safety information was available at the time to allow a full assessment of Block B and C fifth floor and Block E and F sixth floor; the connection of the single staircase in Block E (core E1) with ancillary accommodation is not appropriate and design changes are necessary to provide alternative, separated access and egress routes from such areas; a full response is awaited.

London Parks and Gardens Trust – no response.

London Wildlife Trust – no response.

Metropolitan Police Service – seeks contribution of £16,339 to mitigate the additional impacts of this development on police infrastructure.

Natural England - no response.

GLA – the main issues raised in the Stage 1 report were:

- the proposal is inappropriate development within the Green Belt and very special circumstances are required;
- further details of very special circumstances required including assessment of alternative sites assessment and demonstrating lack of other suitable sites;
- justification needed for loss of non-designated industrial site;
- scheme may be eligible for Fast Track Route subject to Council securing affordable housing offer;
- proposal would not cause harm to locally listed buildings on site and nearby Conservation Areas;
- further information needed on children’s playspace provision;
- assessment required in relation to tall buildings London Plan Policy D9 Part C criteria.
- further details needed regarding single aspect units and internal daylight/sunlight;

- deficiencies in the ATZ assessment need to be remedied through a financial contribution or physical works, probably via s278 or s106 Agreements;
- more information required on internal access and loading; trip generation; cycle parking; deliveries and servicing; and travel planning with contributions secured on electric vehicle charging and management plans;
- more information needed on energy; circular economy and whole life-cycle carbon prior to Stage 2;
- UGF score acceptable but more information required on biosolar roofing; flood risk; sustainable drainage; water efficiency; air quality; and SINC management;
- parking design and management plan and delivery and servicing plan to be approved by condition;
- 20% active EV charging required for car parking with passive provision for all remaining spaces;
- conditions sought on post-construction report for whole life-cycle carbon assessment and circular economy measures;
- recommendations of ecological impact assessment and noise assessment to be implemented.

TFL – no response at time of writing.

NHS Property Services – no objection but requests S106 contribution of £787,052 towards local health projects.

Design Out Crime – see no reason why this proposed development would not achieve a Secured By Design Accreditation but request condition that the development must achieve Secured by Design accreditation prior to occupation.

London Fire and Emergency Planning Authority – no response.

Thames Water Utilities Ltd – development is within 15m of a strategic sewer so piling condition required; no objection with regard to surface water drainage if the developer follows the sequential approach to the disposal of surface water.

Affinity Water – site is not within Environment Agency defined groundwater Source Protection Zone or close to its abstractions; ground investigation required prior to piling or excavations below the chalk groundwater; development should include water efficient fixtures and fittings, rainwater harvesting and grey water recycling; water company to be consulted on potential water mains running through or near the development site.

Northolt Memorial Hall and Village Greens Trust – no response.

Northolt Village Conservation Area – no response.

Historic England – no comment.

Historic England (GLAAS) – considers the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation; requests condition requiring no demolition or development until a stage 1 written scheme of investigation (WSI) has been approved by the local planning authority.

Ealing Civic Society – objects on the grounds of:

- inappropriate development in the Green Belt with no very special circumstances demonstrated;
- overdevelopment of the site;
- revised proposals more damaging than those previously refused in terms of density, scale and siting;
- increase in site coverage, building heights, density and number of units proposed;

- architectural treatment lacks any integrity, with many disconnected styles proposed;
- 'Family' homes now all standard or duplex flats in blocks rather than some townhouses;
- several mature trees appear to be lost;
- low PTAL of the site is inappropriate for this scale of development;
- lack of contact with the Society during reconsultation.

Ealing Design Review Panel – raised a large number of issues at pre-application stage. Many of these requested further information. Specific comments on design issues including on the height of blocks, separation distances between blocks, landscaping, single aspect units, integration of the locally listed building within the scheme, materials and size of windows. These are addressed within the design section of the report.

**Internal**

Pollution Technical (Noise) – notes that site is exposed to traffic noise from local roads and the A40 and junction with the slip road; many bedrooms adjoin neighbouring kitchen/living/dining rooms/staircase and communal corridors and above/adjoining bin/cycle stores and ground floor plant rooms, with potential to cause adverse living conditions; no objections subject to various noise and odour related conditions being applied and approval of a Demolition Method Statement and Construction Management Plan;

Pollution Technical (Air quality) – no objection subject to conditions requiring approval of a Ventilation Strategy Report and an Air Quality and Dust Management Plan, and on Non-Road Mobile Machinery along with a S106 contribution of £22,800 towards air quality monitoring.

Contamination officer – requires conditions on site investigation, remediation and verification;

Transport Services – raised the following comments:

- a travel plan to be secured via a S106 agreement;
- explore potential for car club bay on site and providing free 3-year car club membership for residents of the development;
- at least 15 enlarged car parking bays required for disabled people and bays to be provided with electrical charging points;
- Construction Method Statement and Servicing and Parking Management Plan are required;
- S106 contributions of £243,000 requested towards accident remedial schemes, parking and waiting restrictions near the development, bus stop improvements, raised speed tables and local cycle and pedestrian infrastructure improvements;
- a s278 agreement is required for reinstating part of the crossover and to introduce raised tables at those proposed site access on Kensington Road;
- details required for approval of proposed cycle parking spaces.

Highways – main comments are:

- need agreed design for the site access junction where it meets planned cycle route along Kensington Road;
- should make this junction raised or blended and design needs to incorporate the new kerb line and cycle track proposed;
- need details of how cyclists will join planned cycle route or any dedicated cycle routes within the site;
- construction traffic could mean increased risks for cyclists and pedestrians at the site entrance;
- need swept path details for the site entrance based on the new kerblines there;
- queried whether roads within the site are to be adopted and what waiting restrictions applied;
- safety concern about people crossing from the car park directly to get to the café;
- northbound bus stop close to site entrance may need moving to avoid conflict with vehicles entering/exiting the site;
- no right turn pocket for vehicles arriving from the south and this may cause queues;
- CPZ and waiting controls should be considered since development will generate overspill parking into the surrounding area;

Cycling Officer – requests improved spacing between cycle stands to meet London Cycling Guideline standards;

Waste and Street Services – no response.

Energy Officer – supports the proposed energy/sustainability strategy which is all electric with no gas infrastructure on-site; various conditions are required along with S106 contributions for carbon offsetting and energy monitoring;

Flood Risk Officer – no response.

Tree Officer – objects on grounds that the proposed trees are too small to soften the tall buildings; not enough space around buildings to plant trees; the size of trees required to screen buildings would significantly shade rear gardens; the increased parking would significantly increase the risk of trees getting damaged; not enough done to incorporate the scheme into the landscape adjoining Northala Fields.

Strategic Planning – no response.

Education Services – no objection subject to a S106 contribution of £542,023 towards improvements to John Chilton School with a reserve of Gifford Primary School or other local education provision at primary phase, and John Chilton School with a reserve of Greenford High School or other education provision at secondary phase.

Assistant Director of Leisure – no response.

Director of Adult Social Services – no response.

Active Ealing – seeks contribution of around £303,000 towards projects to improve indoor and outdoor sports facility infrastructure in the local area; the development should also aim to incorporate Sport England’s ‘Active Design’ (October 2015) throughout the proposed development.

Parks and Countryside – some concerns about the height of the blocks but since the taller blocks are to the south, this should retain the view of the mounds from Smiths Farm; no objections raised; subject to conditions on landscaping details, a landscape maintenance plan, play equipment details, and green

roofs; S106 contributions also sought to upgrade/renew elements of the nearby play area (£143,000), towards improving paths and connections with the surrounding area (£57,000), and improving Smiths Farm open space (£171,000).

Regeneration – notes loss of employment uses on the site and insufficient evidence provided to justify loss of industrial space and that site cannot be reused for industrial and related purposes; would not recommend release of industrial capacity here, in line with London Plan Policy E4, due to good strategic road access and poor public transport accessibility; new cafe should better link to and serve users of Northala Fields to support viability; supports active frontage and entrance lobbies facing landscaped public park; encourages greater uplift in jobs in the development; supports the less car dominated site layout with improved pedestrian and cyclist connectivity to new public park in the centre; S106 contribution sought towards neighbourhood centre improvements to mitigate impact of the proposed development and population uplift.

Economic Development (apprenticeships) – requests 15 apprenticeships, 20 work experience opportunities, 10 job starts, a S106 contribution of £385,000, with a penalty of £25,000 per apprenticeship opportunity not filled and school engagement work involving 40 school/ college visits and 40 school/ college workshops over 3 years.

Housing – scheme complies with Council policy position of 50% affordable housing and preferred tenure mix of 60%/40% split between London affordable rent (LAR) and intermediate homes and this tenure mix is supported; requests that shared ownership homes are made affordable to a range of incomes and not all be pitched at the top end of the shared ownership eligible income; an early stage reviews is also recommended.

CCTV Systems Manager – no response.

Councillor Rice – no objection; site could potentially draw more activity to Northolt Village but the levelling up work in the Village should sufficiently ensure that this activity does not necessarily bring a large increase of car traffic with it.

Councillor Summers – no objection but wants to see highway and parking issues addressed including traffic congestion and on-street parking on Kensington Road; notes plans to put in segregated cycle lanes there and suggests double yellow lines on both sides of Kensington Road between the A40 and Dolphin Road, and on the northern side of Horseshoe Crescent as far as Farrier Road.

It is also noted that the applicant carried out a series of pre-application discussions with Ealing planning officers and the GLA, carried out on-line briefings of local ward members, distributed a community letter in February 2023 to residents in an identified catchment around the site, set up a website for the scheme and held a drop-in session and a live presentation (webinar) of the latest proposals. Various other stakeholders were contacted with details of the website and the opportunity to participate in the webinar. The scheme was also presented to the Ealing Design Review Panel in April 2023.

**Reasoned Justification:**

**Main Issues**

The main issues in assessing this proposal are the principle of the development within Metropolitan Open Land and on a former employment site, the quantum of development, the design and impact on the character and appearance of the area, the scale of the proposed building and its relationship with surrounding properties/overall context, the impact on amenity of adjacent uses, impacts on ecology, the quality of internal living environment for residents, the transport impact of the development,

sustainability and potential operational aspects. Other issues to be considered include housing mix and affordable housing, crime prevention, accessibility, refuse and recycling storage, drainage and the Community Infrastructure Levy.

### **Ealing Housing Land Supply**

This application needs to be considered in the context of the Borough's housing land supply position. Paragraph 74 of the NPPF advises that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The Council is currently compiling the evidence needed to confirm its position regarding the level of deliverable supply, and once completed this will be documented in an update to the latest AMR (October 2021). For reasons outside the Council's control the completion of this exercise has been delayed awaiting the migration of missing pipeline data into the GLA's Planning London Datahub. The GLA's London Development Database (a 'live' system monitoring planning permissions and completions) was replaced in 2020 by the Planning London Datahub. During this transition between databases, there was a gap in coverage where neither database was operational and this prevented permission data being captured for a significant period, which has given rise to the incomplete pipeline. This incomplete pipeline poses a significant barrier to establishing future levels of deliverable supply. Typically, most of the supply identified through a five year land supply is expected to be derived from the pipeline of permissions.

Because of the non-availability of this information from the GLA, in this period of uncertainty, the Council is not able to conclusively demonstrate that it has a 5-year supply of housing land, or what level of shortfall there may be if there is one.

Whilst the possibility of a shortfall pertains, the National Planning Policy Framework 2021 (NPPF) presumption in favour of sustainable development – the so-called 'tilted balance' – is engaged. NPPF para. 11d)ii states that in these circumstances the development plan policies most important for determining the application are to be treated as out-of-date.

Therefore, in the current circumstances national policy is that planning permission should be granted for development that optimises the capacity of sustainable housing sites unless:

1. assets of particular importance, such as for example, heritage, environment, flood risk, ecology, protected countryside, provide a clear refusal reason or
2. any adverse impacts of the development would significantly and demonstrably outweigh the benefits of granting permission, when assessed against the policies in the NPPF considered as a whole.

Account has also been taken of the Court of Appeal judgment in *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government (2021)* that in the plan-led Planning System the decision-maker (i.e. the Council) is entitled when determining the application to take into account and weigh other development plan policies relevant and applicable to the application, such as for example design, scale, amenity, contribution towards meeting affordable housing need, as well as the non-exhaustive list of matters noted above.

**Principle of Development**

Increasing the current housing stock is an important strategic objective for the London Borough of Ealing. Policy H1 of The London Plan (2021) aims to optimise the potential for housing delivery on all suitable and available brownfield sites especially in areas with PTAL levels of between 3-6 or within 800m of a station, and on industrial sites that have been identified as being suitable for co-location. This is supported by London Plan policy D3 which aims to make the best use of land by following a design led approach that optimises the capacity of sites.

Section 11 of the National Planning Policy Framework ('Making Effective Use of Land') encourages as much use as possible of previously developed land and vacant buildings as well as optimising the use of land to meet as much of the identified need for housing as possible. The proposed 220 residential units would make a significant contribution to meeting housing capacity as sought by policy H1 of the London Plan.

However, the site lies wholly within Metropolitan Green Belt and London Plan Policy G2 aims to protect the Green Belt from inappropriate development and makes clear that development proposals that would harm the Green Belt should be refused except where very special circumstances exist.

Ealing Core Strategy Policy 5.1 aims to protect and enhance Metropolitan Green Belt and notes that Green Belt sites will be managed for informal recreation uses, the protection of nature conservation interests and enhancement of pedestrian and cycle links will be sought.

The NPPF also resists inappropriate development in Green Belt, which would include residential development, unless very special circumstances exist to outweigh this. However, as an exception, paragraph 149 (g) of the NPPF allows for limited infilling or the partial or complete redevelopment of previously developed land within Green Belt, whether redundant or in continuing use...which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The applicants argue that the proposal would comprise “appropriate development” in terms of the exception allowed by Paragraph 149(g) of the NPPF. At present this site contains a 2 storey dwelling, industrial buildings and extensive hardstanding and comprises previously developed land. However, the proposed development of buildings between 3 and 7 storeys high would significantly increase the scale, height and footprint of buildings on the site. The building footprint would increase from 340 sq m to over 3,900 sq m. The total floorspace of buildings would increase from 409 sq m to over 19,700 sq m. This scheme would also be significantly higher than existing development nearby. The proposed 67 car parking spaces would also impact the openness of the Green Belt. It is acknowledged that the existing site, with industrial buildings and hardstanding, already harms the openness of the Green Belt. However, based on the above factors, it is considered that the proposed scale of built development would have a greater impact on the openness of the Green Belt than the existing development.

With regard to the second criterion of paragraph 149(g), it is clear that the proposal would re-use previously developed land and contribute to meeting an identified local affordable housing need. The remaining question is whether the proposal would cause substantial harm to the openness of the Green Belt.

In this context, the applicant draws attention to the Ealing Regulation 18 consultation for the emerging Local Plan, which allocates the site for residential led mixed use development although this carries quite limited weight at this stage. In addition, it is pointed out that the Green Belt review, part of the evidence base for the emerging Ealing Local Plan, indicates that this site fails to contribute to any of the purposes of the Green Belt. This review concludes that the link between the western and eastern parts of the Green Belt here is weakened by inappropriate employment uses on Smith's Farm and that this site does not feel or function like a Green Belt site. It also confirms that the site is of slight/negligible importance with regard to the Green Belt purposes of checking unrestricted sprawl of large built up areas, and safeguarding the countryside from encroachment. If the site already does not function as part of the Green Belt or contribute to it, it can be argued that any harm to its openness from this development should be considered less than substantial.

The proposed development would clearly provide a greater quantum of built development and higher buildings on the site. Some of these buildings will be visible from the open Green Belt land to the east although the proposed new tree planting and landscaping would mitigate its impacts and such an impact would not necessarily be substantial.

It is also a material consideration that the Council has previously resolved to grant permission in August 2013, subject to completion of a S106 Agreement, for substantial residential development on this site, comprising over 60 dwellings in buildings of 3-5 storeys with a built footprint of 1,390 sq m.

Overall, an argument can be made that the scale and height of built development proposed would cause harm to the openness of the Green Belt, but not necessarily substantial harm. However, on balance, it is not clear that the proposal constitutes an exception to Green Belt policy in terms of NPPF paragraph 149 (g). Very special circumstances therefore need to be shown that outweigh any harm and justify the proposal.

The following potential public benefits have been identified:

- provision of 109 units of market housing to meet local housing needs;
- provision of 111 units of affordable housing;
- provision of over 0.5 ha of new, publicly accessible open space within the site;
- improvements to public accessibility, landscaping and connections between Northala Fields, Marnham Fields and the Grand Union Canal, via a landscape masterplan strategy to be implemented by S106 financial contributions;
- the refurbishment and re-use of Locally Listed Heritage Assets on the site;
- remediation of a contaminated site and unsightly site within the Green Belt;
- a Biodiversity Net Gain which would exceed the 10% policy requirement;
- substantial S106 contributions towards local infrastructure.

The applicants argue that the first three of these benefits should be accorded very substantial weight, particularly as the Council cannot demonstrate a 5 year housing land supply.

With regard to housing provision, the housing targets for each borough are based on a Strategic Housing Land Availability Assessment (SHLAA), a key principle of which is that the target can be met without the need to consider Green Belt sites. As such, boroughs are normally expected to meet its housing need without developing on Green Belt land. However, this site is identified as deliverable for new housing in the 2017 London SHLAA. Whilst not policy, the identification of the site as being developable in the SHLAA confirms that Ealing housing targets are reliant on the site coming forward. It is also clear from a number of appeal decisions that very substantial weight has been attached to the provision of market housing in allowing developments within the Green Belt, particularly where a 5 year housing land supply cannot be demonstrated. Each case has to be determined on its own merits and it



is not appropriate to apply conclusions from one appeal to another scheme without carefully considering the specific circumstances of that case. However, in this case, it is reasonable to attach substantial weight to this factor.

The proposed 50% provision of affordable housing offer is requirement set by Policy H4 of the London Plan for industrial sites in order to follow the Fast Track Route. It is therefore arguable that the proposed 50% provision should not be considered a benefit of the development that constitutes part of the very special circumstances. However, in a number of appeals involving developments within the Green Belt, very substantial weight has been attached to the provision of affordable housing, particularly where local targets are not being met. On that basis, it is reasonable to attach substantial weight to this factor.

While it may be argued that the benefits of improved quality and accessibility of open space near the site could be achieved without the scale of development in Green Belt currently proposed, these important benefits would arise from the scheme now being considered and no information is available on what benefits would result from a reduced scale of development. There is no indication that such benefits would be realised other than by approving residential development on the site. On balance, these benefits can be considered as forming part of the very special circumstances which apply to the proposal and should carry important weight.

Although remediation of a contaminated site within the Green Belt can also be considered a benefit, it should not be considered as very special circumstances since such remediation is essential for the scheme to be implemented.

Again, while substantial S106 contributions towards local infrastructure would result from the proposal, these cannot be considered as very special circumstances since these contributions are necessary to mitigate adverse impact of the development.

The GLA Stage 1 report considers that very special circumstances have not been adequately established to outweigh the harm the scheme would cause to the openness of the Green Belt, and further information is required in order to establish very special circumstances. However, it also notes that the scheme could be acceptable in principle subject to satisfactory information being provided.

The GLA have also requested that an assessment should demonstrate that no suitable, alternative, non-Green Belt sites exist to meet Ealing's housing need without using Green Belt land. The applicant has not provided a detailed site assessment but relies instead on work carried out for the London Strategic Housing Land Availability Assessment (SHLAA), the Council's emerging Local Plan process and its call for sites. It is argued that the inclusion of the site within the SHLAA confirms that the delivery of Smiths Farm was considered necessary to meet the strategic housing needs of London.

The Council's 2022 Site Selection Report (November 2022), which underpins the emerging Ealing Local Plan sets out the detailed process undertaken by the Council in selecting sites for proposed allocation, and discounts sites that are not deliverable. This document therefore considered alternative sites, from a range of sources, to determine where housing could be delivered. In addition, the call for sites by the Council, as part of the Local Plan process, assessed all available sites potentially able to meet housing need. As a result, the Smiths Farm site was allocated for residential led development.

Since the Council considered this site as acceptable and deliverable to meet housing need, above other sites that had been put forward, this indicates that insufficient preferable sites outside the Green Belt were available. If any other non Green Belt sites were available and suitable, they would have been allocated for housing, and no sites in the Green Belt would have been needed. Since Smiths

Farm, a Green Belt site, was allocated through the Local Plan process, this confirms that insufficient non Green Belt sites to meet Ealing's housing need were identified.

The Council's site selection process is considered robust, and the fact that this Green Belt site was allocated for housing, after consideration of other sites, supports the case that no alternative sites, that did not already benefit from allocation or planning permission, were available to meet the identified housing need for the borough. The fact that Ealing cannot currently demonstrate sufficient land with planning permission for housing, further indicates that the application site is needed for the five year supply position and as such there are no suitable alternatives to it. On that basis, it is not considered necessary for the applicant to undertake further assessment of alternative sites.

Overall, a number of important benefits would arise from the proposal which carry important weight and it is not obvious that any alternative non Green Belt sites for housing exist. On balance, therefore, it is considered that, in this case, very special circumstances have been demonstrated that would outweigh any harm the scheme would cause to the openness of the Green Belt. The proposal therefore complies with the NPPF and London Plan Policy G2.

### **Loss of Employment Land**

The application site contains various buildings in some form of industrial or other employment use, with some existing Lawful Development Certificates for various buildings on the site for B2 and/or B8 uses.

There are 4 existing occupiers of the site, two are involved in car sales / car rather than industrial uses and one is a trucking business. There is also a groundworker (a construction professional who prepares the ground before and after building) and who is understood to have found alternative premises. The GLA seek confirmation of which existing industrial buildings are currently occupied and proposals for relocation of these tenants and this will be provided prior to the Stage 2 referral.

Policy 4A of the Ealing Development Management DPD states that outside of SIL, LSIS and Site Allocations, redevelopment of a site for a non-employment use is only permitted where all of the following can be demonstrated:

- a. the site is not viable for re-occupation (including renewal and refurbishment).
- b. the site is not viable for redevelopment/renewal for an employment use (including small offices where appropriate).
- c. the proposal does not constrain or undermine neighbouring employment uses.

Explanatory text to Policy 4A makes clear that this policy applies to employment uses which fall within the former B use classes plus other closely related uses commonly found on employment sites (for example garages and motor repair). Lawful Development Certificates confirm B2 and/or B8 uses on various buildings on the site.

This Policy also indicates that, where retaining a building or site in employment use is not viable, mixed use development which maximises the number of jobs provided should be sought. It makes clear that a site is not considered viable for redevelopment/re-occupation where it has not been lettable at a reasonable market rent for a period of two years or more.

In addition, London Plan Policy E7(C) states that mixed-use or residential development proposals on non-designated industrial sites should only be supported where:

- 1) there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of London Plan Policy E4;
- 2) it has been allocated in an adopted local development plan document for residential or mixed-use development; or

3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification.

In this policy context, a Market Demand report by a firm of commercial property surveyors accompanies the application. This notes that the occupiers have undertaken marketing, via various methods, for vacant parts of the site since May 2022, without success. The report concludes that marketing of these buildings would not produce an occupier or occupiers requiring the space for employment generating uses. It adds that, given the characteristics of the property and its location, the firm would decline instructions to market such poor-quality business space, upon the basis it would not be a productive project, and we would not wish to be associated with leasing sub-standard accommodation of the type found at Smith's Farm. In addition, they assert that, given the overall appearance and characteristics of this property, it would not be commercially viable to invest in repairing/ trying to upgrade it. The cost of this exercise would be too high in comparison with the rental returns if industrial and storage occupiers could be persuaded to operate from this property, given lack of demand for this type and kind of space.

The GLA indicate the criteria of London Plan Policy E4 must be addressed since the scheme does not seek to include any industrial floor space, the site had not been allocated for residential or mixed-use development in the adopted local plan and no evidence had been provided to establish there is no reasonable prospect of the site being used for industrial and related purposes. It is noted that the Council's Regeneration Section did not recommend release of industrial capacity here, in line with London Plan Policy E4 due to the site's good strategic road access and poor public transport accessibility. Policy E4 indicates that any release of industrial capacity should be focused in locations that are well-connected by public transport, walking and cycling and contribute to other planning priorities including housing.

However, the site has now been allocated for residential led development in the emerging Ealing Local Plan and the submitted Market Demand report confirms that the site has no reasonable prospect of viable industrial use. In addition, the site is not well-connected by public transport and would contribute to housing and particularly affordable housing priorities as sought by part E of this Policy. As such, the scheme can be considered to meet the criteria of London Plan Policy E4 to a reasonable degree.

However, the marketing and other evidence submitted indicate that the criteria of Policy 4A are met to a large extent. It is also clear from resolution to approve in August 2013 that the principle of significant residential development has previously been accepted by the Council on this site. The site has also been designated for residential led development in the emerging Local Plan. In addition, loss of employment space was not a reason for refusal in the scheme rejected in November 2022. It would therefore be difficult to justify refusal now on the grounds of loss of employment space.

In these circumstances, the proposal is considered acceptable in terms of Ealing Development Management DPD Policy 4A and London Plan Policy E7.

### **Mix of Residential Units**

London Plan Policy H10 indicates that schemes should generally consist of a range of unit sizes having regard to factors including local evidence of need, the 2017 London Strategic Housing Market Assessment, the requirement to deliver mixed and inclusive neighbourhoods and the need to deliver a range of unit types at different price points across London.

The proposed 220 residential units would have a range of sizes with just over one third being 1 bedroom units. However, almost 60% would be larger, family-sized 2 bedroom/4 person and 3 and 4 bedroom units, as shown below. This mix is considered acceptable in this location and environment.

| Quantum of Proposed Residential Provision |                   |
|---|-------------------|
| 1 bedroom / 2 persons                     | 74 (34%)          |
| 2 bedrooms / 3 persons                    | 13 ( 6%)          |
| 2 bedrooms / 4 persons                    | 108 (49%)         |
| 3 bedrooms / 5 persons                    | 24 (11%)          |
| 4 bedrooms / 6 persons                    | 1 (0.5%)          |
| <b>Total</b>                              | <b>220 (100%)</b> |

**Affordable Housing**

Policy H4 of the London Plan (2021) sets a strategic target of 50% of all homes to be genuinely affordable. The Ealing Core Strategy sets a borough-wide strategic target of 50% affordable housing. London Plan Policy H4 also requires 50% affordable housing, particularly on industrial land appropriate for residential use in accord with Policy E7 for schemes which result in a net loss of industrial capacity.

In addition, policy H6 of the London Plan (2021) seeks to secure 30% of the total affordable housing as low cost rented units (London Affordable Rent or Social Rent), at least 30% as intermediate (London Living Rent and London shared ownership) and the remaining 40% determined by the local planning authority as low cost rented homes or intermediate products based on identified need.

The affordable housing offer on the application site is for a total of 111 affordable units and 305 habitable rooms. This would provide 50.4% affordable housing by units on a non-designated industrial site, comprising 73% London Affordable Rent (LAR) and 27% shared ownership (intermediate) by habitable room. The LAR units would be within Blocks A and E while the shared ownership units would be within Block D. The breakdown of these units by size is indicated in the Table below.

| Flat Size              | Affordable Units   | Market Units       | Total Units |
|------------------------|--------------------|--------------------|-------------|
| 1 bedroom / 2 persons  | 51                 | 23                 | 74          |
| 2 bedrooms / 3 persons | 6                  | 7                  | 13          |
| 2 bedrooms / 4 persons | 40                 | 68                 | 108         |
| 3 bedrooms / 5 persons | 14                 | 10                 | 24          |
| 4 bedrooms / 6 persons | 0                  | 1                  | 1           |
| <b>Total</b>           | <b>111 (50.4%)</b> | <b>109 (49.6%)</b> | <b>220</b>  |

| Flat Size              | No. of Affordable Units | No. of Affordable Habitable rooms | Affordable rooms as % of Total Habitable Rooms |
|------------------------|-------------------------|-----------------------------------|--|
| 1 bedroom / 2 persons  | 51 (46%)                | 102                               | 69%  |
| 2 bedrooms / 3 persons | 6 ( 5%)                 | 18                                | 46%  |
| 2 bedrooms / 4 persons | 40 (36%)                | 120                               | 37%  |
| 3 bedrooms / 5 persons | 14 (13%)                | 56                                | 58%  |
| 4 bedrooms / 6 persons | 0 (13%)                 | 0                                 | 0%   |
| <b>Total</b>           | <b>111 (100%)</b>       | <b>305</b>                        | <b>50.4%</b>                                   |

The proposed tenure of these affordable units by dwelling units is set out in the Table below.

| Flat Size    | London Affordable Rent | Shared Ownership | Total      |
|--------------|------------------------|------------------|------------|
| 1B/2P        | 28                     | 13               | 41         |
| 2B/3P        | 6                      | 0                | 6          |
| 2B/4P        | 26                     | 24               | 50         |
| 3B/5P        | 11                     | 3                | 14         |
| 4B/6P        | 0                      | 0                | 0          |
| <b>Total</b> | <b>71 (64%)</b>        | <b>40 (36%)</b>  | <b>111</b> |

A breakdown of these affordable tenures by habitable rooms is also provided below.

| Flat Size       | London Affordable Rent | Shared Ownership | Total |
|-----------------|------------------------|------------------|-------|
| Habitable Rooms | 195 (64%)              | 110 (36%)        | 305   |

This affordable provision would comprise 28 x 1 bedroom, 32 x 2 bedroom, and 11 x 3 bedroom flats for London Affordable Rent, which is a genuinely affordable housing product. The development would provide over 50% affordable housing with a tenure split consistent with London Plan Policy H6 and the Ealing Development Management DPD.

The Council’s Housing section supports the proposed level of affordable housing and tenure mix, which comply with Council policy, but request the shared ownership units be affordable to a range of incomes and not all be pitched at the top end of the shared ownership eligible income. An early stage reviews is also recommended. The GLA notes the scheme may be eligible to follow the Fast Track Route subject to the affordable housing offer being secured.

Subject to the above provisions, the proposed affordable housing provision is considered acceptable in terms of London Plan and Ealing Core Strategy policies.

**Heritage Issues**

The Smiths Farmhouse and outbuildings are locally listed and the site lies approximately 250m south of the Northolt Village Green conservation area and some 200m west of Canalside conservation area. London Plan Policy HC1 states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets.

Policy 1.2 (g) of the Ealing Core Strategy supports the proactive conservation and enjoyment of Ealing’s heritage assets and their significance. Ealing Development Management DPD Policy 7C states that harm to any heritage asset should be avoided and that 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.

The proposal includes demolition of the existing rear conservatory to the local listed building and replacement with a single storey extension with a paved area provided to the south of the farmhouse.

The application is accompanied by a Heritage Statement which concludes that the scheme would not affect the setting or significance of the nearby conservation areas. In relation to the locally listed farmhouse and outbuildings on the application site, it concludes that the demolition of the unattractive rear conservatory and outbuilding would not be harmful given the latter is a heavily altered structure of no heritage interest. The proposed replacement extension in indicated to be a visual improvement to

the existing conservatory that would not harm the heritage significance or the setting of this local heritage asset.

With regard to the impact of the proposed blocks of flats, the Heritage Statement notes that the existing setting of the former farmstead is an unattractive and unkempt yard that does not relate to the agricultural history of the site. Since this would be replaced by an attractive residential development with a cohesive landscape scheme, which re-provides a pedestrian link between the farmstead and Marnham Fields, and with a new paved yard to the south of the former farmhouse, this is asserted to provide a more attractive setting to the 'non-designated heritage asset'. The conversion of outbuildings to a commercial use would also provide a long-term, sustainable use for these historic structures, supporting their maintenance and conservation. Overall, it concludes that the proposal will at least 'preserve' what is significant about the former farmstead at Smith's Farm as a 'non-designated heritage asset'.

The GLA accepts the proposal would not cause harm to the significance of locally listed buildings on the site and nearby Conservation Areas.

Paragraph 197 of the NPPF makes clear that 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. On balance, the very limited harm to a non-designated asset is considered to be outweighed by the proposed provision of new housing and 111 affordable dwellings, by providing a viable use for the local listed building and by the landscaping enhancements to its setting. The proposal is therefore acceptable in heritage terms.

**Design and Character**

Policy D3 of the London Plan 2021 indicates housing developments should 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. This is reinforced by policies 7.4 and 7B of the Ealing Development Management DPD (2013) require new buildings to consider the most important elements of the urban context to create a positive relationship with surrounding buildings and the public realm.

The proposed built development involves 7 new blocks of flats between 4 and 7 storeys high as well as conversion of the locally listed farmhouse and barns to provide a cafe / commercial unit. The 7 residential blocks and the retained farmhouse would be arranged around a large landscaped park area in the centre of the site. The locally listed building would form part of the western side of this grouping, with a frontage on Kensington Road adjoining the main site entrance. These buildings would have the following heights:

- Farmhouse – 2 storeys with a single storey extension
- Blocks A and G forming the west side – 4 storeys
- Blocks B, D and F forming the north, south and east sides – 5 storeys
- Blocks C and E at the north east and south east corners– 5 to 7 storeys

To add variety to the roof line, some of the residential blocks would have flat roofs, some pitched roofs and others repeating gable roofs. Some elevations would have a vertical emphasis, others a more vertical emphasis. The massing of the buildings would be broken up by inset elements, use of different tones of brick, horizontal banding, string courses and vertical balustrades within brick frames to the elevations facing the central park. The repeating gable roofs of Blocks B, D and F would aim to create the rhythm and articulation of the colonnades in a traditional square or piazza.



East Elevation within the site



View of proposed development from Kensington Road

The main material for the flats would be bricks, with a variety of brick tones, different forms of bonding and protruding bricks to add articulation and variety to the elevations. A condition would be applied to approve details of external materials.

A 10m wide pedestrian and cycle route would run east-west through the southern part of the site connecting Northala Fields with the Marnham Fields open space to the east. A condition is applied to require details of its design. Landscaped parking areas would be located on the northern and southern edges of the site.

The design of the current scheme has evolved through extensive pre-application discussion with officers of Ealing Council and the GLA. It has also been reviewed by Ealing Design Review Panel, which made the following comments on design aspects of the scheme:

- the arrangement and heights of the blocks do not address orientation and aspect satisfactorily; siting taller buildings on south side of the site could negatively affect daylight within the central landscape space, and overshadow listed buildings;

Comment: the scheme has been designed around the central landscape area with the residential blocks facing inwards towards the locally listed building; the relationship of height and distance between blocks generally meets good design practice and complies with daylight and sunlight targets, with reasonably good daylight penetration into the vast majority of flats.

- further variety in height should be considered, to add hierarchy, to define the square, and to frame key views;

Comment: there is already reasonable variety of heights with buildings of 2, 4, 5, 6 and 7 storeys with the tallest elements helping frame key views to the city; the building heights also reflect daylight and sunlight considerations for adjoining buildings and the open areas within the site; the applicants also note that the heights of buildings are designed with consideration of views from Northala Mounds, aiming for a gradual height increase from the locally listed building to the tallest blocks at the eastern edge.

- require further visualisations of the scheme from the surrounding area, particularly views from Marnham Fields, where lower levels mean that building heights will be emphasised.

Comment: a Visual Impact Assessment has now been provided with views from Marnham Fields and other surrounding points; this indicates that while views from Marnham Fields will change, the impact will be moderate and not necessarily harmful.

- the separation distances between blocks, particularly between Blocks C, D and E, should be assessed with regard to overlooking and overshadowing, with the arrangement of living and sleeping areas considered to maintain privacy;

Comment: The separation between most blocks is adequate in terms of Ealing Design Guidance and to avoid unacceptable overlooking and overshadowing; where this distance is less, revisions have been made to make windows in Block F that face Block G obscure glazed and prevent overlooking; apart from some bedrooms, all habitable rooms would have adequate daylight;

- the locally listed building should be better integrated into the scheme;

Comment: the proposal has been designed around the locally listed building at the heart of the site with the landscaping scheme providing adequate space around these buildings to allow them to be better appreciated and to form the focal point of the site.

- consider simplifying and softening the angular layout of the central amenity space, reducing number of paths to provide more usable spaces; and accommodate informal play areas;

Comment: Some informal play areas are provided within the scheme; the aim was to bridge the gap between the formal arrangements of the Mounds and the informal arrangements of Marnham



Fields; the proposed landscaping scheme provides this connection along with a significant amount of play structures and informal open space; this is considered appropriate since the site is well served by other recreational opportunities nearby.

- the proportion of single aspect units is high, particularly as the site is relatively unconstrained, and this should be reduced where possible;

Comment: with 82% of the units being double aspect and only 5 single aspect north facing flats, the proportion of single aspect units is relatively low.

- need to ensure there is adequate space for the proposed air source heat pumps, photovoltaic panels and smoke shafts, with an assessment of their potential visual impact provided;

Comment: the heat pumps and photovoltaic panels will not be discernible in most views.

- brick feels appropriate, but the tonal variety could be confusing and a simpler palette of materials would help to create a more coherent 'family' of buildings;

Comment: the variation of the bricks and tones is reflect the different flat types so that grey tones are used for the maisonettes and the other bricks for the blocks; this allows each block to be clearly distinguished; in any event, details of materials will be secured by a condition.

- the variation in roofscape and use of gables works well but the additional height at the corners should be reconsidered;

Comment: the additional height at the corners, one storey higher than adjacent buildings, is so that these taller elements act as bookmarks that frame the site in views from the Mounds and the view of the city.

- need to understand how the gable roofs would be experienced internally, particularly whether the roof space is included within the unit or used as loft or plant space;

Comment: although this will be dealt with at the detailed design stage, the intention is that units below the gables will benefit from vaulted ceilings and no plant / equipment will be placed there.

- supports duplexes with individual front doors facing the central area but queries balconies at first floor for these units, which appear to be accessed from bedrooms;

Comment: while not required from an amenity perspective, these balconies provide additional outdoor space to the units and also preserve the balance of the appearance of the blocks.

- full-height glazing may not be desirable for ground floor and bedrooms for privacy reasons and could result in highly inactive frontages; sill heights should ensure that internal layouts are comfortable and flexible;

Comment: full height windows provide better outlook for occupants and frosted window film, net curtains etc can be applied to maintain privacy.

- increased clarity needed on the fronts and back of the buildings to understand the movement sequence of residents arriving by diverse transport modes;

Comment: there are various footpaths and access points that allow residents and the public to navigate their way through the public areas of the scheme, and the footpaths are large enough to also allow access by fire, delivery and refuse vehicles.

- supports proposed public route through the site to Northala Fields and Marnham Fields, and visual connections to the SINC at north of the site, but more definition of public and private areas needed;

Comment: the various private/public areas of the scheme are well defined, with the central space being public while the private gardens for lower level flats will be gated and accessible only to residents but not the public; landscaping will also be used to define the hierarchy of open spaces and a footpath between block C and E will provide connectivity between the adjoining open space and the site.

It is considered that the Design Review Panel’s comments have been adequately addressed and these points do not make the design of the scheme unacceptable.

The GLA Stage 1 report supports the proposed site layout which improves access to the wider green network. However, boundary treatments on the north and east boundaries should be carefully considered to ensure privacy and prevent overlooking of ground floor residential units, as well as the legibility of public and private spaces.

This proposal is therefore considered to comply in design terms with the objectives of section 12 of the National Planning Policy Framework, policy D3 of the London Plan (2021), and policy 7B of the Ealing Development Management DPD (2013).

**Scale of Buildings and Visual Impact**

London Plan Policy D9 indicates that tall buildings should only be developed in locations identified as suitable in development plans, and subject to various criteria. Policy 7.7 of the Ealing DPD indicates that tall buildings should normally be located on specified sites within Acton, Ealing and Southall town centres and identified development sites, and offer an outstanding quality of design.

The London Plan defines tall buildings as those that exceed the general height of their surroundings and cause a significant change to the skyline and notes they would generally be at least 6 storeys in height. Most existing buildings in the surrounding area are 3-4 storeys. While two corner elements of the proposal extend to 7 storeys in height, most of the development is 4-5 storeys, which is not significantly greater than existing buildings nearby. However, the GLA Pre-application advice indicated the scheme should be assessed against the Policy D9 design criteria and this is set out below:

- a) **avoid harm to the significance of heritage assets and their setting:** the proposed development is not in a conservation area but affects the setting of a locally listed building. The submitted Heritage Report confirms it would not significantly affect any nearby conservation areas or statutorily listed buildings; it also concludes there would be no harmful effect on the setting of the existing local listed buildings on the site;
- b) **in long-range views ensure careful design of the top of the building, contribute positively to the existing and emerging skyline and not adversely affect local or strategic views:** the varied building heights and roof forms of different blocks in an area of largely similar heights would contribute to a more interesting skyline; Intervening horizontal brick bands would be used on the top floors of blocks C, D and E to differentiate the top of these buildings; the taller buildings form only a small part of the development and would be only partly visible above trees in views from the

Green Belt land to the east; in views from the Northala Fields mounds the good quality buildings would replace unsightly industrial sheds and improve the view;

- c) **in mid-range views from the surrounding neighbourhood make a positive contribution to the local townscape in terms of legibility, proportions and materiality:** the buildings will be partly screened by vegetation in some views replace other built development in others; the design quality and increased landscaping will replace vehicle parking and concrete walls, giving a softer edge and making a positive contribution to the local townscape;
- d) **individually or as a group, to reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding:** the proposed scheme would add variety to the skyline and provide a marker to the proposed open space and cycle route between Northala Fields and Marnham Fields.
- e) **architectural quality and materials to be of an exemplary standard:** the architectural quality of the building is considered to be of a high standard and is designed with high quality and durable materials; the main cladding material would be brick, with complementary tones between its various massing elements, and the surrounding context;
- f) **the base of the building to have a direct relationship with the street, maintaining its pedestrian scale, character and vitality:** the base of the residential buildings including the café would face the landscaped open space and provide an active frontage and surveillance.
- g) **not cause adverse reflected glare and minimise light pollution from internal and external lighting:** the main cladding would be predominantly brick, without excessively large windows; these elements / materials will reduce or eliminate potential glare and no objections have been raised on this point; lighting in the public realm would be minimised, while still adequate to ensure safety and security and lighting to the café/commercial use at ground level would be designed to avoid light spill onto the public realm.
- h) **entrances, access routes, and ground floor uses should be designed to allow for peak time use and to ensure no unacceptable overcrowding or isolation in surrounding areas:** the site would have two access points and entrances to blocks (including to cycle and bin stores) would face the large central open space containing many paths to distribute users across a wider area; the main entrances would have reasonably large lobbies and provide significant hardstanding within the site boundary to ensure the development would not cause overcrowding within public realm areas.
- i) **noise, wind, daylight, sunlight penetration and temperature conditions around the building not to compromise enjoyment of open spaces around the building:** the proposed buildings are not particularly high, with most elements only 4-5 storeys, and should not create significant overshadowing of the large public open space proposed; there is no reason to expect that a building of this height would result in significant adverse wind impacts on public areas.
- j) **internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants:** a Fire Statement accompanies the application with details of layout, emergency access and escape routes and facade/materials and a condition will ensure implementation to accord with this; in addition, brick is to be used as the main cladding material and this has non-combustible characteristics.
- k) **must demonstrate that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services,**

**walking and cycling networks, and public transport:** the development would generate less traffic impacts and fewer large vehicles than the existing industrial use of the site; car parking provision would be less than London Plan maximum standards and extensive cycle parking would be provided; the site is also located within a reasonable walking and cycling distance of a primary and secondary school and some local shops; the Council’s transport section also consider the proposal will be acceptable in terms on impacts on the transport network with the required S106 contributions to infrastructure and bus services;

- l) **jobs, services, facilities and economic activity provided by the development should inform the design so it maximises the benefits these could bring to the area:** although the proposal is a predominantly residential scheme, it includes commercial / café space at ground floor level that provides some jobs;
- m) **free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate:** the taller buildings are purely residential but the proposal includes commercial / cafe space at ground floor level that is open to the public;
- n) **proposals for tall buildings should positively contribute to the character of the area:** the proposed buildings would provide a high quality development with a large landscaped central area and landscaped pedestrian routes through the site; this would improve what is currently an unsightly brownfield site with sheds in poor condition, unattractive boundaries and heavy vehicle parking; this can be considered to positively contribute to the character of the area.

The proposed buildings are therefore considered to comply to a reasonable extent with the criteria of policy D9 of the London Plan (2021).

In terms of wider visual impact, the proposed buildings of up to 7 storeys would be higher than any nearby buildings and would be adjoined by open land on three sides. However, landscaping with tree planting is proposed around the site and this would limit views of the buildings from the surrounding area to some extent.

A brief Visual Impact Assessment accompanies the application. This assesses impacts on various views of the site from Northala Fields to the west, Marham Fields to the east, from Kensington Road on the western site boundary and from Horseshoe Crescent to the south. There would be limited views of the site from the north where the A40 is some distance away and screened by dense trees. This assessment indicates that:

- there are some longer views of the existing site buildings from the east across open land but partly screened by existing vegetation; the proposed new buildings would be clearly visible but would not exceed foreground heights of foliage; they would have a moderate adverse impact on this view;
- in closer views from the middle of Marnham Fields to the east, again across open land, the existing industrial buildings on the site are not visible and there are no views of the Mounds due to screening by vegetation; the proposed buildings would be glimpsed between gaps in trees but would not be dominant in the landscape and this view would be largely unchanged.
- from Kensington Road on the western site boundary, the existing view is of a boundary wall and the flank elevation of the locally listed farmhouse with no views into the site itself; with the proposed development, taller buildings would adjoin the site boundary but views into the site would be opened up and clear views available of the locally listed barn; this view would be substantially changed but arguably improved.



*View with Development*



*Existing View from Marnham Fields (east)*

- from the Northala Fields mounds to the west, there is a clear view at present down into the existing untidy industrial site with many large vehicles visible and the locally listed barn not noticeable, while various residential buildings nearby are visible; with the proposed development, the important view towards the city in the background would be unaffected and the locally listed buildings would appear more prominent; the proposed buildings with varied roof forms would provide a more orderly and attractive view and the site frontage would have a more open aspect; on balance, this view would experience a moderate positive impact.



*Existing View from Northala Fields (west)*



*View with Development*

- from Horseshoe Crescent to the south, the existing view is of a high, unattractive imposing concrete wall with dense vehicle parking behind it and no active street frontage; with the proposed development, this will change to a vista of tall buildings but with a softer landscaped edge, a more active frontage and a wider, safer pedestrian areas; there would clearly be a significant visual impact but this is considered positive.
- from within the site itself, which is not currently publicly accessible, the predominant view would be of low rise industrial buildings and parked vehicles; with the proposed development, there would be public views of the Mounds and the frontage of the locally listed buildings as well as a generally more attractive environment.

Overall, the scale of buildings proposed and their visual impact are considered acceptable and compliant with London Plan policies D3 and D9 and policy 7B of the Ealing Development Management DPD (2013). However, the GLA Stage 1 report requires provision of a townscape analysis, including long-range, mid-range and immediate views of the proposed development prior to Stage 2 referral.

**Impacts on Residential Amenity**

The proposed scheme needs to be assessed in terms of any impacts on the amenity of both nearby residential properties and future occupiers within the development itself, by ensuring good levels of daylight/sunlight, visual outlook and privacy, as required by Policy 7B of the Ealing Development Management Development Plan Document (2013) and London Plan Policy D6.

The site is adjoined by open land on three sides. The closest existing residential properties are the 2-3 storey dwellings south of Horse Show Lane and then the dwellings west of Kensington Road and south of Dolphin Road.

In relation to the 3 storey block of flats south of Horse Shoe Lane, known as Lingfield Court, the nearest windows in it would be over 30m from the proposed Block G to the north, over 40m from the proposed Block F to the north east and some 37m from the proposed Block E to the east. While windows and balconies are proposed in the facing elevations of these 3 Blocks, Lingfield Court is largely screened by mature trees on its northern site boundary and by trees on the southern boundary of the application site. Given these factors, no unacceptable overlooking or overbearing effects appear likely here.

With regard to the dwellings west of Kensington Road and south of Dolphin Road, these would be over 50m from Block G, the nearest part of the development. There are also large trees on Kensington Road screening these dwellings from the nearest part of the proposed development. Given this large separation, no unacceptable overlooking or overbearing effects are likely.

The Ealing Housing Design Guide provides guidance on separation distances between the rear elevations of new developments aimed at maintaining privacy; this indicates 12m as appropriate. No guidance is given on separation between side elevations but it is reasonable to apply a similar figure if adequate privacy between facing windows is to be maintained. The distances between the proposed blocks of flats within the application site are set out below.

- Blocks A-B: 10.7m
- Blocks B-C: 5.3m
- Blocks C-D: 15.0m
- Blocks D-E: 18.0m
- Blocks D-F: 15.0m
- Blocks F-G: 5.5m

There would be no facing windows between Blocks B and C and Blocks E and F. There would be facing windows between Blocks D and E and Blocks D and F but the separation distances can be considered adequate. However, windows in Block G would be only 5.5m from facing windows in Block F. To address this issue, following revisions, windows in Block F that face Block G would be made obscure glazed. This removes potential overlooking although the outlook for some dual aspect Block F flats would be reduced.

There are no national planning policies specifically relating to daylight, sunlight or overshadowing. Policy D6 of the London Plan indicates that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, with regard to

overshadowing. Policy 7B of LBE’s Development Management DPD states: “*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*”.

A Daylight/Sunlight Assessment accompanies the application and assessed windows in Lingfield Court, a 3 storey block of flats to the south of the application site. This was the only residential property close enough to be affected. The Vertical Sky Component (VSC) test was applied. This measures the amount of sky visible at a specific point on the window, reflecting the amount of daylight received. If windows achieve a VSC below 27% and have existing levels of sky visibility reduced to less than 0.8 times their former value, there would be a ‘noticeable’ impact to daylight.

This assessment concluded that all windows in Lingfield Court would continue to receive a VSC value of well over 27% VSC, which complies with BRE Guidelines for daylight and sunlight, and there will be no material impact on daylight and sunlight amenity.

Overall, the proposed development would not appear to give rise to unacceptable impacts on the living conditions of residents of neighbouring properties and it would therefore comply with London Plan Policy D6 and Policy 7B of the Ealing Development Management Development Plan Document (2013).

**Quality of Residential Accommodation**

Policy D6 of the London Plan (2021) and the DCLG ‘Technical Housing Standards (March 2015) set out the minimum gross internal floor space required for different sizes/occupancy levels of residential units. For the 220 residential units proposed, the table below sets out the range of floor areas provided per unit, and compares these with the minimum size requirement:

| <b>Type/Size of Units</b> | <b>Accommodation Sizes</b>  | <b>Minimum Size Required</b> |
|---------------------------|-----------------------------|------------------------------|
| 1B/ 2 persons (1 storey)  | 50.5 – 60.4 m <sup>2</sup>  | 50 m <sup>2</sup>            |
| 2B/ 3 persons (1 storey)  | 61.4 – 64.7 m <sup>2</sup>  | 61 m <sup>2</sup>            |
| 2B/ 4 persons (1 storey)  | 70.1 – 81.3 m <sup>2</sup>  | 70 m <sup>2</sup>            |
| 2B/ 4 persons (2 storeys) | 79.8 – 93.6 m <sup>2</sup>  | 79 m <sup>2</sup>            |
| 3B/ 5 persons (1 storey)  | 86.0 – 96.2 m <sup>2</sup>  | 86 m <sup>2</sup>            |
| 3B/ 5 persons (2 storeys) | 94.1 – 114.5 m <sup>2</sup> | 93 m <sup>2</sup>            |
| 4B/ 6 persons (1 storey)  | 106.8 m <sup>2</sup>        | 95 m <sup>2</sup>            |

This shows that all the proposed flats would meet the minimum spatial requirements in terms of floor area. All the proposed room sizes, apart from 1 bedroom in a 4 bedroom flat in Block F, would also meet relevant standards. As this bedroom is only slightly below the minimum size and the only one in the development, on balance, this is acceptable.

London Plan Policy D6 indicates that developments should minimise the number of single aspect dwellings, and particularly avoid single aspect dwellings facing north, or those containing three or more bedrooms. It seeks residential units to provide dual aspect living accommodation that would ensure better daylight, a choice of views and natural cross ventilation for future occupiers.

A total of 180 dwellings would be dual aspect units, equating to 82% of the total. The 40 single aspect units would be spread across the 7 blocks A and not concentrated in any one block. Only 5 of these single aspect units would face north but these would comprise 1 and 2 bedroom flats and none would

be 3 bedroom units. Since dual aspect dwellings would provide the great majority of units, the development can be considered to comply with London Plan Policy D6.

However, the GLA Stage 1 report requires evidence, prior to Stage 2 referral, that the single-aspect units would have adequate passive ventilation, daylight and privacy, and would not overheat. Also prior to Stage 2 referral, the flats on the north-west corner of Block B, and the north-facing part of Block C should be revised to meet the standards in Appendix 3 of the Housing Design Standards LPG. In addition, the poor daylight/sunlight performance of the bedrooms of the recessed south-west corner dwellings in Block C should be reviewed.

Each core would provide an 8-person evacuation lift along with a disabled refuge in the protected stairway on each floor. An additional lift is provided in Blocks C and E. Blocks A would provide 6 units around a core, Block B 2-3 units, Blocks C and D 4 units, Block E 4 5 units, Block F 3 units, and Block G 4 units around a core.

The daylight/sunlight report accompanying the application assesses daylight levels in the proposed dwellings. The latest BRE guidelines now measure internal daylight using Lux levels measured on a horizontal Working Plane in place of the former Average Daylight Factors. The BRE pass target is 50%.

The new BRE guidance does not contain any advice on impacts of projecting or recessed balconies which result in a "canopy-effect" and "tunnel-effect" when measuring daylight. For this reason, the assessment was run "with" and "without" the effect of balconies. With this "canopy-effect" included, 516 of out of the 615 habitable rooms in the development would satisfy the internal daylight Lux target, leaving 99 rooms which would fall short.

It notes that out of these 99 below target rooms, 23 (3.7%) would only just be below that target with a coverage between 40% and 50%, 41 (6.7%) would be between 30% and 40%, and 35 (5.7%), will be below 30%. The rooms that fail are mainly bedrooms but also some living/kitchen/dining rooms.

The assessment notes that, under the new BRE method of measurement, rooms with larger depths are penalised as it is more difficult to achieve a greater degree of daylight penetration on the Working Plane. It is therefore more difficult for conventional, open plan living/kitchen/diners to meet the new targets and many of the rooms that technically "fail" are longer, open plan living/kitchen/diners located below projecting or recessed balconies. Some second bedrooms in Block E/F which face Block G a short distance away also fail.

However, when the daylight impact of the balconies is omitted, the number of rooms falling short is reduced to 48, giving a "pass" rate of 92.2%, of which 17 (2.8%) will be just below the 50% target with a coverage between 40% and 50%, 22 (3.6%) will be between 30% and 40%, and only 9 rooms (1.5%) would be below 30%.

The assessment argues that a balance needs to be struck between the provision of adequately sized private amenity balconies, as required by London Plan Policy D6, and providing good internal daylight to the flats. It also argues that there will be reasonably good daylight penetration into the vast majority of the rooms, that a 92% pass rate when the effect of balconies is taken into account is a good performance compared with other large developments of similar scale and massing and that the BRE standards should be applied flexibly taking account of the circumstances of each case.

It is reasonable to expect a lower daylight level to bedrooms without necessarily harming overall amenity. It is also noted that a significant proportion of the large living/kitchen/dining rooms which fail the BRE test still achieve adequate daylight to a significant proportion of the rooms. In addition, the



provision of balconies to give adequate private amenity space is an important consideration to be weighed against daylight shortfalls.

On balance, it is considered the proposed residential units would offer an adequate standard of living conditions and would therefore comply with policies 7B and 7D of Ealing’s Development Management DPD and Policy D6 of the London Plan.

**Accessible Units**

Policy D7 of the London Plan requires at least 10% of all new dwellings to be designed to meet Building Regulation Requirement Part M4(3) for ‘wheelchair user dwellings’ while all other dwellings should meet Building Requirement Part M4(2) ‘accessible and adaptable dwellings’.

There would be 23 fully accessible units, designed as M4(3), across the scheme: 4 in Block A, 6 in Block C, 9 in Block E and 4 in Block G. The remaining units in the development would be designed to be fully adaptable M4(2) units. The proposal would therefore comply with Policy D7.

**Outdoor Amenity Space**

In terms of private amenity space, London Plan (2021) Policy D6 and Policy 7D of the adopted Ealing Development Management DPD (2013) requires all new residential development to have good quality private outdoor space, in accordance with minimum required levels. The policy requires a minimum of 5 sq m per 1 – 2 person unit and 1 sq m in addition for each additional occupant. Policy 7D also requires a minimum of 15 sq m of communal outdoor space per residential unit.

All the flats would have private amenity space in form of balconies or rear gardens. These private amenity spaces would be between 5 sq m and 87.9 sq m in area depending on the size and type of unit. The table below compares proposed provision with the minimum requirement by type of unit. This shows that all units would have private amenity spaces that meet or exceed the minimum requirement.

| Unit Type/Size | No. of units | Minimum Required | Private Amenity Space provision |
|----------------|--------------|------------------|---------------------------------|
| 1B/ 2 persons  | 74           | 5 sq m           | 5.0 – 55.1 sq m                 |
| 2B/ 3 persons  | 13           | 6 sq m           | 6.3 – 27.8 sq m                 |
| 2B/ 4 persons  | 108          | 7 sq m           | 7.0 – 87.9 sq m                 |
| 3B/ 5 persons  | 22           | 8 sq m           | 8.0– 55.6 sq m                  |
| 4B/ 6 persons  | 1            | 9 sq m           | 30.7 sq m                       |

Based on local and London Plan planning guidelines, this development of 220 flats would require at least 1,389 sq m of private amenity space and 3,300 sq m of communal amenity space. By comparison, 2,865 sq m of private amenity space is proposed and it is indicated that there would be 3,380 sq m of communal amenity space within the central park area. There would also be landscaped areas around the edges of the sites and a landscaped pedestrian/cycle route running through the southern part of the site.

The amount of amenity space proposed meets the minimum requirement and, overall, the current proposals for amenity space are considered acceptable in quantity or quality and to comply with policy D6 of the London Plan (2021) and policy 7D of the Ealing Development Management Development Plan Document (2013).

However, the GLA Stage 1 report indicates that, prior to Stage 2 referral, details should be provided on the private amenity spaces of ground floor street and courtyard facing bedrooms to ensure the privacy of these ground floor bedrooms.

### **Landscaping**

The landscaping approach is to provide a mix of public realm areas within the site, in the form of green space, play areas and new landscape, as well as a series of semi-private amenity areas for residents. The 0.4 ha central landscaped public square would form the heart of the new development and provide children's playspace as well as east-west routes through the site.

This central public realm area would be divided by a series of paths to create pockets of varying landscape amenity. The buildings which surround the open space would create edges and a sense of enclosure and themselves have private garden spaces fronting the public realm to soften the transition between public and private space.

Behind the buildings there would be more private open spaces which serve the individual units. These shared amenity spaces offer communal gardens and amenity for the residents of the particular block they serve.

Because of its large size, the central landscaped area would be split up into a central core of open space and a series of other areas, separated by paths, which would contain children's door step play areas, native planting, and reed beds. Other smaller play areas, areas of native planting and reed beds would be interspersed through the site. Semi-private amenity areas on the eastern site boundary would provide a transition to the Marnham Fields open space.

A key feature of the landscape approach would be a widened, landscaped corridor across the southern part of the site to provide a shared cycle and pedestrian route. This would be enhanced with new tree planting to reinforce the existing belt of trees in this location. There would also be extensive tree planting elsewhere, with 115 new trees to be planted particularly along the site boundaries.

London Plan Policies G1 and G5 identify urban greening as a fundamental aspect of site and building design with features such as street trees, green roofs, green walls, rain gardens, wildflower meadows, woodland, and hedgerows to be considered for inclusion and opportunities for ground level urban greening to be maximised. The scheme should also seek to achieve the Urban Greening Factor target, which is based on the amount of green infrastructure delivered within the landscape and on buildings. A target score of 0.4 is recommended for predominately residential developments.

Significant landscaping and tree planting is proposed within the site and the application documents confirm that the development would achieve an Urban Greening Factor of 0.42 through measures including green roofs, rainwater gardens, permeable paving and extensive native planting. Based on the submitted information, the proposal would accord with Policies G1 and G5.

The Council's Parks Department noted some concerns about the height of the blocks but, since the taller blocks are to the south, this should retain the view of the mounds from Smiths Farm. No objections were raised subject to conditions being applied on landscaping details, a landscape maintenance plan, play equipment details, and green roofs. In addition, S106 contributions were sought to upgrade/renew elements of the nearby play area (£143,000), towards improving paths and connections with the surrounding area (£57,000) and improving Smiths Farm open space (£171,000).

The GLA Stage 1 report considers the proposed development to be a well-considered approach to integrating green infrastructure and urban greening across the site. It notes the incorporation of reed

beds, SuDs planting, native planting and proposed trees will support multifunctionality, in accordance with London Plan Policy G1. However, the opportunity for the provision of biosolar roofing should be explored.

With these S106 contributions to mitigate impacts of the proposal, the landscaping proposals are considered acceptable. Conditions have been applied requiring details to be submitted of the hard and soft landscaping, boundary treatment, details of children's play areas, a Landscape Management Plan, tree planting, and sustainable urban drainage systems to be implemented on site.

The GLA Stage1 report seeks contributions to be secured by the Council towards the development and implementation of a comprehensive wayfinding strategy through the site and surrounding open spaces.

### **Children's Playspace**

London Plan Policy S4 requires development proposals to provide play and informal recreation space based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG and Policy S4 expect a minimum of 10 sq m per child to be provided in new developments. A development of this size and dwelling mix would require a total of 711 sq m of dedicated children's play space as follows:

- under 5 age group – 377 sq m
- 5-11 age group – 248 sq m
- 12-17 age group – 86 sq m

The GLA Stage 1 report requests further information on play space calculations, with target age groups for areas of proposed play space and examples of what play space will look like. Any contributions for play space provision should also be justified and secured by the Council;

In this context, the scheme proposes a large landscaped park area of 3,380 sq m in the centre of the development with open space, planting and seating able to provide local playable space for ages 0-11. Within this area would be a 240 sq m area containing play equipment. In addition, several semi-private, shared, local playable spaces for ages 0-11 with play equipment (530 sq m) are proposed on the eastern edge of the site.

It is also noted that there are existing play areas for a range of ages, including children in 12+ age group, within 800m of the site including the adjoining Northala Fields park. However, there is not enough play space for older children and nothing for teenagers. A financial contribution of £100,000 has therefore been agreed towards offsite improvements to children's playspace.

On this basis, the proposal would provide acceptable children's playspace and comply with policy S4 of the London Plan (2021) and 7D of the Ealing Development Management Plan Document (2013).

### **Highways**

Policy T6.1 of the London Plan (2021) requires that new residential development should not exceed the maximum parking standards set out in Table 10.3. All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. Policy T6 indicates that car-free development should be the starting point for all development proposals in places well-connected by public transport. Policy T4 requires the cumulative impacts of development on public transport and the road network capacity to be taken into account and mitigated.

The site is not located in a Controlled Parking Zone (CPZ) and has a very low PTAL level. A new vehicle access from Kensington Road is proposed on the northern side of the site to serve the parking area for the northern residential blocks. A new vehicle secondary access would be provided from Horse Shoe Crescent to serve the parking area for the southern residential blocks.

There would be pedestrian accesses at the northern and southern ends of the site. A new pedestrian cycle route running east-west to the south west of the site will link up with a new pedestrian crossing on Kensington Road and Smith Farm Fields. Turning areas are proposed within the site to enable refuse trucks, emergency vehicles and delivery vehicles to turn and leave the site in a forward gear.

A total of 67 car parking spaces are proposed within the application site, including 15 Blue Badge parking spaces. Most of these would be located in two landscaped areas at the northern and south-western edges of the site. Electric vehicle charging point facilities are to be provided to meet London Plan requirements with over 40% of spaces to have active provision at the outset and the remaining spaces to have passive provision.

This car parking provision would fall well below London Plan maximum parking standards of 0.75 to 1 space per flat for this location. There have been a few objections raised by local residents concerning increased parking pressures in the area as a result of the development and increased traffic congestion from more flats. However, a Travel Plan accompanies the application, which should reduce potential car use. Two car club spaces are proposed within the site with 2 years membership offered free to residents.

A Transport Statement accompanies the application and concludes that the development would generate a minimal increase in vehicular traffic during the morning and evening peaks, compared with existing commercial traffic generation on the site. At most, this would amount to 2 more vehicles in the morning peak hour and this is not considered to be detrimental to the capacity of the junctions in the vicinity or the main road. The Transport Statement also includes parking surveys of adjoining roads which indicated some 90 spaces available on nearby unrestricted roads that could deal with any overspill parking from the development.

Transport Services note the proposal has potential to cause parking impacts on the local area but this can be mitigated by low parking provision and a car club scheme. No objections are raised subject to:

- a travel plan should be secured via a S106 agreement;
- provision of a car club bay on the site and providing free 3-year car club membership for residents of the development;
- at least 15 enlarged car parking bays required for disabled people and bays to be provided with electrical charging points;
- provision of a Construction Method Statement and Servicing and Parking Management Plan;
- S106 contributions of £243,000 requested towards accident remedial schemes, review of CPZ parking and waiting restrictions near the development, bus stop improvements, raised speed tables and local cycle and pedestrian infrastructure improvements;
- a s278 agreement to reinstate part of the crossover, implement the site entrance junction on Kensington Road with the planned cycle route and introduce raised tables at this site access;

- approval of details of the proposed cycle parking spaces.

The Council's Highway section commented that the design for the site access junction where it meets a planned cycle route along Kensington Road, to be raised and incorporate the new kerb line and cycle track, would need to be agreed. This would also require details of how cyclists will join planned cycle route or any dedicated cycle routes within the site and swept path details for the new site entrance provided. A condition has been applied to require approval of these details prior to commencement of buildings.

In addition, Highways requested CPZ and waiting controls be considered since development will generate overspill parking into the surrounding area. This will be addressed by an agreed S106 contribution towards review of parking restrictions around the site.

The GLA request a Parking Design and Management Plan be secured by a condition, which should detail how on-site general parking provision would be converted to additional disabled person parking spaces should demand arise. Also, at least one disabled parking space should be provided for the commercial/café use prior to Stage 2.

To address concerns about parking on surrounding streets, the need for on street parking controls including a CPZ should be considered with scheme residents denied on-street parking permits. These measures are covered by the S106 Agreement and the contribution towards review of local parking restrictions.

As requested by the GLA, conditions are applied so that a Delivery and Servicing Plan and Construction Logistics Plan will be submitted for approval, and a residential Travel Plan secured, monitored, and enforced through a S106 agreement. The GLA note that the modal split and targets in the Travel Plan are not in line with the Mayor's strategic targets and need to be revised prior to Stage 2.

The GLA Stage 1 report raises concerns on conflict between pedestrians, cyclists, and vehicles from on-site loading bays in an area where pedestrian activity is heavily encouraged. Further information is required prior to Stage 2 referral, on the design/management of the internal access roads and how activity by all modes would be carried out in accordance with the Mayor's Vision Zero and Healthy Streets approach. Although contributions are also sought towards Active Travel Zone improvements, wayfinding and improved step free access at Northolt London Underground station, these measures will be covered by the agreed S106 contributions towards Northolt town centre improvements, pedestrian and cycle infrastructure and accident remedial measures.

A condition is also applied so that the number disabled parking spaces for the commercial unit will be subject to approval following approval of a Parking Management Plan.

In terms of cycle parking, Table T5 of the London Plan (2021) requires cycle parking at least in accordance with minimum standards set out in Table 10.2. This requires 1 space per 1 person/1 bedroom dwelling, 1.5 spaces per 2 person/1 bedroom dwelling and 2 spaces for all other dwellings. A further 7 spaces for short term visitor parking should also be provided based on 1 space per 40 dwellings. The requirement for the commercial space is based on floorspace. This would require 403 long stay residential spaces and 7 short stay spaces. For the commercial element, 2 long stay and 10 short stay spaces would be needed.

A total of 403 cycle spaces are proposed for the residential element well as 17 spaces for the commercial uses, which exceeds this requirement. The GLA note that provision is not in line with London Cycle Design Standards and require design amendments prior to Stage 2 referral. However, following comments from the Council's highways section, the layout and space of cycle stands has

been revised to better meet London Cycle Design Guidance standards with more cycle spaces provided outside of buildings. In any event, a condition is applied to require approval of the cycle parking layouts prior to commencement.

The GLA requires detail of how the cycle parking will be distributed including access arrangements to ensure it meets London Cycling Design Standards. It further notes that provision needs to include a minimum of 20% Sheffield type stands and 5% to cater for larger or adapted cycles. Conditions are sought to approve cycle parking details and a Parking Design and Management Plan.

Some transport related issues were also raised by the Design Review Panel. These are set out below along with the applicant's response.

- Should provide an additional pedestrian crossing across Kensington Road to align with the new site access and the listed buildings: *Comment* - this is not feasible and the Council is already providing a pedestrian crossing.
- Concerns on areas of under-croft parking and need further detail on how these spaces are resolved; *Comment*: Secured by Design have reviewed the proposal and are comfortable with the layout and access to under croft parking areas.
- Details needed of how the parking zones will be articulated, including integration of planting, surface materials and bay markings; *Comment*: this will be covered in the landscaping plan and a condition requires approval of these details.
- Need details of cycle parking and storage for cargo bikes should be considered; *Comment*: a condition requires approval of cycle parking layout and details.
- Full access for refuse vehicles into the centre of the site will result in conflicts and should consider options to limit vehicles within this area: *Comment*: movements across the site will be limited to servicing vehicles only with two separate parking areas on the site edges to minimise vehicle movement within the central area.

Based on the above, with the appropriate conditions and S106 contributions, the proposed development would make the proposal acceptable in terms of section 9 of the National Planning Policy Framework (2021), and policies T4, T5, T6 and T6.1 of The London Plan (2021).

**Environmental Pollution**

The site lies near the very busy A40 road and this could give rise to noise and air quality impacts for the proposed residential units.

A Noise Impact Assessment submitted with the application concludes that no further mitigation measures should be required in order to protect the proposed habitable spaces from external noise. It also notes that acceptable internal noise levels to dwellings would be achieved with appropriate glazing specifications.

Regulatory Services have reviewed the submitted Noise Assessment and note that the site is exposed to traffic noise from local roads and the A40 and junction with the slip road; many bedrooms adjoin neighbouring kitchen/living/dining rooms/staircase and communal corridors and above/adjoining bin/cycle stores and ground floor plant rooms, with potential to cause adverse living conditions. Despite this, no objections are raised subject to various noise related conditions being applied including sound

insulation of the building envelope, insulation between noise sensitive rooms in neighbouring flats, separation of communal uses and facilities from flats, enhanced sound insulation of lifts, an extraction and odour control system for non-domestic kitchens, sound insulation of commercial/industrial buildings, sound insulation and anti-vibration measures/ for the gym, noise levels emitted from plant, anti- vibration mounts and approval of a Demolition Method Statement and Construction Management Plan. These conditions would be applied if permission is recommended.

The GLA Stage 1 report notes that Noise Impact Assessment concludes that daytime and night-time noise levels for occupiers of the proposed development could be acceptable subject to installation of the recommended glazing specification and limits on the openable area for bedroom windows. They request the recommendations of the Noise Impact Assessment Report be secured by condition. This has been applied.

An Air Quality Assessment accompanies the application. This concludes that the development would be air quality neutral in terms of building and transport emissions. It also indicates that no special mitigation measures are required to mitigate poor air quality from vehicle emissions (NO2 and PM10) at the proposed flats.

The Council's Air Quality officer has raised no objections subject to conditions requiring approval of a Ventilation Strategy Report and an Air Quality and Dust Management Plan, and restrictions on Non-Road Mobile Machinery, as well as a S106 contribution of £22,800 towards air quality monitoring.

The GLA Stage 1 Report notes that the Air Quality Assessment could be compliant with the London Plan if additional information is provided relating to the London Borough of Ealing Air Quality Management Area; dust risk assessment; emergency generators; monitoring and monitoring sites; pollutants; IAQM significance criteria; and updated energy strategy to reflect air quality neutral assessment.

In relation to contaminated land, Regulatory Services consider that contamination may be present at the site which, due to the proposed redevelopment to residential use, needs investigation. If permission is recommended, conditions will be applied with regard to site investigation, remediation and verification.

**Ecology**

London Plan Policy G6 states that development proposals should aim to secure biodiversity net gain.

The site is located partially within the Smith's Farm, Marnham Fields, Bridge Farm Open Space and Greenfield Lagoons Site of Importance for Nature Conservation (SINC), identified as being of Borough Importance Grade I. The Northolt/Greenford Countryside Park SINC lies adjacent to the west but separated from the site by a busy local road and the London's Canals SINC lies 200m to the east.

An Ecology Impact Assessment accompanies the application. It notes the site mainly contains buildings, modified grassland, lines of trees in poor condition and scrub and two stands of Japanese knotweed. This report found no protected, or Habitats of Principal Importance or locally important floral species within the site. No evidence of bats was found and the site is indicated to have negligible bat roosting potential.

It concludes that with the mitigation measures proposed, and a bat mitigation licence in place, the development can proceed with no significant residual effects on habitats and protected or notable species. It also recommends various measures to enhance the value of the site for wildlife and achieve biodiversity net gain including:

- plant a native hedgerow along the northern and eastern site boundaries;
- install bird boxes and / or sparrow terraces on suitably mature trees and / or new buildings;
- install bat boxes on suitably mature trees and / or new buildings towards the east of the site;
- provide two insect houses in sheltered, warm locations;
- provide green roofs or green walls on proposed buildings within the site, including cycle or bin stores;
- incorporate rain gardens within hardstanding and parking bays;
- incorporate Sustainable Drainage Systems within the development.

The GLA Stage 1 report requires, prior to Stage 2 referral, exploration of a wider softer transition between the SINC and the hard landscaping and how this has been incorporated into the scheme. A Construction Environment Management Plan (CEMP) should also be provided to set out how the risk of pollution related impacts on ecology at the construction stage will be avoided and mitigated and secured by condition requiring approval prior to construction. This condition has been applied.

A biodiversity net gain report accompanies the application. This indicates there would be an increase of 16.39 habitat units achieved via the creation of mixed scrub, grassland habitats and planting of native species hedgerows throughout the proposed development. There would also be an increase of 2035% in habitat biodiversity units and a 36285% increase in hedgerow units. On this basis, the proposal would be acceptable in terms of ecology and accord with London Plan Policy G6.

A condition is applied to ensure the Ecology Impact Assessment recommendations are implemented.

### **Trees**

London Plan Policy G7 requires development proposals to ensure that, wherever possible, existing trees of quality are retained and, if it is imperative that trees have to be removed, there should be adequate replacement based on the existing value of the benefits of the trees removed.

The application is accompanied by an Arboricultural Implications Report. This identifies 39 existing trees within the site, mostly around the periphery. It assesses 12 of these trees as category B, 21 as category C and 6 as category U. It states that 17 trees would be removed to facilitate the proposed development, all but one of which are in Category C or U. The report notes that this loss of trees can be addressed by planting of new trees across the site and that the landscaping proposals include planting of 115 trees of predominantly native species. The applicants state that the CVAT value of the new trees would substantially exceed that of the trees to be removed. It concludes that the development would not have any significant impact on trees of importance to the amenity of the locality or on the quality of the local landscape.

The Council's Tree officer has objected to the proposals on the basis that the proposed trees would not be tall enough in most cases to soften the buildings and there is insufficient space to plant the size of trees required to do this. There is also a concern that the size of trees required to screen the buildings would significantly shade nearby gardens and that not enough has been done to incorporate the



scheme into the landscape adjoining Northala Fields. However, to address this concern, conditions have been applied to require approval of details of tree planting and tree protection measures. With these conditions, the proposals should comply with London Plan Policy G7.

**Energy/Sustainability**

The provision of sustainable development is a key principle of the National Planning Policy Framework (2021), which requires the planning process to support the transition to a low carbon future. Policy SI2 of the London Plan (2021) requires submission of an energy demand and sustainability assessment, along with the adoption of sustainable design and construction measures and demonstration of how heating and cooling systems have been selected in accordance with the Mayor’s energy hierarchy. In particular, policy SI2 requires the domestic element to meet zero carbon and the non-domestic element to meet the 35% CO2 emissions reduction target beyond Building Regulations Part L 2013. For the domestic element, a minimum 35% reduction in regulated CO2 emissions above Building Regulations 2013 is expected to be achieved on-site. Any shortfall will be met through a S106 carbon offset contribution.

Policy SI2 in the London Plan (2021) requires development to monitor, verify and report on energy performance in operation. This policy is reflected in Ealing Council’s 2013 DPD policy E5.2.3 which requires the post-construction monitoring of renewable/low-carbon energy equipment.

London Plan policy SI3 recognises that combined heat and power (CHP) may have negative effects on London’s air quality and that electric air-source-heat-pumps are a better carbon reduction option than gas fired CHP. In addition, section 10.2 of the GLA (2020) Energy Assessment Guidance expects all major development proposals to maximise on-site renewable energy generation regardless of whether a 35% target has already been met.

Due to the significant reduction in the carbon intensity of grid electricity, CHP can no longer be considered as a solution for reducing CO<sub>2</sub> emissions, and there is no available “Clean” district heat network (DHN) nearby. Air Source Heat Pump distribution loops (ASHP) are proposed for each of the blocks of flats, with dwelling water source heat pumps (WSHP) to provide space heating and domestic hot water. Also proposed are five photo-voltaic arrays on the block roofs with a combined capacity of approximately 115 kWp.

The applicant has submitted an energy statement, setting out how the development would reduce carbon dioxide emissions. This has been reviewed by the Council’s Energy & Sustainability advisor who supports the proposed energy/sustainability strategy, which is all electric with no gas infrastructure on-site. The Strategy has been assessed against the draft SAP10 benchmark and follows the standard energy hierarchy of “Lean, Clean, Green” as required by London Plan policies SI2 and SI3, and Ealing Council’s Development Management DPD. An overheating/cooling assessment has been submitted and complies with relevant guidance.

With these measures, overall site wide CO<sub>2</sub> emissions would be cut by at least 89.83%. A shortfall of 535 tonnes CO<sub>2</sub> (over 30 years) in the zero-carbon would be mitigated through an “offset” S106 payment at £95 per tonne to the Council of £50,816.

In line with London Plan Policy SI2, monitoring of the PV arrays and the communal Air Source Heat Pump loops for a period of 4 years would be required to evaluate their performance. Monitoring of 8 of the domestic heat pumps would also be required. This monitoring would require a S106 contribution of £16,462.

Conditions are applied to require implementation of the recommended overheating mitigation measures, details of Post-construction energy equipment and energy use monitoring.

Subject to these conditions and S106 obligations, the development would comply with national, regional and local policies in terms of sustainability.

### **Whole Life Carbon**

London Plan Policy SI 2 requires major development proposals such as this to calculate and reduce whole life-cycle carbon emissions to fully capture the development's carbon footprint.

A whole life-cycle carbon assessment has been submitted with the application. The Council's Energy Adviser confirms that the development is compliant with the GLA Benchmark targets and exceeds the Aspirational targets. Modules A1-A5 should achieve 464 KgCO<sub>2</sub>e/m<sup>2</sup>, and B1-C4 (excluding B6/B7) 295 KgCO<sub>2</sub>e/m<sup>2</sup>, with a total carbon emissions baseline scenario (over 60 years) of 758 KgCO<sub>2</sub>e/m<sup>2</sup> (including module D and sequestration benefits). A condition has been applied requiring submission of a post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA prior to occupation and requiring specified commitments to be implemented.

The GLA Stage 1 report notes that whole life-cycle carbon assessment does not yet comply with London Plan Policy SI 2 and further information is required. This will be provided prior to Stage 2 referral.

### **Circular Economy**

Policy S17 of the London Plan requires a Circular Economy Statement to accompany major development applications such as this. This should set out targets for minimising demolition waste, excavation and construction waste and for recovery of building materials.

A Circular Economy Statement has been submitted with this application. The Council's Energy adviser confirms that the development will be compliant with the London Plan targets of diverting 95% of demolition/construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, and supporting the diversion of 65% of Operational Waste from landfill by 2030.

The GLA Stage 1 report indicates that the Circular Economy Statement does not yet comply with London Plan Policy SI 7 and further information is required. This will be provided prior to Stage 2 referral. As requested by the GLA, a condition is applied to require submission of a Circular Economy Statement Post Completion Report prior to completion of construction of each phase and requiring specified commitments to be implemented.

### **Crime Prevention**

Explanatory text for London Plan Policy D3 indicates that measures to design out crime should be integral to development proposals and be considered early in the design process. Policy D11(c) emphasises that development should include measures to design out crime.

The Metropolitan Police Design Out Crime team has assessed the proposed development and sees no reason why it could not achieve a Secured by Design Accreditation. Nevertheless, a planning condition has been requested requiring compliance with Secure by Design Standards. The Metropolitan Police have also requested a S106 financial contribution to mitigate the additional impacts of this development on police infrastructure and the applicant has agreed this.

**Refuse & Recycling Storage**

Policy SI 7 of the London Plan (2021) requires the design of developments to include adequate, flexible, and easily accessible storage space and collection systems. The London Housing Supplementary Planning Guidance 2016 (standard 2.3.18) requires refuse stores to be accessible to all residents.

For the proposed 220 flats, the total refuse/recycling storage provision required would be broadly equivalent to 22,900L of refuse bins and 22,900L of recycling bins.

It is proposed that each block of flats would have its own refuse storage area within the building ground level and beside the main entrance. A total of 55 x 1,100L bins and 5 x 660L bins is proposed. This would comprise 6 x 1100L bins in Block A, 6 x 1100L bins in Block B, 11 x 1100L bins in Block C, 10 x 1100L bins in Block D, 8 x 1100L bins and 5 x 660L bins in Block E, 5 x 1100L bins in Block F and 4 x 1100L bins in Block G. This provision would be adequate to accord with Policy SI7.

The northern access road would allow refuse/delivery vehicles to move around the site through the shared surface landscaping. Each block would have a dedicated refuse store located for convenient collection. Two turning heads are provided within this landscaped area allowing for vehicles to arrive and leave in forward gear.

To ensure that the proposed refuse arrangements are managed properly, a condition that requires the submission of a servicing management plan is applied to secure coordinated servicing of the development, including refuse collection.

**Drainage and Flood Risk**

Policy LV 5.12 (Flood Risk Management) of the Ealing Development Management Document DPD (2013) requires all forms of development to ensure that every vulnerability to surface water, sewer and ground water flooding is fully assessed.

A Flood Risk Assessment and Drainage Strategy have been submitted and concludes that:

- the proposed development site is in Flood Zone 1 and is at very low risk of surface water flooding;
- the proposed dwellings will not be at risk of damage from flooding events;
- foul water can be discharged to the Thames Water foul sewer in Farrier Road to the south of the site via new adopted sewers;
- SuDS measures will be incorporated including green roofs, rainwater gardens to collect runoff from the access roads and permeable paving;
- attenuation tanks and permeable paving structures will store surface water runoff before discharge to the existing Thames Water surface water sewers in Kensington Road and Horse Shoe Crescent;
- the attenuation tanks have been sized to ensure sufficient storage for events up to and including the 1 in 100 year storm plus 40% climate change allowance;
- the total discharge from the site will be 5.8 l/s which is the estimated existing greenfield runoff rate.

Affinity Water indicates that the site not within Environment Agency defined groundwater Source Protection Zone or close to its water abstractions. It requires ground investigations prior to any piling or other excavations below the chalk groundwater and requests the development include water efficient fixtures and fittings, rainwater harvesting and grey water recycling. The water company also needs to be consulted on the potential for water mains running through or near the development site.

Thames Water notes the development would be within 15m of a strategic sewer so a piling condition is required. It raises no objection with regard to with regard to foul water sewerage network infrastructure capacity, or regarding surface water drainage provided the developer follows the sequential approach to the disposal of surface water.

The Drainage Strategy also confirms that rainwater harvesting was considered to reuse surface water runoff within the buildings. However, it notes that, with the green roofs capturing the majority of rainfall from the lower return period storms, the harvesting tanks would be empty for the majority of the time without extreme storms contributing. In addition, it argues that rainwater harvesting tanks should not be included in the assessment of attenuation required to store runoff from a development as there is no guarantee that the tank will be sufficiently empty to receive another storm and for these reasons they have been discounted.

The Council's Flood risk/drainage officer has not provided comments on the proposals. However, the GLA Stage 1 report notes that the proposed development does not comply with London Plan Policy SI 12 since no assessment of the risk of groundwater or sewer flooding has been undertaken, and further information is required prior to Stage 2 referral.

The GLA supports the drainage strategy but further information on attenuation estimates should be provided prior to Stage 2. In terms of SuDS, the proposals for green roofs and rain gardens are supported but rainwater harvesting and blue roofs should be provided to satisfy the requirements of London Plan Policy SI 13. This information will be provided prior to the GLA Stage 2 process.

However, the proposal does not comply with London Plan Policy SI 5 as no information has been provided regarding water efficiency for the residential components of the development or how the water consumption targets are to be achieved. This information is to be provided prior to Stage 2.

### **Regeneration, Employment & Training**

London Plan Policy E11 requires that development proposals should support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases, including through Section 106 obligations where appropriate.

In this context, the Council's Regeneration section has requested that the developer produce a Local Employment & Training plan, which would set out commitments for both the construction phase of the development and end user opportunities, including:

- a financial contribution of £385,000 towards apprenticeship/employment placement;
- 15 apprenticeships over the project's lifetime;
- 20 work experience opportunities
- 10 job starts
- a penalty of £25,000 per apprenticeship opportunity not filled;
- schools engagement activity involving 40 school/ college visits;
- 40 school/ college workshops over 3 years.

These obligations will be secured via a S106 Agreement.

### **S106 Contributions/Obligations**

The following S106 contributions and obligations are required to mitigate the impacts of the development:

- provision of 111 affordable dwellings comprising 71 London Affordable Rent units and 40 Shared Ownership units;
- a financial contribution of £542,023 towards improvements to local schools;
- a financial contribution of £500,000 towards local healthcare provision;
- a financial contribution of £57,000 towards improving paths, bridge and connections with the surrounding area;
- a financial contribution of £100,000 towards improvements to children's playspace;
- a financial contribution of £171,000 towards improvements to Smith's Farm open space;
- a financial contribution of £100,000 towards improvements to Northolt town centre;
- a financial contribution of £250,000 towards indoor and outdoor sports provision;
- a financial contribution of £50,816 to offset carbon emissions;
- a financial contribution of £16,462 for Renewable and Low Carbon Energy (&CO2) monitoring;
- a financial contribution of £22,800 towards air quality monitoring;
- a financial contribution of £50,000 towards an accident remedial scheme on Kensington Road
- a financial contribution of £40,000 towards parking and waiting restrictions near the development;
- a financial contribution of £30,000 towards speed tables at junctions near the development
- a financial contribution of £50,000 towards cycle infrastructure improvements near the development;
- a financial contribution of £20,000 towards bus stop improvements near site;
- a financial contribution of £40,000 towards pedestrian infrastructure improvements near the development;
- a financial contribution of £3,000 for Travel Plan Monitoring;
- a financial contribution of £16,339 to mitigate additional impacts on police infrastructure;
- a financial contribution of £30,000 towards an Apprentice and Local Labour Scheme and provision of 15 apprenticeships, 10 job starts, 20 work experience opportunities, with a penalty of £25,000 per apprenticeship opportunity not filled and school engagement work involving 40 school/ college visits and 40 school/ college workshops over 3 years;
- Travel Plan monitoring costs;

- a restriction on residents' car parking permits within surrounding Controlled Parking Zones and any future CPZs in the area;
- Participation in an Apprentice and Placement Scheme, which shall provide opportunities across the development, including the construction, design and post construction management of the development. Details of the Apprentice and Placement Scheme including the number of placements details shall be agreed with the Council; this is in addition to the financial contribution towards an Apprentice and Local Labour Scheme;
- Implementation of the Travel Plan;
- no occupation of the development unless and until the Carbon Dioxide Off Setting Sum of £16,462 has been paid to the Council where the Energy Assessment shows that the Carbon Dioxide Emission Target cannot be met on site;
- payment of an 'Additional Carbon Offset Contribution' to mitigate any shortfall in the carbon reduction achieved by the proposed "Clean/Green" heat pump and PV equipment;
- All contributions to be index linked;
- Payment of the Council's reasonable legal and other professional costs in preparing and completing the agreement.

Such contributions are required to mitigate impacts of the proposed development and make it acceptable and have been agreed with the applicant.

**Community Infrastructure Levy (CIL)**

Ealing is a collection authority on behalf of the Mayor of London. This is charged at £60 per sqm since 1/4/19 subject to Indexation. The proposed development involves 220 residential units, and a large increase in residential and commercial floorspace. However, a proportion of this would be in affordable dwellings which are exempt from CIL. This would equate to some £570,000 but the exact amount of any liability will be calculated by the CIL Officer who can be contacted at [cilcollections@ealing.gov.uk](mailto:cilcollections@ealing.gov.uk).

**Fire Safety**

Policy D12 of the London Plan requires major applications to be accompanied by a fire statement demonstrating how the development would achieve the highest standards of fire safety. A Fire Statement prepared by a suitably qualified third-party assessor has been submitted.

The Health and Safety Executive commented that the connection of the single staircase in Block E (core E1) with ancillary accommodation is not appropriate and design changes are necessary to provide alternative, separated access and egress routes from such areas. Revisions to the scheme have been made to resolve this issue.

This Fire Statement has also been reviewed in the GLA Stage 1 Report which indicates that, Prior to Stage 2, the fire statement should be reviewed to address the requirements of the London Plan and the Fire Safety draft LPG.

**Conclusion**

The proposed development would be in the Green Belt. However, this is a brownfield site that has been allocated for residential-led development in the emerging local plan and a range of very special circumstances apply which override any harm to the Green Belt.

The development will provide 220 dwellings, which would make a significant contribution to meeting housing demand, including 111 affordable units, against a background where the Council is unable to demonstrate a 5 year housing land supply. Almost 60% of flats would be larger, family sized units.

It will also provide 408 sq m of Class E space in the existing farmhouse and barn, providing some local jobs, a viable use for a locally listed building and a local community and visitor facility in an area lacking these. In addition, it would provide improved public access through the site and to adjoining open space, including a new crossing on Kensington Road. Various planting, landscaping and biodiversity enhancements are also proposed to nearby open land.

While there would be a loss of employment land, much of the site is used for car sales and adequate justification for this loss has been provided as required by Ealing DPD Policy 4A and the principle of residential development has previously been accepted on the site.

In addition, the scale and design of the proposed development are considered acceptable with its surroundings and not have unacceptable visual impacts on nearby open land. The scheme would also provide adequate living conditions including provision of amenity space, landscaping and cycle storage and deficiencies in children's playspace are mitigated by contributions to off-site provision.

Various measures are proposed to enhance the value of the site for wildlife and achieve biodiversity net gain and 115 new trees would be planted, enhancing what is currently an untidy site covered in hardstanding, poor quality buildings and parked vehicles.

No unacceptable impacts on the amenity of nearby dwellings have been identified. Traffic impacts of the development are estimated to be less than from the existing use, with much fewer heavy vehicles. With appropriate conditions and S106 contributions, the proposed development would be acceptable in transport terms.

Approval is therefore recommended subject to a range of conditions and S106 and S278 obligations.

### **Human Rights Act**

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

### **Public Sector Equality Duty**

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

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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



**APPENDIX 1: CONDITIONS**

1. Time Limit 3 years - Full Permission

The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

2. Phasing Plan

Prior to any development on the site the developer will submit a detailed site phasing plan for approval in writing by the Local Planning Authority. The development hereby approved shall be implemented in according to the approved phasing plan.

Prior to the commencement of any phase, a plan showing the location of that phase shall be submitted to and approved in writing by the Local Planning Authority, which plan may be varied with the prior written approval of the Local Planning Authority.

Reason: To enable the development to be carried out in a phased manner.

3. Approved Plans and Documents

The development hereby approved shall be carried out in accordance with the following drawings and documents:

395-PL-011 Rev 01 Existing Block Plan, 395-PL-010 Rev 01 Site Location Plan, 395-PL-040 Rev 01 Existing Site Location AA, 395-PL-041 Rev 00 Existing Site Sections BB and CC, 395-PL-100 Rev 02 Proposed Block Plan, 395-PL-101 Rev 07 Proposed Site Plan, 395-PL-200 Rev 03 Block A - Proposed Ground Floor Plan, 395-PL-201 Rev 03 Block A - Proposed First Floor Plan, 395-PL-202 Rev 03 Block A - Proposed Second Floor Plan, 395-PL-203 Rev 03 Block A - Proposed Third Floor Plan, 395-PL-205 Rev 03 - Block A - Proposed Roof Plan 395-PL-218 Rev 03 - Block D - Proposed Ground Floor Plan, 395-PL-219 Rev 02 - Block D - Proposed First Floor Plan, 395-PL-220 Rev 02 - Block D - Proposed Second Floor Plan, 395-PL-221 Rev 02 - Block D - Proposed Third Floor Plan, 395-PL-222 Rev 02 - Block D - Proposed Fourth Floor Plan, 395-PL-223 Rev 02 - Block D - Proposed Roof Plan, 395-PL-228 Rev 04 - LLB and Outbuilding - Proposed Ground Floor Plan, 395-PL-229 Rev 02 - LLB and Outbuilding - Proposed First Floor Plan, 395-PL-230-02 Rev 02 - LLB and Outbuilding - Proposed Roof Plan, 395-PL-231 Rev 03 - Blocks B and C - Proposed Ground Floor Plan, 395-PL-232 Rev 02 - Blocks B and C - Proposed First Floor Plan, 395-PL-233 Rev 02 - Blocks B and C - Proposed Second Floor Plan, 395-PL-234 Rev 02 - Blocks B and C - Proposed Third Floor Plan, 395-PL-235 Rev 02 - Blocks B and C - Proposed Fourth Floor Plan, 395-PL-236 Rev 01 - Blocks B and C - Proposed Fifth Floor Plan, 395-PL-237-01 - Blocks B and C - Proposed Sixth Floor Plan, 395-PL-238 Rev 01 - Blocks B and C - Proposed Roof Plan, 395-PL-239 Rev 04 - Blocks E and F - Proposed Ground Floor Plan, 395-PL-240 Rev 03 - Blocks E and F - Proposed First Floor Plan, 395-PL-241 Rev 02 - Blocks E and F - Proposed Second Floor Plan, 395-PL-242 Rev 02 - Blocks E and F - Proposed Third Floor Plan, 395-PL-243 Rev 02 - Blocks E and F - Proposed Fourth Floor Plan, 395-PL-244 Rev 01 Blocks E and F - Proposed Fifth Floor Plan, 395-PL-245 Rev 01 Blocks E and F - Proposed Sixth Floor Plan, 395-PL-246 Rev 01 Blocks E and F - Proposed Roof Plan, 395-PL-247 Rev 02 Block G - Proposed Ground Floor Plan, 395-PL-248 Rev 01 Block G - Proposed First Floor Plan, 395-PL-249 Rev 01 Block G - Proposed Second Floor Plan, 395-PL-250 Rev 01 Block G - Proposed Third Floor Plan, 395-PL-251 Rev 01 Block G - Proposed Roof Plan, 395-PL-300 Rev 01 Block A - Proposed West Elevation, 395-PL-301 Rev 01 Block A - Proposed East Elevation 395-PL-302 Rev 01 Block A - Proposed North and South Elevations, 395-PL-309 Rev 01 Block

D - Proposed West Elevation 395-PL-310 Rev 01 Block D - Proposed East Elevation, 395-PL-311 Rev 01 Block D - Proposed North and South Elevations, 395-PL-315 Rev 02 LLB Proposed Elevations 1, 395-PL-316-00 LLB Proposed Elevations 2, 395-PL-320 Rev 01 Proposed Combined West Elevation, 395-PL-321 Rev 02 Proposed Combined South Elevation, 395-PL-322 Rev 02 - Proposed Combined East Elevation, 395-PL-323 Rev 01 - Proposed Combined North Elevation, 395-PL-324 Rev 01 - Proposed Combined Internal West Elevation, 395-PL-325 Rev 01 - Proposed Combined Internal South Elevation, 395-PL-326 Rev 01 - Proposed Combined Internal East Elevation, 395-PL-327 Rev 01 - Proposed Combined Internal North Elevation, 395-PL-328-00 - Blocks B and C - Proposed South Elevation, 395-PL-329 Rev 01 - Blocks B and C - Proposed East Elevation, 395-PL-330-01 Rev 01 - Blocks B and C - Proposed North Elevation, 395-PL-331-01 Rev 01 - Blocks B and C - Proposed Sectional North Elevation, 395-PL-332 Rev 01 - Blocks B and C - Proposed West Elevation 395-PL-333 Rev 01 - Blocks B and C - Proposed Sectional West Elevation, 395-PL-334-00 - Blocks E and F - Proposed Northeast Elevation, 395-PL-335-00 - Blocks E and F - Proposed East Elevation, 395-PL-336-00 - Blocks E and F - Proposed South Elevation, 395-PL-337-00 - Blocks E and F - Proposed West Elevation, 395-PL-338-00 - Blocks E and F - Proposed Sectional North Elevation, 395-PL-339 Rev 01 - Blocks E and F - Proposed Southwest Elevation, 395-PL-339 Rev 01 - Blocks E and F - Proposed Southwest Elevation, 395-PL-335 Rev 01 - Blocks E and F - Proposed East Elevation, 395-PL-341-00 - Block G - Proposed West and Southwest Elevations 395-PL-342-00 - Block G - Proposed Southeast Elevation, 395-PL-343-00 - Block G - Proposed Northeast and North Elevations, 395-PL-350 Rev 02 Proposed Street scene - Kensington Road,

Environmental Statement (Contamination Report) by Lanmor Consulting (January 2022); Air Quality Assessment by DJC Housing Consultants (March 2023); Daylight and Sunlight Report by Lumina (February 2023); Design and Access Statement by WaM Architecture (March 2023); Heritage Statement by Asset Heritage Consulting (February 2023); Condition Report on Farmhouse and adjacent outbuildings by Stone Rose (undated); Drainage Strategy and Flood Risk Assessment by Lanmor Consulting (March 2023); Ecological Impact Assessment by David Archer Associates (February 2023); Sustainability & Energy Statement by Bluesky Unlimited (March 2023); Planning and Affordable Housing Statement by Howarth Homes Plc (March 2023); Noise Impact Assessment Report by KP Acoustics (February 2023); Statement of Community Involvement by Polity ((March 2023); Transport Statement by Lanmor Consulting (February 2023); Travel Plan) by Lanmor Consulting (February 2023); Construction Logistics Plan by Lanmor Consulting (March 2023); Delivery and Servicing Management Plan by Lanmor Consulting (February 2023); Arboricultural Implications Report and Landscape Assessment by David Archer Associates (January 2022); Planning Gateway One Fire Statement by London Bridge Associates Ltd (February 2023); Fire Statement by London Bridge Associates Ltd (February 2023); Overheating Assessment by Queensbury Design Ltd (March 2023); GLA Carbon Emissions Reporting Spreadsheet, Circular Economy Statement by Cooper Homewood (March 2023); Whole Life Carbon Assessment by Cooper Homewood (March 2023); Biodiversity Impact Calculation Report by Syntegra (December 2022), Market Demand Report by Vokins Chartered Surveyors (November 2022), Landscape Addendum by WaM, Schedule of Accommodation Rev 01 by WaM (June 2023), Final Biodiversity Metric Calculations by David Archer Associates, Play Strategy by Udal Landscape Architecture (June 2023), Visual Impact Assessment (July 2023), Alternative Sites Assessment (July 2023).

Reason: For the avoidance of doubt, and in the interests of proper planning.

4. Details of Materials - Building

Details of the materials and finishes to be used for all external surfaces of the building hereby approved shall be submitted to and approved in writing by the local planning authority before any part of the super structure within each phase is commenced and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. The development shall be implemented only in accordance with these approved details.

Reason: To ensure that the materials and finishes are of high quality and contribute positively to the visual amenity of the locality in accordance with policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013), policy D3 of the London Plan (2021) and the National Planning Policy Framework (2021).

5. Hard/ Soft Landscaping and Boundary Treatment

Details of hard/soft landscape works and boundary treatments for the development shall be submitted to and approved in writing by the local planning authority before any part of the superstructure of the flats is commenced and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. The scheme shall include comprehensive details of the full planting specifications (size, species and numbers), the positions of all planting, ground preparation for tree planting, and staking/tying methods where applicable. The development shall be implemented only in accordance with these approved details. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and amenity of prospective occupiers, and in accordance with policies G5 and G7 of the London Plan (2021), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework (2021).

6. Landscape Management Plan

Details of a Landscape Management Plan for a minimum period of 5 years from the implementation of final planting shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and amenity of prospective occupiers, and in accordance with policies G5 and G7 of the London Plan (2021), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework (2021).

7. Play equipment

Details of design, layout and provision of play equipment within the play areas shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. The development shall be implemented only as approved and retained thereafter.

Reason: To ensure that there is suitable provision for children’s play facilities within the site in accordance with policies 1.1 (e), 2.1 (c) of the Ealing Core Strategy (2012), policies ELV 3.5 and 7D of the Ealing Development Management Development Plan Document (2013), policy S4 of the London Plan (2021), the London Plan SPG on Children's Play and Recreation, and the National Planning Policy Framework.

8. Demolition Method and Construction Management

Prior to commencement of the development, a demolition method statement/ construction management plan shall be submitted to the Council for approval in writing. Details shall include control measures for:

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

Reason: To protect the amenity of neighbouring occupiers and to ensure adequate highway and site safety in accordance with policies 1.1(e), 1.1(j) and 2.1(c) of the Ealing Core Strategy (2012), policies S11, T4, T6 and D14 of the London Plan (2021), the National Planning Policy Framework (2021), Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006), BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open sites-Part 1: Noise.

#### 9. Cycle Parking

Prior to commencement of the superstructure of the development, details of cycle parking provision with adequate spacing between cycle stands shall be submitted to the Council for approval in writing. The approved layouts shall be fully implemented in accordance with Council standards and made operational before the first occupation of the development, and permanently retained thereafter.

Reason: To promote sustainable patterns of transport, in accordance with Section 9 of the National Planning Policy Framework (2021) and policy T5 of the London Plan (2021).

#### 10. Travel Plan

Notwithstanding any Travel Plan submitted with the application, a revised Green Travel Plan designed to manage the transport needs of the occupiers of the development, including measures to minimise car usage and promote alternative modes of transport, shall be submitted to and approved by the Local Planning Authority before the occupation of each phase of the development, and the approved Green Travel Plan shall be fully implemented in compliance with the approved document.

Reason: To promote sustainable patterns of transport to safeguard the living and working conditions of local people and in the interest of highway and pedestrian safety, in accordance with section 9 of the National Planning Policy Framework, policies T2 and T4 of the London Plan (2021) and policies 1.1 (f) and 1.1(g) of the Ealing Development (Core) Strategy 2026.

#### 11. Delivery/Serviceing Plan

Notwithstanding any documents submitted with the application, a delivery and servicing plan (DSP) for the different uses of the development detailing servicing arrangements, times and frequency and operational details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The servicing of the development shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority obtained through the submission of a planning application.

Reason: To protect the living conditions of neighbouring properties in accordance with policies 1.1(e) (g) and 2.1 (c) and 2.10 of the Ealing Core Strategy (2012), policy 7.A of the Ealing Development Management Development Plan Document (2013), policies D6 and T4 of the London Plan (2021), and the National Planning Policy Framework (2021).

12. Piling

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

Reason: To ensure the integrity of underground water and sewerage utility infrastructure is not affected, in accordance with policy 1.1 (e), 1.2 (m) and 6.1 of the Ealing Core Strategy (2012), policy SI5 of The London Plan (2021), and the National Planning Policy Framework (2021). The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

13. Energy and CO<sub>2</sub>

- a) Prior to construction completion and occupation, the Development shall implement and maintain, and in the case of energy generation equipment confirm as operational, the approved measures to achieve an overall sitewide reduction in regulated CO<sub>2</sub> emissions of at least 89.83% (equating to 157.48 tonnes of CO<sub>2</sub> per year) beyond Building Regulations Part L 2021 and using SAP10 (or later version) conversion factors. These CO<sub>2</sub> savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by Bluesky Unlimited March 2023 (v1) including:
  - i. Lean, energy efficiency design measures to achieve an annual reduction of at least 10.60% equating to at least 18.58 tonnes in regulated carbon dioxide (CO<sub>2</sub>) emissions over BR Part L 2021.
  - ii. Green, renewable energy equipment including the incorporation of photovoltaic panels with a combined total capacity of approximately 115 kWp, and Air and Water Source Heat Pumps to achieve a combined annual reduction of at least 79.23%, equating to 138.90 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) emissions over Part L 2021.
  - iii. Seen, heat and electric meters installed to monitor the performance of the PV and the carbon efficiency (SCOP) of the heat pump systems (including the heat generation and the electrical parasitic loads of the heat pumps) in line with the Council’s monitoring requirements.
  
- b) Prior to Installation, details of the proposed renewable energy equipment, and associated monitoring devices required to identify their performance, shall be submitted to the Council for approval. The details shall include the communal heat distribution loop schematics, the exact number of heat pumps, the heat pump thermal kilowatt output, heat output pipe diameter(s), parasitic load supply schematics, monthly energy demand profile, and the exact number of PV arrays, the kWp capacity of each array, the orientation, pitch and mounting of the panels, and the make and model of the panels. The name and contact details of the renewable energy installation contractor(s), and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.

- c) On completion of the installation of the renewable energy equipment copies of the MCS certificates and all relevant commissioning documentation shall be submitted to the Council.
- d) The development shall incorporate the overheating mitigation measures detailed in the dynamic Overheating Analysis by Queensberry Design in March 2023 (v1). Any later stage version shall be compliant with CIBSE Part O (TM59/Guide A) and modelled against the TM49 DSY1 (average summer) weather data files.
- e) Within three months of the occupation/first-use of that phase of the development a two-page summary report prepared by a professionally accredited person comparing the “as built stage” TER to BER/DER figures against those in the final energy strategy along with the relevant Energy Performance Certificate(s) (EPC) shall be submitted to the Council for approval.

Reason: In the interest of addressing climate change and to secure environmentally sustainable development in accordance with policies SI2 and SI3 of the London Plan (2021), and the relevant guidance notes in the GLA Energy Assessment Guidance 2020, policies LV5.2 and 7A of Ealing’s Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing’s Development (Core) Strategy 2012.

14. Post construction energy equipment monitoring

In order to implement Ealing Council DPD policy E5.2.3 (post-construction energy equipment monitoring), and key parts of London Plan policy SI2 (“be Seen”), the developer shall:

- a) Enter into a legal agreement with the Council to secure a S106 financial contribution, or alternative financial arrangement, for the post-construction monitoring of the renewable/low carbon technologies to be incorporated into the development and/or the energy use of the development as per energy and CO<sub>2</sub> condition(s).
- b) Upon final construction of the development, or relevant phases of the development, and prior to occupation, the agreed suitable devices for monitoring the performance/efficiency of the renewable energy equipment shall be installed. The monitored data shall be automatically submitted to the Council at daily intervals for a period of four years from occupation and full operation of the energy equipment. The installation of the monitoring devices and the submission and format of the data shall be carried out in accordance with the Council’s approved specifications as indicated in the Automated Energy Monitoring Platform (AEMP) information document. The developer must contact the Council’s chosen AEMP supplier (Emergence Ltd) on commencement of construction to facilitate the monitoring process.
- c) Upon final completion of the development and prior to occupation of that phase of the development, the developer must submit to the Council proof of a contractual arrangement with a certified contractor that provides for the ongoing, commissioning, maintenance, and repair of the renewable energy equipment for a period of four years from the point that the building is occupied and the equipment fully operational. Any repair or maintenance of the energy equipment must be carried out within one month of a performance problem being identified.

Reason: To monitor the effectiveness and continued operation of the renewable/low carbon energy equipment in order to confirm compliance with energy policies and establish an in-situ evidence base on the performance of such equipment in accordance with London Plan (2021) policy SI2 (“Be Seen” stage of the energy hierarchy), Ealing’s Development (Core) Strategy 2026 (3rd April 2012) and Development Management DPD policy 5.2, E5.2.3, and Policy 2.5.36 (Best Practice) of the Mayor’s Sustainable Design & Construction SPG.

15: Post-construction energy use monitoring (“be Seen”)

In order to demonstrate compliance with the ‘be seen’ post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and all in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

- a) Prior to demolition of existing buildings on the site, the applicant shall submit to the GLA accurate and verified estimates of the ‘be seen’ energy performance indicators, as outlined in Chapter 3 ‘Planning stage’ of the GLA ‘Be seen’ energy monitoring guidance document, for the consented development. This should be submitted to the GLA’s monitoring portal in accordance with the ‘Be seen’ energy monitoring guidance.
- b) Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the ‘be seen’ energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 ‘As-built stage’ of the GLA ‘Be seen’ energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA’s monitoring portal. In consultation with the Council’s chosen Automated Energy Monitoring Platform provider the owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 ‘In-use stage’ of the GLA ‘Be seen’ energy monitoring guidance document.
- c) Upon completion of the first year of occupation of that phase of the development following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 ‘In-use stage’ of the GLA ‘Be seen’ energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA’s monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 ‘In-use stage’ of the GLA ‘Be Seen’ energy monitoring guidance document for at least five years.
- d) In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner should use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the ‘be seen’ spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority. The measures approved by the Local Planning Authority should be implemented by the legal Owner as soon as reasonably practicable.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the ‘be seen’ post-construction monitoring requirement of Policy SI 2 of the London Plan.

16: Whole Life-Cycle Carbon Assessment

- a) Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new owner, if applicable), the legal owner(s) of the development should submit the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk). The owner should use the post construction

tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA's WLC Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion, unless otherwise agreed.

- b) The Development shall aim to implement the measures identified in the WLC Assessment prepared by Cooper Homewood in March 2023 (v3). Modules A1-A5 should achieve 464 KgCO<sub>2</sub>e/m<sup>2</sup>, and B1-C4 (excluding B6/B7) 295 KgCO<sub>2</sub>e/m<sup>2</sup>, with a total carbon emissions baseline scenario (over 60 years) of 758 KgCO<sub>2</sub>e/m<sup>2</sup> (including sequestration and module D benefits).

Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI2(F) of the London Plan.

17: Circular Economy

- a) Prior to completion of construction of each Phase of the development a Circular Economy Statement Post Completion Report should be completed accurately and in its entirety in line with the GLA's Circular Economy Statement Guidance (or equivalent alternative Guidance as may be adopted). This should be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.
- b) Specific commitments detailed in the Circular Economy statement produced by Cooper Homewood in March 2023 (v2), or any later approved version, should be implemented including; diverting 95% of construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, and supporting the London Plan target of diverting 65% of Operational Waste from landfill by 2030.

Reason: In the interests of sustainable waste management and in order to maximise the appropriate re-use and recycling of materials in line with London Plan Policy D3 (Optimising site capacity), SI7 (Reducing waste), SI2 (Minimising greenhouse gas emissions).

18. Sustainable Design and Construction

Prior to first occupation of the development the sustainability measures detailed in the approved Sustainability & Energy Statement by Bluesky Unlimited (March 2023) shall be implemented and maintained. The measures shall meet the requirements of local and regional planning policies and be in line with the Mayor's Sustainable Design and Construction SPG. The development shall be constructed in line with the approved energy and sustainability measures.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies SI2 and SI3 of the London Plan (2021), policies LV5.2 and 7A of Ealing's Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy 2012 and the Mayor's Sustainable Design and Construction SPG.



19. Water Efficiency

Prior to occupation of residential units within the development, the approved dwellings shall incorporate and maintain water saving measures that will meet water efficiency standards with a maximum water use target of 105 litres of water per person per day.

Reason: To ensure the sustainable use of water, in accordance with the approved sustainability statement and policy SI5 of the London Plan (2021).

20. Security features

Prior to first occupation of the development, the development shall achieve Secured by Design accreditation.

Reason: To ensure that the adequate security features are incorporated into the development that are appropriate to the overall design of the buildings and are adequate to promote safety and security, in accordance with policy D3 of the London Plan (2021), policy 1.1(e) and 1.1(h) of the Ealing adopted Development (or Core) Strategy 2012 and policies LV7.3 and 7B of the Ealing Development Management DPD (2013).

21. Transport and/or industrial noise sources

Prior to commencement of the superstructure of each phase of the development, details shall be submitted to the Council for approval in writing, of the sound insulation of the building envelope including glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise) to achieve internal noise limits specified in SPG10. Details of best practicable mitigation measures for external amenity spaces shall also be provided and implemented, as necessary. Details shall confirm that noise limits specified in BS8233:2014 will not be exceeded. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policies 7A and 7B of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2021) and Ealing Interim guidance SPG 10 'Noise and Vibration'.

22. External noise from machinery, extract/ ventilation ducting, mechanical gates, etc.

Prior to the commencement of the superstructure of each phase of the development, details of the external rating noise level emitted from all plant/ machinery/ equipment/ducting/air in- and outlets/mechanical installations, together with mitigation measures as appropriate shall be submitted to the Local Planning Authority for approval in writing. The measures shall ensure that the external rating noise level LAeq emitted will be lower than the lowest existing background sound level LA90 by 10dBA at the most noise sensitive receiver locations at the development site and at surrounding premises. The assessment shall be made in accordance with BS4142:2014 +A1 2019, with all plant/equipment operating together at maximum capacity. Where required, a post installation sound assessment shall be submitted to the Local Planning Authority for approval in writing. The assessment shall be carried out to confirm compliance with the noise criteria and shall include additional steps to mitigate noise as necessary.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2021) and Interim guidance SPG 10 'Noise and Vibration'.

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

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

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site and occupiers of nearby properties, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2021) and Interim guidance SPG 10 'Noise and Vibration'.

#### 24. Separation of noise sensitive rooms in neighbouring flats

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

Reason: To ensure that the amenity of occupiers of the development is not adversely affected by vibration or noise, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2021) and Interim guidance SPG 10 'Noise and Vibration'.

#### 25. Separation of communal uses and facilities from dwellings

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

Reason: In the interests of the living conditions of the occupiers of the above residential premises, in accordance with Interim Supplementary Planning Guidance 10, policies 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021), and the National Planning Policy Framework (2021).

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

Prior to commencement of the superstructure of each phase of the development, details shall be submitted to the Council for approval in writing, of an odour risk assessment (according to 2018 EMAQ

Guidance) and of odour abatement equipment and extract system, including operational details and maintenance schedule, the height of the extract duct, with vertical discharge outlet, without cowl, at least 1m above the eaves of the main building. Details shall be provided of a reasonable distance of the extract outlet approximately 20 meters from any openable window. Approved details shall be implemented prior to use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, smell or steam, in accordance with Interim Supplementary Planning Guidance 10, policies 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021), and the National Planning Policy Framework (2021).

27. Lift Insulation

Prior to commencement of the superstructure of each phase of the development, details shall be submitted to the Council for approval in writing, of enhanced sound insulation of lifts and lift shafts, in accordance with noise limits specified in Table 5 BS8233:2014. Where noise emissions include characteristic features, the Noise Rating level shall not exceed NR20 Leq 5mins inside a habitable room. Details shall include mitigation measures and the resulting sound insulation value and internal sound/rating level. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the occupiers of the above residential premises, in accordance with Interim Supplementary Planning Guidance 10, policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021), and the National Planning Policy Framework (2021).

28. Sound Insulation of commercial/ industrial building envelopes

The sound insulation of commercial/industrial building envelopes and of any mitigation measures shall ensure that noise from internal uses, activities and plant is contained within the premises, as assessed according to standards of the Council’s SPG10 and criteria of BS8233:2014, at the nearest and most affected noise sensitive premises incl. offices and external amenity spaces. Measures shall be implemented prior to occupation and retained permanently thereafter.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with with Interim Supplementary Planning Guidance 10, policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021), and the National Planning Policy Framework (2021).

29. Sound insulation and anti-vibration measures/Separation of gym from dwellings/sensitive uses

Prior to any construction/ commencement of the development as a gym, an acoustic report shall be submitted to the Council for approval in writing, detailing the following:

- the sound insulation performance of the floor, ceiling and walls separating the gym from adjoining commercial and/or residential premises or parts of the development;
- anti-vibration fittings and/or other mitigation measures required for the isolation of exercise equipment, loudspeakers and floors for use by group exercise classes, weights, machines;
- details to demonstrate that noise from the use of the gym including music, instructor’s voices, group exercise classes, activities and use of equipment does not exceed
  - NR25 Lmax(fast) from structure borne / impact noise

- NR20 Leq,5min from general airborne activity noise (including music) within adjoining or nearby premises. The assessment and mitigation measures shall be based on standards of the Council’s SPG10. Approved details shall be implemented prior to use of the gym and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and vibration, in accordance with with Interim Supplementary Planning Guidance 10, policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021), and the National Planning Policy Framework (2021).

**30. Ventilation Strategy**

Prior to the commencement of the superstructure of each phase of the development, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for residents shall be submitted to and approved by the Local Planning Authority. The report will contain details for providing fresh air ventilation to habitable rooms on the “Kensington Rd” façade for Blocks A and G, the supply to be provided from the rear of the building at high level. The report shall also include the following information:

- a) Details and locations of the ventilation intake locations of all floors
- b) Details and locations of ventilation extracts locations of all floors

The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To minimise exposure to existing poor air quality and provide a suitable internal living environment for future occupiers, in accordance with policy SI 1 of the London Plan 2021, policy 1.1(j) of the Ealing Development Strategy 2026 DPD (2012); and policy 7A of the Ealing Development Management DPD (2013).

**31. Air Quality and Dust Management Plan**

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

- a) Dust Management Plan for Demolition Phase
- b) Dust Management Plan for Construction Phase

The applicant shall contact the council's pollution technical team about the installation of air quality monitors on site and always provide direct access to monitoring data for the duration of the project. The monitors shall be installed on site at least 4 weeks prior to any site clearance and demolition to provide baseline data and shall be maintained on site until first occupation of the development hereby approved. Direct access to monitoring data will be always provided. The Air Quality Dust Management Plan shall be implemented on commencement of any works on site and the site shall be managed in accordance with the approved plan for the duration of the construction.

Reason: In the interests of the amenity of adjoining occupiers and to minimise particulate matter associated with construction works in accordance with policies 1.1 (e) (f) (j) of the Ealing Development (Core) Strategy 2012, policy 7A of the Ealing Development Management Development Plan (2013) and policy SI1 of the London Plan(2021); and National Planning Policy Framework (2021).

### 32. Non-Road Mobile Machinery

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

Reason: To safeguard adjoining occupiers of the development against unacceptable noise, disturbance and emissions, policies 1.1(j) of the Ealing Development (Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing's Development Management DPD (2013) and policy SI1 of the London Plan(2021); and National Planning Policy Framework (2021).

### 33. Contaminated Land Site Investigation

Prior to the commencement of any works on site (other than demolition and site clearance), and based on an approved conceptual site model (contained within an approved desk study phase 1 report) a site investigation (undertaken in accordance with BS1075:2011+A1:2013 and LCRM) shall investigate the site and any previously inaccessible ground. The site conceptual model shall be amended based on the findings of the intrusive site investigation and the risks to identified receptors up dated. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The findings of the site investigation and proposed remedial options shall be submitted to the Local planning authority for approval in writing prior to any remedial works commencing and any development works commencing.

Reason: To ensure the land contamination issues are addressed in accordance with policy 1.1 (j) of the adopted Local Development Framework Core Strategy (2012) and Policy 5.21 of the Ealing Development Management Development Plan (2013).

### 34. Remediation Scheme

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

Reason: To ensure the land contamination issues are addressed in accordance with policy 1.1 (j) of the Ealing Local Development Framework Core Strategy (2012) and Policy 5.21 of the Ealing Development Management Development Plan (2013).

35. Verification Report

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

Reason: To ensure the land contamination issues are addressed in accordance with policy 1.1 (j) of the Ealing Local Development Framework Core Strategy (2012) and Policy 5.21 of the Ealing Development Management Development Plan (2013).

36. External Lighting

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site, in accordance with policies policy 1.1 (j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy D6 of the London Plan (2021), and the National Planning Policy Framework (2021).

37. No masts/satellite dishes or external equipment

No microwave masts, antennae or satellite dishes or any other plant or equipment shall be installed on any elevation of the buildings hereby permitted without the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To safeguard the appearance of the buildings and the locality in the interests of visual amenity policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4, 7B and 7C of the Ealing Development Management Development Plan Document (2013), policies D4 and D5 of the London Plan (2021), section 7 and 12 of the National Planning Policy Framework (2021).

38. Refuse Storage

The refuse and recycling storage facilities hereby approved shall be implemented and operational before the first occupation of the residential units and permanently retained thereafter.

Reason: In the interests of the adequate disposal, storage and collection of waste and recycling, to protect the living conditions of occupiers of the area and in the interests of highway and pedestrian safety all in accordance with policies 1.1 (e) and 6.1 of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy S18 of the London Plan (2021) and the National Planning Policy Framework (2021).

39. Passenger Lifts

All passenger lifts serving the residential units hereby approved shall be fully installed and operational prior to the first occupation of the relevant core of development served by a passenger lift.

Reason: To ensure that adequate access is provided to all floors of the development for all occupiers and visitors including those with disabilities, in accordance with policy 1.1(h) of the Ealing Core Strategy (2012), policy D5 of The London Plan (2021), and the National Planning Policy Framework (2021).

40. Drainage Maintenance Plan

Prior to first occupation of the residential element of the development details of sustainable urban drainage systems to be implemented on site including a maintenance plan for the drainage system (SUDS components) shall be submitted to and approved by the Local Planning Authority and the approved SUDS features shall be maintained and permanently retained thereafter.

Reason: To ensure that sufficient capacity is made available to cope with additional demand in the interest of environmental conditions in the locality, in accordance with policy 1.1 (e), 1.2 (m) and 6.1 of the Ealing Core Strategy (2012), policies SI12 and SI13 of The London Plan (2021), and the National Planning Policy Framework (2021).

41. Former Lifetime homes standards

90% of the approved residential dwellings shall be designed and constructed to meet Approved Document M (Volume 1: Dwellings), Part M4(2)(Accessible and adaptable dwellings) of Building Regulations 2015, or other such relevant technical requirements in use at the time of the construction of the development.

Reason: To ensure that the development is adaptable, flexible, convenient and appropriate to the changing needs of the future occupiers, in accordance with policy D7 of the London Plan (2021); and policy 1.1(h) of the Ealing Development (or Core) Strategy 2012.

42. Former Adaptable wheelchair housing

10% of the approved residential dwellings shall be designed and constructed to meet Approved Document M (Volume 1: Dwellings), Part M4(3) (Wheelchair user dwellings) of Building Regulations 2015, or other such relevant technical standards in use at the time of the construction of the development.

Reason: To ensure the provision of wheelchair housing in a timely fashion that would address the current unmet housing need; produce a sustainable mix of accommodation; and provide an appropriate choice and housing opportunity for wheelchair users and their families, in accordance with the objectives of policy D7 of the London Plan (2021); and policy 1.1(h) of the Ealing Development (or Core) Strategy 2012.

43. Tree Planting and Soil Rooting Volume

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved.

No operations shall commence on site in connection with the development hereby approved until a suitable scheme of proposed tree planting and tree pits have been submitted to and approved by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.

- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
  - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
  - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
  - Staking/tying method(s).
  - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London’s environment, air quality and adapting to and mitigating climate change in accordance with policies G4, G5 and G7 of the London Plan (2021), policy 5.10 of Ealing’s Development Management DPD and Ealing’s SPG 9 - Trees and Development Guidelines.

44. Tree Monitoring Plan

The development hereby approved shall be constructed in accordance with a suitable Tree Monitoring Program.

(a) Prior to the commencement of development (including ground works and site clearance), the following shall be submitted to and approved by the Local Planning Authority:

A tree monitoring program to include:

- Confirmation of who shall be the lead arboriculturalist for the development.
- Confirmation of the Site Manager, key personnel, their key responsibilities and contact details.
- Details of induction procedures for all personnel in relation to Arboricultural matters.
- A detailed timetable of events for arboricultural supervision concerning all tree protection measures within the approved Tree Protection Plan, including:
  - Prestart meeting with an Ealing Council Tree Officer
  - Initial implementation/installation of the tree protection measures
  - Approved incursions in to construction exclusion zones
  - Final removal of the tree protection measures
  - Procedures for dealing with non-approved incursions into the construction exclusion zones as detailed in the approved Arboricultural Method Statement.

(b) Within three months of first use of the development hereby approved, a report containing the following details shall be submitted to and approved by the Local Planning Authority:

- Results of each site visit by the lead arboriculturist with photos attached.
- Assessment of the retained and planted trees including any necessary remedial action as a result of damage incurred during construction.



Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London's environment, air quality and adapting to and mitigating climate change in accordance with policies G4 and G5 of the London Plan (2021), policy 5.10 of Ealing's Development Management DPD and Ealing's SPG 9 - Trees and Development Guidelines.

45. Green Roofs

Details of the construction, specifications and maintenance schedule for any green roofs within the development shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and residential amenity of prospective occupiers, and in accordance with policies G5 and G6 of the London Plan (2021), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework.

46. Electric Vehicle Charging

Prior to the first occupation of the development hereby approved, infrastructure for active provision for charging electric vehicles and passive provision for the remaining spaces shall be provided to accord with London Plan (2021) standards and this infrastructure together with the associated access and internal carriageway shall be kept continuously available.

Reason: To reduce emissions of greenhouse gases and to improve local air quality in the interests of health, in accordance with policies T6, SI1 and SI2 of the London Plan (2021), policies 1.1(e), 1.1(f), 1.1(j) and 1.2(k) of Ealing's adopted Development (or Core) Strategy 2012, and the National Planning Policy Framework.

47. Habitat Improvement

Prior to first occupation of the residential element of the development the recommendations in Section 6 of the Ecological Impact Assessment by David Archer Associates (February 2023) shall be fully implemented.

Reason: To support ecology in accordance with Section 15 of the National Planning Policy Framework (2021), policy G6 of the London Plan (2021), policy 5.11 of the Adopted Ealing Development Management DPD (2013) and policy 5.4 of the Adopted Ealing Development (Core) Strategy 2012.

48. Car Parking Management Plan

Details of a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the development hereby approved. The development shall be operated only in accordance with these approved details permanently thereafter.

Reason: To promote sustainable patterns of transport, in accordance with Section 9 of the National Planning Policy Framework (2021) and policies T4 and T6 of the London Plan (2021).

49. Refuse Management Plan

Details of a Refuse Management Plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. This Plan shall include details of access and turning for refuse collection vehicles within the site. The development shall be implemented only in accordance with these approved details and retained permanently thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material, in accordance with policies 1.1 and 1.2 of the Adopted Development (Core) Strategy, policy 7B of the Adopted Ealing Management Development Plan Document (2013) and policy S7 of the London Plan (2021).

50. Archaeological Investigation

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- b. Where appropriate, details of a programme for delivering related positive public benefits
- c. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: To safeguard the archaeological interest of the site in accordance with London Plan Policy HC1 and paragraphs 190 and 197 of the National Planning Policy Framework (2021).

51. Design of Site Entrance Junction

Prior to commencement of the superstructure of the development, details of the design of the site entrance on Kensington Road in relation to the planned cycle route along Kensington Road shall be submitted to the Council for approval in writing. Details shall include appropriate visibility splays and in accordance with Department of Transport Note LTN 1/20: Cycle infrastructure design (July 2020).

Reason: To ensure adequate highway, cyclist and pedestrian safety in accordance with policies 1.1(e), 1.1(j) and 2.1(c) of the Ealing Core Strategy (2012), and to promote sustainable patterns of transport in accordance with policies T4 and T5 of the London Plan (2021).

52. Details of Cycle/Pedestrian Route through Site

Prior to commencement of the development, details of the proposed cycle/pedestrian routes through the site shall be submitted to the Council for approval in writing. The approved details shall be fully implemented in accordance as shown on the approved plans and made operational before the first occupation of the development, and permanently retained thereafter.

Reason: To ensure adequate cyclist and pedestrian safety, to promote sustainable patterns of transport and in the interests of the visual character and appearance of the area in accordance with policies T4, T5, G5 and G7 of the London Plan (2021), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), and policies 7.4 and 7B of the Ealing Development Management DPD (2013).

53. Disabled Parking for Commercial Uses

Prior to commencement of any works to the superstructure of the commercial element of the development hereby approved and following approval of a Parking Management Plan details of the provision of disabled parking spaces for the commercial unit shall be submitted to and approved in writing by the local planning authority. The commercial development shall be operated only in accordance with these approved details permanently thereafter.

Reason: To promote sustainable patterns of transport, in accordance with Section 9 of the National Planning Policy Framework (2021) and policies T4 and T6 of the London Plan (2021).

54. Construction Environment Management Plan

Prior to commencement of any demolition or construction works on site a Construction Environment Management Plan (CEMP) shall be submitted to the Council for approval in writing. The development shall be implemented in accordance with this approved Plan which shall set out how the risk of pollution related impacts on ecology at the construction stage will be avoided and mitigated.

Reason: To support ecology in accordance with Section 15 of the National Planning Policy Framework (2021), policy G6 of the London Plan (2021), policy 5.11 of the Adopted Ealing Development Management DPD (2013) and policy 5.4 of the Adopted Ealing Development (Core) Strategy 2012.

55. Sound Insulation Measures

Prior to first occupation of the residential element of the development the recommendations for glazing specifications and limits on the openable area for bedroom windows set out in in the Noise Impact Assessment by KP Acoustics (February 2023) shall be fully implemented.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and vibration, in accordance with with Interim Supplementary Planning Guidance 10, policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021), and the National Planning Policy Framework (2021).

56. Signage

Details of a signage to public routes through the development shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats within the

development hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Reason: To ensure that adequate signage is provided for the development and in the interests of the visual character and appearance of the area and residential amenity of prospective occupiers, and in accordance with policies D4 and D5 of the London Plan (2021), policies 1.1 (h), 1.1(g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework.

**Informatives**

1. The decision to grant planning permission has been taken having regard to the policies and proposals in National Planning Policy Guidance, the London Plan (2021), the adopted Ealing Development (Core) Strategy (2012) and the Ealing Development Management Development Plan Document (2013) and to all relevant material considerations including Supplementary Planning Guidance:

National Planning Policy Framework (2021)

2. Achieving Sustainable Development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
10. Meeting the challenge of climate change, flooding and coastal change
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The London Plan (2021)

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H10 Housing size mix
- HC1 Heritage conservation and growth
- G2 Green Belt
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

SI 1 Improving air quality  
SI 2 Minimising greenhouse gas emissions  
SI 3 Energy infrastructure  
SI 7 Reducing waste and supporting the circular economy  
SI 12 Flood risk management  
SI 13 Sustainable drainage  
E1 Offices  
E2 Providing suitable business space  
E3 Affordable workspace  
E4 Land for industry, logistics and services to support London's economic function  
E7 Industrial intensification, co-location and substitution  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking

Supplementary Planning Guidance /Documents

Southall Opportunity Area Planning Framework (SOAPF) (2014)  
Accessible London: achieving an inclusive environment  
Mayor's Sustainable Design and Construction SPD April 2014  
The Mayor's transport strategy  
The Mayor's energy strategy and Mayor's revised Energy Statement Guidance April 2014  
The London housing strategy  
The London design guide (interim edition) (2010)  
Draft shaping neighbourhoods: Children and young people's play and informal recreation (2012)  
Planning for equality and diversity in London  
Housing - Supplementary Planning Guidance (2012)  
Housing SPG (March 2016)  
Energy Planning (March 2016)  
Children and Young People's Play and Informal Recreation SPG (September 2012)  
Crossrail Funding: Use of Planning Obligations and the Mayoral Community Infrastructure Levy SPG (March 2016)  
Affordable Housing & Viability- Supplementary Planning Guidance (2017)

Ealing's Development (Core) Strategy 2026 (2012)

1.1 Spatial Vision for Ealing 2026 (a), (b), (c), (d), (e), (f), (g), (h), (j) and (k)  
1.2 Delivery of the Vision for Ealing (a), (c), (d), (e), (f), (g), (h), (k) and (m)  
2.1 Development in the Uxbridge Road / Crossrail corridor (a), (b), (c), (d), (e)  
5.5 Promoting parks, local green space and addressing deficiency (b) and (c)  
5.6 Outdoor sports and active recreation  
6.1 Physical infrastructure  
6.2 Social infrastructure  
6.4 Planning Obligations and Legal Agreements

Ealing Development Management Development Plan Document (2013)

Ealing local variation to London Plan policy 3.4: Optimising housing potential  
Ealing local variation to London Plan policy 3.5: Quality and design of housing development  
Policy 3A: Affordable Housing

Policy 4A: Employment Uses

Ealing Local variation to London Plan policy 4.7: Retail and town centre development

Ealing local variation to London Plan policy 5.2: Minimising carbon dioxide emissions

5.2.3. Post-construction energy equipment monitoring.

Ealing local variation to London Plan policy 5.10: Urban greening

Ealing local variation to London Plan policy 5.11: Green roofs and development site environs

Ealing local variation to London Plan policy 5.12: Flood risk management

Ealing local variation to London Plan policy 5.21: Contaminated land

Ealing local variation to London Plan policy 6.13: Parking

Policy 7A : Operational amenity

Ealing local variation to London Plan policy 7.3 : Designing out crime

Ealing local variation to London Plan policy 7.4 Local character

Policy 7B : Design amenity

Policy 7C : Heritage

Policy 7D : Open space

Adopted Supplementary Planning Documents

Sustainable Transport for New Development

Interim Supplementary Planning Guidance/Documents

SPG 3 Air quality

SPG 4 Refuse and recycling facilities (draft)

SPG 10 Noise and vibration

Other Material Considerations

Site Layout Planning for Daylight and Sunlight: a guide to good practice' (BRE209 2022)

Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006)

BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open sites-Part 1: Noise

DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Environment Agency guidance 'Verification of Remediation of Land Contamination', Report: SC030114/R1'.

BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

In reaching the decision to grant permission, specific consideration was given to the impact of the proposed development on the Green Belt, on the amenities of neighbouring properties and the character of the area as a whole. Consideration was also given to highways, and the provision of adequate living conditions for occupiers. The proposal is considered acceptable on these grounds, and it is not considered that there are any other material considerations in this case that would warrant a refusal of the application.

2. Construction and demolition works, audible beyond the boundary of the site shall only be carried on between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Bank Holidays. No bonfires shall be lit on site. Prior to commencement of building works, details of mitigation measures to control the release of asbestos fibres shall be submitted to this section for approval.

3. Prior to the commencement of any site works and as works progress, all sensitive properties surrounding the development shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

4. Calculation of building envelope insulation – Interim SPG10 advises:

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

Aircraft noise affecting the site is at a contour level of worst mode one day equal to  $L_{Aeq,16hr}$  60 dB and  $L_{Aeq,1hr}$  67dB by 2016. In calculating the insulation required the  $L_{Leq,1hr}$  aircraft noise spectrum, shown at SPG10, shall be used, along with the spectrum for any other dominant noise sources. Under SPG10, the predicted  $L_{Leq,1hr}$  aircraft noise exposure for the site at 2016 has to be used and combined with any other noise exposures. The spectra to be used are as follows:

| Octave band centre frequency Hz                               | dB Linear - $L_{eq,1hr}$ |               |
|---|--------------------------|---------------|
|   | 60 dB contour            | 57 dB contour |
| 63  | 73                       | 70            |
| 125   | 72                       | 69            |
| 250   | 69                       | 66            |
| 500   | 67                       | 64            |
| 1000  | 62                       | 59            |
| 2000  | 57                       | 54            |
| 4000  | 45                       | 42            |
| <b>Total <math>L_{Aeq,1hr}</math> for spectrum 16 – 8K Hz</b> | <b>67</b>                | <b>64</b>     |

5. Land contamination:

- a) Reference should be made at all stages to appropriate current guidance and codes of practice; this would include:
  - i. Model Procedures for the Management of Land Contamination, CLR 11, Environment Agency, 2004
  - ii. Updated technical background to the CLEA model, Science Report: SC050021/SR3, Environment Agency, 2009
  - iii. LQM/CIEH Generic Assessment criteria for Human Health Risk Assessment (2nd Edition), 2009
  - iv. BS10175:2011 Investigation of potentially contaminated sites – Code of Practice
  - v. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination; Environment Agency, 2001
  - vi. Verification of Remediation of Land Contamination’, Report: SC030114/R1, Environment Agency, 2010
  - vii. Planning Policy Statement 23: Planning and Pollution Control;
  - viii. PPS23 Annex 2: Development on Land Affected By Contamination;
  - ix. Guidance for the safe development of housing on land affected by contamination, NHBC &

Environment Agency, 2008

- Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.
- All raw data should be provided in a form that can be easily audited and assessed by the Council (e.g. trial pit logs and complete laboratory analysis reports)
- on-site monitoring for ground gases with any relevant laboratory gas analysis;
- Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made must be included. (e.g. the reasons for the choice of sampling locations and depths).

b. Prior to commencement of construction and demolition works, involving materials containing asbestos, details of mitigation measures to control the release of asbestos fibres shall be submitted to this section for approval.

6. This permission does not grant consent for the display of external advertisements at this site which are subject to the Town & Country Planning Control of Advertisements (England) Regulations 2007, and which may need to obtain a separate advertisement consent from the local planning authority under those regulations.

7. Prior to commencement of construction and demolition works, involving materials containing asbestos, details of mitigation measures to control the release of asbestos fibres shall be submitted for the approval of the relevant Health and Safety Enforcement Officer.

8. Surface Water Drainage - Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Recent legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website.

9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

10. In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.



- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From [www.gov.uk](http://www.gov.uk):
  - Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency’s Guiding Principles for Land Contamination) in the ‘overarching documents’ section
  - Use MCERTS accredited methods for testing contaminated soils at the site
- From the National Planning Practice Guidance:
  - Land affected by contamination
- British Standards when investigating potentially contaminated sites and groundwater:
  - BS5930:2015 Code of practice for site investigations;
  - BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
  - BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
  - BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

11. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of persons responsible for the site works should be signposted at the site and made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

12. Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition.

13. No waste materials should be burnt on site of the development hereby approved.

14. Best Practicable Means (BPM) should be used during construction and demolition works, including low vibration methods and silenced equipment and machinery, control and monitoring measures of noise, vibration, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary, in accordance with the Approved Codes of Practice of BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Vibration.

17. Prior to commencement of the superstructure of the development a fire statement, produced by a third party suitably qualified assessor, should be submitted to and agreed with the London Fire Brigade.

18. The developer will be liable for the cost of repairing any damage to the footway around the perimeter of the site resulting from the construction work.

19 The applicant is advised to contact Thames Water Developer Services and read its guide 'working near our assets' to ensure workings will be in line with the necessary processes that need to be followed if considering working above or near Thames Water pipes or other structures:

[https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes)

[development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes). Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DBt.

20. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

23. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

ITEM 2 - 131-137 Broadway West Ealing, W13 9BE



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**Ref:** 225080FUL

**Address:** 131-137 Broadway, West Ealing, London, W13 9BE

**Ward:** Walpole

**Proposal:** Construction of a building ranging in height from 4 to 9 storeys comprising 94 co-living units (Use Class Sui Generis) with associated communal amenity facilities, ground floor commercial space (Use Sui Generis) and associated refuse storage and cycle parking. (Following the demolition of existing building )

**Drawing numbers:** Refer to relevant conditions (Annex 1)

**Supporting Documents:** Refer to relevant conditions

**Type of Application:** Full Application

**Application Valid:** 14.12.2022

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**Report by:** Jenny Knox

**Recommendation:** Grant subject to legal agreement and planning conditions.

**Executive Summary**

This report considers a full Planning Application for this 0.388 hectare site located in West Ealing (Walpole Ward). The application site is currently occupied by the Kwik-Fit operating as a vehicle tyre and exhaust repair shop, which constitutes a B2 use. The existing site comprise a single storey workshop building with ancillary customer service, office and storage areas with a large open tarmacked forecourt.

The applicant is UK Lux One SPV 13 Ltd and the architect practice for the proposals is MAA Architects who are responsible for the design and landscape proposals for the site. Savills are providing Town Planning expertise and Viability expertise has been provided by James Brown Ltd.

The proposal seeks permission for a residential co-living scheme (Sui Generis), comprising of the demolition of all existing buildings and structures and providing:

A building stepped from 4 to 9 storeys comprising 94 co-living units (Sui Generis) and associated communal amenity facilities, including co-working space, kitchens, dining areas, lounge, quiet area and games space, and ground floor commercial accommodation to be a café open to the public; and associated refuse storage and cycle parking.

The co-living units are arranged on floors 1 to 8, with 18 units on levels 1 to 4 and 12 units per floor on the floor 5 to 8. Each room will comprise a sleeping area, living area, kitchenette, shower room and built-in storage.

- Communal facilities are provided at ground floor (laundry and co-working space), 5<sup>th</sup> floor (gym, flexible space) and 9<sup>th</sup> floor (kitchens, dining lounge and games rooms).
- The co-living reception and co working space are located at ground floor level accessed via Coldershaw Road.
- The café/commercial space is located to the front of the site and accessed via Broadway. There is a separate back of house area located to the side of the café also accessed via Broadway.
- The plant room, refuse storage area, cycle storage are located at ground floor level to the rear of the site.
- A total of 94 cycle parking spaces are proposed and located in a ground floor store accessed a shared access to the rear of the site of Coldershaw Road, these include accessible and wider bays to accommodate different cycles. In addition, a further 6 short stay spaces are proposed to the front of the site accessed via the Broadway.
- The development proposes a financial payment in lieu of affordable housing on site due to the nature of the housing product being proposed. The financial payment secured following a robust analysis of the schemes viability is £500,000.

The proposed scheme has been developed through pre-application consultation in joint meetings attended by Officers from LBE, and the applicant team. Through this iterative process the proposals have been scrutinised and enhanced and the resultant scheme is considered to comprise a high-quality building in its own right that also complements the emerging context in this strategically important regeneration area and designated development site.

Having given careful consideration to all the material planning considerations, including that contained in the NPPF and NPPG, National Design Guide (NDG), the London Plan and taking policy as a whole and in applying the Planning Balance, the Officer's conclusion is that this would be a sustainable development in accordance with NPPF. Para.11 which states that planning decisions should apply a presumption in favour of Sustainable Development.

In accordance with the legal tests and planning practice and in addressing the public benefits, weight in favour is given to the contribution of 94 co-living residential units, supported by a financial payment towards affordable housing of £500,000. Weight is also given to the redevelopment of an underutilised site that has been designated for development to a higher density and more appropriate use for the town centre location. Weight is also given to the employment and economic benefits that will arise during the period of construction and ongoing after completion of the development.

Collectively, the public benefits are considered to have sufficient weight, taking all considerations into account, to tip the balance under NPPF para.196 in favour of supporting a grant of permission for this positively beneficial regeneration development in accordance with the development plan and having regard to all other material considerations.

The development is 9 storeys in height and is therefore considered as a tall building in policy terms. It is located on a site identified within the adopted Ealing Local Plan as being suitable for intensification and falls within a town centre location with good levels of access to public transport.

The proposed building has been considered against London Plan policy D9 tall building criteria which sets out various guidelines for developments including tall buildings. Emerging Policy D9 seeks to provide further detail on assessment of tall buildings. Overall, the proposed tall building would accord with policy and is considered to be designed to a high standard. Its impact on the townscape in short, medium and longer distance views has been assessed and found to be acceptable. The case for a tall building on this site is therefore accepted.

Site allocation EAL19 proposes a number of design principles. Architecturally the proposed building is of a high standard and incorporates the use of high quality and sensitive materials and detailing that give the building a contemporary appearance that will act as a gateway entrance to the west Ealing Town Centre.

The proposal incorporates a stepped design with the highest point fronting Broadway with a maximum height of 9 storeys with the top floor steeped back and to the rear of the site it is stepped down to 4-5 storeys where it is closer to a more residential scale of 2 to 3 storey properties.

The building is prominent along the Broadway intentionally establishing itself as a place-maker, while stepping down to the surrounding context. The shoulders of the building are to meet the same height as recent approvals on neighbouring sites. The façade is treated to enhance this by employing a grid design, which seeks to soften and mediate the change in contexts employing a high-quality palette of materials to enhance the site, as well as the surrounding context.

At ground floor level the flexible commercial space would activate the main street frontage with the space to be used by the public as well as co-living residents. The intended uses include café or informal co working space, as well as for evening events space which could be booked by residents or the local community.

The proposed co-living accommodation is considered to be proposed to a high standard with generously sized co-living units and a wide range of shared amenity spaces that are considered to be acceptable both in terms of quality and quantum. The proposal will provide a high-quality residential environment of a type that is in demand in the West Ealing area.

The Council is supportive of the proposed energy/sustainability strategy produced by SRE October 2022 (v1C). The development is all electric with no gas infrastructure on-site. The strategy proposes a communal (air-to-air) VRF ASHP system to deliver space heating and cooling through Air Handling Units (conditioning), with a separate (air-to-water) ASHP distribution loop for DHW. The systems will be for both the residential rooms and communal areas. The ASHP will be located on the roofs of the 4<sup>th</sup> and 6<sup>th</sup> and top floors. PV has been realistically maximised with a 19.14 array on the main roof. At the current design stage the overall site-wide CO<sub>2</sub> emissions will be cut by at least 59.67%, with 36.52% carbon reduction through “Lean” efficiency measures, and 23.15% through “Clean/Green” renewable/low-carbon energy. There is a shortfall of 507 tonnes CO<sub>2</sub> (over 30 years) in the zero-carbon that will be mitigated through an “offset” S106 payment at £95 per tonne to the Council of £48,165. The Council confirms that there is no available “Clean” district heat network (DHN).

Potential impacts with regard to air quality, noise, wind effects and land contamination have been assessed and where required additional information/details can be adequately dealt with by the conditions proposed.

This is a car free development. Transport Services and TfL have assessed its potential implications for the highway network in the locality and consider it acceptable subject to conditions and financial contributions towards improving local pedestrian and cycle infrastructure as secured via the s106.

The site is located in an area of good public transport accessibility and, with the conditions and planning obligations agreed, including a restriction on resident parking permits to future residents, any potential impacts arising from the proposal will be satisfactorily mitigated.

Letters of objection to the proposed development have been received from local residents and amenity groups. The objections raise a range of concerns, but issues cited by almost all objectors included concerns about; the height and density of the development; the impact on the nearby 2-3 storey housing; quality of accommodation within the development including facilities and amenity space, along with units being single aspect; daylight and sunlight impacts. A summary of the issues raised by objectors is set out within the report.

Overall, the scheme will provide a number of planning and regeneration benefits including a sizeable increase in the housing stock, some funding for the provision of off-site affordable housing, activation of the street frontage, and in the order of £354,000 in S106 contributions with CIL contributions payable to the GLA in addition. On balance, it is considered that the proposed development is consistent with the aims of the relevant policies of the adopted Ealing Core Strategy (2012), Ealing DPD (2013), The London Plan (2021), Relevant Supplementary Planning Guidance and the National Planning Policy Framework (2021). As such, it is recommended for conditional approval subject to S106 and S278 legal agreements.

**FULL RECOMMENDATION**

That planning permission is granted pursuant to this Application subject to the following:

1. The completion of a **legal agreement** under Section 106 of the Town and Country Planning Act 1990 (as amended) and that the Planning Committee delegate authority to the Chief Planner to finalise the details of the s106 Agreement, which shall contain the **obligations set out in Table 1**:

*Table 1*

|              |   |             |
|--------------|---|-------------|
| NHS Property | Local primary and community health care services. | £107,800.00 |
| Highways     | Link and Junction Improvements                    | £20,000.00  |
|              | Mitigation of parking congestion                  | £20,000.00  |
|              | Cycle Infrastructure                              | £15,000.00  |
|              | Traffic Calming                                   | £15,000.00  |
|              | Footway improvements                              | £12,000.00  |



|                           |   |                    |
|---------------------------|---|--------------------|
|                           | Travel plan monitoring  | £3,000.00          |
|                           | Disabled parking  | £9,000.00          |
| Energy                    | Carbon offsetting   | £48,165.00         |
|                           | Post-construction energy monitoring   | £6,611.00          |
| Air Quality               | Air Quality Monitoring  | £14,264.00         |
| CCTV Systems Manager      | A S106 contribution of £5,000 is requested, for the upgrade of a public safety camera and an additional public safety camera. | £6,000.00          |
| Trees                     | Future maintenance of 4 x street trees given proximity to building  | £6,000.00          |
| Landscaping Parks         | Amenity space and allotment contributions required  | £30,100.00         |
| Leisure                   | Improvements to indoor and outdoor sports facility infrastructure in the local area.  | £41,600.00         |
| <b>TOTAL</b>              |   | <b>£354,540.00</b> |
|                           |   |                    |
| Affordable housing offset | (to be paid 50% within 2 months of commencement of development and 50% prior to first occupation)                             | £500,000.00        |
| <b>Total</b>              |   | <b>£854,540.00</b> |

**1.2 Non-financial contributions**

- Section 278 - Developer to enter into a S278 agreement with the London Borough of Ealing and/or Transport for London, as necessary to ensure the delivery of any necessary highways related works
- An Early-Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted;
- A Late-Stage Viability Review which is triggered when 75 per cent of the units in a scheme are let.
- All contributions to be index linked.
- Councils Legal Costs - Payment of the Council’s reasonable legal and other professional costs incurred in preparing the S106 agreement.

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

**1.3 Other Heads of Terms**

- a) Travel Plan – financial contribution of £3,000 towards travel plan monitoring
- b) CPZ Restrictions - All occupiers of the building shall be precluded from obtaining a parking permit and visitor parking vouchers to park within the surrounding Controlled Parking Zones and future CPZ’s in the area.

- c) Co-living – Submission of a detailed Management Scheme including details of the appointed Co-living site manager/s

**Site Description**

The site location is shown outlined in red below:

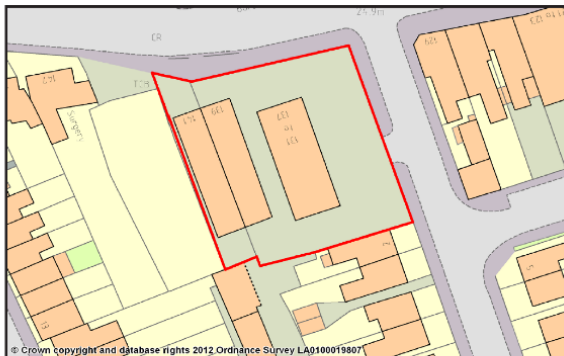


Figure 1: Site Location Plan

The Application Site comprises a 0.077ha corner plot, situated at the junction of Broadway (A4020) and Coldershaw Road, within West Ealing Town Centre. It is currently occupied by Kwik Fit a tyre, brakes and exhaust servicing business. The site comprises a single storey building with storage sheds to the rear of the site. The height is similar to adjacent 2-storey mixed-use and residential buildings. The site has a large forecourt for parking for approximately 8-10 cars to the front of the site, which accesses Coldershaw Road. There is no vehicular access to Broadway.

The site falls within the Walpole Ward boundary. The site also sits within the (West) Ealing Town Centre and is an allocated site under EAL19 Western Gateway in the adopted Development Sites DPD (2013), it is also allocated within the Draft Local Plan at Regulation 18 stage under ref EA22. It is within the West Ealing Regeneration Area and the Uxbridge Road Corridor identified for growth and development. The site is located within a Park Deficiency Area with Local Park Access of more than 400m from a Local Park or bigger.

**EAL19 Western Gateway**  
131-141 Broadway West Ealing W13



**Site area:** 0.24ha  
**Ownership:** Private  
**Current uses:** Retail, commercial and residential  
**Setting:** Urban  
**Development Strategy Policies:** 2.5  
**PTAL:** 3-4  
**Planning Designations:** Metropolitan Centre  
**Relevant Planning Applications:** None

**Allocation:** Mixed use development appropriate to the town centre.

**Justification:** Redevelopment presents an opportunity to enhance the townscape at the western entrance to the town centre while making more efficient use of the site through additional floorspace.

**Indicative Delivery Timetable:** 2021-2026

**Site context:** The site is located close to the western end of Ealing Metropolitan Town Centre and is adjacent to a residential area featuring Victorian semi detached houses. The low intensity of use and poor layout of buildings on the site combined with its prominent use as a car servicing area give the impression that it sits outside of the town centre and forms a poor transition between the residential areas and the high street. A four storey residential development with commercial use on the ground floor has recently been completed at 143-145 Broadway, including public realm improvements.

**Design Principles:** The scale, massing and height of buildings must respect the amenity of adjoining properties to the south and west. Lower elements should adjoin the existing residential development, with density massed towards The Broadway. New development should continue the building line established by the adjacent properties on The Broadway and Coldershaw Road, and include appropriate soft landscaping treatment to the fronts of buildings.

The design of buildings on the site should be of a high quality that reflects and enhances elements of design merit in the area and marks the entry to the town centre. The layout should take advantage of the site's position as the western gateway to the town centre and include a point of reference to the north-eastern corner of the site reflecting the decorative roof lines characteristic of the area, as demonstrated in the locally important heritage building opposite at 144-142 The Broadway.

The mix of uses on the site must provide appropriate town centre uses

Figure 2: Adopted Ealing Development site EAL19 – Western Gateway

**Ealing – EA22**

Western Gateway,  
131 - 141 Broadway,  
West Ealing

| SITE ADDRESS                               | SITE AREA (Hectares) | NEIGHBOURHOOD AREA | OWNERSHIP |
|--|----------------------|--------------------|-----------|
| 131 - 141 Broadway,<br>West Ealing W13 9BE | 0.17                 | West Ealing        | Private   |

| CURRENT USE  | DESIGN PRINCIPLES  | FOR DELIVERY                      |
|--|--|-----------------------------------|
| The site features a mix of retail, residential and commercial uses. The site features an MOT testing centre. | Site falls within an area potentially appropriate for tall buildings – refer to <b>Tall Buildings Strategy</b> including the Appendix: Guidance for Study Sites. Detailed design analysis indicates a maximum height of 6 storeys (21 metres). | Beyond 5 years.                   |
| SETTING/TYOPOLOGY  | PLANNING DESIGNATIONS/<br>SITE CONSTRAINTS   | RELEVANT PLANNING APPLICATION(S): |
| Centres.   | Existing Site Allocation EAL19, locally listed buildings (nearby), Hanwell Cemeteries Conservation Area (nearby), existing industrial uses (non-designated), Ealing Metropolitan Centre.   | P/2015/6660.                      |
| PROPOSED USE   | INDICATIVE TIME-FRAME  |                                   |
| Residential-led with retail provision.   |  |                                   |

Figure 2A: Emerging Ealing Development site EA22 – Western Gateway

The site has good transport links with a large number of bus stops located in close proximity on Broadway and Northfield Ave. West Ealing Underground and Overground Station is located approximately 14 minutes walk to the north east of the site. There are two Local Cycle Routes in proximity to the Site both of which are on-road routes and there

are proposed routes to the north and south of the site. The site currently has a PTAL of 4, however the PTAL improves to 5 to the immediate east of the site and the 6a within 10 minutes walk.

The site is not located within a conservation area with the nearest conservation area being Hanwell Cemeteries located approximately 300m to the west along Broadway, or 150m to the southwest of the site. The Hanwell Cemetery is also a Grade II listed Park and Garden. Locally Listed Assets include, 147 Broadway, 1880's two storey detached house; 142- 144 Broadway Mid-nineteenth century public house; 116-126 Broadway Chignell Terrace and 1880s shopping parade; and further to the east 25-29 and 35-41 Broadway Early 20th century three storey shopping parade.

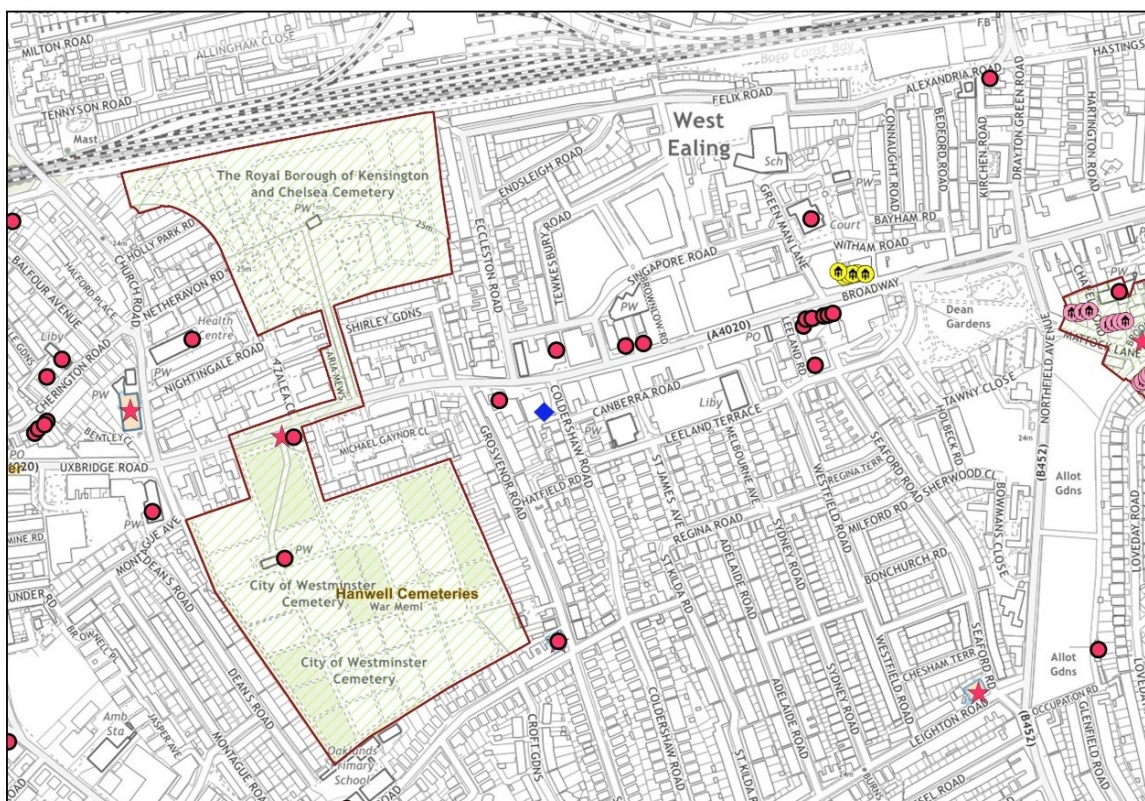


Figure 3: Nearby designated and non designated heritage assets

The area surrounding the application site along Broadway contains predominantly mixed-use buildings of various heights, around 3-4 storeys in height. The roads to the north and south are predominantly residential of 2-3 storeys. The site is located in an area of significant change; therefore it is important to understand the forthcoming context of the area.

Immediately to the south of the proposal site, 143-145 Broadway has a resolution to grant planning permission subject to the signing of a legal agreement for an additional two storey extension to the existing building to create a six storey building, under 212016PANDCM.

To the northeast of the site, 130-132 Broadway has a resolution to grant planning permission subject to the signing of a legal agreement for a redevelopment to provide 2-6 storeys with commercial on the ground floor and residential above.

Further to the east is 96-102 Broadway which has been redeveloped to provide a mixed use development with commercial on the ground floors and 11-15 storeys to provide 120 flats above, along with associated works to the public realm.

### **Relevant Planning History**

The site was the subject of a planning application for the Construction of a part 2, 3, 4, 5 and 6 storey building comprising nine self-contained residential flats; flexible Class E use on the ground floor; associated refuse storage and cycle parking, which was resolved to grant subject to conditions and a legal agreement dated 03/05/2023 under planning reference 223779FUL. The aesthetic design of this application is similar to what is proposed, with the addition of three floors of accommodation above.

Under ref 215368FUL planning permission was granted for a change of use to the existing use Kwik-Fit Motorist Centre building (B2 Use class) to include for M.O.T testing use (Sui Generis) along with external alterations to ramp to northwest elevation. Dated Feb 2022.

Other historic planning are shown on council archives, however are not relevant to the assessment of the application.

### **The Proposed Development**

#### **Overview**

The formal description of the current proposal is:

*“Construction of a building ranging in height from 4 to 9 storeys comprising 94 co-living units (Use Class Sui Generis) with associated communal amenity facilities, ground floor commercial space (Use Sui Generis) and associated refuse storage and cycle parking. (Following the demolition of existing building).”*

The proposed development comprises:

- A single tall building stepping up from part 4 storey, part 5, part 6, part 8 and 9 storeys.
- The building will comprise the re-provision of flexible commercial use (Use Class E) at ground floor fronting on to Broadway and the corner of Coldershaw Road with 94 co-living rooms (Sui Generis use) arranged over the upper floors of the building.
- The proposed building is a rectangular shape with a curved frontage to the corner of the development facing towards the Town Centre.
- The building is served by a single core, which provide two lifts and one staircase that serve all floors.
- The site will be car free, with the existing vehicle access and parking removed.
- Pedestrian accesses will be created from Coldershaw Road for the residential and co-working space.
- Commercial floorspace access will be from Broadway.
- A second commercial access for back of house activity will also be from Broadway.
- Servicing and waste collection will take place kerbside on Coldershaw Road by a private collection service.
- The development makes provision for 94 cycle parking spaces within a secure storage room at ground floor level.

- Six additional visitor short stay cycle parks are located in the public realm to the front of the site on Broadway.
- The proposed development includes outdoor terraces located at level 5 and level 8 serving the co-living use.

### **Co-living Building**

As noted above the proposed development is led by a co-living residential use comprising 94 co-living rooms. Co-living is a residential community living model or a modern large-scale form of shared living. It operates and functions in a similar way to student accommodation but is aimed at young professionals generally between the ages of 18 and 25 and generally has a high specification and access to a wider range of amenities within the building.

- In respect of the proposed development the co-living residential units are arranged between levels 1 and 8 with 16 units per floor on floors 1 to 3, 15 on 4<sup>th</sup> floor, 11 on 5<sup>th</sup> floor, 10 on 6<sup>th</sup> and 7<sup>th</sup> floor, with the top floor dedicated to shared facilities, including shared open plan kitchens, dining space quiet zone, and communal lounges, there are three terraces which these spaces open out on to. The walls are designed to be able to be retracted should the needs of the spaces change or if functions or events require different space configurations.
- The standard rooms size is ranging in size from 21.7sqm to 26.4sqm. Each room comprises its own separate living, sleeping, kitchenette areas with a bathroom and inbuilt storage and all rooms have opening doors either onto a balcony or a Juliet balcony.
- The wheelchair accessible rooms are designed to M4 (3) standard and are 36.7sqm, with access to a generous private balcony. There are 5 proposed.
- All rooms are to be designed to M4 (2) standard so can be adapted in the future should it be required.
- In addition to their individual rooms all residents also have access to a range of internal communal areas. A total of 389.6sqm of communal space is proposed equivalent to 4.14sqm per units.
- The internal communal areas comprise:
  - Ground floor – Co working space, with kitchen, toilets
  - 5th floor – Gym, toilet, flexible events space, residents terrace,
  - 8th floor – Kitchens, dining space, games room, tv area, lounge, three residents terraces.
- The external communal areas comprise four terraces
  - 5th floor – 40sq.m accessed from gym area,
  - 8th floor – 17.2sqm accessed from kitchen dining areas; 18.4sqm and 20.8sqm accessed from lounges;

### **Consultation**

#### **Public Consultation – Summary**

An initial consultation period ran from 11.01.2023 – 01.02.2023. Major site notices posted. The proposals were also advertised in the Local Press.

5 objections were received from local residents as a result of consultations with the main issues raised as follows (there was a duplicate comment so only 4 are shown on the map below):

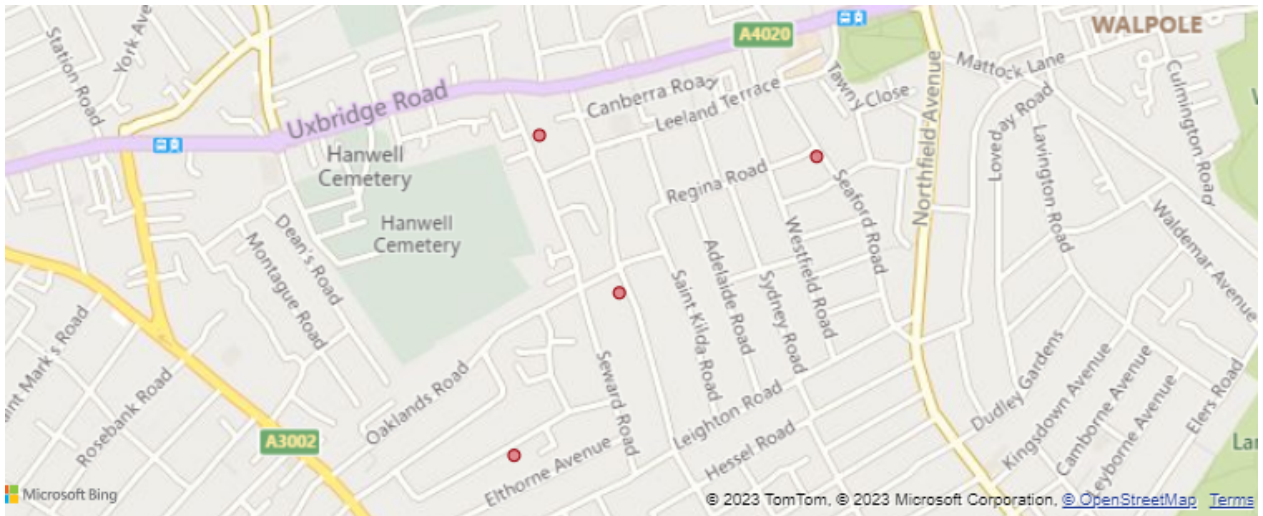


Figure 4: Map of locations of public objection comments

- Building too high and out of keeping – maximum height 6 stories where 9 are proposed
- Management Plan required.
- Lack of communal open space
- Lack of concierge
- Lack of drying space
- Too large next to 2 storey Victorian houses
- Overshadowing impacts
- Single aspect units

Officers Response – The comments are noted and discussed in detail in the body of the report, in particular building height, communal space, internal and neighbouring amenity and overshadowing impacts. The ground floor contains a concierge/reception space, and a laundry space which contains washer dryers for the use of residents.

| External Consultation                   |   |
|---|---|
| Thames Water Utilities - Waste comments | <p>SURFACE WATER drainage</p> <p>Foul water – sewerage network infrastructure capacity – No objection</p> <p>Surface water network infrastructure capacity – No objection</p> <p>Request further information via condition to minimise risk of damage or limit repair capabilities, informative to be included.</p> <p>Recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.</p> |

|                                      |  |
|--------------------------------------|--|
|                                      | Requires an informative regarding Groundwater Risk Management  |
| Thames Water – Water comments        | <p>No objection raised in relation to network and treatment capacity.</p> <p>Informative to be added regarding water pressure and flow rate minimum pressure, to be incorporated in the design.</p> <p>Request informative be added due to development being within 15m of strategic water main and underground water assets.</p> <p>Condition required in relation to piling method statement prior to commencement.</p>  |
| Heathrow Airport                     | <p>No safeguarding objections but crane operators to consult the airport before erecting a crane and any crane should be fitted with static red omnidirectional lights at its highest part.</p> <p>Bird Hazard Management Plan required via condition</p>  |
| National Air Traffic Services (NATS) | No response  |
| NHS Estates                          | Require contribution of £ £181,946 towards improvement of primary care facilities in the area.   |
| Design Out Crime                     | No objection but seeks planning condition so that this development must achieve Secured by Design accreditation.   |
| London Fire Brigade                  | No response – detailed Fire Safety report required by condition  |
| Transport for London                 | <p>Queries relating to TRICS calculations, amendments required</p> <p>Comments relating to lack of disabled parking</p> <p>TfL note the agreement to provide CLP and DSP as conditions.</p> <p>TfL would also like to highlight para 3.5 in the TA is extremely limited on the information provided, with deliveries not being mentioned at all. TfL re-emphasises that these activities must not impact on the safe and efficient operation of the adjoining SRN and bus operations, in line with Policy T3.</p> <p>TfL is still of the view that the applicant should be providing an Active Travel Zone assessment, with a minimum requirement for routes to a bus stop and the nearest station. The proposed development is car-free, which as highlighted previously, is welcomed. This does, though, mean that all residents will be using active travel as part of their journey. The applicant should therefore be seeking to ensure that the walking and cycling environment of the routes to key trip attractors is of a high quality to support the movement of their residents and visitors of the proposed development.</p> |



|  |   |
|--|---|
|  | <p>In addition, noting that the applicant is still not proposing to provide any disabled person parking provision, it should be ensured that the routes to key trip attractors are suitable for those with mobility impairments.</p> <p>TfL request that the applicant should undertake an ATZ assessment, prepared in line with TfL guidance. Subject to this assessment, contributions towards improving the active travel environment, in addition to any contribution secured for the WELN, may be appropriate.</p> <p>TfL would strongly support the Council in securing a proportionate contribution towards the delivery of the WELN and its associated schemes from this development.</p> <p>The cycle parking plan provided is not to any scale and missing a scale bar. As a result, TfL cannot confirm that cycle parking provision at this site is in line with London Cycle Design Standards (LCDS), which is referred to in Policy T5. TfL request that for a scaled drawing is providing so that the quality of cycle parking can be fully assessed. Further to this there are discrepancies between the Ground Floor Plan and this new submitted cycle store plan regarding the number of doors – the cycle access should be clarified and be in line with the LCDS. The 5% Sheffield Stands for wider/larger cycles located underneath a top-tier it is not acceptable – it is considered that this will make them more difficult for the intended users of the larger and adapted stands to access them safely and comfortably. As such, these should be provided as stand-alone stands, with no top-tier above them. It is noted that the applicant is providing 9 Sheffield stands (at standard spacing), which is equivalent to 20 per cent. The preference is also for Sheffield stands to not be located under a top-tier, and we would encourage the applicant to also provide these as stand-alone. If this is robustly demonstrated to not be possible due to particular constraints, then Sheffield stands under a top tier should have at least a minimum spacing of 1.2m should be provided.</p> |
| <p><b>Internal Consultation:</b></p>           |   |
| <p>Pollution<br/>Technical (air pollution)</p> | <p>S106 contribution required totalling £14,264<br/>Condition required prior to commencement for a ventilation strategy report to be installed prior to occupation<br/>Condition required prior to commencement for Air Quality and Dust Management Plan (AQDMP)<br/>Compliance condition relating to Non Road Mobile Machinery.</p>  |
| <p>Pollution<br/>Technical (noise)</p>         | <p>No objection subject to conditions covering:<br/>Noise assessment for external noise along with machinery, equipment extract/ventilation ducting, mechanical installations prior to commencement<br/><br/>Details of sound insulation between noise sensitive rooms</p>  |

|  |   |
|--|---|
|  | <p>Details of enhanced sound insulation between commercial or communal rooms and co-living units.</p> <p>Anti vibration mounts</p> <p>Details of sound insulation for lifts and lift shafts.</p> <p>Details of extraction and Odour Control system for non-domestic kitchens</p> <p>Commercial/communal doors to remain shut</p> <p>Gym acoustic Report required</p> <p>Servicing Management Plan;</p> <p>Acoustic lobby details</p> <p>Extraction and odour control systems</p> <p>Demolition Method Statement</p> <p><b>Control hours of operation of commercial parts of development??</b></p> |
| Environmental Services (Contaminated land)   | <p>Comments received to confirm that the historic use of the site may have included fuel storage tanks underground although it cannot be confirmed, therefore this would need to be investigated further.</p> <p>No objection subject to conditions covering:<br/>                 Submission of Site Investigation<br/>                 Submission of Remediation scheme<br/>                 Submission of Verification Report</p>  |
| Environmental Services (Drainage/flood risk) | No response.  |
| Waste and Street Services                    | No response.  |
| Tree Officer                                 | No objection subject to financial contribution to ensure future maintenance of the street trees to the front of the site.   |
| Landscape                                    | <p>Comments received relating to shortage of private and communal amenity space and details conditions required,</p> <ul style="list-style-type: none"> <li>• Details of Hard and Soft Landscaping Scheme</li> <li>• Details of Boundary Treatment</li> <li>• Details of a Landscape Management Plan for a minimum period of 5 years from the implementation of final planting</li> <li>• Details of the green and brown roof construction and specification, together</li> </ul>   |

|                                      |  |
|--------------------------------------|--|
|                                      | <p>with a maintenance schedule</p> <ul style="list-style-type: none"> <li>• Details of sustainable urban drainage systems to be implemented on site</li> </ul> <p>Total section 106 contribution: £30,172</p>  |
| Transport Services/ Highways Manager | <p>No objections subject to:</p> <p>Parking permits to be denied to new residents secured by S106;</p> <p>Explore potential to provide car club bays accessible by the public on nearby road;</p> <p>Provide free 3-year car club membership to residents of a nearby scheme details to be secured via S106;</p> <p>Construction / Demolition Method Statement, and Servicing and Parking Management plans to be submitted for approval;</p> <p>S278/S38 to deal with highways works associated with forming new vehicle entrances/exits and rectifying any damage caused to the highway from construction;</p> <p>Increase cycle storage provision on site to 1 space per co-living unit.</p> <p>Details of cycle parking spaces, storage, layout and facilities to be secured by condition;</p> <p>S106 contributions sought towards junction, footway and bus stop improvements and improvements to pedestrian and cycle infrastructure near the development totalling £113,000.</p> <p>Additional £33,000 to be secured via s106 for 11 disabled parking bays on nearby streets if they cannot be provided within the site</p> |
| Transport (Cycle infrastructure)     | <p>The cycle provision is not adequate and must be increased and must be properly spaced (minimum 450mm per bike along the row). Also it must be in separate secure stores for no more than 50 bikes each. Cycle parking should be accessible from the street without dismounting – i.e. via a ramp</p> <p>If planning permission is granted, there should be a financial contribution toward improved cycle facilities on Victoria Rd and on other nearby roads such as Park Royal Road and the A40.</p>  |
| Strategic Planning                   | <p>No response to date</p>   |
| Housing                              | <p>Cash in lieu of on site affordable housing contribution, in line with policy H16 of London Plan (2021).</p>   |
| Education                            |  |

|                                       |   |
|---------------------------------------|---|
|                                       | No Response – no education requirements due to the nature of the residential accommodation proposed and lack of child yield   |
| Regeneration                          | no comments received to date  |
| Employment/<br>Training               | <p>The developer is required to produce a Local Employment &amp; Training plan, to be developed with the support of LB Ealing Employment &amp; Skills Officer, which will set out at a minimum following commitments for both construction phase of the development and end user opportunities (end user- if applicable):</p> <ul style="list-style-type: none"> <li>• Forecasting of job opportunities and skills needs</li> <li>• Notification of job vacancies to LB Ealing and the Council’s nominated Work Ealing Hub</li> <li>• Local labour target – 25% of all vacancies are to be filled by Ealing residents</li> <li>• Provide a profile of opportunities to be created in each financial year before commencing on site.</li> <li>• Demonstrate how it will support skills development.</li> <li>• Apprenticeships and work experience – the developer or sub-contractor(s) is required to provide fully funded apprenticeships, pre-apprenticeships and work experience placements. As a minimum the following are to be provided: <ul style="list-style-type: none"> <li>- Construction phase – 8 apprenticeships and 10 work experience placements</li> <li>• Training - provision of any required vocational training and qualifications</li> <li>• Developing links with local schools</li> <li>• Performance Monitoring</li> </ul> </li> </ul> <p>Total financial contribution secured: £10,000 for monitoring and preparation. If an apprenticeship is not delivered an additional rate of £12,500 will be required per apprenticeship.</p> |
| Energy officer/<br>Sustainability     | <p>No objections to Energy Strategy or Sustainability approaches; requires Section 106 contribution towards carbon offsetting and post construction energy monitoring and various compliance and post completion conditions to be applied including:</p> <p>Energy Strategy and C02 objectives/reductions implementation and maintenance</p> <p>Overheating and cooling</p> <p>Energy monitoring conditions</p> <p>Circular economy statement</p> <p>BREEAM</p>   |
| Ward<br>Councillors                   | No comments received  |
| West Ealing<br>Neighbourhood<br>Forum | <p>Building too high and out of keeping – maximum height 6 storeys where 9 are proposed</p> <p>Management Plan required</p> <p>Lack of communal open space</p> <p>Lack of concierge</p> <p>Lack of drying space</p> <p>Too large next to 2 storey Victorian houses</p>  |

|                             |   |
|-----------------------------|---|
| <p>Ealing Civic Society</p> | <ul style="list-style-type: none"> <li>- Conflict with local plan</li> <li>- Development too high</li> <li>- More open space needed on development</li> <li>- Out of keeping with character of area</li> <li>- Over development</li> <li>- Residential Amenity</li> <li>- No children should be able to occupy the development due to lack of amenity space</li> <li>- Units are too small</li> </ul> |
|-----------------------------|---|

**Relevant Planning Policies**

Please see informative section in Annex 1 for a full policy list.

**PLANNING APPRAISAL**

**Reasoned Justification**

This proposal has been assessed against the relevant policies of the London Plan (2021), the Ealing Core Strategy (2012), the Ealing Development Management DPD (2013) and all other relevant planning documents. Council considers the key issues in the assessment of this planning application are as follows.

**Main Issues**

**Main Issues**

The main issues in assessing this proposal include:

- Principle of Development
  - Co-living
- Design Quality
- Urban Design
- Impact on Conservation Area and Heritage Assets
  - Impact on streetscape
- Impact upon the Amenity of Neighbouring Properties
  - Impact on Daylight & Sunlight
  - Impact on Privacy
- Quality of Proposed Living Accommodation
- Tall Buildings
- Affordable Housing
- Care Leaver Accommodation
- Accessible and Inclusive Design
- Public Realm
- Outdoor Amenity Space
- Noise
- Air Quality
- Sustainable Development
  - Energy / Over heating / Monitoring
- Transport
  - Walking
  - Cycling
  - Parking
  - Trip Generation and Public Transport Impacts
  - Servicing and Deliveries
  - Flood Risk
  - Fire Safety
  - Evacuation Strategy
  - Stairs
  - Final exits and assembly point

### Principle of Development

#### Co Living

Increasing the current housing stock is an important strategic objective for the London Borough of Ealing. Policy H1 of The London Plan (2021) aims to optimise the potential for housing delivery on all suitable and available brownfield sites especially in areas with PTAL levels of between 3-6 or within 800m of a station, and on industrial sites that have been identified as being suitable for colocation. This is supported by London Plan policy D3 which aims to make the best use of land by following a design-led approach that optimises the capacity of sites.

Chapter 5 of the NPPF (the Framework) concerns the delivery of sufficient homes, with paragraph 60 noting the government's support in significantly boosting the supply of homes. To allow this to happen the Framework recognises that, a sufficient amount and variety of land must come forward where it is needed. Moreover, Section 11 of the National Planning Policy Framework ('Making Effective Use of Land') encourages as much use as possible of previously developed land and vacant buildings as well as optimising the use of land to meet as much of the identified need for housing as possible.

The application site is located within the Ealing Metropolitan Centre and policy SD6 of the London Plan outlines that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging hubs that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses. Policy SD8 of the London Plan focuses specifically on the Metropolitan Centre designation of the site, which states such locations should "be the focus for the majority of higher order comparison goods retailing, whilst securing opportunities for higher density employment, leisure and residential development in a high-quality environment."

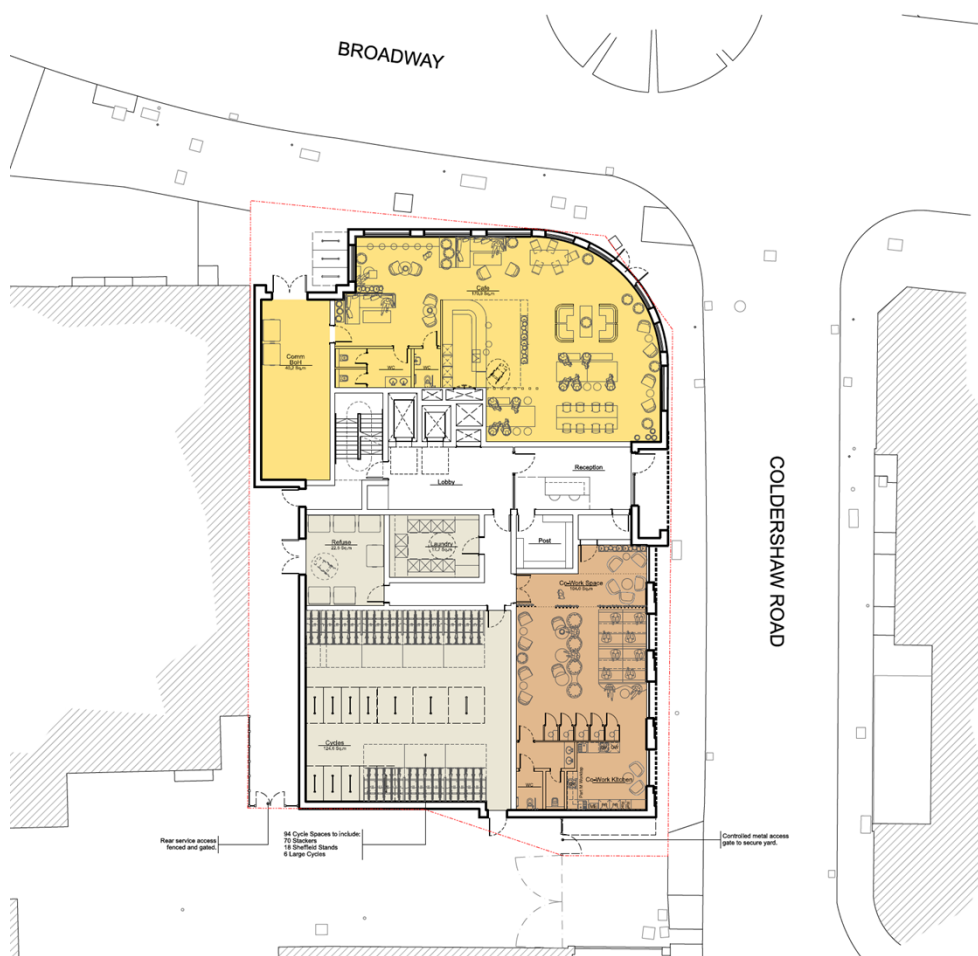
London Plan Policy H1 seeks to provide a range of housing types to meet different needs, including ensuring that strategic and local demands are met without compromising the capacity for conventional homes.

Policy H16 of the London Plan also concerns the delivery of large-scale purpose-built shared living. This policy is required to ensure that new purpose-built shared living developments are of acceptable quality, well-managed and integrated into their surroundings.

The future vision of Ealing's town centre would be achieved via the regeneration of the town centre through the development of vibrant and a diverse range of new homes, shops, offices, sports and leisure and other public facilities.

Ealing's Draft New Local Plan (Reg. 18 Nov. 2022) indicates that the social and economic role of the Metropolitan Town Centre should be refreshed and strengthened through significant levels of high-density residential and employment growth. The application site (Kwik Fit) is identified within one of Ealing's development sites (EAL19) with the potential for a residential-led, mixed-use scheme with an emphasis on rejuvenating the western entrance to Ealing Town Centre. Policy H16 of draft Ealing Plan is still at consultation stage however it clearly states that the Development of Large Scale shared living will only be permitted within Ealing Metropolitan Town Centre, which this proposal complies with.

The proposed co-living led-development would provide 94 single occupation co-living units, flexible Class E use on the ground floor, co-working space, and amenity spaces as illustrated below in Figure.



*Figure 5: Proposed communal facilities at Ground Floor Level*

The proposed development would contribute to the housing need within the Borough at a highly accessible location and in close proximity to employment opportunities. Furthermore, it is considered that this proposal for co-living units would bridge the gap between student accommodation and conventional residential accommodation and would appeal particularly to young professionals and those looking for high-quality, managed accommodation with access to a wide range of communal facilities. The proposed development would therefore assist with contributing towards mixed and balanced communities. The communal facilities provided by the proposed development would enable a sense of community for future occupiers. The regeneration of the site would enable a vibrant living environment and increase the site’s appeal as a destination, positively impacting the vibrancy of the surrounding area.

**Design Quality**

Section 12 of the NPPF, Policies D1, D3 and D4 of the London Plan (2021) and Ealing Local Variation Policy 7.4 and Policy 7B of the Ealing Development Management DPD (2013) require new buildings to complement their street sequence, building pattern, scale, materials and detailing and to have high-quality architecture. New buildings should also conform to the height, scale and proportions of existing forms of development within the immediate area, in order to define a sense of place.

The NPPF demands that development shall achieve well-designed spaces and encourages early engagement with Council’s to develop designs that respond positively to the local area to create “high quality, beautiful and sustainable buildings”. Similarly, Policy D4 of the London Plan (2021) states that developments should be given scrutiny in regard to quality

design which responds to the pattern and grain of existing spaces and streets in terms of orientation, scale, proportion and mass and incorporate the highest quality material and design appropriate to its context.

The site is considered to be an appropriate location for a taller building, given its proximity to public transport links, its corner location on the junction between Broadway and Coldershaw Road, its gateway location and the established and the emerging context of mid-rise and tall buildings along Broadway.

The proposal would represent a change in scale in its immediate context, however bearing in mind the developing context of the area, where nearby development already built rises to 8 to 15 storeys, this proposal will add a distinctive but related scale to this part of the Town Centre.

The use of stepped massing softens and articulates the appearance of the building, most notably to the rear of the site to which is further supported by the use of high-quality materials and architectural detailing. The change in materiality from the front to the rear of the site, as well as the to the side elevations aids in softening the appearance of the development.

The design includes a high-quality architectural treatment which enhances the appearance of this part of the Broadway along with associated townscape benefits such as increased ground floor activation which will better serve the commercial character and requirements of Broadway and the Town Centre location.

A curved front corner and the materials palette both serve to bring visual interest to the building and draw attention to quality, giving subtle locus to the historic references provided by the locally listed building across the road, and further along Broadway. While being contemporary the use of green coloured brickwork inserts to draw the eye vertically the reconstituted stone lintels break up the façade horizontally.

Overall, the proposed building is considered to be of high-quality architecture, using distinctive architectural details and using high-quality materials. The proposals respond positively to the local area complementing the emerging character of this important regeneration area. The proposals respond well to the prominent corner on which it is located, and the distinctive character of the proposed pub will provide an attractive base for the building. In this way the proposals are considered to respond positively to the requirements of London Plan policies D1, D3 and D4, Ealing Local Variation Policy 7.4 and Policy 7B of the Ealing Development Management DPD (2013) and the NPPF (2021).

### **Urban Design**

Policies within the London Plan and the NPPF all place a high expectation on new development to achieve the highest design standards which while maximising the beneficial use of sites also seek to ensure the design responds to local character, avoids harm to heritage assets, responds positively to its immediate surroundings and enhances the public realm. Architecture should also be of the highest quality.

As set out earlier in this report the proposals subject of this report have been the subject of an extensive pre-application process involving numerous design meetings with Officers from LBE. The resultant design is considered to be one of very high quality as illustrated below in *Figures 6 and 7* which show the proposed building as viewed from Broadway towards the west.





Figure 6 & 7: Architectural quality of proposed building

**Urban Design**

Policies within the London Plan and the NPPF all place a high expectation on new development to achieve the highest design standards which while maximising the beneficial use of sites also seek to ensure the design responds to local character, avoids harm to heritage assets, responds positively to its immediate surroundings and enhances the public realm. Architecture should also be of the highest quality.

As set out earlier in this report the proposals subject of this report has been subject to an extensive pre-application process involving numerous design meetings with Officers from LBE. This has resulted in extensive scrutiny of the design and resulted in several design revisions.

The bulk and mass of the building as viewed along Broadway and Coldershaw Road have both been given careful consideration to respond to the local context. Responding to the heights the surrounding buildings, including the emerging built context which is set to increase height and intensity along Broadway. The maximum height of the proposal would be comparable with the existing and approved heights seen further along Broadway to the east. This is working towards creating an informal cluster of higher development at Broadway which would be consistent with the areas function as a Metropolitan Town Centre.

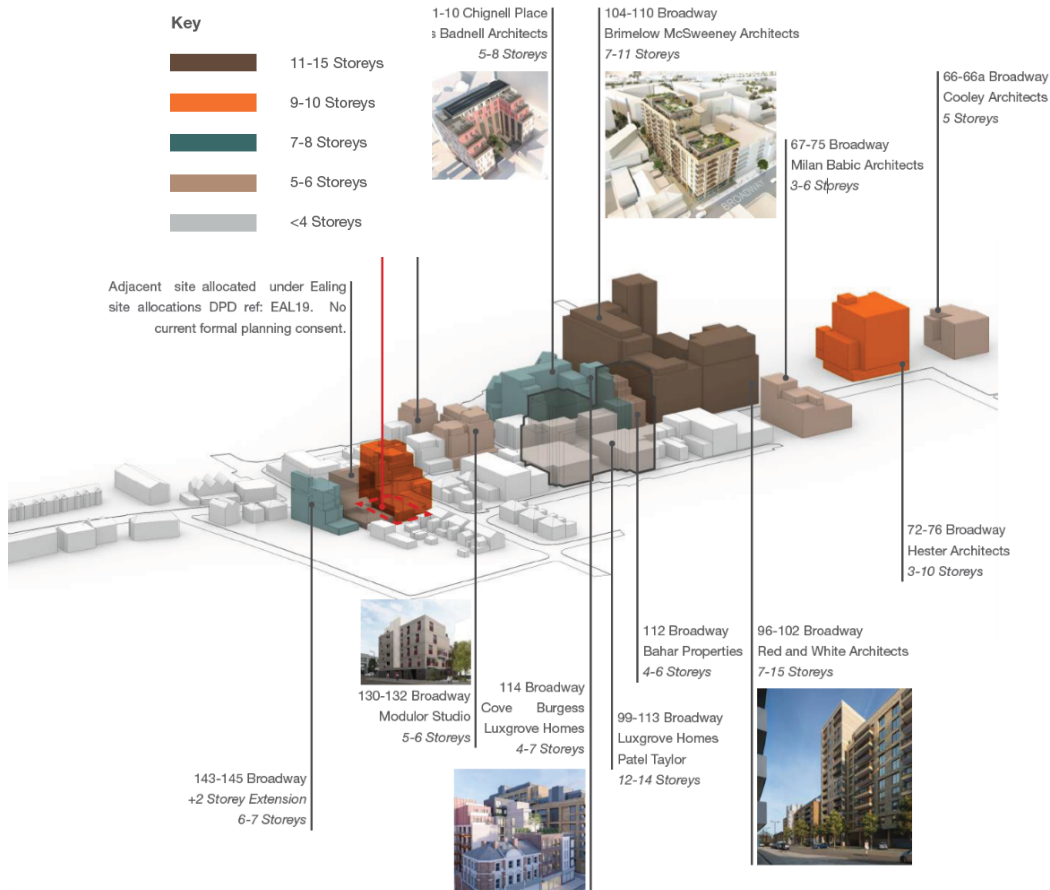


Figure 8: Map of emerging context in West Ealing



Figure 9: Proposed building and taller building cluster in West Ealing

The proposal seeks to introduce a new focal point to this part of Broadway establishing a clear gateway into the commercial town centre. It achieves this by employing a high quality of design and a layout that is brought forward to the existing building line of Broadway, bringing the use of the site back into uniformity, and returning activity to a previously deadened part of the street.

The building will act as a point of reference, for visitors and residents to the area, whilst still reflecting the character of the area, by employing a more decorative approach to the façade treatments, which honours the locally important heritage building opposite the site and further along Broadway.

The eastern shoulder of the proposed building is 6 storeys which relates to the approved development at the neighbouring site at 143-145 Broadway of 6 storeys. Part of the site allocation at 139-141 Broadway was not able to be included in this application despite attempts at collaboration earlier in the process. The remaining part of the site has potential to be developed in the future.

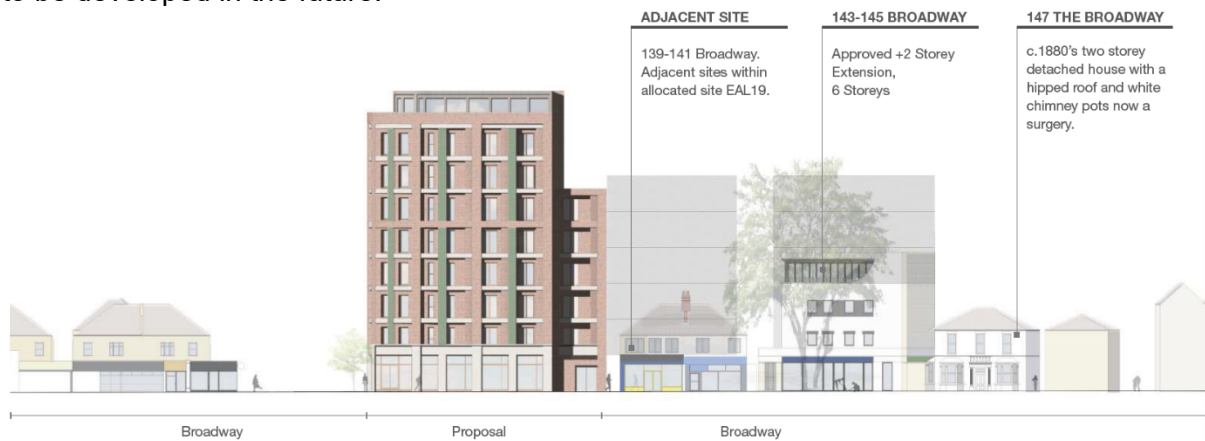


Figure 10: Streetscene with approved development at 143-145 Broadway

The massing significantly steps down towards the rear of the site along Coldershaw Road to meet a logical scale relationship of 4-5 storeys with the residential 2-3 storey houses.



Figure 11: Streetscene of proposed development along Coldershaw Road

The scale of the building has been informed by future proposals within the area as described in the Local Plan and intends to have a maximum height of 29.2m, an approximate length of 33m, and width of approximately 23m.

The building mass focuses on creating place-making proposal along the Broadway whilst respecting the wider residential context to the South of the site. The main facade element is expressed by creating a presence at the corner of Coldershaw Road and Broadway.

The proposal is one which maximises the beneficial use of site while its design, bulk and mass responds to local environment, responds positively to its immediate surroundings and enhances the public realm. As such the proposal is considered to be in accordance with London Plan policies D1, D3 and D4, Ealing Local Variation Policy 7.4 and Policy 7B of the Ealing Development Management DPD (2013) and the NPPF (2021) in terms of Urban Design.

### **Impact upon Conservation Area and Heritage Assets**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when determining planning applications, special regard must be had to the desirability of preserving designated listed buildings, their setting and any features of special architectural or historic interest which they possess.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that as here, with regard to applications relating to land or buildings within a conservation area, 'special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area'.

Guidance in the NPPF (2021) is that substantial harm to a designated heritage asset should be exceptional. Substantial harm is a high test that is rarely encountered and in general would necessitate or involve some demolition of the asset itself. No such demolition is comprised in the scheme.

Paragraph 195 of the NPPF (2021) states that: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

Paragraph 202 of the NPPF (2021) states that: *'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'*. However, this needs to be considered in the context of the section above and so it is not a simple balancing exercise given that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.

'Harm' is deemed by the NPPF to be either 'substantial' or 'less than substantial.' Since the application does not directly involve a listed building nor is located on land comprising of one, harm in this application relates only to impacts on the settings of assets.

Policy HC1 of the London Plan (2021) outlines that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the significance and appreciation of the asset within their surroundings.

Policy 7C of the Ealing Development Management DPD also outlines that development affecting the setting of Conservation Areas should retain characteristic features and elements identified as contributing positively to Conservation Areas. It should be noted that the NPPF makes a distinction between non-designated and designated heritage assets, with non-designated heritage assets being historic buildings on the Local Heritage List, with

designated heritage assets being things such as Conservation Areas and Statutory Listed Buildings.

The application site is not located within a Conservation Area but is potentially within the setting of Hanwell Cemeteries Conservation Area which rear boundary lies approximately 150m to the west of the site, however along the Broadway which would be the main public vantage point the entrance to the Conservation area is approximately 320m to the west and would mean to subject site would not be easily viewed from here and would therefore not propose undue harm to the setting of the conservation area. Within closer proximity to the site are a number of locally listed building along Broadway. Figure 12 and Table below provides a description of the heritage assets and proximity to the application site.

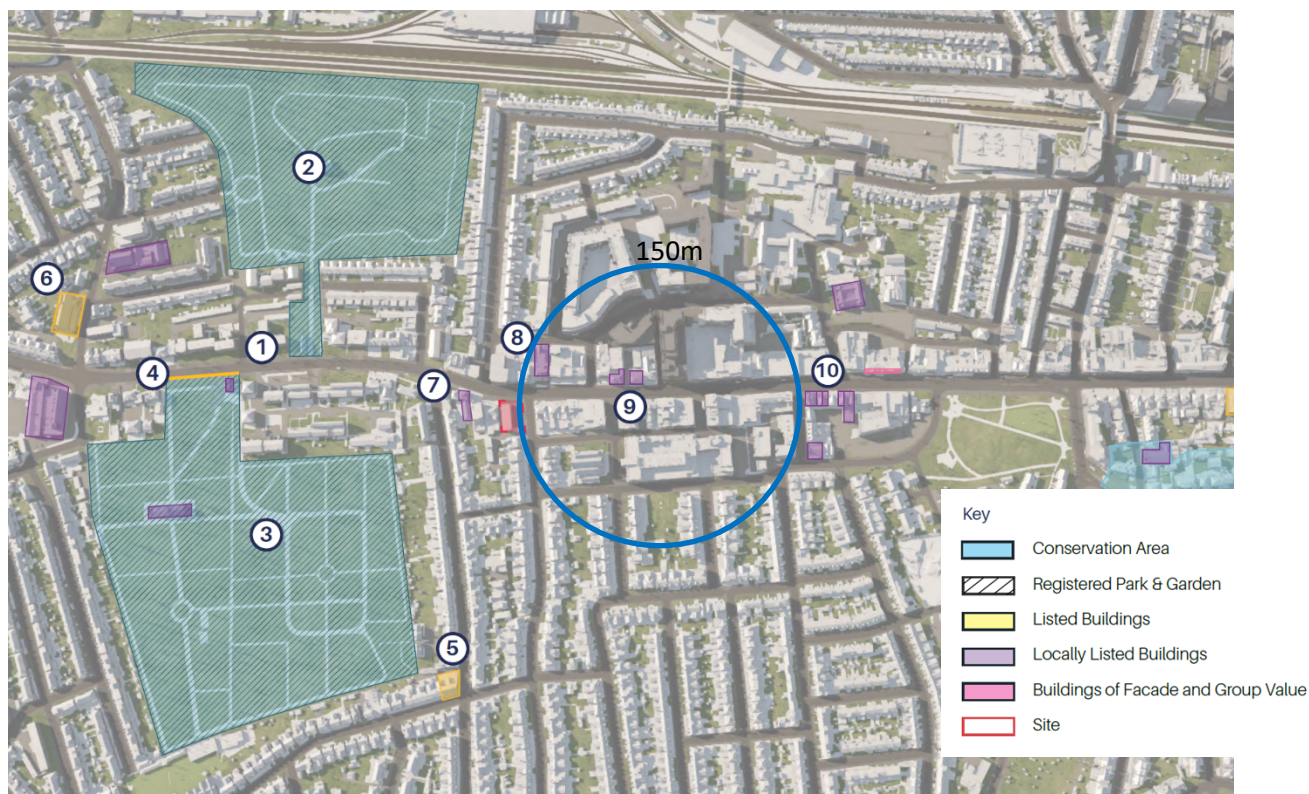
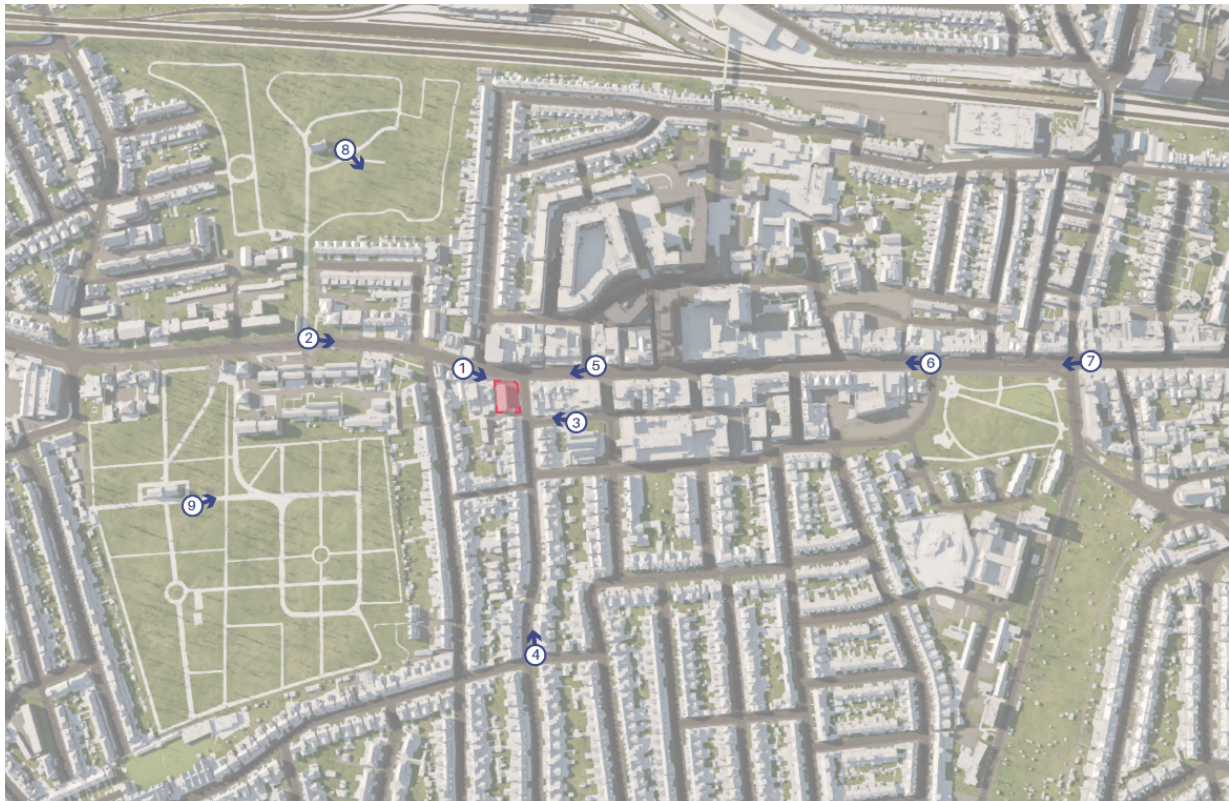


Figure 12: Listed buildings near the application site

| Ref | Heritage Asset   |
|-----|--|
| 1   | Hanwell Cemeteries Conservation Area   |
| 2   | Kensington & Chelsea Cemetery, Hanwell (Grade II Registered Park & Garden)     |
| 3   | Westminster Cemetery, Hanwell (Grade II Registered Park & Garden)              |
| 4   | Gate Piers, Railings & Gates To City Of Westminster Cemetery (Grade II Listed) |
| 5   | The Grosvenor Public House (Grade II Listed)                                   |
| 6   | Church Of St Mellitus (Grade II Listed)  |
| 7   | 147 Broadway (Locally Listed)  |
| 8   | 142- 144 Broadway (Locally Listed)   |
| 9   | 116-126 Broadway (Locally Listed)  |
| 10  | 25-29 and 35-41 Broadway (Locally Listed)                                      |

A Heritage and Townscape Impact Assessment (HTIC) was prepared by Iceni dated October 2022 to assess the potential visual impacts of the proposed development on the character of the local and wider townscape, views and the setting and significance of relevant built

heritage assets. Nine (9) representative views were selected and tested as part of the submitted assessment, to reflect the character and quality of typical views from key receptors in order to comprise a baseline against which the visual effect of the proposed development from a range of key views. The location of each of these ‘representative views’ is illustrated in *Figure 13* below.



*Figure 13: Map of views assessed in HTIC*

As can be seen in the figures above the impacts on designated heritage assets are likely to be minimal because of the relative distances to the proposal site. Visualisations from the Hanwell Cemeteries Conservation Area aid in demonstrating the visual impacts of the proposed building. Figures 14 and 15 below show the view from the cemeteries in winter where trees would be bare, and the proposed building would be most visible.



*Figure 14: 144 Broadway  
Locally Listed*



*Figure 15: 147 Broadway  
Locally Listed*



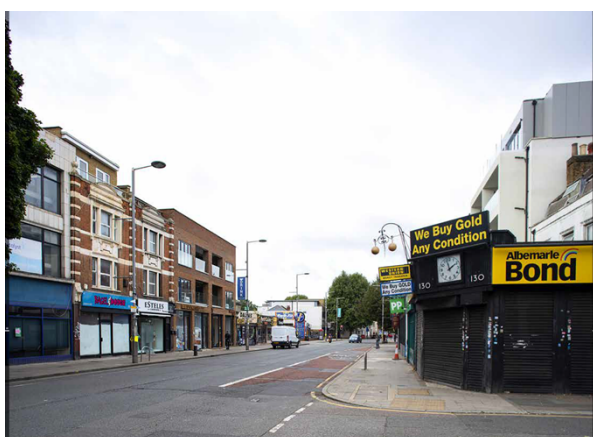
*Figure 16 : 138 Broadway  
Local Character*



Figures 17 and 18: Views from within Hanwell Cemetery at about 300m west from the site and the cumulative impact of the proposal with other approved development within the cluster.

Figures 17 and 18 shows the view from within RBKC Cemetery at about 250m northwest from the site and the cumulative impact of the proposal with other approved development within the cluster.

The prevailing character is urban and commercial and dominated by the road and the buildings which line it. These buildings are of a varying scale, character and height however they all have typical ground floor commercial uses with either offices or flats on the upper levels. Generally, the site is considered to be a detractor within this location due to its poor ground floor activation, low quality architecture, a cluttered approach to signage and its scale being inconsistent with its surrounding buildings.



Figures 19 and 20: Views along Broadway to the west.

This view is located along Broadway and looks west towards the site approximately 125m from the Site.

The brick façade of the building coupled with the use of green detailing and the inset balconies are in keeping with the emerging character of the area. The proposal would form part of an already varied townscape in terms of height, form and architectural style. It would contribute to this variety, aligning itself in terms of scale and character with the taller contemporary buildings which are coming forward in West Ealing, whilst also drawing from local materiality such as brick and stucco.

The applicant provided a townscape, heritage and visual impact assessment. The statement concludes the setting and significance of all heritage assets are considered to be preserved.

The proposal would provide high-quality and contextual urban design whilst also optimising the Site. The proposed high-quality architectural treatments enhance the appearance of this view and associated townscape benefits such as increased ground floor activation.

The use of stepped massing softens and articulates the appearance of the building, which is further supported by materiality and architectural detailing which has taken influences from the local context. The proposal would enhance the contribution of the existing Site by improving the ground floor activation contributing to the commercial high street character of the area.

The gateway location is considered to be an acceptable location for a taller building (or a building which may be considered tall despite being relatively modest in height in the wider context).

The maximum height of the proposal would be of a similar scale to existing heights seen across the road and creating an informal 'cluster' at Broadway which would be consistent with its role within the urban hierarchy as a Metropolitan Town Centre.

It is considered that the quality of the design would either enhance or have a neutral effect on visual amenity and townscape character.

### **Impact on Neighbouring Amenity**

London Plan polices D6 (housing standards), D13 (agent of change) and D14 (noise) considers the amenity aspects of proposed development.

### **Impact on daylight/sunlight**

A daylight, sunlight and overshadowing assessment was undertaken by SRE dated October 2022 and was undertaken in accordance with the Building Research Establishment Guidelines.

Assessments were undertaken on the neighbouring windows in order to evaluate the daylight impacts that the Proposed Development may have. Based on the results of the assessment, 28 no. out of the 65 no. assessed windows (43.08%) of the surrounding properties comfortably achieve the BRE VSC criteria. 18 windows (27.69%) will have a minor impact and are just below the 20% threshold. These are;

- 4 no. at 150-152 Broadway
- 9 no. at 146-148 Broadway
- 5 no. at 143-145 Broadway

The majority of them, 14 out of 18, appear to be either windows linked to bedrooms or secondary windows in rooms with the main windows in orientations not affected from the Proposed Development. The remaining 4 no. windows at 146 and 152 Broadway, are linked to living spaces.





Figure 21 – VSC Magnitude of Impact, window openings at 146 - 154 Broadway

The detailed DF and No-Sky Line analysis for these spaces revealed that with the Proposed Development in situ, the daylight levels will be above the recommended standards and with minor and negligible daylight losses.

As such, the daylight loss will not be noticeable from the occupants and the impact is not deemed to be significant.

10 no. windows (15.38%) will have a moderate impact, these are;

- 3 windows at 150 Broadway are linked to bedrooms
- 2 windows at 143-145 Broadway are secondary windows in rooms with the main windows in orientations not affected from the Proposed Development
- 1 window at 2 Coldershaw Rd is linked to an unhabitable space such as corridor or bathroom.
- 2 windows at 152 Broadway and 2 windows at 129A Broadway are linked to living spaces.

The detailed DF and No-Sky Line analysis for these spaces revealed the daylight levels will be above the recommended standards and with minor and negligible daylight losses. As such, the daylight loss will not be noticeable and the impact is not deemed to be significant.



Figure 22 - VSC Magnitude of Impact, window openings at 139 – 145 Broadway

The remaining 9 windows (13.85%) will have a major impact.

- 4 at 129C
- 1 at 129A Broadway
- 4 at 2 Coldershaw Rd

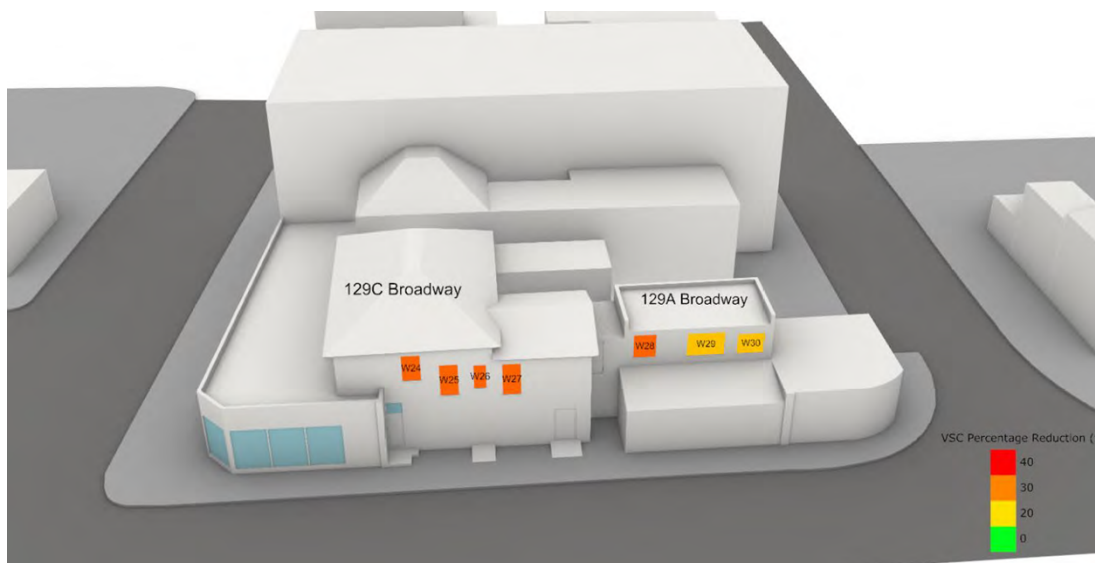


Figure 22 - VSC Magnitude of Impact, window openings at 129A and 129C Broadway



Figure 23 - VSC Magnitude of Impact, window openings at 2 Coldershaw Rd

However, based on the shape and position in the building, 8 of the above windows appear to be linked to uninhabitable spaces such as staircase/corridor, bathroom and bedroom, which are not considered habitable rooms or are predominantly used at night.

The window at 129A Broadway is linked to a living space. The detailed DF and No-Sky Line analysis for this space revealed the daylight levels will be well above the recommended standards and with moderate and negligible daylight losses. As such, the daylight loss will not be noticeable, and the impact is not deemed to be significant.

The results of the sunlight assessment (annual and winter APSH) tests conclude that 93.8% of the co-living rooms would meet BRE Guidelines with the majority of transgressions are by virtue of the winter analysis. The 4 windows that do not meet the criteria are located at 129C Broadway. Based on the shape and position of the windows in the building, they appear to be linked to uninhabitable spaces such as a staircase/corridor, bathroom and bedroom, which are predominantly used at night. As such, the sunlight loss will not be noticeable from the occupants and the impact is not deemed to be significant.

All of the assessed windows comply with the BRE criteria and will either meet the BRE APSH criteria or have a retained annual and winter APSH higher than 25% and 5%, respectively. A few assessed windows facing North have been excluded from the APSH calculations (Any windows that do not face within 90 degrees of due south can be ignored, as per guidance).

Therefore, it can be concluded that none of the adjoining occupants will experience noticeable reductions in sunlight resulting from the proposed development.

The scheme has been designed to harness good access to natural light amenity within the new co living rooms, and the communal areas and as the building is located on a corner plot without windows facing other development or obstruction to light, light levels to bedrooms are not likely to be impacted. It is accepted that the co living units are single aspect and a limited number are north facing which is inevitable given the nature of the building and the site constraints. Given the occupants access to private balconies and to the generous communal facilities this is considered to be acceptable on balance. All units will have generous floor to ceiling heights, large windows and good outlook.

Compliance with the London Plan policy D6 is therefore considered to be achieved in respect of these considerations.

**Impact on Privacy**

Achieving appropriate levels of privacy for both future and existing residents is an essential requirement of good planning as confirmed in the London Plan (2021) policies D3 and D6.

The layout of the building has been carefully considered to ensure site optimisation whilst protecting the amenity of existing and future residents. Considering overlooking and privacy, the proposed development is not considered to have any undue impacts, given its orientation in relation to the neighbouring properties.

The site is adequately separated from neighbouring development, given that it is located on a corner plot with the Broadway and Coldershaw Road ensuring good separation distances on both those sides.

With respect to 139-141 Broadway to the west, any privacy impacts have been minimised by all windows being at a perpendicular angle to any existing windows so there is no direct views to windows and there are no rear gardens at this property.

In terms of the impact of the development to the residential properties to the south on Coldershaw Road, and in particular 2 Coldershaw Road, the scheme has been designed to ensure that there is no direct overlooking to minimise any loss of privacy, specifically minimising any windows on this elevation, the only windows being located at 5<sup>th</sup> floor level and the related terrace there also being set back from the edge of the building by 1.4m preventing views downwards to rear gardens, and similarly on the 9<sup>th</sup> floor where the windows and terraces are set back, which limits any perceived loss of privacy. The proposed development has been designed so that it is set back 8m from the property at ground floor up to the fourth floor, which is a small increase to the existing building. The upper levels step away from 2 Coldershaw Road, to further mitigate any perceived privacy or overlooking concerns.

The design and siting of the building considers its impact on the privacy and amenity of neighbouring properties and therefore does not cause undue harm meaning the neighbouring residential amenity remains suitably intact, and the development as a whole is therefore considered to be compliant with policies D3 and D6 of the London Plan (2021).

**Quality of Proposed Living Accommodation**

London Plan policy 3.5 ‘Quality and Design of Housing Developments’ and Ealing Local Variation to policy 3.5 require housing developments to be of the highest quality internally and externally. Residential proposals should accord with the London Plan standards on internal space and layout. There are no specific adopted spaces for this type of housing product primarily rooms which shared facilities within the development plan. Policy H18 of the Draft London Plan states that the private units/rooms within the large-scale purposed built living accommodation such as this, should provide adequate functional layout, and are not self-contained homes or capable of being used as a self-contained homes due to their size.

A commercial/café space is located at the ground floor level, the main access point to this is on the corner facing towards Broadway and is located in the most visible and logical part of the building to maximise activation. A co-working area with communal kitchen facilities is located to the rear of the building with its main access also being the residents access located along Coldershaw Road as illustrated below in Figure 24.

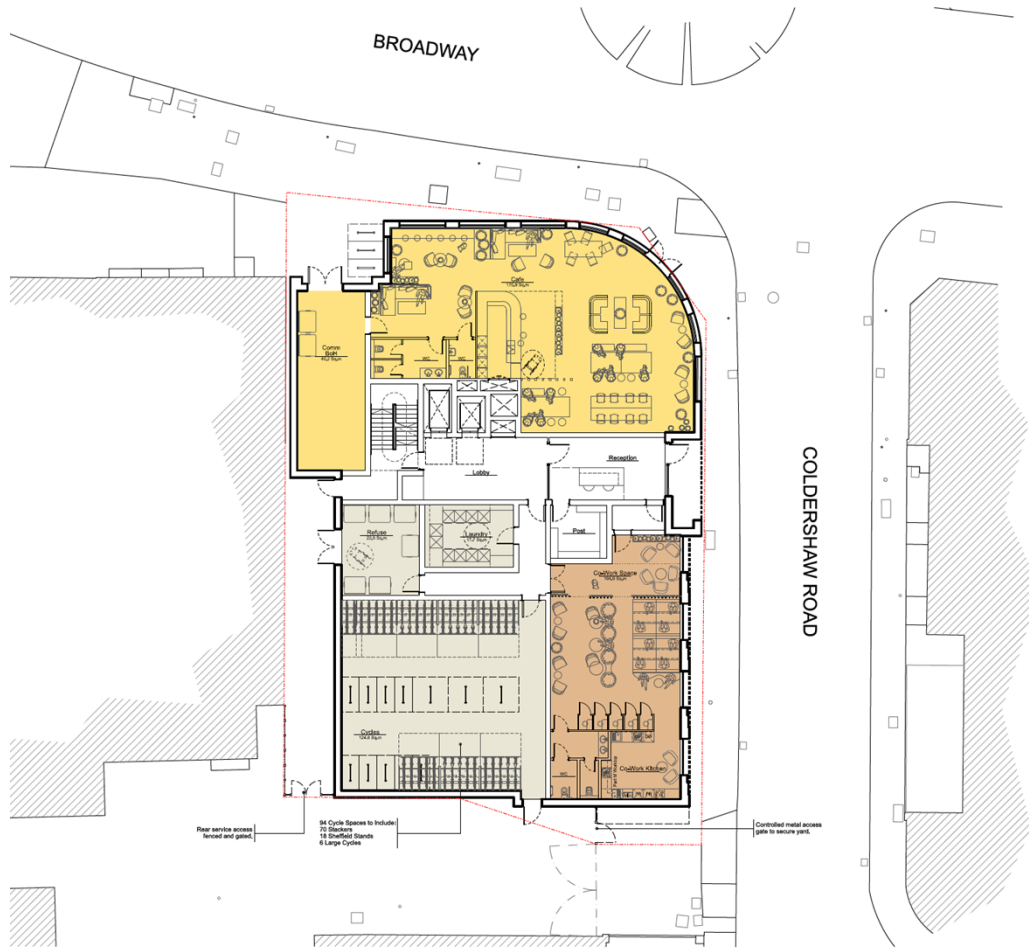
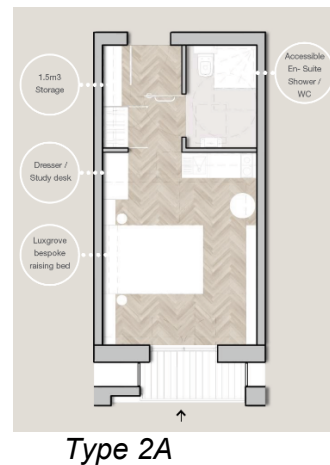
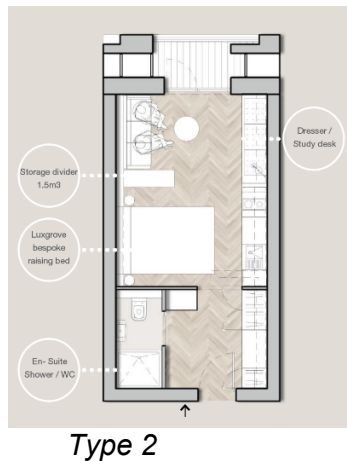
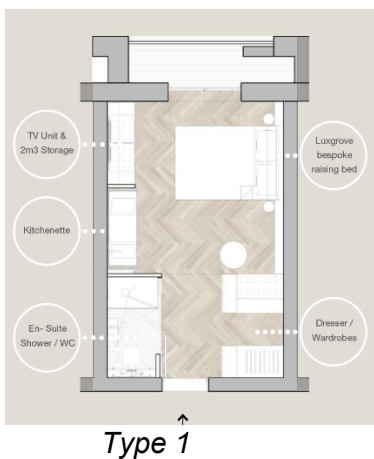
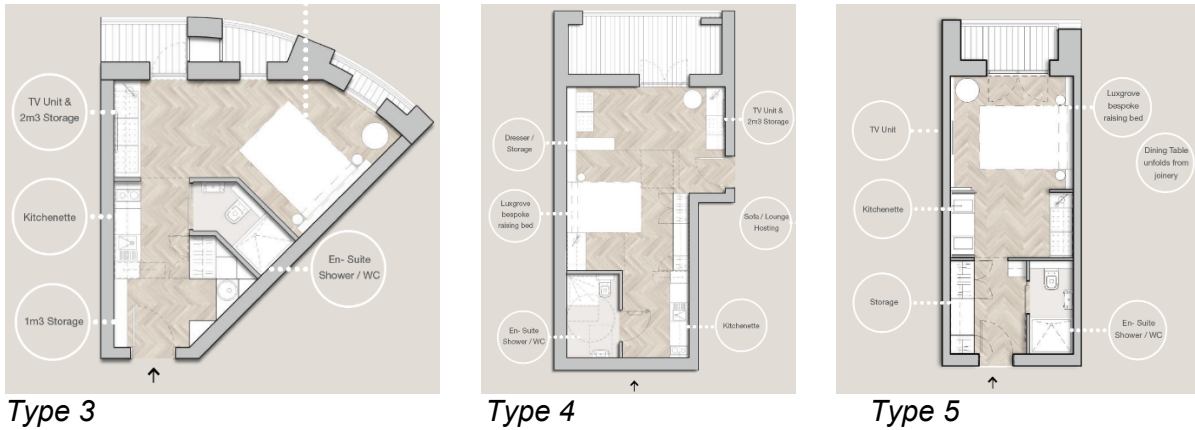


Figure 24 : Ground Floor Plan

There are 6 unit types proposed for the co-living scheme being Type 1 measuring 23sqm, Type 2 measuring 25.2sqm, Type 2a measuring 25.2sqm with an accessible bathroom, Type 3 measuring 26.4sqm, Type 4 measuring 36.7sqm being fully accessible to M4(3) compliancy, and Type 5 measuring 21.7sqm.





All of the units are to be single occupancy and are considered to be of generous sizing exceeding what is generally set out in the National Technical Housing Standards and all rooms are of a functional layout which has flexibility of use for the intended occupancy.

Each room has access to either a balcony or Juliet balcony which is of substantial benefit to the quality of environment for future occupiers. Where the units facing north are single aspect, it is worth noting that all of these rooms have a proper balcony which provides some additional amenity benefit to overcome the potential lack of sun.

Each room would have an ensuite shower room, an open plan flexible living/sleeping space and a simple kitchenette space, with a minifridge, sink and single hob cooker.

There are no windows along the central corridor and the building would therefore be reliant on artificial light and ventilation.

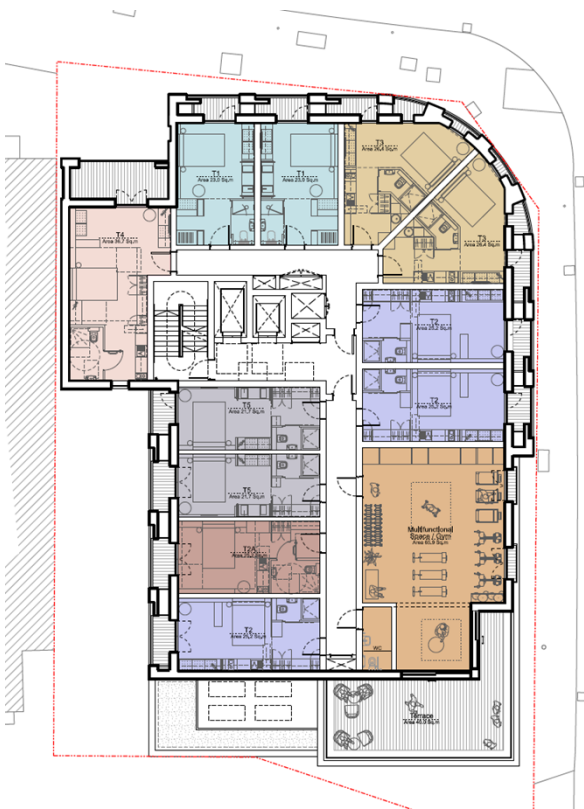


Figure 25 : 5<sup>th</sup> Floor Plan showing communal gym and terrace.

Communal facilities are shown on the 5<sup>th</sup> and 9<sup>th</sup> floors with adequate provision of kitchens, dining spaces and flexible socialising and activity spaces, the offer is 4.14sqm per resident which is considered to be generous, and the design is of a high quality.

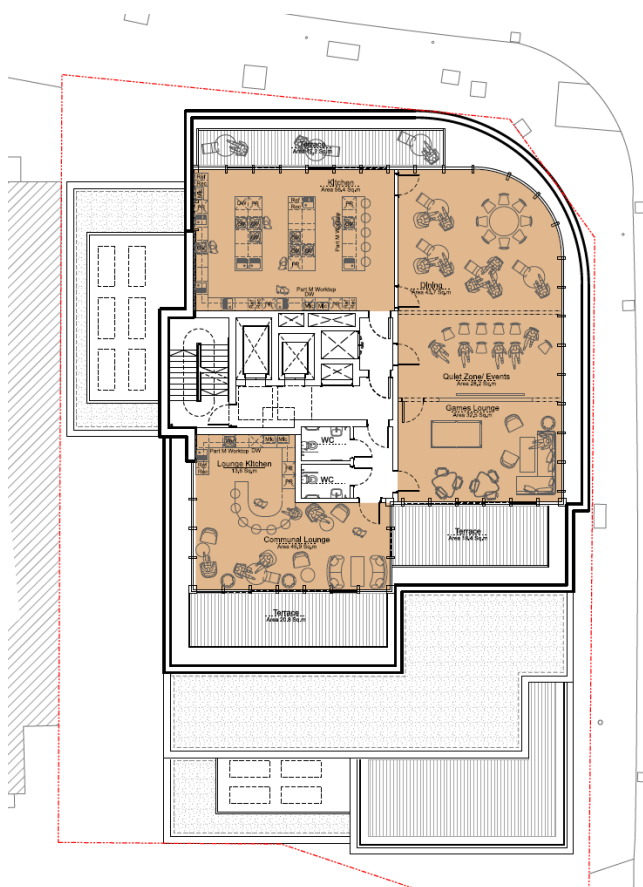


Figure 26 : 9<sup>th</sup> floor communal facilities and terraces.

The proposed development accords with some of the principles required for policy D6 but as it is a single occupancy co-living units and is greater than a double bedroom size of 11.5sqm it is not directly comparable, however the layout and usability are acceptable.

Overall, the proposed development in general accords with policy D6 of the London Plan (2021) and policy 3.5 of the Ealing Development Management DPD (2013).

### **Tall Buildings**

The Council adopted a formal position statement on tall buildings as an Independent Cabinet Member Decision (ICMD) on 13th January 2022, this is implemented as planning guidance by the LPPG. It is considered important to adopt this guidance in order to ensure clarity now that the 2021 London Plan has been adopted with the Secretary of State's directed changes, and in the interim before the development of the new Local Plan.

Ealing's tall building policy in the Draft New Local Plan builds upon comprehensive evidence about local character, and this emphasises that tall buildings are very much the exception in Ealing and will be confined to specified locations and heights. All appropriate sites for tall buildings are identified as development sites and the proposed development would be located within development site – EA19 131-141 Broadway. The design principle for this development site indicates this site is potentially appropriate for tall buildings and detailed design analysis indicate a maximum height of 7 storeys or 24.5 metres for the wider area within the area demarked as E10 in the DMP1 Area Map.

Development Strategy DPD Policy 1.2(h) and DMD Policy 7.7 and Policy D9 of the London Plan (2021) state that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets. The quality of the design, especially in relation to context and accessibility is the overriding consideration.

A ‘tall building’ is defined by Policy D9A of the London Plan Policy (2021) as: ‘Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.’

Policy D9B (and supporting paras 3.92 and 3.9.3) set the criteria where tall buildings may be appropriate as:

1. In locations determined by Boroughs to be an appropriate form of development and subject to meeting other requirements of the Plan,
2. In any such locations identified on Development Plan maps
3. Should only be in locations identified as suitable in a Development Plan.

As stated in the Ealing Local Planning Policy Guidance (LPPG): Tall Buildings, January 2022: ‘This definition accords with the contextual definition set out in DM DPD Policy 7.7 and so that definition will continue to apply in Ealing pending the development of the new Local Plan.’

Policy D9 para.3.9.2 sets out that Boroughs should employ a sieving exercise form of evidence gathering to identify areas for growth including the locations where tall buildings could have a role to play ‘in contributing to the emerging character and vision for a place’ within the Borough. Locations for tall buildings would be defined in the adopted Local Plan. LBE has prepared a Character Study to inform this approach in identifying locations to be identified in development plans.

The proposal when measured from the ground floor to the roof level of the eighth floor as is required, is 29.2m which exceeds the above recommendation by 4.7m and is therefore considered a tall building.

Given the area defined as E10 in the emerging policy DMP1 covers a wide area, that includes a variety of typologies, in this specific circumstance, a more localised assessment needs to take place. The emerging context of new development along Broadway and the Town Centre location along with the site allocation EAL19, means, this assessment needs to take into account additional height and intensification of the uses and vibrancy of the site.

The location of the building along Broadway where taller development is generally accepted, means that a taller development in these circumstances be acceptable, provided the overall design and amenity considerations are positive.

A Heritage and Townscape Impact Assessment was prepared by Icenid dated October 2022, and this document has considered the proposed building within its surrounding context enabling a thorough understanding and appreciation of the proposed building in respect of its relationship with existing surrounding buildings, including separation and views of the building as well as an appreciation of how the building will contribute to informal cluster of tall buildings in West Ealing. The applicant’s assessment has considered a variety of different views, these views located at various points around the site including both medium and longer distant views.



Having reviewed the detailed assessment and considering the impact of the proposed development on the local townscape, in relation to immediately neighbouring buildings and the wider cluster of buildings is acceptable. The height and form of the building was discussed and negotiated during the pre-application process and the proposed acceptable and forms an appropriate focal point to act as a gateway at the entrance to Ealing Town Centre and between the lower buildings around the site. In this way the proposals also respond positively to the emerging cluster of taller buildings.

The opportunities identified for Town Centres include the following:

- Take advantage of services and transport infrastructure by increasing residential dwellings, taking care not to undermine the role of centres through loss of commercial space or frontage.
- Repair the urban fabric on larger sites or areas where grain has been lost. Reimagine the role of vacant, low density and mono-use sites.
- Reinforce the role of key routes, densifying plots through scale and massing that addressing the street; whilst respecting the grain, particularly in historic areas. New building stock should demonstrate adaptability between uses, particularly at ground level.

The proposed development responds positively to opportunities identified in the Character Study, taking advantage of the existing services and transport infrastructure in this location. It contributes to the legibility of the area by returning the commercial use to the ground floor at the correct building line and giving the site multiple uses densifying its use, whilst still respecting the streetscape and urban grain.

On balance, it is considered that the proposed development is acceptable in relation to policy D9 of the London Plan (2021) and policy DMP1 of the draft New Local Plan.

**Affordable Housing**

The provision of affordable housing is a key strategic objective for LBE. The London Plan H4 sets out a requirement to secure 35% affordable housing on schemes of 10 or more units or 1,000sqm GIA floorspace. In respect of co-living schemes, London Plan policy H16 confirm that this specific housing product is not suitable to provide affordable housing on-site and therefore a payment in lieu (PIL) should be secured to enable affordable housing to be provided off site that in this case would better meet the needs of residents.

The proposed development would not provide any on-site affordable housing, therefore it would follow the Viability Tested Route as per London Plan policy H5 and the scheme would be subject to an Early Stage Viability Review and a Late Stage Viability Review which is triggered when 75 per cent of the units in the scheme are sold or let (or a period agreed by the borough).

The applicant has submitted with their application a Financial Viability Assessment (FVA), and this has been independently assessed by Gerald Eve LLP on behalf of LBE.

Extensive discussion and negotiation have taken place to reach agreement on the various inputs of the FVA. Subsequently, the applicant increased their PIL offer to £0.5m. In addition to the PIL (that would be paid 50% within 2 months of commencing and 50% prior to occupation) the proposed offer would also make provision for a surplus that is identified at the late stage review.

It is considered that given the extensive and thorough investigation and consideration of the

viability position the offer now presented is the best that can be secured based on the available information at this time with the provision that if the viability position improves any surplus would also be secured to be put towards off-site affordable housing provision.

On balance, the proposed affordable housing is considered to be acceptable in this instance and complies with policies H4, H5 and H16 of the London Plan (2021).

### **Accessible and Inclusive Design**

The London Plan policy D3 and the Accessible London SPG require development to comply with the latest guidance on accessible and inclusive design and ensure that new developments remove all barriers to access.

The proposed development includes wheelchair-accessible entrances to the commercial unit at the front on the ground floor and an accessible communal entrance to the co-living scheme along Coldershaw Road and the lifts provide access to all floors.

No parking is provided on site however three blue badge parking bays are located with close vicinity of the building which will be available for any future occupant of the accessible units. As such, the proposed development proposes a fully Disability Discrimination Act (DDA) compliant access strategy for both outside and within the proposed building.

One of the lifts proposed is to be an evacuation lift to be used by less mobile people in the event of an emergency. Wheelchair refuges are provided at each fire escape stair, at the entry level. The wheelchair-accessible units can therefore be accessed from all floors and external spaces.

Within the co-living part of the building the applicant has demonstrated that all areas will be fully accessible, and the proposed development will deliver an inclusive environment for all residents and visitors. Of the proposed 94 co-living units 10 will be accessible for wheelchair users which slightly exceeds the requirement for 10% of the co-living homes to be fully wheelchair accessible. All shared amenity areas within the building as well as the terraces on the fifth and ninth floors are designed to be fully accessible.

Overall, the proposals have been designed with a very high level of accessibility across all parts of the building. The proposals are considered to comply with policies D3, D5, D7 of the London Plan (2021) and the Accessible London SPG.

### **Public Realm**

Policy D8 of the London Plan requires the development to create a public realm that is well designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintained.

The constrained nature of the site and the site coverage of the proposed building has resulted in limited opportunities to contribute significantly to the public realm. Notwithstanding this care and consideration have been given to the design of the ground floor and around the site and it responds well to and enhances the public realm by increasing the sense of enclosure and natural surveillance in the immediate area by bringing the use of the site forward to the footpaths and creating a legible continuance of the Broadway, where the site opens out in an uncharacteristic form stepping back leaving a wide underused forecourt in prominence. The proposal ensures safe and level access into the building with clearly identifiable entrances.

In this way and through the active frontages to Broadway, the proposed building positively responds to and enhances the public realm in accordance with Local Plan policy D1 and London Plan policy D8.

**Outdoor Amenity Space**

London Plan policy G5 confirms that applicants should calculate and provide the Urban Greening Factor (UGF) score for the proposed development and meet a minimum target of 0.4. Policy G6 confirms that development proposals should aim to secure biodiversity net gain.

The proposed development presents limited opportunities for urban greening within the boundaries of the site due to the space constraints and the form of the proposed building. The proposed development includes four terraces, one at fifth floor level of forty sqm, and three terraces at eighth floor level combined to make 56.4sqm. The total offer of 96.4sqm equates to 1m per resident on site.

The development includes 389.7m2 communal living space proposed (internal) and 96.4m2 communal external amenity space proposed, with 0.8sqm – 2.8sqm balcony/Juliet balcony proposed per unit. This means the development is short of amenity provision by 172sqm.

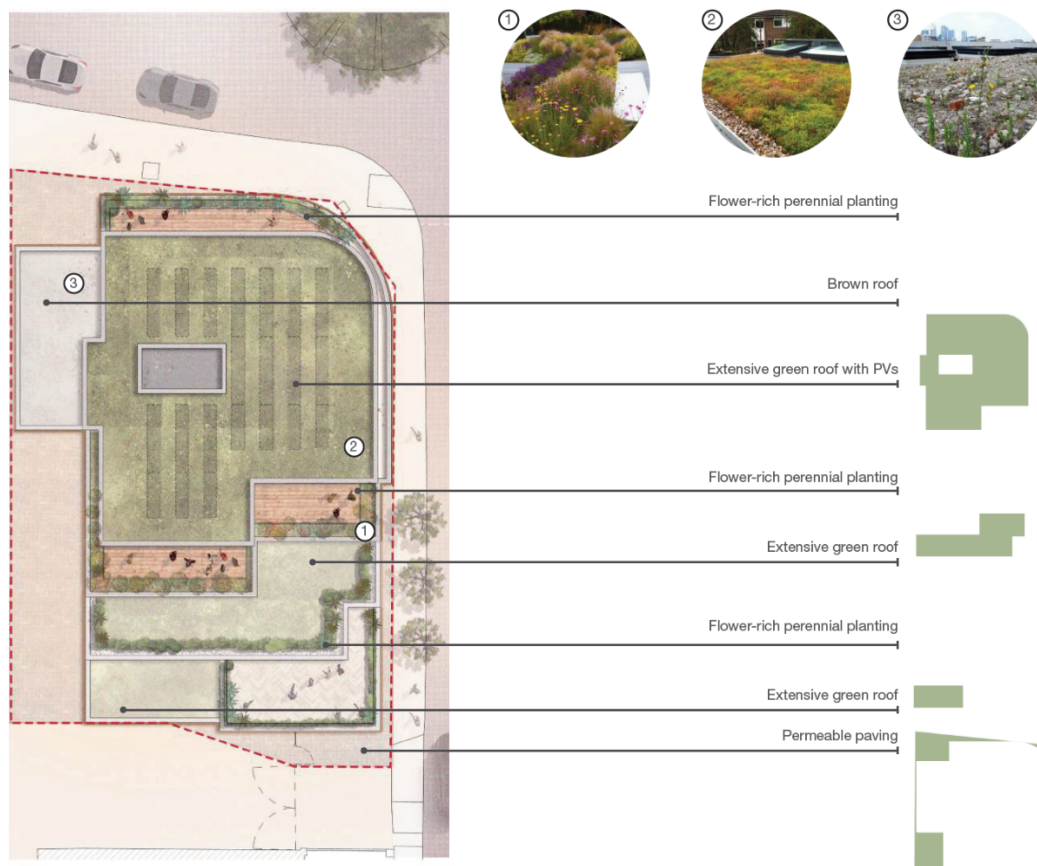


Figure 27: Landscaping and Urban Greening elements.

As a result of the proposed landscaping on balconies and roof levels, the scheme achieves an Urban Greening Factor (UGF) of 0.4115. A financial contribution of £30,172 would be allocated towards projects to improve parks and open spaces and allotment space in the area and this has been agreed by the applicant.

| Urban Greening Factor Calculator  |        |                        |               |       |
|---|--------|------------------------|---------------|-------|
| Surface Cover Type  | Factor | Area (m <sup>2</sup> ) | Contribution  | Notes |
| Semi-natural vegetation (e.g. trees, woodland, species-rich grassland) maintained or established on site.   | 1      |                        | 0             |       |
| Wetland or open water (semi-natural; not chlorinated) maintained or established on site.  | 1      |                        | 0             |       |
| Intensive green roof or vegetation over structure. Substrate minimum settled depth of 150mm.  | 0.8    |                        | 0             |       |
| Standard trees planted in connected tree pits with a minimum soil volume equivalent to at least two thirds of the projected canopy area of the mature tree. | 0.8    |                        | 0             |       |
| Extensive green roof with substrate of minimum settled depth of 80mm (or 60mm beneath vegetation blanket) – meets the requirements of GRO Code 2014.        | 0.7    | 379                    | 265.3         |       |
| Flower-rich perennial planting.   | 0.7    | 50                     | 35            |       |
| Rain gardens and other vegetated sustainable drainage elements.   | 0.7    |                        | 0             |       |
| Hedges (line of mature shrubs one or two shrubs wide).  | 0.6    |                        | 0             |       |
| Standard trees planted in pits with soil volumes less than two thirds of the projected canopy area of the mature tree.                                      | 0.6    |                        | 0             |       |
| Green wall –modular system or climbers rooted in soil.  | 0.6    |                        | 0             |       |
| Groundcover planting.   | 0.5    |                        | 0             |       |
| Amenity grassland (species-poor, regularly mown lawn).  | 0.4    |                        | 0             |       |
| Extensive green roof of sedum mat or other lightweight systems that do not meet GRO Code 2014.  | 0.3    | 46                     | 13.8          |       |
| Water features (chlorinated) or unplanted detention basins.   | 0.2    |                        | 0             |       |
| Permeable paving.   | 0.1    | 151                    | 15.1          |       |
| Sealed surfaces (e.g. concrete, asphalt, waterproofing, stone).   | 0      |                        | 0             |       |
| <b>Total contribution</b>   |        |                        | <b>329.2</b>  |       |
| <b>Total site area (m<sup>2</sup>)</b>  |        |                        | <b>800</b>    |       |
| <b>Urban Greening Factor</b>  |        |                        | <b>0.4115</b> |       |

The Ealing Indoor and Outdoor Sports Facility Strategy and Action Plan produced in line with Sport England’s latest guidance provides an accurate and robust evidence base to help inform Planning policy decisions regarding the protection, enhancement and provision of existing and future indoor and outdoor sports facilities providing an understanding of the best location(s) for any new facilities. The action plan, which is reviewed on an annual basis, can be used to identify projects in any given area of the borough at any given time. By following Sport England’s assessment process, this strategic document clearly identifies that the current indoor and outdoor sports facility supply in Ealing, falls below the needs of the existing population as evidenced by the priority projects identified across the borough. Any new population will exacerbate this need, which is why it is appropriate to seek financial contributions from developers as part of the planning process to contribute towards improving the borough's sporting infrastructure to best meet the needs of residents.

From a sport and active recreation perspective, it is positive that proposed development includes a space currently designated as a gym for resident use of 71.4 sqm. However, based on the identified strategic need for more indoor and outdoor sports facilities in the borough and the size of the development, it would seem appropriate to ask the applicant for a contribution towards projects to improve both the indoor and outdoor sports facility infrastructure in the local area. Based on 94 new single occupation units a sum of £41,600, is required via s106 legal agreement to contribute towards facility infrastructure improvement projects to be delivered in the area over the next 10 years. This has been agreed by the applicant.

On balance, given the constraints posed by the site and the financial contributions proposed to improve greening and access to open space off-site the proposals are considered to be acceptable and comply with the intentions of the policies G5 and G6 of the London Plan (2021).

**Noise**

The applicant has submitted in support of the application a Noise Assessment by Auricil Acoustic Consulting, dated November 2022.

As such, a number of conditions are proposed to secure additional information to ensure the proposed development provides appropriate levels of mitigation through careful detailing and specification of materials. It is also necessary for the applicant to consider mitigation measures to ensure the commercial and communal spaces use can potentially accommodate functions and events without causing disturbance to residents. A planning condition to ensure appropriate sound insulation and other mitigation measures is therefore proposed.

Other conditions are proposed to ensure the glazing specification and insulation specification around sensitive parts of the building are also submitted for approval by the local planning authority. Subject to compliance with these conditions no concerns are raised in terms of noise impacts and the proposals are considered to comply with London Plan policies D13 and D14.

**Air quality**

An Air Quality Assessment (inc. Air Quality Neutral Assessment) dated March 2022 was submitted for consideration. Due to the exceedances of the annual mean NO2 objective and 24-hour PM10 objective, the London Borough of Ealing was declared an Air Quality Management Area (AQMA).

The application is located within the Ealing Broadway and Haven Green Air Quality Focus Area (AQFA). The proposed development would be air quality neutral in terms of building emissions and no further assessment has been undertaken. Heating and hot water demand would be met by Air Source Heat Pumps and PV panels on the roof of the development. Various clarifications were sought through the application process but no revisions to the Air Quality Assessment were required. A S106 financial contribution for air quality mitigation measures would be required of £14,264 is sought to be used towards air quality monitoring and air quality improvement. Other conditions relating to ventilation strategy and the control of emissions and dust in the construction phases prior to commencement and in compliance.

On balance, the proposals are considered to be broadly acceptable and accordance with policies 1.1 (e) (f) (j) of the Ealing Development (Core) Strategy 2012, policy 7A of the Ealing Development Management Development Plan (2013) and policy SI1 of the London Plan (2021); and National Planning Policy Framework (2021).

**Sustainable Development**

London Plan policies S12 and S13 require all new development to be zero carbon and in line with the London Energy Hierarchy, buildings should be designed to reduce energy demand and to promote the delivery of low carbon, energy efficient and integrated electricity.

**Energy Strategy / Over heating / Monitoring**

The Council is supportive of the proposed energy/sustainability strategy produced by SRE October 2022 (v1C). The development is all electric with no gas infrastructure on-site. The strategy proposes a communal (air-to-air) VRF ASHP system to deliver space heating and cooling through Air Handling Units (conditioning), with a separate (air-to-water) ASHP distribution loop for DHW. The systems will be for both the residential rooms and communal areas. The ASHP will be located on the roofs of the 4th and 6th and top floors. PV has been realistically maximised with a 19.14 array on the main roof.

The Council confirms that there is no available “Clean” district heat network (DHN) and no further research is required on this issue.

The Strategy has been assessed against the Part L 2021 using SAP10 emission factors and follows the standard TER>DER/TFEE>DFEE (Target Fabric Energy Efficiency>Dwelling Fabric Energy Efficiency) energy hierarchy of “Lean, Clean, Green” as

required by London Plan policy SI2 & SI3, and Ealing Council’s Development Management DPD.

An Overheating Analysis report (SRE Oct-22 v1C) with proposed mitigation measures has been submitted. The analysis assumes full mechanical ventilation and heat recovery (MVHR) with summer bypass. It is compliant with Part O (TM59/Guide A), and TM52 (non-domestic buildings), and follows the TM49 methodology of modelling against the DSY1 average summer year (2020) and BREEAM NC 2018 required future projection (2050) weather data files. All rooms, communal areas, and corridors comply with the mandatory DSY1 (2020 & 2050) modelling.

At the current design stage the overall site-wide CO2 emissions will be cut by at least 59.67%, with 36.52% carbon reduction through “Lean” efficiency measures, and 23.15% through “Clean/Green” renewable/low-carbon energy. There is a shortfall of 507 tonnes CO2 (over 30 years) in the zero-carbon that will be mitigated through an “offset” S106 payment at £95 per tonne to the Council of £48,165. If after three years of in-situ monitoring the renewable/low-carbon energy systems do not deliver, within a reasonable margin of error, the carbon reductions predicted in the Energy Strategy then the Developer will need to pay an additional Carbon Offset contribution to mitigate some or all of the shortfall.

The London Plan (policy SI2) introduces a fourth step to the existing (be Lean, Clean, Green) energy hierarchy of “be Seen”. In addition to the GLA 'be Seen' policy, Ealing Council also requires the additional physical monitoring and performance analysis of the renewable/low-carbon energy equipment. Ealing already implements, and separately conditions, this requirement through its Development Management (2013) DPD policy E5.2.3. The monitoring is carried out by the Council’s chosen provider (Energence Ltd) using the Automated Energy Monitoring Platform (AEMP). A S106 payment will be sought for the implementation of the energy monitoring policy.

In line with this, Ealing Council will require the monitoring of the PV arrays, the communal Air Source Heat Pump DHW loop, and the electrical parasitic loads of the space heating VRF heat pump, to evaluate their performance/efficiency for a period of 4 years. Monitoring the (air-to-water) heat pump(s) will involve metering the heat output and the combined parasitic loads. Suitable monitoring devices must be fitted by the Applicant to achieve this.

Ealing Council will supply some of the monitoring equipment (through a S106 contribution) and the Developer will need to source the remainder in consultation with Ealing/Energence. Energy monitoring devices to be supplied by Ealing/Energence (subject to final confirmation) are:

- PV (GPRS) smart meters x1.
- ASHP (DHW loop) heat meter datalogger x1.
- ASHP electric parasitic load (GPRS) smart meters x3 (x2 a-t-w & x1 VRF).

If there are more than x3 heat pumps/collectors then the Developer must provide suitable parasitic load smart meters for each additional heat pump/collector.  
SIM card and data processing (4 years) x5.

Energy monitoring devices to be sourced by the Applicant (in consultation with the Council) are:

- ASHP (DHW loop) heat meters (M-Bus connect) x1.
- Any additional ASHP collector parasitic load meters required (above the x3 identified).

Overall, the energy strategy is supported and has demonstrated good levels of compliance with policies SI2 and SI3 of the London Plan (2021), policy E5.2.3 of the Ealing Development Management DPD (2013) and the NPPF (2021).

**Transport**

The London Plan sets out transport considerations in policies T1 to T9. The general overarching objective of these policies is to create high quality, safe and accessible movement networks that reduce the need to travel and prioritisation of sustainable transport modes.

The application site is situated in Coldershaw Road junction with Uxbridge Road. Coldershaw is a local road and Uxbridge Road (A4020), which is a main distributor road. The site is within a Controlled Parking Zone (CPZ) with hours of operation Monday to Friday, 09.00 am -10.00am and 02.00 pm to 03.00 pm. The road network adjacent to the development site is congested with parked vehicles. The PTAL value for the site is 4 (very good) on a scale of 0 to 6b where 0 is the worst and 6b is the best.

**Walking**

Policy T2 (Healthy Street) of the London Plan 2021 states that developments should facilitate regular trips by walking or cycling and not seek to increase car dominance.

The application site is well located within the existing pedestrian routes. Broadway is a two-way single-carriageway road, subject to a 20mph speed limit, with footways and on-street cycle lanes in each direction. Coldershaw Road is a single carriageway 20mph street, which is residential in nature for most of its length.

An Active Travel Zone Assessment (ATZ) has been provided in the updated transport statement. The ATZ demonstrates that vehicle dominance at junctions makes crossing along desire lines more difficult for pedestrians. Surface quality and maintenance in some areas is poor and needs improvement to provide good and safe routes. As a result, a financial contribution of £85,000 towards link and junction improvements, mitigation of parking congestion, cycle infrastructure, traffic calming, footway improvements and travel plan monitoring is sought and would be secured by a legal agreement. In this way the proposal is considered compliant with London Plan policies T1 and T2 which concern roads and streets and walking respectively.

**Cycling**

The London Plan T5 concerns cycling has the overall objective of encourage cycling as a sustainable mode of transport by providing appropriate infrastructure and facilities.

The proposed development provides 94 cycle parking spaces for the co-living at ground floor to include 70 stackers, 18 Sheffield stands and 6 large cycles. A revised cycle layout and section drawing was provided. The revision includes increase of spacings between Sheffield spaces as standalone to 1,000mm and spacings between larger cycles to 2,000mm. An aisle width of a minimum of 2.5m would be provided in front of the lowered top tier of two-tier racks. The stacker dimensions are increased to 425mm and the Door access from external shown minimum 1,000mm clear opening to meet minimum lift door requirements.

Long stay cycle parking is proposed for the commercial space consisting of 2 spaces in line with the requirement of T5 of the London Plan 2021. Short stay cycle parking is proposed consisting of 4 short stay spaces for the co-living development and 2 for the commercial use. However, it is noted that a minimum of 4 short stay cycle spaces are needed for the

proposed 170sqm commercial uses. The proposal therefore slightly falls short of that required by London Plan policy T5.

#### Parking

The car-free nature of the proposed development is welcomed. In line within Policy T2 of the London Plan 2021, occupants of the development would be restricted from obtaining parking permits in the adjacent Controlled Parking Zone (CPZ) and future CPZ's in the area.

In line with Policy T6.1 of the London Plan 2021, three disabled person parking space should be provided from the outset. No disabled parking provision is proposed. It is noted that there are three parking bays immediately to the east of the application site. Other off-street parking spaces are available on Grosvenor Road, Hatfield Road and Coldershaw Road in the vicinity of the site. In addition, a financial contribution of £9,000 would be secured via the legal agreement to compensate the lack of disabled parking provision.

#### Trip Generation and Public Transport Impacts

The London Plan policy T3 concerns transport capacity. A multi model trip generation assessment has been undertaken to assess the potential impacts of the proposed development on the local public transport and highways network.

The Transport Assessment assessed the impact of the proposed development on the London Underground, National Rail, bus routes and local highway network. It was found that the proposals would not result in any significant or noticeable impact on the existing public transport services.

#### Servicing and Deliveries

London Plan policy T7 confirms 'Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible'.

The application is not accompanied by a Delivery and Servicing Plan. However, it is noted that some information is provided within the Transport Assessment. Delivery and waste collection will take place along the kerbside on Coldershaw Road within the time periods permitted by existing on-street restrictions at permitted locations. Waste storage will be contained at ground floor level with access from the rear and a drag route to the kerbside. It should be noted that at no time such works should occur on Broadway. A final version of Servicing and Deliveries Plan is secured by a planning condition for the Council to review prior to first occupation of the development.

#### Construction Management and Construction Logistics

A Construction Logistics Plan (CLP) has not been submitted; it will be secured by a planning condition to be agreed upon with the Council in accordance with T7 of the London Plan 2021 and TfL Construction Logistics Guidance. The CLP should contain details on the measures to ensure that there is no adverse impact on the surrounding transport network, pedestrian safety and cyclist access around the site throughout the construction process. It must also be ensured that the construction activities would not impact on the safe and efficient operation of the signalised junction in proximity and bus services along The Broadway.

Given all of the above, the proposal is considered to comply with the aims and objectives of policies T1, T2, T3, T4, T5, T6, T7 and T9 of the London Plan (2021).



**Flood Risk**

A Flood Risk Assessment by Lustre Consulting dated November 2022 has been submitted and indicate that the main sources of flood risk are surface water flooding. Chapter 5 includes a surface water drainage strategy. As such, future occupants and users of the proposed development will be at low risk of flooding and the development will not increase flood risk elsewhere. The details within the submitted assessment are only at a generalised level of detail and while they can be mostly accepted a detailed Drainage Strategy will be required by way of condition, that will include requirements for a survey of all existing drainage on site, up to point of connection with the public sewer. The condition of any aspects of the drainage wishing to be reused will need to be ascertained through a CCTV survey. Thames Water has been contacted through their pre-planning enquiry. A green / blue roof manufacturer will need to design the roofs to provide maximum benefit and optimisation of the system.

Thames Water provided no objection with regard to foul water sewerage network infrastructure capacity.

On this basis, subject to appropriate conditions being applied, the scheme is considered acceptable in its likely impact on drainage and flooding, and so accords with the NPPF, London Plan policies SI 12; SI 13 and SI 17 and the Sustainable Design and Construction SPG (April 2014).

**Fire safety**

The technical aspects of the materials to be used in any development, in relation to fire safety, are considered under the Building Act (1984) and specifically the Building Regulations, Approved Document B amended version (2022). These require minimum standards for any development, although the standards would vary between residential and commercial uses and in relation to new build and change of use/conversions. The Regulations cover a range of areas including the structure and fire safety. Any person or organisation carrying out development can appoint either the Council's Building Control Service or a Private Approved Inspector to act as the Building Control Body (BCB), to ensure the requirements of the Building Regulations are met. The BCB carry out an examination of drawings for the proposed works and makes site inspections during the course of the work to ensure the works are carried out correctly. On completion of work, the BCB would issue a Completion Certificate to confirm that the works comply with the requirement of the Building Regulations.

**Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where regard is to be had to the development plan for the purpose of any determination of a planning application, the determination must be made in accordance with the plan unless material considerations indicate otherwise. On balance, there are material considerations which demonstrate that the application is considered to accord with many of the policies and objectives of the Development Plan and other material considerations (including the NPPF) which indicate that planning permission ought to be granted.

It is considered that the proposal for a co-living led-development and mixed-use scheme is of a suitable layout and design which responds well to the surrounding urban context and would cause minimal harm to the amenities of neighbouring residential occupiers. The development would provide good quality residential accommodation for future occupiers with sufficient access to communal amenity spaces and provides for the efficient use of land in an urban area.

Furthermore, it is considered that the proposal would not be of detriment to the surrounding road network and public transport system offering sufficient storage for cycles and refuse and recycling.

On balance, the proposals are considered to be acceptable, and it is recommended that planning permission be granted.

**Community Infrastructure Levy (CIL)**

The London Borough of Ealing is a Collecting Authority on behalf of the Mayor of London. Mayoral CIL is currently set at £60 per sq. m, subject to the indexation in place during the calendar year that the permission becomes a chargeable development. Liability is assessed after determination and the applicant will be sent a CIL Liability Notice if appropriate.

In this case, the proposed development involves a net increase of circa 3932.4sqm GIA floorspace. This indicates a CIL payment in the order of £235,944 subject to indexation, but the actual amount will be calculated by the CIL officer.

**Local Finance Considerations**

Pursuant to section 70(2) of the Town and Country Planning Act 1990 (as amended) the Council is required to take into account any local finance considerations, as far as material to the application. These comprise a grant or other financial assistance that has been, or would be or could be, provided to the Council, or any sum that has been received, or would be or could be, in payment of CIL. The Mayoral CIL, collected by the Council on the Mayor’s behalf, is such a consideration.

The weight to be afforded to the receipt of CIL in the context of the decision whether to grant planning permission is a matter for members.

**Human Rights Act:**

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

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

The Council has had due regard to any potential adverse equality impacts of the proposed development, and to the extent that there are adverse impacts, which there may not be, the report should set out any mitigation proposals that would safeguard and promote the objectives protected by S149 Equality Act as far as reasonably possible if the proposal will bring about significant change.

**Public Sector Equality Duty**

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

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

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

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

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

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

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

### **Fire Safety**

Large schemes may require a number of different consents before they can be built. Building Control approval needs to be obtained to certify that developments and alterations meet building regulation requirements. Highways agreement will be required for alterations to roads and footpaths. Various licences may be required for public houses, restaurants and elements of any scheme that constitutes a 'house in multiple occupation HMO'.

The planning system allows assessment of a number of interrelated aspects of development when planning applications are submitted to the Council. The proposed materials to be used may be approved under a planning permission based on the details submitted as part of the planning application or may be subject to a condition that requires such details to be submitted and approved prior to the commencement of the development. Whichever the case, planning officers' appraisal of materials is focused on the visual impact of such materials in relation to the design of the overall scheme itself, the character of the local area or indeed on the amenities of local residents. The technical aspects of the materials to be used in any development, in relation to fire safety, are considered under the Building Act (1984) and specifically the Building Regulations (2010). These require minimum standards for any development, although the standards will vary between residential and commercial uses and in relation to new build and change of use/conversions. The Regulations cover a range of areas including structure and fire safety. Any person or organisation carrying out development can appoint either the Council's Building Control Service or a Private Approved Inspector to act as the Building Control Body (BCB), to ensure the requirements of the Building Regulations are met. The BCB carry out an examination of drawings for the proposed works and make site inspections during the course of the work to ensure the works are carried out correctly. On completion of work the BCB will issue a Completion Certificate to confirm that the works comply with the requirement of the Building Regulations.

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

### **APPENDIX 1 - CONDITIONS AND INFORMATIVES**

#### 1. Time Limit – Full Planning Permission

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

**2. Approved Plans and Documents**

The development hereby approved shall be carried out in accordance with the following approved plans and documents:

**Drawings:**

LUX01-MAA-00-XX-DG-A-0001-P01  
LUX01-MAA-00-XX-DG-A-0101-P01  
LUX01-MAA-00-XX-DG-A-0102-P01  
LUX01-MAA-01-XX-DG-A-0001-P01  
LUX01-MAA-02-XX-DG-A-0001-P05  
LUX01-MAA-03-XX-DG-A-0001-P12  
LUX01-MAA-03-XX-DG-A-0002-P08  
LUX01-MAA-03-XX-DG-A-0003-P08  
LUX01-MAA-03-XX-DG-A-0004-P07  
LUX01-MAA-03-XX-DG-A-0005-P07  
LUX01-MAA-03-XX-DG-A-0006-P08  
LUX01-MAA-03-XX-DG-A-0007-P07  
LUX01-MAA-03-XX-DG-A-0008-P07  
LUX01-MAA-03-XX-DG-A-0009-P09  
LUX01-MAA-04-XX-DG-A-0001-P05  
LUX01-MAA-04-XX-DG-A-0002-P05  
LUX01-MAA-04-XX-DG-A-0003-P05  
LUX01-MAA-04-XX-DG-A-0004-P04  
LUX01-MAA-05-XX-DG-A-0001-P04  
LUX01-MAA-05-XX-DG-A-0002-P04  
LUX01-MAA-XX-XX-DG-A-0001-P01

**Documents:**

Planning Statement by Savills (November 2022)  
Microclimate Analysis Pedestrian Wind Comfort by SRE (27.01.2023)  
Phase 1 Environmental Report by GO Contaminated Land Solutions (21 October 2022)  
Arboricultural Planning Report by AD Trees (14 October 2022)  
Preliminary Ecological Appraisal by TSA Ecology (21.10.2022)  
Heritage, Townscape and Visual Impact Assessment by ICENI (November 2022)  
Transport Statement by Markides Associates (13 May 2023)  
London Plan Fire Statement by Lawrence Webster Forrest (Issue B, October 2022)  
Noise Assessment Report by Auricl (27 October 2022)  
Energy and Sustainability Statement by SRE (Rev C, 21.10.2022)  
Air Quality Assessment & Indoor Air Quality Plan by SRE (Ver 2, Rev A, 13.02.2023)  
Circular Economy Statement by SRE (Rev F, 21.10.2022)  
Daylight, Sunlight and Overshadowing Report by SRE (Ver 2, Rev B, 19.10.2022)  
Thermal Comfort Assessment by SRE (Rev C, 19.10.2022)  
Whole Lifecycle Carbon Assessment by SRE (Rev C, 19.10.2022)  
BREEAM Pre-Assessment by SRE (Rev D, 19.10.2022)  
BREEAM AP Report by SRE (Rev C, 18.10.2022)  
BREEAM Life Cycle Assessment by SRE (Rev C, 19.10.2022)  
Flood Risk Assessment by Lustre Consulting (October 2022)

Operational Management Plan by Luxgrove (V.1 – November 2022)  
Design and Access Statement by MAA Architects (November 2022)  
Transport Addendum by Markides Associates (12 May 2023)

Reason: For the avoidance of doubt and in the interests of proper planning.

### 3. Materials

The materials used in the construction of the development shall be in accordance with the materials described in the submitted design & access statement and the approved plans.

Reason: To ensure that the materials harmonise with the existing building and surrounding area, in accordance with policies 7.4, 7.8 and 7B of the Ealing Development Management Development Plan 2013, policies 1.1 (g) (h), 1.2 (f) and 2.10 of the adopted Local Development Framework (Core Strategy 2012) and policy D4 and HC1 of the London Plan (2021).

### 4. Co-living use

The proposed co-working and communal parts of the ground floor and floors 1 to 8 of the development hereby approved shall be used as a co-living scheme and for no other purpose or any use cited in any provision of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (or any subsequent order revoking and re-enacting that Order with or without modifications) relevant to uses falling within Use Class Sui Generis.

Reason: To ensure that the Council retains control over the quality, impacts and provision of any change of use thereby safeguarding amenities of the occupiers of neighbouring properties and transport capacity in accordance with policies GG2, D14, T4 and T7 of the London Plan (2021); 1.1 and 1.2 of the Ealing Development (Core) Strategy 2026 (2012); and 7A and 7B of the Ealing Development Management DPD (2013).

### 5. Co-Living Management Scheme

Prior to the first occupation of the development, a detailed Co-Living Management Scheme shall be submitted to the Council for approval in writing and must include details of: -

- a. appointed Co-living site manager/s
- b. security and fire safety procedures
- c. move in and move out arrangements
- d. how all internal and external areas of the development will be maintained
- e. how communal spaces and private units will be cleaned and how linen changing services will operate
- f. how deliveries for servicing the development and residents' deliveries will be managed.
- g. maximum occupancy for the units

Reason: In the interest of residential amenity in accordance with policy D3, D4 and D6 of the London Plan (2021), policies 7A and 7B of the Ealing Development Management DPD (2013) and policies 1.1 and 1.2 of the Adopted Local Development Framework (Core Strategy 2012).

6. Refuse and recycle storage

Refuse and recycling storage areas indicated on the approved plans shall be provided and brought into use prior to the first occupation of the development permitted and retained thereafter.

Reason: To protect the living conditions of occupiers of the area and in the interests of the future occupants of the development in accordance with policies with policies 3.5 and 7B of the Ealing Development Management Plan 2013, policies 1.1 (e) of the Adopted Ealing Development (Core) Strategy and The London Plan (2021) policy SI 7.

7. Cycle Storage

The 94 (x70 cycles on stacker frames, x18 cycles on standard Sheffield Stands, x6 cycles on large Sheffield Stands) cycle parking spaces shown on the approved plans shall be brought into use prior to first occupation of the development and retained permanently.

Reason: To provide adequate bicycle storage in accordance with Sustainable Transport SPG, policies T2, T3 and T5 of the London Plan (2021) and policies 1.1(f) and 2.1(d) of the Ealing Development Strategy (2012).

8. Energy and CO2

a) Prior to construction completion and occupation, the Development shall implement and maintain, and in the case of energy generation equipment confirm as operational, the approved measures to achieve an overall sitewide reduction in regulated CO2 emissions against SAP10 (or any later version) of at least 59.67% (equating to 25 tonnes of CO2 per year) beyond Building Regulations Part L 2021 (or any later version). These CO2 savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by SRE October 2022 (v1C) including:

i. Lean, passive design measures to achieve an annual reduction of at least 39.28% equating to at least 15.2 tonnes in regulated carbon dioxide (CO2) emissions over BR Part L 2021 for the residential rooms, and at least 3.13%, equating to at least 0.10 tonnes, over Part L 2021 for the communal space.

ii. Clean/Green, renewable/low-carbon energy equipment including the incorporation of photovoltaic panels with a capacity of at least 19.14 kWp, and Air Source Heat Pumps to achieve an annual reduction of at least 23.15%, equating to 9.70 tonnes, in regulated carbon dioxide (CO2) emissions over Part L 2021.

iii. Seen, heat and electric meters installed to monitor the performance of the PV and the carbon efficiency (SCOP) of the heat pump systems (including the heat generation and the electrical parasitic loads of the heat pumps), in line with the Council's monitoring requirements.

b) Prior to Installation, details of the proposed renewable/low-carbon energy equipment, and associated monitoring devices required to identify their performance, shall be submitted to the Council for approval. The details shall include the communal heat distribution loop schematics, the exact number of heat pumps, the heat pump thermal kilowatt output, heat output pipe diameters, parasitic load supply schematics, monthly energy demand profile, and

the kWp capacity of the PV array, the orientation, pitch and mounting of the panels, and the make and model of the panels. The name and contact details of the renewable energy/LZC installation contractor(s), and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.

c) On completion of the installation of the renewable energy/LZC equipment copies of the MCS certificates and all relevant commissioning documentation shall be submitted to the Council.

d) The development shall incorporate the overheating mitigation measures detailed in the dynamic Overheating Analysis by SRE in Oct-22 (v1C). Any later stage version shall be compliant with CIBSE guidance Part O (TM59/Guide A), and/or TM52, and modelled against the TM49 DSY1 (average 2020 and future summer 2050) weather data files for TM59 criteria (a) and (b).

e) Within three months of the occupation/first-use of the development a two-page summary report prepared by a professionally accredited person comparing the “as built stage” TER to BER/DER figures against those in the final energy strategy along with the relevant Energy Performance Certificate(s) (EPC) shall be submitted to the Council for approval.

Reason: In the interest of addressing climate change and to secure environmentally sustainable development in accordance with policies SI2 and SI3 of the London Plan (2021), and the relevant guidance notes in the GLA Energy Assessment Guidance 2020, policies LV5.2 and 7A of Ealing’s Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing’s Development (Core) Strategy 2012.

9. Post-construction renewable/low-carbon energy equipment monitoring

In order to implement Ealing Council DPD policy E5.2.3 (post-construction energy equipment monitoring), and key parts of London Plan policy SI2 (“be Seen”), the developer shall:

a) Enter into a legal agreement with the Council to secure a S106 financial contribution for the post-construction monitoring of the renewable/low carbon technologies to be incorporated into the development and/or the energy use of the development as per energy and CO2 Condition(s).

b) Upon final construction of the development, and prior to occupation, the agreed suitable devices for monitoring the performance/efficiency of the renewable/low-carbon energy equipment shall be installed. The monitored data shall be automatically submitted to the Council at daily intervals for a period of four years from occupation and full operation of the energy equipment. The installation of the monitoring devices and the submission and format of the data shall be carried out in accordance with the Council's approved specifications as indicated in the Automated Energy Monitoring Platform (AEMP) information document. The developer must contact the Council’s chosen AEMP supplier (Emergence Ltd) on commencement of construction to facilitate the monitoring process.

c) Upon final completion of the development and prior to occupation, the developer must submit to the Council proof of a contractual arrangement with a certified contractor that

provides for the ongoing, commissioning, maintenance, and repair of the renewable/low-carbon energy equipment for a period of four years from the point that the building is occupied and the equipment fully operational. Any repair or maintenance of the energy equipment must be carried out within one month of a performance problem being identified.

Reason: To monitor the effectiveness and continued operation of the renewable/low carbon energy equipment in order to confirm compliance with energy policies and establish an in-situ evidence base on the performance of such equipment in accordance with London Plan (2021) policy SI2 (“Be Seen” stage of the energy hierarchy), Ealing’s Development (Core) Strategy 2026 (3rd April 2012) and Development Management DPD policy 5.2, E5.2.3, and Policy 2.5.36 (Best Practice) of the Mayor’s Sustainable Design & Construction SPG.

#### 10. Post-construction energy use monitoring (“be Seen”)

In order to demonstrate compliance with the ‘be seen’ post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and all in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

- a) Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate and verified estimates of the ‘be seen’ energy performance indicators, as outlined in Chapter 3 ‘Planning stage’ of the GLA ‘Be seen’ energy monitoring guidance document, for the consented development. This should be submitted to the GLA’s monitoring portal in accordance with the ‘Be seen’ energy monitoring guidance.
- b) Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the ‘be seen’ energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 ‘As-built stage’ of the GLA ‘Be seen’ energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA’s monitoring portal. In consultation with the Council’s chosen Automated Energy Monitoring Platform provider the owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 ‘In-use stage’ of the GLA ‘Be seen’ energy monitoring guidance document.
- c) Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 ‘In-use stage’ of the GLA ‘Be seen’ energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA’s monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 ‘In-use stage’ of the GLA ‘Be Seen’ energy monitoring guidance document for at least five years.



d) In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner should use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority. The measures approved by the Local Planning Authority should be implemented by the legal Owner as soon as reasonably practicable.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

11. Circular Economy

The Circular Economy statement produced by SRE in October 2022 (v1F), or any later approved version, should be implemented including; diverting 95% of construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, and diverting the London Plan target of 65% of Operational Waste from landfill by 2030.

Reason: In the interests of sustainable waste management and in order to maximise the appropriate re-use and recycling of materials in line with London Plan Policy D3 (Optimising site capacity), SI7 (Reducing waste), SI2 (Minimising greenhouse gas emissions).

12. Non-Residential BREEAM energy/CO2 accreditation

a) The non-residential element of the development shall be registered with Building Research Establishment (BRE) and achieve BREEAM Rating Very Good and make reasonable endeavours to achieve Excellent (based on the latest BREEAM NC Technical guidance). The Development should endeavour to achieve the design phase pre-assessment score of 74.62% (Excellent) and actively aim to deliver the additional potential credits identified giving it a possible 81.96% score.

b) Within 3 months of completion of each non-residential element of the development, Interim BREEAM NC Assessment and related Certification verified by the BRE shall be submitted to the Local Planning Authority for written approval.

c) Within 3 months from the date of first occupation of each non-residential element of the development, BREEAM 'Post Construction Stage' Assessment and related Certification verified by the BRE should be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures have been implemented.

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

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies SI2 and SI3 of the London Plan (2021), and the relevant guidance notes in the GLA Energy Assessment Guidance 2020, policies LV5.2 and 7A of

Ealing's Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy 2012, policies LV5.2 and 7A of the Ealing Development Management DPD 2013, and Policies 1.1(k) and 1.2(f) of the Ealing Development (Core) Strategy 2012.

13. Sustainable Design and Construction

Prior to completion the sustainability measures detailed in section 3 of the energy/sustainability strategy produced by SRE October 2022 (v1C), and any other relevant supporting documents, shall be implemented and maintained. The measures shall meet the requirements of local and regional planning policies and be in line with the Mayor's Sustainable Design and Construction SPG. The development shall be constructed in line with the approved energy and sustainability measures.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies SI2 and SI3 of the London Plan (2021), policies LV5.2 and 7A of Ealing's Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy 2012 and Mayor's Sustainable Design and Construction SPG.

14. Site Investigation (Contaminated Land)

Prior to the commencement of any works on site (except demolition and site clearance) the following shall be submitted to and subject to the approval in writing of the Local Planning Authority:

- o An intrusive contaminated land investigation and risk assessment of the site shall be carried out in accordance with BS1075:2011+A1:2013 and LCRM (formerly CLR11) guidance to assess the nature and extent of any contamination on the site. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

- o A contamination remediation scheme to bring the site to a condition suitable for the intended end use. It shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To protect the health and living conditions of residents in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

15. Verification Report (Contaminated Land)

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

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

**16. Sustainable Drainage Strategy**

Prior to the commencement of development, a sustainable drainage strategy and a ground investigation report shall be submitted to and approved in writing by the Local Planning Authority.

The sustainable drainage strategy shall include a drainage proforma form, a detailed drainage design (incl. drawings and supporting calculations) and a maintenance plan (incl. maintenance tasks for all drainage components). The strategy shall achieve compliance with greenfield run-off rates and shall demonstrate a reduction of flood risk (betterment of existing drainage) at the site through sustainable drainage mitigation techniques.

The ground investigation report shall determine infiltration rates, water table level, etc. and all other appropriate investigation to confirm the development would not adversely affect ground water flow paths. Consideration shall be given to compensate loss of storage within the ground and appropriate mitigation measures shall be implemented.

Approved details shall be implemented prior to the occupation of the development and permanently retained and maintained.

Reason: To reduce surface water run-off and the risk of the flooding of the application property, neighbouring properties, and local area in accordance with policy 5.12 of the Ealing Development Management DPD (2013), policy 1.2 of the Ealing Development (Core) Strategy), policies D10, SI 12 and SI 13 of the London Plan (2021) and the NPPF (2021).

**17. Secured by Design**

The development must achieve Secured by Design accreditation prior to first occupation of the development hereby approved and thereafter permanently retained.

Within three (3) months of first occupation, evidence that Secure by Design Accreditation has been achieved shall be provided in writing to the Local Planning Authority.

Reason: To ensure a safe and secure environment and reduce the fear of crime in accordance with policies D3 and D11 of the London Plan (2021).

**18. Details of Children’s Play Areas, Landscaping, Boundary Treatments, Green Roof and Surface Drainage**

Prior to first occupation or use of the proposed development hereby approved, the following details shall be submitted to and approved in writing by the local planning authority. The development shall be implemented only as approved and retained thereafter.

- Details of hard and soft landscaping scheme, including landscape design.
- Details of boundary treatments.
- Details of a Landscape Management Plan for a minimum period of 5 years from the implementation of final planting (specify only for applications with significant public aspect, important habitat qualities & opportunities or communal spaces in larger residential developments).

- Details of the green and brown roof construction and specification, together with a maintenance schedule.
- Details of sustainable urban drainage systems to be implemented on site.

Reason: To ensure that there is suitable provision for landscaping, play facilities and drainage within the site in accordance with policies 1.1 (e), 2.1 (c) of the Ealing Core Strategy (2012), policies LV 3.5 and 7D of the Ealing Development Management Development Plan Document (2013), policies D6, S4 and G5 of the London Plan (2021), SPG on Children's Play and Recreation, and the National Planning Policy Framework (2021).

19. Transport/commercial/cultural noise sources

Prior to commencement of the development (excluding site clearance, demolition and site setup), a noise assessment shall be submitted to the Council for approval in writing, of external noise levels from transport and industrial/ commercial/ cultural sources, having regard to the assessment standards of the Council's SPG10 including aircraft noise data in Section 6, SPG10 (worst mode aircraft 1-day noise contour predicted for 2016 (60 dB). Details shall include the sound insulation of the building envelope including glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise) to achieve internal noise limits specified in SPG10.

Best practicable mitigation measures shall also be implemented, as necessary, in external amenity spaces to achieve criteria of BS8233:2014. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012), policies 7A & 7B of the Ealing Development Management Development Plan Document (2013), policy D14 of The London Plan (2021), Ealing SPG10 and the National Planning Policy Framework (2021).

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

Prior to commencement of the development (excluding site clearance, demolition and site setup), details shall be submitted to the Council for approval in writing, of an enhanced sound insulation value of at least 5dB above the maximum Building Regulations value, for the floor/ceiling/wall structures separating multi-purpose rooms from sleeping accommodation in separate dwellings. The assessment and mitigation measures shall have regard to standards of the Council's SPG10 and noise limits specified in BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the residential occupiers, in accordance with Standard 30 of the Housing SPG and Policy D14 of the London Plan (2021).

21. Lifts

Prior to commencement of the development (excluding site clearance, demolition and site setup), details shall be submitted to the Council for approval in writing, of enhanced sound

insulation of lifts and lift shafts, in accordance with noise limits specified in Table 5 BS8233:2014. Where noise emissions include characteristic features, the Noise Rating level shall not exceed NR20 Leq 5mins inside a habitable room. Details shall include mitigation measures and the resulting sound insulation value and internal sound/rating level in dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with policies 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy D14, T1, T3 and T4 of the London Plan (2021), the National Planning Policy Framework (2021) and Interim guidance SPG 10 'Noise and Vibration'.

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

Prior to the commencement of the development (excluding site clearance, demolition and site setup), details shall be submitted to the Local Planning Authority for approval in writing, of plant/ machinery/ equipment/ducting/air in- and outlets/ mechanical installations and their external rating noise level, together with mitigation measures as appropriate. The measures shall ensure that the external rating noise level LAeq emitted will be lower than the lowest existing background sound level LA90 by 10dBA at the most noise sensitive receiver locations at the development site and at surrounding premises. The assessment shall be made in accordance with BS4142:2014 +A1 2019, with all plant/equipment operating together at maximum capacity. Where required, a post installation sound assessment shall be submitted to the Local Planning Authority for approval in writing. The assessment shall be carried out to confirm compliance with the noise criteria and shall include additional steps to mitigate noise as necessary.

Approved details shall be implemented prior to occupation/ use of plant/ machinery/ equipment and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with policies 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and D14 of the London Plan (2021), the National Planning Policy Framework (2021) and Interim guidance SPG 10 'Noise and Vibration'.

23. Anti- vibration mounts and silencing of machinery etc.

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

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration noise from mechanical installations/ equipment, in accordance with policies 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2021) and Interim guidance SPG 10 'Noise and Vibration'.

24. Commercial External doors and windows to remain shut

The use of commercial kitchens and communal function rooms, gym etc. shall not commence until all external doors have been fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows to rooms where noise, smell, smoke or fumes may be emitted, be fixed in an open position.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise /odour /smoke /fumes, in accordance with policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021) and the National Planning Policy Framework (2021).

25. Permitted hours of public use of public ground floor commercial outlet in consideration of the many residents at and near the development

The internal use of the commercial premises shall not be permitted for public use outside of the hours of 08:00 to 23:00.

Reason: To safeguard residential amenity in accordance with policies 7A & 7B of the Ealing Development Management DPD (2013), policies D6 and D14 of the London Plan (2021) and the National Planning Policy Framework (2021).

26. Extraction and Odour Control system for non-domestic kitchens

Prior to commencement of the development (excluding site clearance, demolition and site setup), details shall be submitted to the Council for approval in writing, of an odour risk assessment (according to 2018 EMAQ Guidance) and of odour abatement equipment and extract system, including operational details and maintenance schedule, the height of the extract duct, with vertical discharge outlet, without cowl, at least 1m above the eaves of the main building. Details shall be provided of a reasonable distance of the extract outlet approximately 20.0meters from any openable window unless effective odour control is installed. Approved details shall be implemented prior to use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by smell or steam, in accordance with policy 7A of the Ealing Development Management DPD (2013), policy D14 of the London Plan (2021) and the National Planning Policy Framework (2021).

27. Floodlights, Security lights and Decorative External Lighting

External artificial lighting at the development shall not exceed the vertical illumination lux levels at neighbouring premises that are recommended for Environmental Zone 3 by the Institution of Lighting Professionals in the 'Guidance Note 01/20 For The Reduction Of Obtrusive Light'. Lighting should be minimized by limiting the hours of use. Glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with policy D4 of The London Plan (2021).

28. Gym sound insulation/ isolation

Prior to internal fitout of the approved gym, an acoustic report shall be submitted to the Council for approval in writing, detailing the following:

- the sound insulation performance of the floor, ceiling and walls separating the gym from adjoining noise sensitive premises/ dwellings/ study areas/ parts of the development;
- anti-vibration fittings and/or other mitigation measures required for the isolation of exercise equipment, loudspeakers and floors for use by group exercise classes, weights, machines;
- details to demonstrate that noise from the use of the gym including music, instructor's voices, group exercise classes, activities and use of equipment does not exceed
  - NR25 Lmax(fast) from structure borne / impact noise
  - NR20 Leq,5min from general airborne activity noise (including music)

within adjoining or nearby premises. The assessment and mitigation measures shall be based on standards of the Council's SPG10. Approved details shall be implemented prior to use of the gym and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and vibration, in accordance with policy D6 and D14 of The London Plan (2021).

29. Demolition Method Statement and Construction Management Plan

Prior to commencement of the development, a demolition method statement/ construction management plan shall be submitted to the Council for approval in writing. Details shall include control measures for:-

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

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the site, in accordance with policy D14 of the London Plan and Policy 7A of the Ealing Development Management DPD.

30. Construction Logistics Plan

Prior to the commencement of development, a site Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include the following:

1. On-site construction worker parking;

2. Anticipated number, frequency and size of construction vehicles entering/exiting the site;
3. Delivery times and booking system (staggered to avoid morning and afternoon school run peak periods);
4. Site security;
5. Secure, off-street loading and drop-off facilities, and locations thereof;
6. Vehicle manoeuvring and turning, including swept path diagrams to demonstrate how vehicles will access the site and be able to turn into and emerge from the site in forward gear;
7. Locations for the storage of building materials and construction debris and contractors' offices;
8. Procedures for on-site contractors to deal with complaints from local residents including the name, telephone number and address of a responsible person to whom enquiries / complaints should be directed. These contact details shall also be displayed at regular intervals around the site compound;
9. Confirmation of use of Transport for London's Freight Operator Recognition Scheme (FORS) or similar;
10. Control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 08:00-18:00hrs Mondays to Fridays and 08:00-13:00hrs on Saturdays, and the advance notification to neighbours and other interested parties of proposed works.

Reason: To protect the amenity of local residents and ensure adequate highway and site safety in accordance with policies D6, D11, D14, SI1, S12, T1, T2, T4 and T5 of the London Plan (2021); the Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006)'; and BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open sites-Part 1: Noise and TFL Construction Logistics Planning Guidance.

### 31. Delivery and Servicing Plan

Prior to first occupation of any part of the development hereby approved a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover the following:

- Vehicle tracking- swept paths drawings for refuse lorry vehicle, 10-metre rigid vehicle and also a fire appliance vehicle;
- Deliveries and collections (both commercial and residential); including how deliveries will be scheduled to avoid several lorries arriving at the site simultaneously;
- Servicing trips (including maintenance); measures to reduce the number of freight trips to the site (freight consolidation);
- Details of the location and management of the parcel room for the receipt and collection of deliveries for the residential properties;
- Cleaning and waste removal; including arrangements for refuse collection;
- Monitoring and review of operations.

The delivery and servicing plan shall be implemented on first occupation of any part of the development hereby approved and the site shall be managed in accordance with the approved plan for the life of the development.”

The Delivery and Servicing Plan shall be implemented on first occupation of any part of the development hereby approved and the site shall be managed in accordance with the



approved plan for the life of the development, or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development can be adequately serviced in the interests of the amenity of occupiers of the development and neighbouring properties, local/regional strategies adopted to increase the use of sustainable modes of transport, and pedestrian and highway safety and movement, in accordance with policies D4, D6, D8, S17, T1, T2, T4, T5, T6 and T6.1 of the London Plan (2021).

**32. Piling Method Statement**

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

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

**33. Protection of Trees/Hedgerows and Planting Locations (Demolition & Construction)**

Operations (including initial site clearance) shall be carried out strictly in accordance with the Arboricultural Planning Report by AD Trees (14 October 2022).

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London's environment, air quality and adapting to and mitigating climate change in accordance with policies 5.10 and 7.21 of the London Plan, policy 5.10 of Ealing's Development Management DPD and Ealing's SPG 9 - Trees and Development Guidelines.

**34. Fire Statement**

Prior to the commencement of the superstructure works of the development, a Fire Statement shall be submitted to and approved by the local planning authority in writing. The Fire Statement shall include details of:

- The building's construction: methods, products and materials,
- Appropriate features which reduce the risk to life in the event of a fire,
- Appropriate way to minimise the risk of fire spread,
- A robust strategy for evacuation, including a convenient means of escape for all building users,
- How access will be achieved for fire service personnel and equipment in an evacuation situation, including water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, and

- Any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of those.

Reason: In the interests of fire safety and to ensure the safety of all building users, in accordance with policy D12 of the London Plan (2021).

### 35. Accessible Units

Nine of the approved co-living rooms shall be designed and constructed to meet Approved M (Volume 1: Dwellings), Part M4(3) (Wheelchair user dwellings) of Building Regulations 2015, or other such relevant technical standards in use at the time of the construction of the development.

Reason: To the provision of wheelchair housing in a timely fashion and address the current unmet housing need, production of a sustainable mix of accommodation, provision of an appropriate choice and housing opportunity for wheelchair users and their families in accordance with policies D5, D6, D7 and GG4 of the London Plan (2021); 1.1 of the Ealing Development (Core) Strategy 2026 DPD (2012).

### 36. Submission of a Bird Hazard Management Plan

Development (excluding site clearance, demolition and site setup) shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

### 37. Ventilation Strategy

Prior to the commencement of the development (excluding site clearance, demolition and site setup), a Ventilation Strategy Report to mitigate the impact of existing poor air quality for residents shall be submitted to and approved by the Local Planning Authority. The report will contain details for the installation of a filtered fresh air ventilation system capable of mitigating elevated concentrations of nitrogen oxides and particulate matter in the external air for all co-living units.

The report shall also include the following information:

- a) Details and locations of the ventilation intake locations of all floors
- b) Details and locations of ventilation extracts locations of all floors

The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the

property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To minimise exposure to existing poor air quality, and provide a suitable internal living environment for future occupiers, in accordance with policy SI 1 of the London Plan 2021, policy 1.1(j) of the Ealing Development Strategy 2026 DPD (2012); and policy 7A of the Ealing Development Management DPD (2013).

**38. Air Quality and Dust Management Plan**

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

The plan shall include:

- a) Dust Management Plan for Demolition Phase
- b) Dust Management Plan for Construction Phase

The applicant shall contact the council's pollution technical team about the installation of air quality monitors on site and always provide direct access to monitoring data for the duration of the project. The monitors shall be installed on site at least 4 weeks prior to any site clearance and demolition to provide baseline data and shall be maintained on site until first occupation of the development hereby approved. Direct access to monitoring data will be always provided. The Air Quality Dust Management Plan shall be implemented on commencement of any works on site and the site shall be managed in accordance with the approved plan for the duration of the construction.

Reason: In the interests of the amenity of adjoining occupiers and to minimise particulate matter associated with construction works in accordance with policies 1.1 (e) (f) (j) of the Ealing Development (Core) Strategy 2012, policy 7A of the Ealing Development Management Development Plan (2013) and policy SI1 of the London Plan(2021); and National Planning Policy Framework (2021).

**39. Non-Road Mobile Machinery**

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

Reason: To safeguard adjoining occupiers of the development against unacceptable noise, disturbance and emissions, policies 1.1(j) of the Ealing Development (Core) Strategy (2012),

Local Variation policy 3.5 and policy 7A of Ealing's Development Management DPD (2013) and policy SI1 of the London Plan(2021); and National Planning Policy Framework (2021).

**43. Fire Statement**

Prior to the commencement of the superstructure works for each block of the development, a Fire Statement shall be submitted to and approved by the local planning authority in writing.

The Fire Statement shall include details of:

- The building's construction: methods, products and materials,
- Appropriate features which reduce the risk to life in the event of a fire,
- Appropriate way to minimise the risk of fire spread,
- A robust strategy for evacuation, including a convenient means of escape for all building users,
- How access will be achieved for fire service personnel and equipment in an evacuation situation, including water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, and
- Any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of those.

Reason: In the interests of fire safety and to ensure the safety of all building users, in accordance with policy D12 of the London Plan (2021).

**Informatives:**

- 1 The decision to grant planning permission has been taken in accordance with the statutory duty under section 38(6) Planning and Compulsory Purchase Act 2004 that the application must be determined in accordance with the development plan unless material considerations indicate otherwise; and in accordance with the statutory duty under section 70(2) Town and Country Planning Act 1990 (as amended) to have regard to the provisions of the development plan, so far as material, any local finance considerations so far as material, and to all other material considerations. The decision to grant planning permission has been taken having regard to the formal comments received by the Greater London Authority and other representations received; and after considering the National Planning Policy Framework (2021), the policies and proposals in the London Plan (2021) and all relevant material considerations including Supplementary Planning Documents/Guidance, and the following:

National Planning Policy Framework (2021)

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

London Plan (2021)

Policy GG1 Building Strong and Inclusive Communities  
Policy GG2 Making the Best Use of Land  
Policy GG3 Creating a Healthy City  
Policy GG4 Delivering the Homes Londoners Need  
Policy GG5 Growing a Good Economy  
Policy GG6 Increasing Efficiency and Resilience  
Policy SD10 Strategic and Local Regeneration  
Policy D1 London's Form, Character and Capacity for Growth  
Policy D2 Infrastructure Requirements for Sustainable Densities  
Policy D3 Optimising Site Capacity Through the Design-Led Approach  
Policy D4 Delivering Good Design  
Policy D5 Inclusive Design  
Policy D6 Housing Quality and Standards  
Policy D7 Accessible Housing  
Policy D8 Public Realm  
Policy D10 Basement Development  
Policy D11 Safety, Security and Resilience to Emergency  
Policy D12 Fire Safety  
Policy D14 Noise  
Policy H1 Increasing Housing Supply  
Policy H2 Small Site  
Policy H4 Delivering Affordable Housing  
Policy H5 Threshold Approach to Applications  
Policy H6 Affordable Housing Tenure  
Policy H7 Monitoring of Affordable Housing  
Policy H10 Housing Size Mix  
Policy H11 Build to Rent  
Policy H16 Large-Scale Purpose-Built Shared Living  
Policy S3 Education and Childcare Facilities  
Policy S5 Sports and Recreation Facilities  
Policy E11 Skills and Opportunities for All  
Policy HC1 Heritage Conservation and Growth  
Policy HC6 Supporting the night-time economy  
Policy HC7 Protecting public houses  
Policy G1 Green Infrastructure  
Policy G4 Open Space  
Policy G5 Urban Greening  
Policy G6 Biodiversity and Access to Nature  
Policy S11 Improving Air Quality  
Policy S12 Minimising Greenhouse Gas Emissions  
Policy S13 Energy Infrastructure  
Policy S14 Managing Heat Risk  
Policy S15 Water Infrastructure  
Policy S17 Reducing Waste and Supporting the Circular Economy  
Policy S112 Flood Risk Management  
Policy S113 Sustainable Drainage  
Policy T1 Strategic Approach to Transport  
Policy T2 Healthy Streets  
Policy T3 Transport Capacity, Connectivity and Safeguarding  
Policy T4 Assessing and Mitigating Transport Impacts  
Policy T5 Cycling  
Policy T6 Car Parking  
Policy T6.1 Residential Parking  
Policy T7 Deliveries, Servicing and Construction  
Policy T9 Funding Transport Infrastructure Through Planning

Policy DF1 Delivery of the Plan and Planning Obligations

Adopted Development (Core) Strategy (2012)

- 1.1 Spatial Vision for Ealing
- 1.2 Delivery of the Vision for Ealing 2026
- 2.1 Realising the potential of the Uxbridge Road / Crossrail Corridor (a) (c)
- 2.10 Residential Neighbourhoods
- 3.8 Residential Neighbourhoods
- 6.4 Planning Obligations and legal agreements

Ealing Development Management Development Plan Document (2013)

- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and Design of Housing Developments
- Policy 3A Affordable Housing
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.10 Urban Greening
- Policy 5.11 Green Roofs and Development Site Environments
- Policy 5.12 Flood Risk Management
- Policy 5.21 Contaminated Land
- Policy 6.13 Parking
- Policy 7A Amenity
- Policy 7.3 Designing Out Crime
- Policy 7.4 Local Character
- Policy 7B Design Amenity
- Policy 7C Heritage
- Policy 7D Open Space

Draft New Local Plan

Policy DMP1 Tall Buildings

Other Material Documentation:

- Ealing Housing Design Guidance (2022)
- Interim SPG 4 Refuse and Recycling Facilities
- Interim SPG 10 Noise and Vibration
- Ealing Council Waste Management Guidelines for Architects and Developers
- The Technical Housing Standards (March 2015)
- London Borough of Ealing Strategic Housing Market Assessment Update (2018)
- Mayor of London's Affordable Housing and Viability SPG (2017)
- Mayor of London's Housing SPG (2016)
- West Ealing Centre Neighbourhood Plan

In reaching this decision, specific consideration was given to the information contained in the applicant's submission including detailed plans, supporting statements and technical reports submitted with the application. The principle of the proposed land uses has been considered against relevant policies, the public benefits generated by the proposed development and the needs of the local area. Consideration was also given to the impact of the proposed development on the amenities of neighbouring residential properties and the character and appearance of the area. The principle of tall buildings on this site and its appropriateness in terms of its form, scale, layout and appearance and contribution that it makes to place making and the quality of the proposed residential environment and the amenity of future residents. The level of affordable housing is supported. Access, traffic, parking and servicing

implications have all been assessed and found to be acceptable as has the provision of quality hard and soft landscaping and public and private amenity spaces.

It was considered that subject to appropriate safeguarding conditions, given the nature of the proposed development and having considered all objections and comments received from stakeholders and interested parties to date, that on balance the proposals would accord with the relevant planning policies and guidance. It is therefore considered that planning permission should be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

**2** This development is the subject of an Agreement under Section 106 of the Town and Country Planning Act (as amended).

**3** The Mayor's Community Infrastructure Levy (CIL) was adopted on 01/04/2012 and later revised on 01/04/2019 (MCIL 2) This has introduced a charging system within Ealing of £60 per sqm of gross internal area to be paid to the GLA. On the basis of the information submitted with the application, the proposed development would be liable to pay CIL due to the development comprising of new residential uses and development of over 100sq.m which is not exempt from the Mayors CIL.

**4** Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The town and Country Planning (Development Management Procedure) (England) Order 2015.

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. Archaeological monitoring of geotechnical pits and boreholes can provide a cost-effective means of establishing the potential for archaeological remains to survive on previously developed land or where deep deposits are anticipated. It is usually used as part of a desk-based assessment or field evaluation.

**5** Construction and demolition works and associated activities at the development including deliveries, collections and staff arrivals audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays.

**6** At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of persons responsible for the site works should be signposted at the site and made available for enquiries and complaints for the entire duration of the works.

Updates of work should be provided regularly to affected neighbours. Any complaints should be properly addressed as quickly as possible.

**7** Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition.

**8** No waste materials should be burnt on site of the development hereby approved.

- 9 Best Practicable Means (BPM) should be used during construction and demolition works, including low vibration methods and silenced equipment and machinery, control and monitoring measures of noise, vibration, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary, in accordance with the Approved Codes of Practice of BS 5228-1 and -2:2009+A1:2014 Codes of practice for noise and vibration control on construction and open sites.
- 10 We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: “A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 11 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 12 As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>
- 13 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.



<https://www.thameswater.co.uk/developers/largerscaleddevelopments/planning-your-development/working-near-our-pipes>.

- 14** The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 15** The applicant is advised that further detailed design work will be required to satisfy the concerns of the London Fire Brigade. The applicant is referred to their consultation response dated 29 November 2022 reference 27/195266.

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ITEM 03 - 239 Horn Lane, Acton W3 9ED



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**Ref :** 225069FUL

**Address:** 239 Horn Lane, Acton, London, W3 9ED

**Ward:** North Acton

**Proposal:** Construction of a building ranging in height from 6 to 15 storeys, to provide builders merchants (Use Class Sui Generis) at ground floor level, and 185 self-contained residential units (Use Class C3) and associated amenity space at first floor level and above; hard and soft landscaping works; provision of car and cycle parking; works to provide means of access for both pedestrians and vehicles from Horn Lane and all other works incidental to the development. (Following demolition of existing builders merchants)

**Drawing numbers:** 1217\_GA-100 rev P7 (Proposed Plan – Ground Level); 1217\_GA-101 rev P7 (Proposed Plan – Mezzanine); 1217\_GA-102 rev P7 (Proposed Plan – Level 01 (Podium Level)); 1217\_GA-103 rev P7 (Proposed Plan – Level 02); 1217\_GA-104 rev P7 (Proposed Plan – Level 03); 1217\_GA-105 rev P7 (Proposed Plan – Level 04); 1217\_GA-106 rev P7 (Proposed Plan – Level 05); 1217\_GA-107 rev P7 (Proposed Plan – Level 06); 1217\_GA-108 rev P7 (Proposed Plan – Level 07 and 08 (Podium Level)); 1217\_GA-109 rev P7 (Proposed Plan – Level 09 and 10 (Podium Level)); 1217\_GA-110 rev P7 (Proposed Plan Level 11-14 (Podium Level)); 1217\_GA-113 rev P7 (Proposed Plan – Roof);

1217\_GE-101 rev P6 (Proposed Elevation – South Elevation); 1217\_GE-102 rev P6 (Proposed Elevation – East Elevation); 1217\_GE-103 rev P6 (Proposed Elevation – North Elevation); 1217\_GE-201 rev P6 (Proposed Elevation – Courtyard South); 1217\_GE-202 rev P6 (Proposed Elevation – Courtyard West); 1217\_GE-203 rev P6 (Proposed Elevation – Courtyard North); 1217\_GE-301 rev P6 (Proposed Elevation – West Gables); 1217\_GE-302 rev P6 (Proposed Elevation – East Gables); 1217\_GE-401 rev P6 (Proposed Bay Elevation – South Elevation); 1217\_GE-402 rev P6 (Proposed Bay Elevation – North Elevation); 1217\_GE-403 rev P6 (Proposed Bay Elevation – Courtyard South Elevation)

**Supporting Documents:** Planning Statement (DP9, November 2022) with revisions; Affordable Housing Statement (DS2 LLP, November 2022) with Addendum (DS2 LLP, June 2023); Air Quality Assessment (Air Quality Consultants, November 2022); Design and Access Statement (Buckley Gray Yeoman, November 2022) with Addendum (dated June 2023); Biodiversity Net Gain Plan (BMD, November 2022); Circular Economy Statement rev 02 (IN2, 31 March 2023); Daylight and

**Sunlight Report (Robinsons Surveyors, 21 October 2022); Ecological Assessment (BMD, November 2022); Ecology Technical Note (BMD, February 2023) Energy Strategy rev 03 (IN2, 6 April 2023); Fire Safety Statement rev 02 (Hoare Lea); Flood Risk Assessment and Surface Water Management Report (ICIS Design, October 2022); Pre-Demolition Audit (Stace, rev 03, dated 23 February 2023); Statement of Community Involvement (Kanda, October 2022); Outline Site Waste Management Plan (Velocity, November 2022); Operational Waste Management Strategy (Velocity, November 2022); Sustainability Statement rev 02 (IN2, 21 November 2022); Framework Travel Plan (Velocity, November 2022); Outline Construction Logistics Plan (Velocity, November 2022); Draft Delivery and Servicing Plan (Velocity, November 2022); Transport Assessment (Velocity, November 2022); Transport Technical Note (Velocity, May 2023); Townscape and Visual Impact Assessment (BMD, October 2022); Whole Life Carbon Assessment (IN2, 21 November 2022); Noise and Vibration Impact Assessment Report (KP Acoustics, ref: 23848.NVA.02, dated 5 June 2023); Technical Note (KP Acoustics, 8 June 2023); L21008-IN2-ZZ-ZZ-DR-M-0001 rev P01 (District Heat Network Plans)**

**Type of Application: Major**

**Application Received: 1 December 2022**

**Report by: Joel Holland Turner**

**Recommendation: Grant in principle, subject to conditions and a s.106 agreement and Stage II GLA referral and subject to a final decision to grant permission to be delegated to the Head of Development Management following consultation with the Chair of Planning Committee on the basis that any land use planning issues identified by the Health and Safety Executive (HSE) have been adequately addressed.**

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**Executive Summary:**

The proposed development involves the demolition of existing buildings and structures accommodating the existing Builders Merchant use (Sui Generis) and the construction of a mixed-use building up to 15 storeys in height. The ground floor of the building would have a larger than conventional floor-to-ceiling height, which would also accommodate a partial first floor area, containing administrative rooms for the Builders Merchant at ground floor. Above the Builders Merchant would be residential uses, that would be accessed from a large podium space, containing children’s play space, hard/soft landscaping and amenity space areas.

The residential uses would be arranged around four separate cores, referred to on the submitted plans as Lynton Road, Courtyard, Station and Horn Lane Blocks. Collectively, the proposed development would provide for 185 residential units (8 x studio, 91 x 1 bedroom, 74 x 2 bedroom and 12 x 3 bedroom). Of these homes, the development would provide for 35% Affordable Housing by habitable room, and the tenure split, when calculated by habitable room would provide for a 60/40 split in favour of London Affordable Rent over Intermediate housing products. The calculations of affordable housing are similar when calculated on a number of units or floorspace basis, which is outlined within the below report.

The scale and massing of the building provides for a range of heights across the scheme, with the highest element at 15 storeys being located along the railway and close to the Acton Main Line Station. The site is a designated development site under the current Local Plan which envisages the redevelopment of the site for a mixed-use development providing for commercial and residential uses, with the potential for student accommodation also given. Whilst it does not specifically mention that the site is suitable for a tall building, it does make note that any development should “optimise the development potential of the site” and “emphasise the location of this key transportation node (Acton Main Line Station)”. It should however be noted that policy LV7.7 of the Ealing Development Management DPD states that “Tall Buildings should be located on specified sites within Acton, Ealing and Southall Town Centres” and “specific locations identified as suitable through the Development Sites DPD”.

In the context of the Draft Local Plan, the site continues to be allocated as a development site, as suitable for a residential-led, mixed use development, with indicative heights at the current stage of the local plan mentioned as being 6-18 storeys. The Draft Local Plan also mentions that the “site falls within an area potentially appropriate for tall buildings”.

In order to assess the site’s suitability for a tall building and to assess the overall bulk, scale and massing proposed, a Visual Impact Assessment has been carried out in accordance Policy D9(C) of the London Plan. In long-range views, particularly from the north, the site sits appropriately within the emerging context of the area, particularly the Friary Park development, with a clear transition on building heights established. When viewed on approaches to the site on Horn Lane, the orientation and siting of the highest element of the scheme emphasises its location adjacent to the Acton Main Line Station in accordance with the site allocation. In shorter range views, the height of the building along Horn Lane would match that of the adjacent Acton House residential building, providing consistency within the streetscape. It is not considered that the proposal would have any substantial harm on any designated heritage assets within the area.

The proposal would significantly improve the pedestrian experience within the area and create a better sense of place. Currently existing on the site is a row of vacant shopfronts that would be demolished. Currently, the building line of these shopfronts projects significantly further forward than the neighbouring Acton House, creating a narrowing of the footpath in this location. The removal of these



existing buildings would allow the building line of the proposed development to be further setback, to match that of the adjacent Acton House. This would widen the footpath in this particular location, with improved footpaths, street furniture and trees providing a better relationship with the established built form and significantly humanising the public realm.

The proposed development would be a car-free development for the residential aspect of the scheme with adequate cycle parking space provided and the proposal would be in close proximity to Acton Main Line Station (Elizabeth Line) and local bus services. Future residents would be restricted from obtaining a parking permit and as such, the proposal would encourage modal shifts to more sustainable forms of transportation. Due regard has been given to Active Travel requirements, with financial contributions sought for local pinch points to improve pedestrian connectivity. Whilst there is a small uplift in the number of spaces for the commercial part of the scheme, this is considered acceptable given the nature of the commercial use, which predominantly deals in bulky goods. Deliveries and Servicing arrangements are considered to be acceptable and swept path analyses have been provided showing that the proposed servicing arrangements for both the residential and commercial elements of the development would be adequate.

An important consideration in the assessment of this application is the impact that the proposed development may have on the railway and the industrial uses on the northern side of the railway. Significant concern was raised that the introduction of residential uses to this site may compromise the continued operations of these existing uses. It should be noted that the Development Site allocation seeks the protection of these industrial uses. In addition, Policy D13 (Agent of Change) of the London Plan places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. As such, a revised Noise Assessment has been submitted through the course of the application, which was also reviewed by the Acoustic Engineer for Quattro and DB Cargo. The revised assessment has been submitted and reviewed by Council's Pollution-Technical Officer, who has accepted the findings of the Noise Report and recommended conditions to ensure that appropriate mitigation measures would be achieved. The applicant will also need to submit Post Construction Noise Assessments to confirmed that the relevant internal noise standards have been achieved.

The development would integrate a good amount of landscaping within the scheme, providing opportunities for amenity space to be proposed at both podium level, as well as through some rooftop areas. A compliant amount of children's play space would also be integrated into these amenity areas. Shortfalls in amenity space would be secured through financial contributions towards off-site provision at North Acton Playing Fields, along with contributions to the creation and improvement of allotment spaces within Acton.

The proposal would represent a sustainable form of development and Council's Energy Consultant is very supportive of the proposed Energy Strategy. Significant carbon reductions of 69.66% would be achieved through lean and green efficiency measures in line with the London Plan hierarchy and the shortfalls in the zero-carbon context would be offset through a financial contribution to Council's Carbon Offset fund. The performance of the Energy Strategy will be monitored to ensure that the predictions will be achieved, and monitoring will be undertaken by Emergence on behalf of LB Ealing.

Overall, the development is considered to fully optimise the opportunity that this underutilised site in a central location brings, delivering additional housing, including affordable housing and provide a more modern space for the Builders Merchant to occupy. The quality of the proposed residential accommodation is considered to be good and will provide good quality living conditions for future residents, subject to conditions. As such, the application is accordingly recommended for approval, subject to conditions, s106 agreement and Stage II referral to the GLA.

**Recommendation**

That the Planning Committee **GRANT** the principle of development, subject to the satisfactory completion of legal agreements under section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the items set out below.

The recommendation also includes that the final decision to be delegated to the Head of Development Management, following consultation with the Chair of Planning Committee, on the basis that any land use planning considerations identified by the Health and Safety Executive (HSE) have been adequately addressed.

**Heads of Terms**

The proposed contributions to be secured through a S106 Agreement are set out below.

| <b>Financial Contribution Heading</b>          | <b>Proposed Contributions</b> |
|--|-------------------------------|
| Education Infrastructure                       | £250,000                      |
| Healthcare provision                           | £650,000                      |
| Transport and Public Realm                     | £141,000                      |
| Travel Plan Monitoring                         | £6,000                        |
| North Acton Underground Station - TfL          | £56,888                       |
| Public Open Space – North Acton Playing Fields | £58,000                       |
| Allotment Garden Improvements                  | £18,000                       |
| Active Ealing (Sports Infrastructure)          | £200,000                      |
| Apprentice and Local Labour Scheme             | £60,000                       |
| Air Quality                                    | £56,000                       |
| <b>Subtotal</b>                                | <b>£1,495,888</b>             |
|  |                               |
| Carbon Offsetting                              | £154,868                      |
| Post Construction Energy Monitoring            | £9,524                        |
| <b>Total Contributions</b>                     | <b>£1,660,280</b>             |

**Heads of Terms**

- 35% of units by habitable rooms in the form of 35 units (96 HRs) as London Affordable Rent and 28 units (65 HRs) as Intermediate Housing Products
- Early-Stage Viability Mechanism
- Payment of the above contributions, which are to be index-linked
- Payment of car club membership for all residents for a period of 3 years
- Restoration of roads and footways damaged by construction and restoration of the kerb where necessary
- Agreement under s38 and s278 of the Highways Act in accordance with a specification to be agreed by the Council (for proposed pavement works, street furniture and trees). In addition, the possibility of the gained footpath space to become within Council’s adopted road network
- Participation in the Apprentice and Placement Scheme – 15 apprenticeships with 25% Local Labour
- Restriction of Parking Permits – all the units and their occupants shall be precluded from obtaining a parking permit and visitor parking vouchers to park within existing or future CPZs in the area

- Payment of Council's reasonable legal and other professional costs incurred in preparing the s106 agreement
- Administration costs for monitoring the legal agreement

**AND**

That the grant of planning permission be subject to the following conditions:

**Conditions/Reasons and Informatives: refer to Annexe 1**

**Site Description:**

The application site is an irregular shaped plot with an area of approximately 6,380sqm and a frontage to Horn Lane of 33.5 metres. The rear boundary of the site has a boundary with the adjacent railway corridor of 145 metres. The application site to its frontage contains a row of five separate commercial units that are built up to the footpath and are all currently vacant. Set into the site is a large warehouse structure that is currently occupied by a builder's merchant, with access provided to Horn Lane by a wide crossover that provides separate ingress and egress. The current crossover is generally of poor quality and does not provide a clear, separate pedestrian access route.



**Figure 1: Frontage of Site showing crossover, Acton House and shopfronts to be demolished.**

The surrounding area has a mix of uses and characters, and although the site is not designated as a Town Centre, Horn Lane has a presence of a number of different commercial uses at ground floor level and is designated as a Primary Shopping Frontage. Typically, residential uses are provided at upper floor levels, including at Acton House, which lies to the east of the application site.

The application site adjoins the railway corridor to the north. On the opposite side of the railway there are a number of industrial uses including the Acton Yard, which is a DB Cargo Operational and Service facility. There is also a facility by Quattro, which offer Skip Hire and Waste Management, Aggregate Supply, Ready-mix concrete and Muck-Away. There is also a smaller Scrap Metal Facility.



**Figure 2: Industrial activities on northern side of railway**

The site is within the vicinity of the Friary Park Estate development, which lies to the east of the site, on the opposite side of Horn Lane (Friary Road). There are also a number of conventional residential areas surrounding the application site, consisting of traditional two-storey homes both to the southwest and southeast of the site.

In terms of restrictive planning designations, the site is located within an allocated Development Site, which is combined with the industrial uses on the northern side of the railway. Under the current Local Plan, the allocated site is referred to as ACT6 and under the Draft Local Plan it is a development site under the designation AC12. The site is also within an area of Local and District Park Deficiency. There are no significant designated heritage assets within the vicinity of the application site.

The site is well-connected to transport services that provide connectivity across the LB Ealing and across London. This includes the Acton Main Line Station, which is part of the Elizabeth Line, as well as high frequency bus services on Horn Lane (Bus Routes 266, 440 and N266) which provide services between Acton Town Hall-Brent Cross Shopping Centre and between Turnham Green-Wembley respectively.

***The Proposal***

The proposal involves the demolition of all buildings including the existing warehouse structure that is occupied by the Builder’s Merchant, Jewson and the vacant commercial premises fronting Horn Lane. The proposal would involve the construction of a building ranging in height from 6 to 15 storeys. On the ground and part first floors (mezzanine), the builder’s merchant would reoccupy the space, with a showroom area to the front and materials arranged in racking to the rear. The showroom would continue at the part first floor, as well as storage and back of house facilities such as meeting rooms and offices.

The residential portion of the development would begin at second floor and would be separated from the commercial uses below. Access would be provided to the second floor via an archway on Horn Lane, that would provide stepped access, as well as elevators, to a garden podium area. Each of the individual cores would have primary access from the garden podium, with secondary access, primarily for fire safety purposes to the rear internal road.

A total of 185 residential units would be provided within the scheme, within four separate cores. The plans refer to the cores as the Lynton Road Block, Courtyard Block, Station Block and Horn Lane Block. The heights of each of the cores (including the two levels of commercial space) is outlined below:

|                          |                   |
|--------------------------|-------------------|
| <b>Lynton Road Block</b> | 8 storeys         |
| <b>Courtyard Block</b>   | 12 storeys        |
| <b>Station Block</b>     | 10 and 15 storeys |
| <b>Horn Lane Block</b>   | 6 and 7 storeys   |

The proposal would also include parking for residents holding a blue badge permit, as well as customers of the Builder’s Merchant. These would be accessed from an internal access road from Horn Lane, that would wrap around the eastern and northern edges of the building. The internal access road proposed would also provide the necessary 7 metre width to provide access to a triangular Network Rail site to the west.

***Consultation:***

**Pre- application**

|                     |  |
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| Design Review Panel | <p>The proposed development was presented to the Design Review Panel on 13 September 2022. A summary of the key points made is provided below:</p> <ul style="list-style-type: none"> <li>- The Panel felt that the building heights and massing were appropriate given the site context. The relationship between the blocks worked well and the presentation of alternative massing options was welcomed;</li> <li>- The deck access assists in providing a good amount of dual aspect units, however noted the challenges in providing generous circulation spaces, defensible space and adequate light;</li> <li>- The co-location of residential uses and the Builders Depot appears to work well;</li> <li>- The overall energy strategy was sound;</li> <li>- The podium garden and its access to residential cores works well;</li> <li>- Archway could be an exciting design element, however details would be needed to ensure that that the space is legible, safe</li> </ul> |
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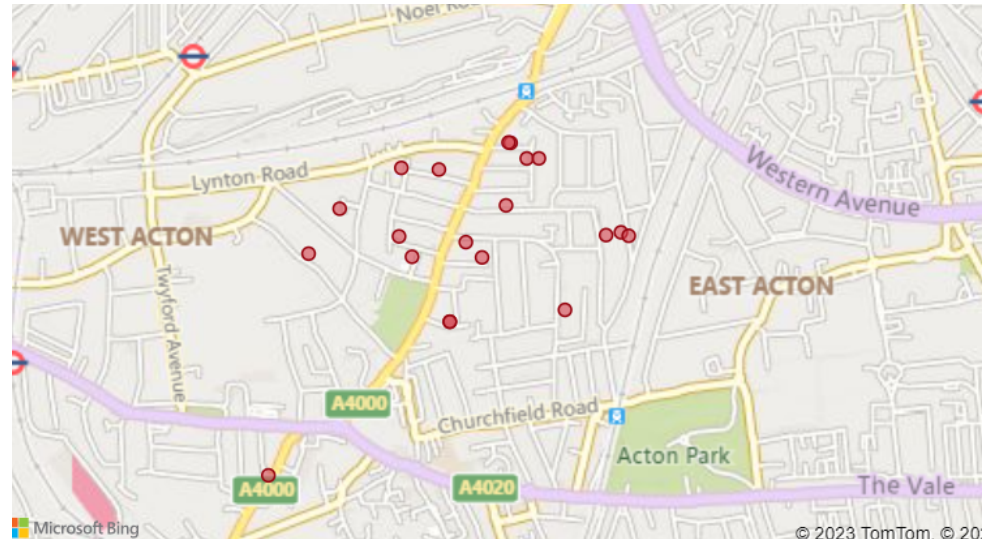
|                                    |  |
|------------------------------------|--|
|                                    | <p>(potential for ASB) and accessible for all;</p> <ul style="list-style-type: none"> <li>- Some rationalisations of the layout of residential units would be required;</li> <li>- Servicing and access strategy has been well considered for the depot use. However, further detail would be needed to determine how the residential servicing and deliveries would be managed.</li> <li>- Redistribution of cycle parking into smaller spaces should be considered; and</li> <li>- Materiality, character and architectural approach is sound</li> <li>- Further details on how the façade facing the railway would perform acoustically would be required.</li> </ul>   |
| <p>Community Panel      Review</p> | <p>The proposed development was presented to the Community Review Panel on 26 September 2022. A summary of the key points made is summarised below:</p> <ul style="list-style-type: none"> <li>- The principle of mixed-use development of the site was supported, however some concern was raised regarding the massing and height, particularly of the Station Block, which may be too imposing for the residents of Acton House;</li> <li>- The massing could also be simplified to create a more coherent impression and greater character could be utilised to distinguish the development from similar residential developments in the area;</li> <li>- The number of proposed residents through this development, along with Friary Park, would likely have an impact on local services and infrastructure;</li> <li>- Assurance would be needed that the co-location of commercial space and residential space would not have an impact on safety</li> <li>- Some panel members noted that student accommodation would have been preferable as this would have less of an impact on local services due to its more transitory nature;</li> <li>- Car free development was supported for the residential uses; and</li> <li>- Quality of life for future residents would need to be assured given its proximity to the railway, Horn Lane and the Builders Merchant.</li> </ul> |

Public consultation was also carried out by the applicant prior to the submission of this application which is outlined within the submitted Statement of Community Involvement. It is, however, noted that two residents, during the statutory consultation carried out by Council, stated that the consultation process carried out was insufficient and one resident noted that their enquiry was not responded to.

**Public Consultation – Summary**

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| <p>Neighbour Notification</p> | <p>Public consultation was undertaken by way of site notice and publication within the Ealing Gazette. Consultation commenced on 18/01/2023 and concluded on 08/02/2023. An extensive amount of site notices were placed in a large area surrounding the application site.</p> <p>Twenty-one (21) representations were received, with twenty (20) comments objecting to the proposal and one (1) supporting the proposed development. The image below (Figure 3) shows the locations of those who made representations on the proposal. The representation of support</p> |
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is not shown within the image below as this came from a resident within the North Hanwell Ward. It should be also noted that one objection has been discounted, as this objection was made in error on the wrong application, which was confirmed with the resident who made the objection.



**Figure 3: Location of representations received.**

A summary of the points of objection is provided below:

- Whilst the principle of regeneration in Horn Lane is supported, the proposal would place a strain on local facilities and infrastructure. There are no new schools, doctors being proposed
- Parking issues
- The Builders Merchant should not remain as it causes a lot of pollution from lorries and vehicles
- Question the compatibility with the builders merchant and residential uses
- Development is too high and out-of-character
- Poor air quality in the area
- All highrise buildings are coming to Acton, cant the rest of the Borough share the pain?
- Too many high rise buildings in Acton
- Building work will be noisy and disruptive
- There will be a massive amount of new residents when combined with Friary Park
- Proposal contradicts the climate emergency that was declared by LBE and GLA
- Inadequate consultation
- Inadequate affordable housing
- Not enough family homes
- Insufficient amenity space
- Acton Main Line is already overcongested
- Community is being ripped up by ugly highrises

The one comment in support of the application noted that:

- We are in a severe housing shortage and need more homes

across the Borough and this proposal would achieve that.

Officer Response:

Whilst the concern surrounding the height of the proposed development is acknowledged, the 15-storey element of the residential development has been sited in a way to have the least possible impact on both the townscape and the amenities of surrounding properties. The distribution of height within the development has also been considered through impacts on neighbouring residents, based on BRE Guidance. Whilst the development would rise to 15-storeys for a portion of one of the blocks, the more sensitive parts of the development would range in height from 6-8 storeys. This is in line with Acton House adjacent to the site, which has a height of 7 storeys. The site is also allocated within both the current and draft Local Plans as being a site that would be suitable for redevelopment.

The compatibility of providing residential uses alongside the Builders Merchant has been considered, and subject to conditions, the two uses could reasonably co-exist. Whilst current problems with the Builders Merchant are acknowledged, the proposal would improve the existing situation by providing a more formalised car parking arrangement and ingress/egress arrangements. A Road Safety Audit will also be required and pedestrian access in and around the site will be significantly improved.

In terms of the construction phase of the development, this will be heavily regulated, in terms of noise, vibration and dust emissions by a Demolition and Construction Management Plan, whereby these activities will need to adhere to relevant British Standards, with a Complaints Procedure established.

The sustainability of the site has been heavily considered and has given regard to Council's declaration of a Climate Emergency. The scheme has been assessed by Council's Energy Consultant who is supportive of the Energy Strategy presented.

The quality of the homes, housing mix and amenity space have been assessed and the proposal would provide good amounts of amenity space and high-quality homes. The proposal would deliver a significant amount of affordable housing in a well-located location. Whilst there would only be 12 x 3-bedroom homes within the scheme, it is noted that 4 of these would be within London Affordable Rent tenure, providing some contribution to accommodating families within the Borough. It should also be noted that the projected household size for the Borough is falling, with the GLA estimates showing an average household size of between 2.3 and 2.5 persons in 2026, as outlined within the Ealing Local Housing Needs Assessment Update (2022).

Acton Main Line currently has services operating every 15mins, and the Elizabeth Line now accounts for 1 in 6 journeys within the UK. Whilst existing congestion is the experience of one of the objectors, it is noted that congestion is not limited solely to Acton Main Line, but across the wider network. As an important transport node, it is important to focus



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|  | <p>residential development around such an area for more people to be able to move across London. It is noted that further capacity increases were introduced to the Elizabeth Line in May 2023 and increased services at other stations along the route will likely create additional space on those trains stopping at Acton Main Line. The Elizabeth Line has also suffered through some rail strikes across the network, with 15 strike days between November 2022 and January 2023, which have affected the service.</p>  |
| <p>Network Rail (Interested Party)</p> | <p>Network Rail have responded in two capacities.</p> <p>First, Network Rail have responded in their role as a Statutory Consultee, due to the site being within 10 metres of Network Rail land. This will be dealt with within the External Consultee section below.</p> <p>Second, Network Rail have responded as an interested party looking to temporarily occupy and secure rights over the site in connection with the carrying out of works to Old Oak Common Station. The Old Oak Common Station works include the development of a temporary road rail access point (RRAP) on to the Great Western Mainline (GWML) railway, as well as a permanent RRAP for future maintenance purposes. To facilitate use of the permanent RRAP, in addition to temporary rights over the site, Network Rail seeks a permanent easement across part of the site to allow access to third party land.</p> <p>In the absence of an agreement between Network Rail and the freehold owner of the site, on 17 April 2023 Network Rail made an application to the Secretary of State for an order under the Transport and Works Act 1992 (the TWAO) to facilitate proposed works at the site in connection with Old Oak Common Station. A TWAO is the usual way of authorising a new railway scheme in England and Wales and is determined by the relevant Secretary of State (not the LB Ealing).</p> <p>A TWAO does not in itself grant planning permission and Network Rail have also submitted a request for a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission be deemed granted for the development to be authorised by the draft TWAO.</p> <p>It must be noted that a TWAO can give rise to objections from people whose property or business is affected. In this instance, the freehold owner (being also one of the applicants) has submitted an objection to Network Rail’s proposed scheme. The freehold owner’s objection is classed as a ‘statutory objection’, which the Secretary of State has announced will be considered at a public inquiry.</p> <p>In their response to the application, Network Rail (as an interested party) do not object to the principle of the development, but they do highlight that the timing of the delivery of the applicants’ proposed scheme conflicts with Network Rail’s own plans to temporarily occupy the site in connection with the Old Oak Common Station works. Network Rail have, however, advised that they welcome the fact that the planning application clearly shows that the proposed development has been designed to</p> |

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|                             | <p>accommodate a vehicular access route along the rear boundary of the site adjacent to the GWML railway to facilitate Network Rail access to the permanent RRAP and hard standing.</p> <p><b>Officer Response:</b> The Council acknowledges that Network Rail’s proposals to temporarily occupy the site would appear to conflict with the timing of the applicants’ proposals for the site. However, the Council’s Legal Officers have been consulted and have advised that an active TWAO application would not prevent the Council from issuing a decision with regard to the proposed development, nor would the existence of a pending TWAO application be an adequate or just reason to refuse the application.</p> <p>Ultimately, the TWAO process is entirely separate to the determination of this planning application. It will be a matter for the Secretary of State for Transport to consider whether Network Rail’s TWAO proposals should be granted and there will be a public inquiry. This can be a lengthy period.</p> <p>In order to be pragmatic within this unique situation, the Council proposes to extend the time limit for implementation of the permission to 5 years instead of the conventional 3 years. This presents no conflict with s91 (General condition limiting duration of planning permission) of the Town and Country Planning Act 1990, which states at sub-section(1) that every planning permission granted or deemed to be granted shall be granted etc. subject to the condition that the development to which it relates must be begun not later than the expiration of the applicable period (currently 3 years in England) or “such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct”.</p> <p>The longer time limit would allow for maximum flexibility in terms of implementation of the planning permission and delivery the development, should the Secretary of State approve the TWAO. In this regard, it must also be re-emphasised that, as an interested party, Network Rail do not object to the principle of development. Their concern relates only to the potential conflict in terms of the timing of the delivery of the proposed scheme with Network Rail’s plans for the site.</p> <p>A condition has also been recommended should Network Rails TWAO succeed, which would relate to the applicant submitting a phasing plan, in order for certain works to be carried out relating to this permission, whilst Network Rail occupies the site temporarily.</p> |
| <p>Quattro and DB Cargo</p> | <p>Firstplan, acting on behalf of both Quattro and DB Cargo, submitted an objection to the scheme based on the acoustic assessment that was submitted with the application. It should be noted that the Council’s Pollution-Technical Officer also raised concerns with the same acoustic assessment.</p> <p>Accordingly, the applicant’s Acoustic Engineer met with the Acoustic Engineer acting on behalf of both entities on-site to work through the issues identified. A Revised Noise Assessment was produced and</p>  |

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|   | <p>submitted to Council. This Noise Assessment was shared with Firstplan for review (along with Council’s own Pollution-Technical Officer). Whilst Council’s Pollution-Technical Officer considered the details acceptable, Firstplan advised that they believed there were still some deficiencies within the report.</p> <p>However, having given regard to the recommended conditions relating to noise, they deemed that these conditions would ensure that noise generating activities of the industrial-type uses would be effectively mitigated against. This is in line with the Agent of Change requirements as outlined within Policy D13 of the London Plan.</p>   |
| <p><b>External Consultation</b></p>       |   |
| <p>Network Rail (Statutory Consultee)</p> | <p>Network Rail have no objections in principle the above proposals, however clarification is needed on a number of details relating to the Noise and Vibration Impact Assessment.</p> <ul style="list-style-type: none"> <li>• The Noise and Vibration Assessment states that due to the acoustic conditions (from the trainline and the builders’ merchants), mechanical cooling and ventilation will be used to provide indoor comfort.</li> <li>• Similarly, the Assessment states that Windows are openable to provide purge ventilation.</li> </ul> <p>Network Rail sought confirmation that windows on the railway side of the building will not be openable in order to reduce the potential noise disturbance to future residents from the operational railway.</p> <p>We also require clarity that the mitigation proposed is sound in providing sufficient noise reduction especially in relation to the side of the building that faces the railway.</p> <p>Other measures have been outlined with respect to the property’s relationship with Network Rail land and have been outlined within the recommended conditions.</p> <p><b>Officer Response:</b> Whilst generally windows would remain closed, and this the basis to which noise assessments and sound insulation will be carried out, windows to habitable rooms need to be openable, in order to allow for purge ventilation.</p> |
| <p>Thames Water</p>                       | <p>The proposed development is located within 15 metres of a strategic sewer. Condition requested for a Piling Method Statement</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021.</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the</p>  |

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|  | <p>above planning application, based on the information provided.</p>  |
| <p>Health and Safety Executive (HSE)</p> | <p>Awaiting final response.</p>  |
| <p>Greater London Authority (GLA)</p>    | <p><u>Land use principles:</u> The co-location of uses on this non-designated industrial site is acceptable in strategic planning terms.</p> <p><u>Affordable housing:</u> The scheme proposes 36.4% affordable housing by habitable room comprising 60% low-cost rent (106 habitable rooms) to 40% intermediate (72 habitable rooms), with no loss of industrial floorspace capacity. The proposal is eligible for the Fast-Track Route (subject to receipt of confirmation from Network Rail) and this must be secured by s106 Agreement.</p> <p><u>Urban design:</u> The site layout has been designed to appropriately respond to the site context. The height and massing would be generally consistent with the emerging context and site allocation however, in relation to height, the proposals do not comply with Part B of Policy D9 and further assessment against the criteria in Part C of D9 will be carried out at Stage 2. Two staircases are required to all tall buildings (over 30m) in order to demonstrate the highest standards of fire safety in accordance with Policy D12.</p>   |
| <p>Transport for London (TfL)</p>        | <p>The public realm around the main entrance should be of high quality and inviting, providing a clear indication that this is the main route in and out for pedestrians and cyclists.</p> <p>Vehicular access is to remain from Horn Lane, with it proposed that this access widen. In line with TfL guidance, it is recommended that any amendments to the highway are supported by a Road Safety Audit (RSA). In line with the Healthy Streets approach, this access should clearly prioritise pedestrian movement over that of vehicles. Any amendments to the highway network should be delivered via a S278 agreement with the appropriate highway authority.</p> <p>A financial contribution of £189,625 should be secured for improvements to North Acton Underground Station</p> <p>336 long-stay cycle parking spaces are proposed, of which nine will be for the B2-B8 use. 11 short-stay cycle parking spaces are proposed for all uses. This quantum is in line with the minimum standards identified within Policy T5. Cycle parking should be designed in line with London Cycle Design Standards (LCDS)</p> <p>End-of-trip facilities should be provided for the commercial use.</p> <p>The residential element of the proposed development is to be car-free, with the exception of disabled person parking provision. This is welcomed subject to a permit-free agreement and appropriate contribution towards reviewing local parking controls being secured.</p> |

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|  | <p>A full Delivery and Servicing Plan and Travel Plan should be submitted</p> <p>19 car parking spaces are proposed to be provided for the re-provided builders' merchant, which comprises of the re-provision of 16 spaces for customers and three spaces for operational vehicles. Whilst it is appreciated that will be some operational parking required associated with the builders' merchants, in line with London Plan policy clear justification for the quantum is required.</p>  |
| <p>TfL Safeguarding Engineer (Infrastructure Protection)</p> | <p>London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.</p>   |
| <p>Healthcare (NHS Property)</p>                             | <p>NHS NW London ICB would request a capital contribution for local Primary and Community healthcare facilities. The ICB (Integrated Care Board) is currently undertaking a feasibility study to review the options for a health centre redevelopment in the Acton area.</p>  |
| <p>National Highways</p>                                     | <p>Given the scale of the development and car-free nature of the residential element, this level of anticipated traffic is not expected to have a material effect on the safety or operation of our network and we raise no objection to the proposal.</p>  |
| <p>British Transport Police Designing Out Crime Unit</p>     | <p>There is no objection in principle to the development but due to the likelihood of increased public activity in the vicinity of the railway, and the potential for trespass on the railway to increase, it is felt that the following comments should be brought to the council and developers attention should building works go ahead:</p> <ul style="list-style-type: none"> <li>• Roof terraces and balconies located adjacent to the railway will require parapet at sufficient height to prevent objects being thrown on to the overhead electric lines and tracks. Any debris landing on the railway system has the potential to prevent trains from running.</li> <li>• Railway boundary fencing may need to be replaced with a Class 1 boundary measure, to prevent a fare evasion/trespass desire line between the platforms at Acton Central station and this development, Network rail will be able to provide confirmation. Trespass onto the railway is a criminal offence and serious injury and loss of life can occur should individuals gain access. It can also result in damage to the railway infrastructure and cause long delays to railway services which can not only impact local services but also services many miles away.</li> </ul> |
| <p>Metropolitan Police</p>                                   | <p>Request a condition noting that the development shall achieve Secure by Design Accreditation prior to occupation.</p> <p>A number of potential issues have been identified, including:</p> <ul style="list-style-type: none"> <li>- Concerns regarding the rear car parking area, which would be used by disabled residents and the industrial use proposed at ground floor. Could lead to ASB after hours, due to limited natural surveillance. More segregation between the residential use should be secured and the security gates leading to the rear are should be</li> </ul>  |

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|                                     | <p>secured at 5pm to limit access to the public.</p> <ul style="list-style-type: none"> <li>- The current postal strategy is not fit-for-purpose, however the Officer notes that the Met Police are having ongoing discussions regarding this matter and will be dealt with by discussions going forward.</li> </ul>  |
| <p>Historic England</p>             | <p>No objection to the proposed scheme</p>  |
| <p>NATS Safeguarding</p>            | <p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p>  |
| <p>Heathrow Airport</p>             | <p>Heathrow Airport have assessed the application against safeguarding criteria and can confirm that they have no safeguarding objections to the proposed development.</p> <p><b><u>Obstacle Lighting</u></b><br/>         Although it isn't anticipated that the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or Radar. We would like to advise the developer that if a crane is required for construction purposes, then red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib if a tower crane, as per the requirements set out by CAP1096.<br/> <a href="https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&amp;mode=detail&amp;id=5705">https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&amp;mode=detail&amp;id=5705</a></p> <p><b><u>CAA Crane Notification</u></b><br/>         Where a crane is 100m or higher, crane operators are advised to notify the CAA (<a href="mailto:arops@caa.co.uk">arops@caa.co.uk</a>) and Defence Geographic Centre (<a href="mailto:dvof@mod.gov.uk">dvof@mod.gov.uk</a>) .</p> <p>The following details should be provided before the crane is erected:</p> <ul style="list-style-type: none"> <li>• the crane's precise location</li> <li>• an accurate maximum height</li> <li>• start and completion dates</li> </ul> |
| <p><b>Internal Consultation</b></p> |   |
| <p>Pollution-Technical (Noise)</p>  | <p>Council's Pollution-Technical Officer had concerns as the acoustic assessment submitted with the application was deficient and incomplete. A revised noise assessment was accordingly requested. It is noted that the applicant also met on-site with the acoustic engineers engaged by DB Cargo and Quattro on the opposite side of the railway. A revised assessment was accordingly carried out in conjunction between the two parties.</p> <p>A revised assessment was submitted by the applicant and reviewed by Council's Pollution-Technical Officer.</p>   |

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|  | <p>The revised assessment showed that there were high noise levels in the surrounding area. These revised noise levels can therefore be used to inform the requirement for sound insulation to mitigate these external noise levels. Council’s Pollution-Technical Officer has accepted the conclusions of the revised assessment, subject to further conditions, particularly on the sound insulation of the building envelope and details on the glazing performance, particularly on the elevation facing the railway.</p> <p>The Officer notes that the windows facing the railway would not achieve acceptable internal noise levels when open. However, all windows to habitable rooms would be required to be openable. In this instance, the opening of windows on the railway side of the building would only be appropriate for purge ventilation of habitable rooms facing this direction.</p>  |
| <p>Pollution-Technical (Air Quality)</p>       | <p>Requested conditions and contributions toward air quality monitoring and mitigation</p>   |
| <p>Pollution-Technical (Contaminated Land)</p> | <p>The site in question was previously a coal depot, possibly part of the railway network e.g. sidings etc. The underlying ground could be impacted and whilst no residential is proposed at ground level unknowns such as tanks, spills etc. could pose ground gas / vapour risk to future users.</p> <p>Conditions have been recommended</p>   |
| <p>Transport Services</p> <p>Planning</p>      | <p>The following measures are to be introduced by using section 106 agreements.</p> <ol style="list-style-type: none"> <li>(1) Contributions towards accident remedial schemes, review and introduce controlled parking zones, and improve pedestrian and cycle infrastructure near the vicinity of the development,</li> <li>(2) A detailed Demolition and construction method statement is also required.</li> <li>(3) To secure an approved travel plans by way of a S106 agreement and contribute £3,000 for each development to monitor the travel plan, The total cost of travel plan monitoring will be £6,000.</li> <li>(4) A section 106 agreement denying parking permits to the existing or any new controlled parking zone near or in the proposed development,</li> <li>(5) Explore the possibility of providing car club bays on the proposed application site or nearby roads. These car club bays should be accessible by the public. Provide free 3-year car club membership to all the residents of the development,</li> <li>(6) The applicant should provide cycle parking spaces for the proposed development in accordance with the GLA cycle parking standards. The applicant should provide a drawing showing all the cycle parking spaces.</li> <li>(7) The applicant should provide disabled car parking spaces for the proposed development in accordance with the GLA car parking standards. If they can’t provide on the application site, the applicant should contribute £3,000 for each disabled car parking spaces. The applicant should provide a detailed drawing showing disabled parking spaces.</li> </ol> |

|                                     |  |
|-------------------------------------|--|
|                                     | <p>(8) The service and parking management plans need to be provided for the development,</p> <p>(9) The carriageway &amp; footway on Horn Lane are required some changes due to this proposed development. Therefore, 'stopping up' order and a highways S38 agreement may be required with the condition that it will be constructed to LBE adoption standards. Any works on the existing adopted highway will require a Highways S278 agreement. Therefore, the applicant should sign section 38 and section 278 agreement to carry out the work outside of the development site.</p>  |
| <p>Waste and Street services</p>    | <p>No comment received.</p>  |
| <p>Economic Development Officer</p> | <p>Requested participation within the Local Labour Scheme and the Apprentice Placement Scheme with financial contributions.</p>  |
| <p>Education Services</p>           | <p>Requested a s106 financial contribution towards local education infrastructure.</p>   |
| <p>Energy Consultant</p>            | <p>The Council is very supportive of the energy strategy produced by IN2 Engineering Design Partnership in November 2022 (version 2). The development is all electric and designed to a very high carbon efficiency standard.</p> <p>PV has been maximised with four biosolar arrays located above the green roofs on the main blocks with a combined capacity of (approx) 92.5 kWp.</p> <p>The Council confirms that there is no available "Clean" district heat network (DHN), and no further research is required on this issue.</p> <p>An <u>Overheating</u> Analysis report with proposed mitigation measures has been submitted. The analysis assumes full mechanical ventilation and heat recovery (MVHR). It is compliant with Part O (TM59), and all rooms pass the mandatory DSY1 weather scenario modelling for criteria (a) and (b), as well as the far more intense (but non-mandatory) DSY2 (2003) and DSY3 (1976) data files – which is a significant achievement. The commercial space (builders' merchant) will be expected to submit their own Overheating Assessment when applicable, and this requirement will be conditioned.</p> <p>At the current design stage the overall site-wide CO<sub>2</sub> emissions will be cut by at least 69.66%, with 15.42% carbon reduction through "Lean" efficiency measures, and 54.54% through "Green" renewable energy.</p> <p>There is a shortfall of 1,630 tonnes CO<sub>2</sub> (over 30 years) in the zero-carbon that will be mitigated through an "offset" S106 payment at £95 per tonne to the Council of £154,868.</p> <p><u>Whole Life Carbon</u> and <u>Circular Economy</u> strategies have been submitted in support of the Application.</p> <p>The WLC strategy produced by IN2 Engineering Design Partnership in November 2022 (v2) confirms that the development is compliant with the GLA Benchmarks and exceeds the Aspirational target.</p> |



|  |   |
|--|---|
|  | <p>The <u>Circular Economy</u> statement produced by IN2 Engineering Design Partnership in November 2022 (v1) confirms that the development will be compliant with the London Plan targets of diverting 95% of demolition and construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, diverting 65% of Operational Waste from landfill by 2030, and using a minimum of 20% of building materials from recycled sources.</p> <p>A <u>Water Consumption</u> compliance assessment has been submitted using BRE approved software that confirms the development will meet the regulation target of 105 litres/person/day.</p>   |
| <p>Landscape Architect<br/>(Leisure and Parks)</p> | <p>A total of 2775 m2 private amenity space will be required. The Development will provide 2340 sqm of private amenity space in the form of</p> <ul style="list-style-type: none"> <li>• 1,660m2 of open space within the podium garden;</li> <li>• 680m2 of open space on the roof terraces;</li> <li>• Total of 2,340m2 accessible communal garden space.</li> </ul> <p>This means the development is short of amenity provision by 435m2. S106 contribution required</p> <p>A total of 614.1m2 of dedicated play space is required for a development of this size. This development provides a total of 755m2 of play provision and so exceeds the required amount.</p> <p>Ealing policy in the DPD document page 22 states that 1.7m2 of allotment space is required per person. This means a total of 622.97.7m2 is required within this development. As none has been provided a section 106 contribution will be required.</p> |
| <p>Active Ealing</p>                               | <p>A financial contribution has been requested to improve local access to sporting facilities.</p>  |

**Relevant Planning Policies:**

The policies relevant to this application are listed in the informative section of the recommendation toward the end of this report.

**Reasoned Justification:**

**Main Issues**

The main issues in assessing this proposal are the principle of residential redevelopment of an existing employment site, the quantum and density of development, the design and impact on the character and appearance of the area, the scale and height of the proposed buildings and their relationship with surrounding properties, the impact on amenity of adjacent uses, the quality of internal living environment for residents, the transport impact of the development, sustainability and energy aspects. Other issues to be considered include housing mix and affordable housing, crime prevention, accessibility, refuse and recycling storage, drainage, fire safety and the Community Infrastructure Levy.

Principle of Development

The application site forms part of Site Allocation ACT6 under the current Development Sites DPD. This development site includes the Acton Main Line Railway Station and is bisected by the railway that defines separate uses. The northern side of the railway seeks the retention and safeguarding of the aggregates and waste transfer facility on the northern side of the railway and on the southern side of the railway, inclusive of the application site, identifies the potential for the introduction of commercial and residential uses, with potential given for student accommodation.

The Draft Local Plan designates the site as within Allocation AC12 (Acton Crossrail Station and Sidings) and builds on and provides additional clarity on the potential redevelopment of the site. This allocation refers to the retention or relocation of the waste and aggregate capacity on the northern side of the railway, with the application site on the southern side of the railway allocated for a residential-led, mixed-use development with the possibility of community space and ground floor retail. Worthy of note is that the Draft Local Plan states that the site falls within a potential area appropriate for tall buildings, with an indicative height of 6-18 storeys given.

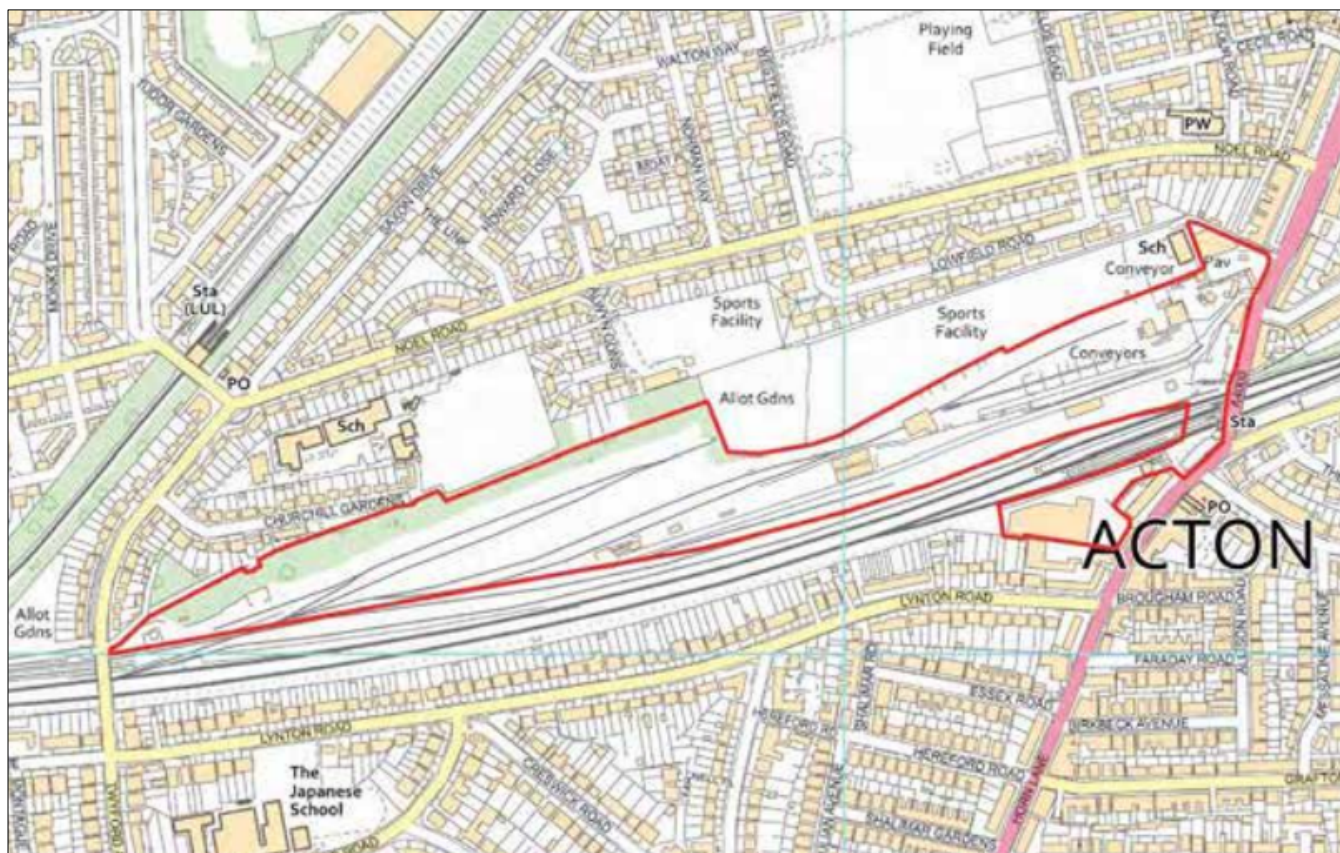


Figure 4: Extent of Development Site AC12 under the Draft Local Plan and ACT6 under the current Local Plan

The proposal would constitute a residential-led scheme that proposes a significant introduction of residential uses to the site, that exploits the site’s proximity to the Acton Main Line Railway Station on the Elizabeth Line and its access to existing commercial uses on Horn Lane (which form part of a Primary Shopping Frontage). This comprehensive redevelopment would introduce elements of height, with the tallest element directed towards the railway station, reaching up to 15 storeys. The proposed heights would therefore be consistent with the indicative heights given within the Draft Local Plan.

The proposal would constitute a mixed-use development and would retain the existing builder's merchant on the site. The existing facility and occupant are well-utilised by the local community and businesses and wish to retain a presence within the site. As such, the ground floor and a part-first floor would accommodate the retention of the use within the development. A showroom would be orientated toward the front of the site to provide an active frontage to Horn Lane. This would ensure that the building positively engages with the street and contributes positively to the Primary Shopping Frontage, with particular improvement on the existing situation.

The existing builder's merchant is setback well into the site with a poor-quality vehicular access point to Horn Lane. There are five separate commercial units on the Horn Lane frontage that would be demolished as part of the proposal. However, these existing commercial units are long-term vacant, and their significant forward projection is at odds with the prevailing front building line within the street. The removal of these commercial units would have a more positive impact on the street scape, by providing a more consistent building line with Acton House and give way to a wider public realm that would improve access in and around the area.

In addition to the allocation of the site under the Development Sites DPD and the Draft Local Plan, the proposal presents a logical opportunity to optimise the site to increase housing opportunity within a highly accessible and desirable location. Its proximity to the high frequency services on the Elizabeth Line, as well as local bus services would encourage more sustainable forms of transportation for future residents. The principle of a tall building on the site is accepted, given the proximity to the site to the emerging development of North Acton and Friary Park, as well as the site's allocations under the current and draft Local Plans. Further consideration to tall buildings and the proposed development's visual impact is provided within the report below.

## **Housing Land Supply**

This application needs to be considered in the context of the Borough's housing land supply position.

Paragraph 74 of the NPPF advises that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The Council is currently compiling the evidence needed to confirm its position regarding the level of deliverable supply, and once completed this will be documented in an update to the latest AMR (October 2021). For reasons outside the Council's control the completion of this exercise has been delayed awaiting the migration of missing pipeline data into the GLA's Planning London Datahub. The GLA's London Development Database (a 'live' system monitoring planning permissions and completions) was replaced in 2020 by the Planning London Datahub. During this transition between databases, there was a gap in coverage where neither database was operational and this prevented permission data being captured for a significant period, which has given rise to the incomplete pipeline. This incomplete pipeline poses a significant barrier to establishing future levels of deliverable supply. Typically, most of the supply identified through a five year land supply is expected to be derived from the pipeline of permissions.

Because of the non-availability of this information from the GLA, in this period of uncertainty, the Council is not able to conclusively demonstrate that it has a 5-year supply of housing land, or what level of shortfall there may be if there is one.

Whilst the possibility of a shortfall pertains, the National Planning Policy Framework 2021 (NPPF) presumption in favour of sustainable development – the so-called 'tilted balance' – is engaged. NPPF

para. 11 (d)ii states that in these circumstances the development plan policies most important for determining the application are to be treated as out-of-date.

Therefore, in the current circumstances national policy is that planning permission should be granted for development that optimises the capacity of sustainable housing sites unless:

- assets of particular importance, such as for example, heritage, environment, flood risk, ecology, protected countryside, provide a clear refusal reason or
- any adverse impacts of the development would significantly and demonstrably outweigh the benefits of granting permission, when assessed against the policies in the NPPF considered as a whole.

The Committee should also note the Court of Appeal judgment in Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government (2021) that in the plan-led Planning System the decision-maker (i.e. the Council) is entitled when determining the application to take into account and weigh other development plan policies relevant and applicable to the application, such as for example design, scale, amenity, contribution towards meeting affordable housing need, as well as the non-exhaustive list of matters noted in 1 above. This would include policy aims of the National Planning Policy Framework (NPPF).

**Mix of Residential Units**

As indicated in the table below, the proposed development would provide for a healthy mix of housing-types with a mix of 1, 2 and 3 bedroom units.

| Housing Type | Quantum | Percentage |
|--------------|---------|------------|
| Studio       | 8       | 4.3%       |
| 1-bedroom    | 91      | 49.2%      |
| 2-bedroom    | 74      | 40%        |
| 3-bedroom    | 12      | 6.5%       |

*Table 1 – No. of Units by Size*

**Affordable Housing**

Policy H4 of the London Plan outlines a strategic target of 50% of all new homes delivered across London to be genuinely affordable, with all major developments required to provide affordable housing in line with the threshold approach, as outlined by Policy H5. As outlined by Policy H5, the policy requires a minimum of 35% affordable housing to be delivered within major schemes in order to follow the ‘fast-track route’. This requirement under the threshold approach is calculated on the basis of habitable rooms (HR). As outlined within the table below, the proposal meets the 35% requirement on a HR basis.

| Housing Type       | No. of units | Percentage (%) | No. of HRs | Percentage (%) |
|--------------------|--------------|----------------|------------|----------------|
| Private            | 122          | 65.9%          | 299        | 65%            |
| Affordable Housing | 63           | 34.1%          | 161        | 35%            |
| <b>TOTAL</b>       | <b>185</b>   | <b>100%</b>    | <b>460</b> | <b>100%</b>    |

On a floorspace basis, the proposal also provides for 35%, as outlined by the table below:

| Housing Type       | NIA               | Percentage (%) |
|--------------------|-------------------|----------------|
| Private            | 81,461sqm         | 64.6%          |
| Affordable Housing | 44,649sqm         | 35.4%          |
| <b>TOTAL</b>       | <b>126,110sqm</b> | <b>100%</b>    |

In terms of the type of affordable housing proposed, this is referred to as the ‘tenure split’. As outlined by Policy H6 of the London Plan, this should be provided at a minimum of 30% low cost rented homes (London Affordable Rent, Social Rent), 30% intermediate (London Living Rent, Shared Ownership) and the remaining 40% be determined at the Borough level, based on identified need. Based off Policy 3A of the Ealing Development Management DPD, Affordable Housing should have a tenure split of 60/40 in favour of low-cost rent products over intermediate products. It is also noted that the Draft Local Plan is seeking an uplift in the amount of low cost rented products to provide a tenure split of 70/30.

The proposal would deliver a tenure split that is compliant with Policy 3A of the Ealing Development Management DPD. This is detailed within the table below:

| Housing Type           | No. of units | Percentage (%) | No. of HRs | Percentage (%) |
|------------------------|--------------|----------------|------------|----------------|
| London Affordable Rent | 35           | 56%            | 96         | 60%            |
| Intermediate           | 28           | 44%            | 65         | 40%            |
| <b>TOTAL</b>           | <b>63</b>    | <b>100%</b>    | <b>161</b> | <b>100%</b>    |

As per the applicant’s Affordable Homes Statement, the ‘low-cost rent homes’ will be let at London Affordable Rent levels. On the basis of floorspace, the tenure split achieves a similar outcome, with a split of 60/40.

| Housing Type           | NIA              | Percentage (%) |
|------------------------|------------------|----------------|
| London Affordable Rent | 26,802sqm        | 60%            |
| Intermediate           | 17,847sqm        | 40%            |
| <b>TOTAL</b>           | <b>44,649sqm</b> | <b>100%</b>    |

In terms of the mix of housing within affordable tenures proposed, the proposal would provide a good mix of affordable homes for Ealing residents, this is summarised within the table below:

| Housing Type | London Affordable Rent | Intermediate |
|--------------|------------------------|--------------|
| Studio       | 0                      | 1            |
| 1 bedroom    | 13                     | 17           |
| 2 bedroom    | 18                     | 10           |
| 3 bedroom    | 4                      | 0            |
| <b>TOTAL</b> | <b>35</b>              | <b>28</b>    |

Overall, the proposal represents a good quality affordable housing offer, that will contribute positively to Council’s affordable housing stock and provide additional opportunity for local residents to secure a good quality, affordable home within the Borough.

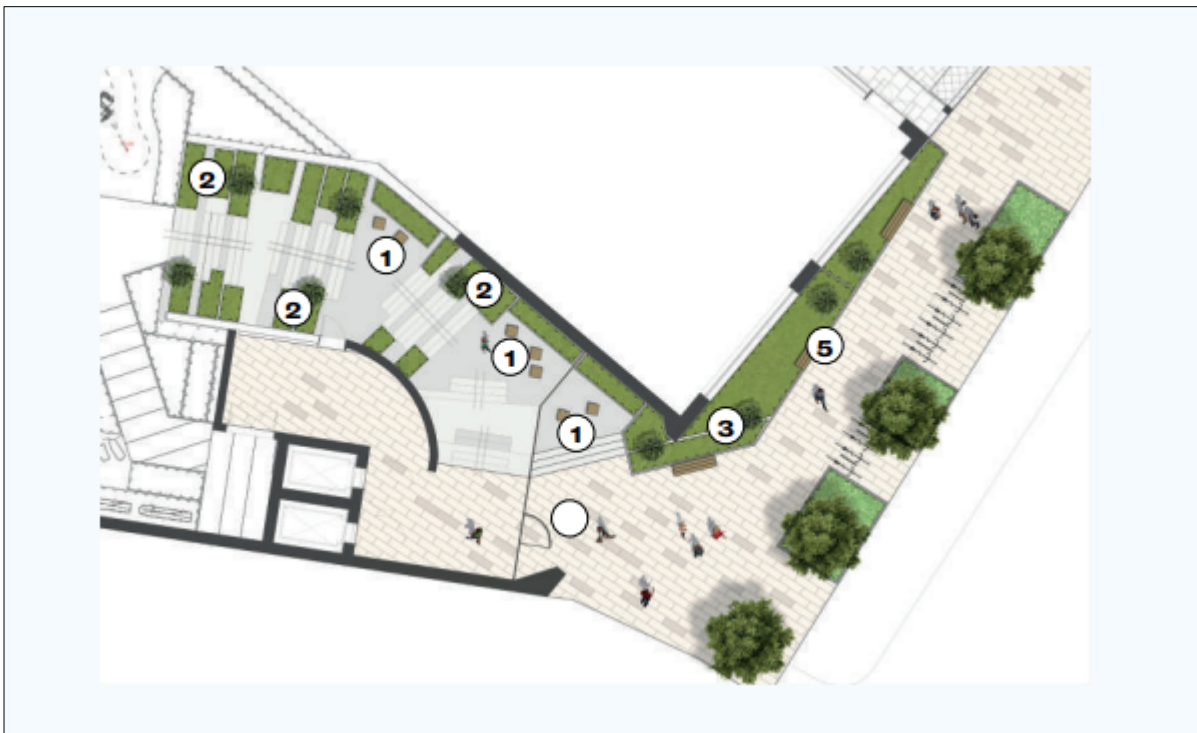
**Design, Character and Scale**

Section 12 of the NPPF, London Plan Policies D1, D3 and D4 of the London Plan (2021) and Ealing Local Variation Policy 7.4 and Policy 7B of the Ealing Development Management DPD (2013) require new buildings to complement their street sequence, building pattern, scale, materials and detailing and to have high quality architecture. New buildings should also conform to the height, scale and proportions of existing forms of development within the immediate area, in order to define a sense of place.

The NPPF demands that development shall achieve well designed spaces and encourages early engagement with Council's to develop designs that respond positively to the local area to create "high quality, beautiful and sustainable buildings". Similarly, Policy D4 of the London Plan states that developments should be given scrutiny at an early stage through the use of Design Review Panels (DRPs), which has occurred in this instance. The applicant has also sought advice from the GLA through their pre-application process prior to submission.

The application site is currently in a poor condition, which includes a number of commercial/retail units that project further forward within the street than the prevailing urban form. The warehouse-style architecture of the existing builder's merchant on the site also does not possess any significant amount of architectural merit. The demolition of the existing buildings to accommodate the proposed development is accordingly supported in principle.

The redevelopment of the site also presents the opportunity to rationalise the building lines within the street, by establishing a consistent building line with the adjoining properties and provide for an enhanced pedestrian experience. This includes new paving of the footpath, with street trees, landscaped areas, seating and short-stay cycle parking integrated into the public realm along Horn Lane. The paving along the street would continue into the development, allowing the footpath to blend in with the proposed development.



**Figure 5: Horn Lane Streetscape Improvements**

An attractive and inviting archway feature would act as the primary access point for residents, that would lead to stairs (and elevators for those with limited mobility) which would reach a large and well-landscaped podium level. The front façade would also include a two large glazed areas along the frontage, providing a positive integration with the commercial uses of the building and the street. The front façade of the building, as seen from Horn Lane, would also provide a good degree of variation and articulation, with regular window patterns and inset balconies, including angled, corner inset balconies at its south-eastern edge. The front part of the building would also generally match the height of the adjacent Acton House to the north-east.



Figure 6: Artists Impression of Proposed Archway Entrance and Staircase/Lifts to Podium



Figure 7: Horn Lane frontage of the Proposed Development

The residential units would be distributed around four separate cores, with primary access being from the central podium square. The massing of the building would be broken through the intelligent arrangement of different heights and footprints, elevational patterns, colour tones and materiality. The massing of the building would be pushed as far as possible to the railway line to reduce the visual impact from Horn Lane, as well as neighbouring residential streets, including Lynton Road.



Figure 8: Aerial Image of Proposed Development

### Tall Buildings and Impact on Heritage

Policy D9 of the London Plan, as advised above, addresses requirements for tall buildings, which in conjunction with Policy LV7.7 of the Ealing Development Management DPD defines a tall building as those that are “substantially higher than their neighbours and/or which significantly change the skyline”. Policy D9 also reiterates that a tall building is considered in accordance with its local context rather than a broad definition for the whole of London, however a tall building would generally not be considered as such when it is less than 6 storeys.

The Draft Local Plan Policy D9 goes further in defining what constitutes a tall building in different zones/areas within the Borough. In the context of the Draft Local Plan, the site would fall within area A4, which sets a tall building at a height of 49 metres or 14 storeys. Emerging planning policy states that tall buildings should be located on allocated sites, however it must be noted that the Draft Local Plan states that Development Site AC12 has the potential for a tall building up to 18 storeys. The current Development Sites DPD does not define an appropriate height for this Development Site.

Policy D9(B) of the London Plan states that tall buildings should be located on allocated sites. Whilst under the current Local Plan it does not specifically state that Site ACT6 is designated for a tall building, within the site’s current designation, the allocation does acknowledge the potential of the delivery of a “high density, high quality mixed-use development” and that “designs should optimise the



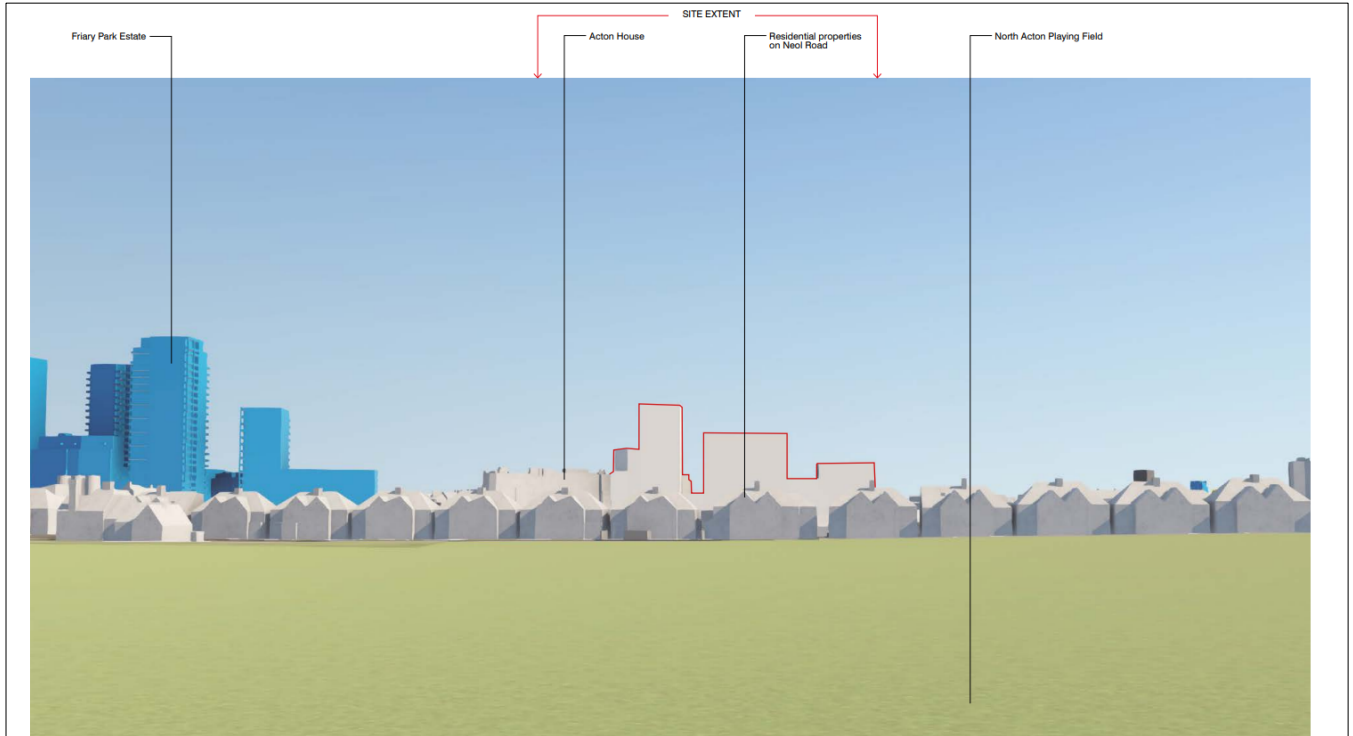
development potential of the site”. When referencing height, the current allocation emphasises that “care should be taken with the height and massing of buildings to ensure that the amenity of existing residential properties is preserved and that new buildings sit comfortably within the prevailing scale of the surrounding built form”. It should be noted that since the publication of the current Development Sites DPD, the built form has significantly changed with the approval and construction of a number of schemes, including Friary Park and various schemes in North Acton.

Whilst the Draft Local Plan gives guidance on the emerging policy context and under this context, the proposal would comply with the objectives of Policy D9(B), it is important to undertake a Townscape and Visual Impact Assessment of the proposal, in accordance with Policy D9(C). In determining the most appropriate short-, medium- and long-range views, a Zone of Theoretical Visibility assessment has been carried out. This assessment, as shown below, demonstrates that the highest degree of visibility is from the north and within the immediate confines of the application site, with visibility generally not greater than 1km. Lower levels of visibility are experienced along the main Horn Lane road-corridor and along the railway in an easterly direction.



**Figure 9: Zone of Theoretical Visibility**

In the context of long-range views, the proposed development can be seen clearly within the same frame as Friary Park, where substantial redevelopment and regeneration is occurring to the east of the site. Whilst the below view, from North Acton Playing Fields, shows low level development in the foreground, the proposal is of a height that steps down from the higher level of buildings to the east (Friary Park). The proposal is considered, therefore, to be a coherent form of development that is appropriate to the emerging built form within the area.



**Figure 10: Long Range View from North Acton Playing Fields**

On Horn Lane, between its junctions with Noel Road and Cecil Road, to the north of the site, the higher elements of the development can be seen. However, a good amount of the bulk of the building is clearly obscured from view with different elements of the built form. The transition in heights up from the existing Acton House at 7-storeys represents a coherent evolution of the massing in this location.



**Figure 11: View from Horn Lane (Between Cecil Road and Noel Road)**

Views along Lynton Road, to the south of the site are also taken into consideration and it is noted that the closer to the site along Lynton Road, the proposal does become more prominent, particularly in the context of the prevailing two-storey homes along this road. However, the greater heights of the proposed development are orientated the furthest from these properties, giving the proposal a greater sense of depth and reducing the visual impact that will be experienced within the streetscape. The closer views of the site on Lynton Road can also be seen within the existing context of Acton House and the emerging context of Friary Park. In longer range views on Lynton Road, a significant portion of the mass is obscured by significant amounts of established street vegetation.



Figure 12: Lynton Road Looking East (Viewpoint 1)



Figure 13: Lynton Road Looking East (Viewpoint 2)

On Emanuel Avenue, which runs along the southern end of Friary Park, the higher elements of the building can be seen above to ridge line of the predominantly two-storey dwellings within the street. Whilst the higher elements can be seen, the visual impact of the additional height will be reduced given that the main height of the building will be set deep into the application site behind the existing Acton House.



**Figure 14: View from Emanuel Avenue**

Various other viewpoints within the residential areas on both the eastern and western sides of Horn Lane were also tested and show the proposed development in complete obscurity or with only momentary glimpses of the proposal. This is in line with the Zone of Theoretical Visibility as shown in Figure 9.

The most prominent view of the proposal will be from the railway bridge over Acton Main Line Station. This view is most prominent due to the lower scale of surrounding buildings and the fact that the main mass and height of the proposal has been orientated towards the railway. Whilst there would be a notable visual impact in this location, it must be acknowledged that the Acton Main Line Station has become an important transport node with the introduction of the Elizabeth Line and the additional height and massing assists in reinforcing this location as an important hub for transport, as well as a commercial centre within Acton. The building heights also share a design relationship through the distribution of height and massing through the proposed development with the adjacent Acton House, which also appears within this view.



**Figure 15: View from Acton Main Line Bridge**

## Heritage

Tall buildings can also have an impact on designated heritage assets within the vicinity of the site, which reinforces the importance of the Townscape and Visual Impact Assessment outlined within Policy D9 of the London Plan.

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for managing designated heritage assets in planning decisions. In relation to conservation areas, a local planning authority must pay special attention to “the desirability of preserving or enhancing the character or appearance of that area”. Government guidance on how to carry out those duties is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of ‘sustainable development’ of which protecting and enhancing the historic environment in a manner appropriate to its significance is established as an environmental objective.

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced and makes it clear at Para 193 that when considering the impact of a proposed development on a heritage asset, local planning authorities should give ‘great weight’ to preserving the asset’s significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states that where there is 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.

Policy HC1 of the London Plan (2021), states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets. Policy 7C of the Ealing Development Management DPD also states that development within of affecting the setting Conservation Areas should retain and enhance characteristic features and avoid undermining the significance of the Conservation Area. In addition, as stated within Policy LV7.7 of the DPD, tall buildings can have a greater impact on their surroundings and the Borough, including the heritage context and local heritage assets and must be held to higher standards.

In terms of the impacts on heritage, there are no significant heritage assets, designated or local, within the immediate vicinity of the application site. In a wider context, there are some heritage assets, such as 43 Lynton Road (local heritage asset), Peace Haven and Torkington House on Creswick Road (local heritage assets). The eastern edge of the Creffield Conservation Area is approximately 700m from the application site and the West Acton Underground Station (Grade II Statutory Listed Building) and the Hanger Hill Garden Estate Conservation Area lie approximately 850m from the application site to the north-west.

However, given the distance of the application site from these surrounding heritage assets, the proposed development is not materially visible and accordingly would constitute no harm to any designated heritage assets. This is evidenced by the Townscape and Visual Impact Assessment that has been carried out.

### **Impacts on Neighbouring Properties**

Policy 7B of the Ealing Development Management DPD seeks to ensure that new residential development does not materially harm the living conditions of neighbouring properties. Policy D6 of the London Plan (2021) also requires that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. The Draft Local Plan Policy DAA makes clear that the responsibility for mitigating any adverse impacts upon neighbouring properties lies with the new development and that development should “protect sensitive uses, within or outside the development, provide good levels of daylight and sunlight and privacy”.

The properties that are most likely to be impacted by the proposed development are those within Acton House, as well as properties on Lynton Road. However, as the application site is located in a generally northward direction of properties on Lynton Road, impacts relating to daylight, sunlight and overshadowing are expected to be minimal. Daylight and Sunlight Assessments in accordance with BRE Guidance have been carried out for the following properties.

- 186 & 188 Horn Lane
- Aspen Court
- Pegasus Court
- Acton House
- Fells Haugh
- Springfield Court
- 1-3, 4, 5, 6 and 7 Lynton Road

VSC (Vertical Sky Component) is a measurement used to calculate daylight to surrounding properties. This guidance suggests that where the VSC at the centre of a window is less than 27%, as well as 0.8 times its former value, daylight to such a room would have a noticeable impact. NSC (No Sky Contour) and DD (Daylight Distribution) are also useful tools in determining impacts on daylight to existing properties. NSC is a measurement of the point, where sky is no longer visible through a window and a 20% reduction is acceptable. An aspirational target for DD is 80%, with a more realistic target of 50%

within urban environments. It must be noted that BRE Guidance is only guidance, and non-compliance does not inherently mean that a proposed development would be unacceptable. A better yardstick is to determine the degree to which windows within the surrounding area would be impacted. The image below shows the proposed development in the context of the windows that have been tested against BRE Guidance.



Figure 16: Rear Elevation of Acton House

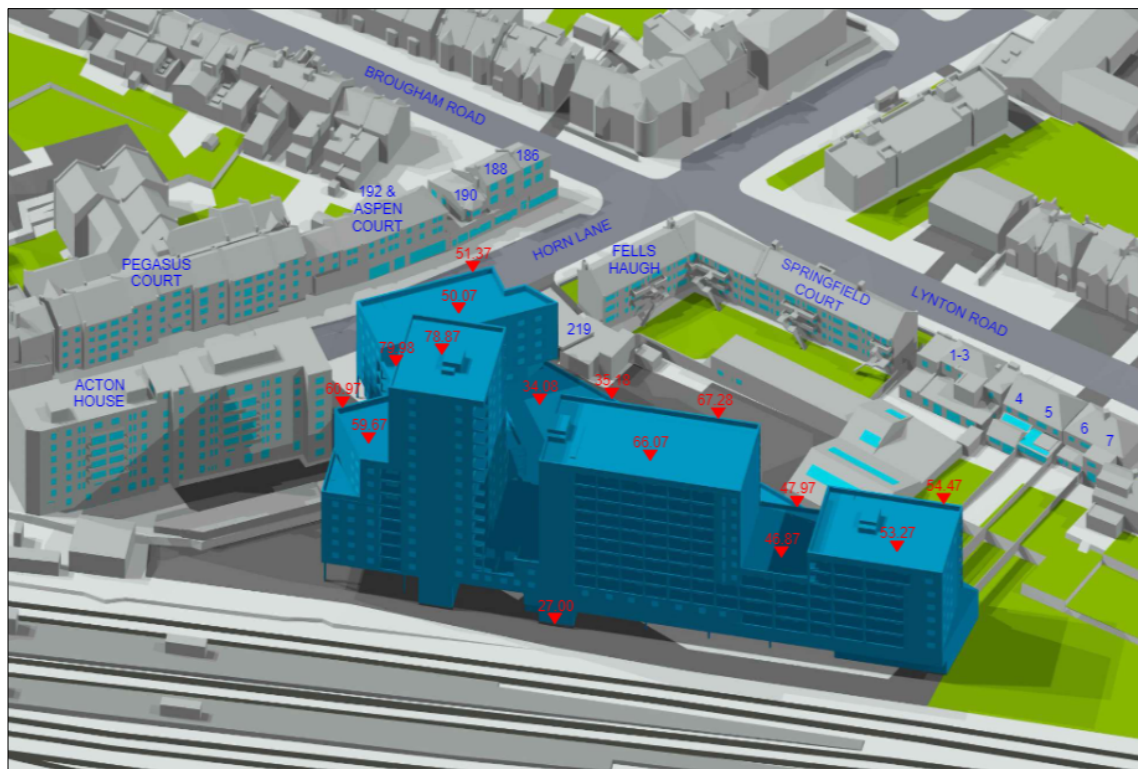


Figure 17: Proposed Development with windows tested against BRE Guidance

The table below presents a summary of the results.

|                                      |   |
|--------------------------------------|---|
| 186 and 188 Horn Lane                | Of all relevant windows tested, all meet BRE Guidance   |
| Aspen Court (192 Horn Lane)          | <p>26 windows were tested. There would be shortfalls within 20 of these windows. However, 18 of these 20 windows would have VSCs between 20% and 27%.</p> <p>DD assessments show ranges from 48.67% to 77.31%, with the majority being above 70%. All rooms except for 2 would meet the realistic target of 50% for urban locations.</p>  |
| Pegasus Court (194 to 210 Horn Lane) | <p>71 windows were tested. There would be shortfalls within 23 of the windows tested. The windows tested would achieve rates between 16.08% and 23.56%</p> <p>There would be shortfalls within 29 rooms under the DD assessment ranging from 16.76% to 65.54%.</p> <p>Whilst these figures show shortfalls, these rooms are particularly sensitive to light loss given that the Pegasus Court faces the application site in a westerly direction and the site is significantly underdeveloped. Any comprehensive redevelopment of this site would likely lead to higher changes in relative daylight.</p> |
| Acton House                          | <p>124 windows were tested and 116 rooms. VSC tests show that there would be shortfalls to 46 windows, however this constitutes 26 rooms when taking into account dual aspect rooms. VSC shortfalls range from 15.8% to 26.95%, with the majority above 20%</p> <p>Under the DD assessment, 11 rooms would fall short of overall requirements However, in considering the realistic target of 50%, this would reduce to 4 rooms.</p> <p>Again, given the low level of development on the application site currently, these windows are susceptible to larger than usual swings in relative daylight.</p>  |
| Fells Haugh                          | 27 windows and 18 rooms were tested. There were shortfalls to 11 of these windows. The  |



|                   |  |
|-------------------|--|
|                   | impact on these properties would however be compliant with the strict DD guidance.   |
| Springfield Court | 60 windows and 42 rooms were tested. There would be shortfalls on 58 of these windows. Shortfalls would range from 0.91% to 26.48%. However, the most severely impacted windows are experienced from the presence of balconies on their respective elevations. BRE Guidance advises that in such instances, balconies may be removed, and in such instances, the relative VSCs increase to 15.94% to 26.91%, with the majority being 25% and above.<br><br>Under DD criteria, only 1 room falls short of strict BRE Guidance. Removing the balconies from the elevation makes all flats comply with DD criteria. |
| 1-3 Lynton Road   | 16 windows to 10 rooms are assessed. There are shortfalls to 3 windows, with the shortfalls ranging from 19.61% to 25.98%.<br><br>DD assessments show that 1 room would fall below the strict criteria of 80%, however would provide 62.67%, which is comfortably in line with realistic targets for urban locations.  |
| 4 Lynton Road     | 6 windows and 2 rooms tested. VSC shortfalls in 4 windows ranging from 21.84% to 26.83%.<br><br>All rooms compliant with DD criteria.  |
| 5 Lynton Road     | 10 windows and 2 rooms tested. 1 window would have a shortfall against VSC criteria of 19.71%.<br><br>All rooms compliant with DD criteria.  |
| 6 Lynton Road     | 5 windows and 3 rooms tested. Shortfalls to 3 windows ranging from 24.46% to 25.73%.<br><br>All rooms compliant with DD criteria.  |
| 7 Lynton Road     | 2 windows to 2 rooms tested. All compliant with VSC and DD criteria.   |

**Overshadowing**

BRE Guidance requires that least half of a garden or open space should receive at least 2 hours of sunlight on March 21. An overshadowing assessment has been carried out, which shows that all residential gardens and amenity areas surrounding the site would achieve the minimum 2 hours of sun

on the ground. There would therefore be no material impact on overshadowing as a result of the proposed development.

The images below show the overshadowing that results between the existing building and proposed scheme between 8am and 3pm on 21 March. The direction of shadowing is predominantly to the north over the railway line.

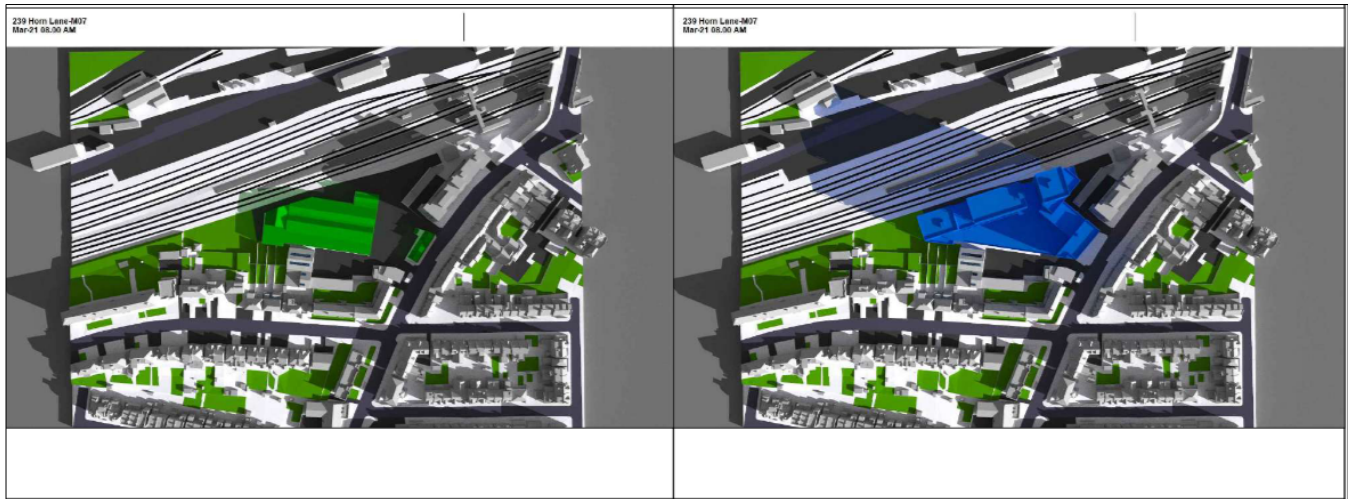


Figure 18: Existing and Proposed Overshadowing (8am, 21 March)

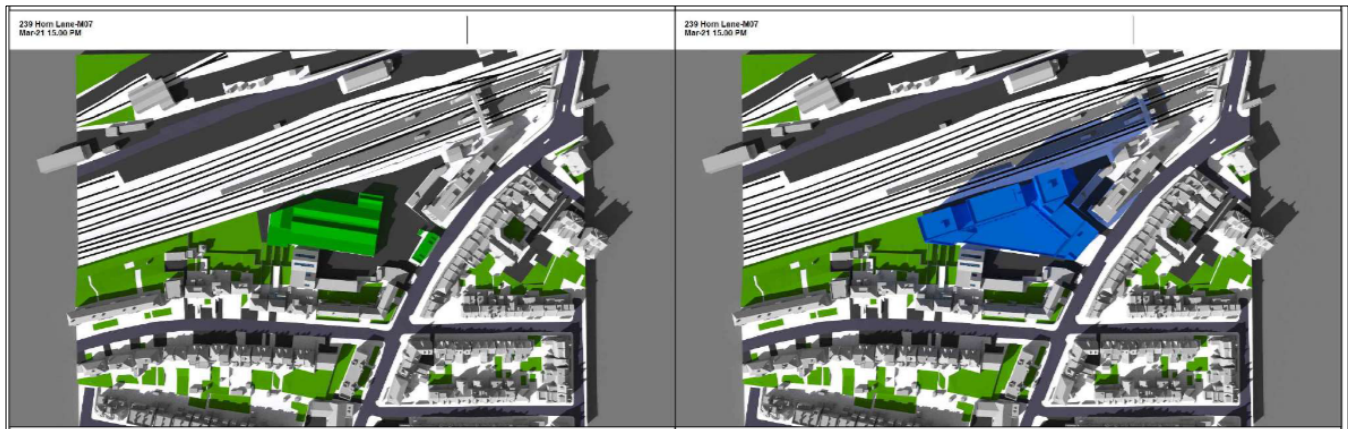


Figure 19: Existing and Proposed Overshadowing (3pm, 21 March)

### Quality of Residential Accommodation

Policy D6 of the London Plan outlines minimum internal space standards for new residential development. These standards are based on the number of bedrooms within a proposed residential unit as well as its occupancy, which is based on whether a bedroom is classed as single or double based on the Technical Housing Standards. It should be noted that since the scheme was submitted, some minor changes were required to the floor plans of the building, to accommodate new fire safety regulations. This is in line with the Greater London Authorities (GLAs) announcement on 14 February 2023, that all planning applications for residential buildings over 30 metres must include at least 2 staircases.

All flats would comply with the minimum internal space standards, as defined by Policy D6. In order to maximise the number of dual aspect flats within the development, deck access is provided to a number

of flats. During pre-application discussions with Council Officers and the Design Review Panel, concern was initially raised with the amount of defensible space that rooms facing the deck access would receive. In order to mitigate the potential impacts, this was a focus of the applicant in their design considerations. The width of the deck access has been made more generous, providing for a 2 metre width. The thickness of the external walls have been exploited to provide to set-in windows and doors facing the deck access. This allows for a ledge to be created that can provide for a place to sit or provide planting to provide extra screening. An image of the design interventions made is shown within the image below:



**Figure 20: Image showing typical deck access with recessed windows and doors.**

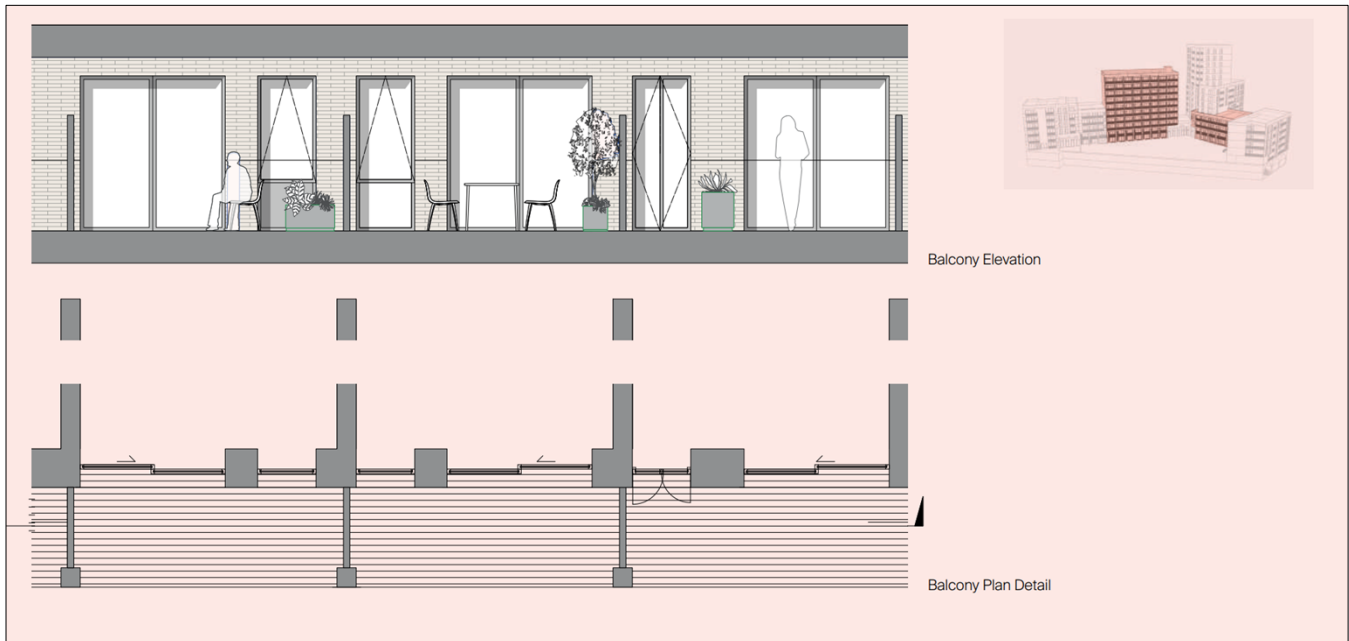
The provision of deck access as a solution in some areas of the development assists in ensuring that a significant number of the proposed flats would be dual aspect.

### **Private Amenity Space**

Policy 7D of the Ealing Development Management DPD seeks to ensure that new residential development provide for private amenity space. For developments such as the one proposed, the most common form of private amenity space is in the form of a balcony that should be provided at a minimum rate of 5sqm per 1-2 person flat, with 1sqm for each additional occupant.

All flats would be provided with a balcony space that would meet the requirements of Policy 7D of the Ealing Development Management DPD. For those flats facing onto the podium, containing the large communal amenity space area, a terrace would be provided that has in-built defensible space to ensure adequate levels of privacy are maintained.

Examples of the amenity spaces, facing the courtyard, in the Horn Lane and Courtyard Blocks, is shown in the image below, with screening of an adequate height provided between the individual balcony spaces.



**Figure 21: Balcony Spaces to Horn Lane and Courtyard Blocks**

The defensible space proposed to terraces facing the communal courtyard is shown below. The defensible space is marked on the image by '9' and shows dense planting along the boundary between the private and communal spaces.



**Figure 22: Defensible Space marked by '9' between communal and private amenity spaces**

**Communal Amenity Space, Landscaping and Children’s Play Space**

In accordance with Policy 7D of the Ealing Development Management DPD, the development of 150+ units should provide for communal open space, children’s play space and allotments. Where the required amount of communal open space is not provided, a financial contribution to offsite provision can be provided. In most cases, allotment space is usually secured as a financial contribution towards off-site provision, for the improvement, expansion or creation of new allotment spaces.

The proposal provides for an expansive entry podium that is accessed through an arch and stairs from Horn Lane. This space provides for both access to the lobbies of each residential core, as well as providing spaces for recreation and relaxation for future residents. The main podium garden would have lawn spaces with integrated children’s play space, pergola seating, moments of shelter, defensible planting to provide a barrier between communal and private amenity areas and trees placed along the southern boundary to prevent overlooking to properties to the south. The general layout of the proposed podium garden is shown in Figure 22 above.

An artistic impression on how the podium garden would appear is shown below:



**Figure 23: Proposed Podium Garden**

Rooftops of parts of the building would also be optimised to create additional space for residents to use for recreation and relaxation purposes. The layout of the roofs is shown in the image below, with extensive green roofs to improve biodiversity on the site.



**Figure 24: Sitewide Recreation and Green Roof Spaces**

Council’s Landscape Architect has reviewed the proposal and is supportive of the landscape strategy for the proposed development. It was noted by the Officer that the proposal provides a good amount of communal amenity space within the development that has been well-designed. The total amenity space provided would be 1,660sqm within the podium garden and 680sqm on roof terraces, providing a total of 2,340sqm. As the total requirement is 2,775sqm, there is a shortfall of 435sqm. A s106 contribution to offset this has therefore been sought for the benefit of North Acton Playing Fields.

Based on the child yield calculator, a total of 614sqm of dedicated play space would be required for a development of this size and occupancy. The proposal provides for 775sqm of integrated and dedicated play space within the communal space areas and the proposal therefore exceeds the minimum requirements. The projected child yield calculator estimates that the ages of children likely to occupy the development are 50% ages 0-4 and 35% ages 5-11. The remaining 15% would be ages 12-17. Further details on the communal space areas as well as children’s play areas will be secured by condition.

Contributions toward improving allotment space have also been secured through the s106 recommendations, in line with the requirements of Policy 7D of the Ealing Development Management DPD.

**Transport & Highways**

Policy T5 of the London Plan outlines minimum standards for cycle parking provision in new developments. The residential provision should provide 1 space per 1 person flat, 1.5 spaces for 1b2p flats and 2 spaces for all other flats.

Accordingly, the proposal would incorporate two cycle parking areas accessed from the front of the site, one at ground floor level and one at first floor level. Based off the revised plans, which take into

account the revised housing mix as a result of changes to implement a second staircase, the minimum cycle parking requirements are shown within the table below, in accordance with Policy T5 of the London Plan:

| <b>Land Use</b>          | <b>Quantum</b>   | <b>Long Stay Requirement</b> | <b>Short Stay Requirement</b> |
|--------------------------|------------------|------------------------------|-------------------------------|
| Commercial use           | 4,278sqm         | 9 spaces                     | 5 spaces                      |
| <b>Studio/1b1p</b>       | 8 units          | 8 spaces                     | 6 spaces                      |
| 1b2p                     | 91 units         | 137 spaces                   |                               |
| 2b+                      | 86 units         | 172 spaces                   |                               |
| <b>Residential Total</b> | <b>185 units</b> | <b>317 spaces</b>            | <b>6 spaces</b>               |

For the residential use, cycle parking would be located over two levels (ground floor and mezzanine) with both levels accessed by lifts that can accommodate bicycles. Both spaces would be secure and accessed by a fob and would be appropriately located close to the Horn Lane frontage of the site. For the residential element, collectively 327 spaces would be provided across the two areas. The cycle storage area would also be located adjacent to the proposed concierge/residential delivery office, providing an extra layer of security. The total provision would exceed the minimum requirement by 10 spaces.

The spaces would be arranged as following:

- 80% of spaces would be arranged in the form of two-tier cycle parking racks
- 15% of spaces would be in the form of Sheffield stands
- 5% of spaces would be within Sheffield Stands that accommodate increased space for non-standard bicycles, such as cargo bikes, tandem bikes and tricycles

The TfL Officer had raised some concerns with regard to the cycle provision and their potential to comply with London Cycle Design Standards. The TfL Officer notes that:

- The 5% of stands proposed to accommodate larger bicycles should have a minimum spacing of 1.8 metres,
- To accommodate all bicycles, lifts should have a minimum dimension of 1.2m x 2.3m, with a minimum door opening of 1m,
- Any door to a cycle parking area should be automated – push button or pressure pad operated

It should be noted that the TfL Officer has only reviewed the plans as they were initially submitted and not the most revised plans. However, these dimensions have been checked to show that the Sheffield Stands to accommodate larger bicycles have a space between them of approximately 2 metres, which would comply with this requirement. The lift dimensions also appear to comply with the minimum dimension requirements. Nevertheless, the applicant will need to submit further details through conditions confirming how the cycle parking area would comply with London Cycle Design Standards (LCDS). It is also noted that the proposal is providing cycle parking with a 10-space surplus and therefore any minor changes would still be able to be accommodated within the area, in order to comply with LCDS.

11 short stay spaces would be integrated into the public realm on Horn Lane, which accommodates the short stay spaces for the commercial and residential functions of the development.

The area is surrounded by a number of CPZs, and future residents would be restricted from obtaining parking permits within these areas. The residential function of the development would accordingly be car-free, in accordance with Policy T6.1 of the London Plan (with the exception of the requirement for disabled parking spaces). All residents would also benefit from 3 years of car club membership. The

provision of cycle parking spaces, lack of residential parking spaces (with the exception of disabled parking spaces), car club membership and the sites proximity to the Acton Main Line Station (Elizabeth Line) would all collectively encourage a modal shift to more sustainable forms of transportation.

Policy T6.1 of the London Plan requires for disabled parking spaces for residential units, parking at a rate of 3% of units must be provided from the outset, with it also being able to be demonstrated how an additional 7% of dwellings could be provided with a disabled parking space should demand arise. From the outset, 3% of the dwellings (5.5) would have access to a disabled parking space, with 6 spaces to be provided. This will need to be appropriately sign posted and will be secured through condition. No details have been provided on how the additional 7% could be provided should demand arise, however it is envisaged that some of the car parking spaces associated with the commercial use could be reasonably adapted to suit disabled parking users of the residential function. Details of this have been secured within the recommended conditions.

It is noted that the proposed development also includes 19 car parking spaces for the builder's merchant use. It is noted that the existing premises has 16 spaces for general use and the proposal would re-provide these, in addition to a further 3 spaces for operational vehicles. TFL have raised some concern on the level of parking proposed for the Builders Merchant and that further justification would be required.

It is considered that, given the nature of the use which would predominantly deal with the sale of bulky goods, public transport for customers would be a limited option. Accordingly, the need for parking, to serve the needs of a well-established business would be essential to ensure its continued viability. Despite TfL's concerns with respect to the car parking for the commercial use, it is considered that the proposed level of car parking for the Builder's Merchant would be satisfactory. Whilst the London Plan does not specify a particular rate of car parking for a Builder's Merchant, the maximum office parking standard for Outer London is 1 space per 100sqm and the maximum retail parking standard of 1 space per 50sqm. This would produce maximum parking rates of 42 and 85 spaces respectively. The proposal would accordingly be significantly below this amount.

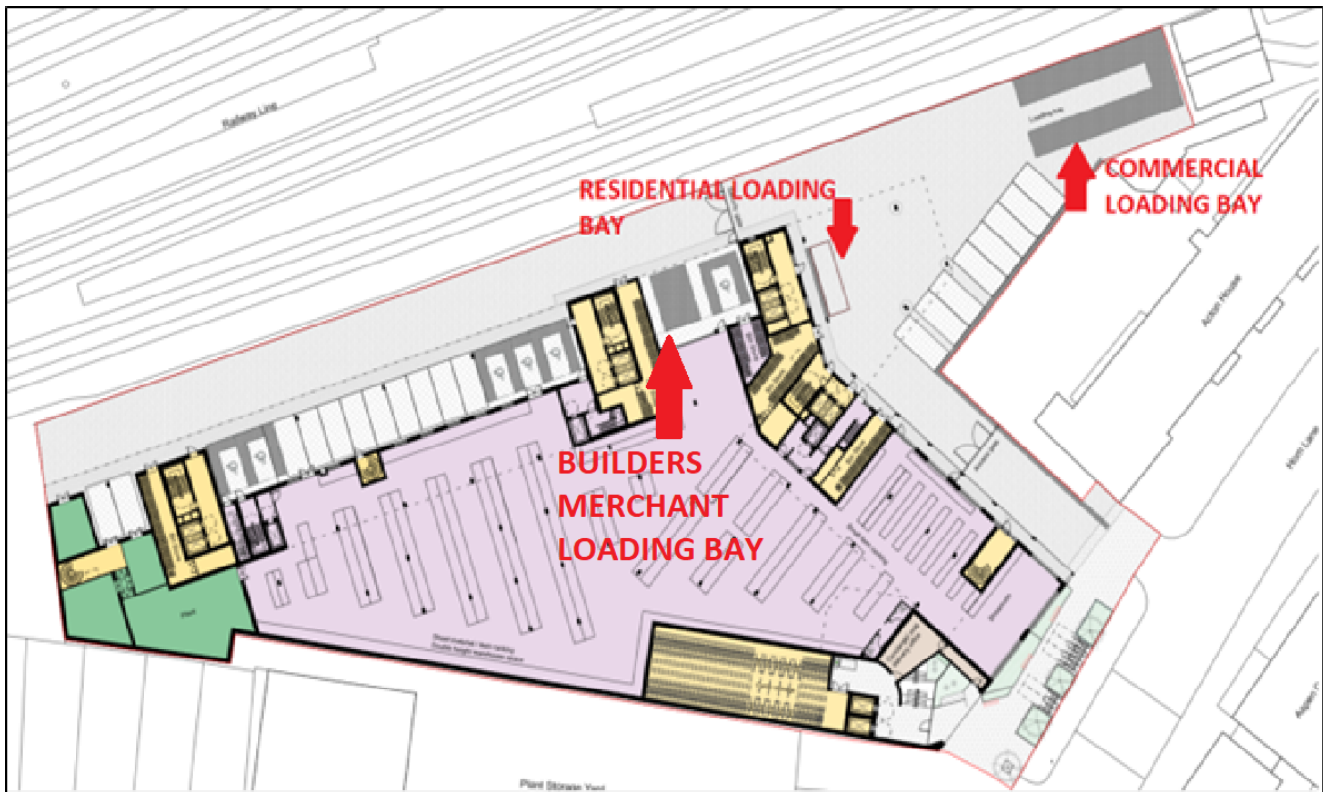
On balance, given the bulky goods nature of the business, as well as the existing provision on the site, the level of parking proposed for the commercial use is well-justified. The Travel Plan condition that has been recommended however, should detail how the amount of car parking spaces and resultant demand could be reduced over time and/or how some of these spaces may be adapted to residential disabled bays, should demand arise.

An Active Travel Zone (ATZ) assessment has been carried out which has detailed a number of improvements that could be made on particular routes to and from the site. This has been reviewed by TFL and Council's Transport Officer who have requested a number of contributions towards local projects to reduce parking stress, link and junction improvements, cycle infrastructure improvements, traffic calming measures, footway improvements and the improvement to bus stops. The total financial contribution agreed is within the Heads of Terms outlined above.

### **Deliveries, Servicing and Waste Management**

The majority of servicing and Waste Management would occur within the proposed internal road. Given the width of the Horn Lane carriageway, there is limited opportunity for on-street servicing to take place. For the commercial element of the scheme, a large loading bay for the commercial aspect of the development would be placed within the north-eastern corner of the site, as demonstrated in the image below:





**Figure 25: Location of Loading Bays for Deliveries and Servicing**

Swept path analyses have also been provided, which show that large vehicles can effectively manoeuvre within the site, to ensure that vehicles enter and exit the site in a forward gear. The applicant has provided a Draft Deliveries and Servicing Management Plan, with final details to be secured through condition. However, the manoeuvrability of vehicles when all spaces are occupied may be a bit more constrained and further details of how this will be managed have been recommended by condition.

Further details that are necessary have been outlined within the recommended condition. The applicant will also need to demonstrate measures to avoid conflict between delivery vehicles, vehicles, pedestrians, cyclists and disabled persons to provide a safe environment for all users, in line with the Mayor’s Vision Zero Action Plan, which aims to eliminate all deaths and serious injuries on London’s transport system.

**Waste Management**

Each residential core, as well as the commercial space, would be provided with a refuse storage area, with these residential storage areas having been designed in accordance with Council’s Waste Management Guidelines. Separate spaces within each of the waste storage areas will also be provided for residents to store bulky waste that may be collected by LBE on request. The capacity requirements of each individual space have been duly considered and are compliant. The location of each of the stores is shown in the image below:



**Figure 26: Location of Residential Waste Stores (Shaded in green)**

As is shown in the image below, three of the stores (Courtyard, Station and Horn Lane Blocks) can be accessed directly by a refuse vehicle, with collections being able to be made directly from these residential stores. However, this cannot reasonably occur for the Lynton Road Block, which is on the left hand side of the image above. This is due to the fact that a large refuse vehicle would not be able to access this store as there would not be adequate space to manoeuvre. The arrangements for this block will be that on collection day, the Facilities Management Team will move the bins from the Lynton Road Block to a holding area along the red line boundary, adjacent to the railway. They will then be collected by the LBE refuse collection team and the bins will be returned to the Lynton Road block following collection by the Facilities Management Team.



**Figure 27: Waste Management Strategy**

The arrangements proposed are considered to be acceptable and further details, particularly the location of bins from the Lynton Road Block on collection day (along the red line boundary), will be secured through the Delivery and Servicing Plan that has been recommended by condition.

**Environmental Pollution (Noise, Air Quality and Contaminated Land)**

London Plan policies D14 and SI 1, Ealing Development (or Core) Strategy policies 1.1 (e) and (j); Ealing Development Management policies LV5.21 and 7A are relevant with regard to noise, air quality and contaminated land issues.

**Noise and Vibration**

A number of London Plan policies deal with matters relating to noise and the need to mitigate the negative impacts of noise on quality of life. Policy D3 of the London Plan outlines that development proposals should help prevent or mitigate the impacts of noise and Policy D14 states that development proposals should mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.

In addition to this, Policy D13 refers to the agent of change, whereby the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses are placed on the proposed new noise-sensitive development. Significant concern has been raised during the course of Page 47 of 74

the application from Firstplan, who were representing both DB Cargo and Quattro, which exist on the opposite side of the railway to the north. The concern related to the introduction of residential uses in close proximity to the site, and the impact that this may have on their continued operations.

Nevertheless, Council's Pollution-Technical Officer has accepted the results of the revised Noise Assessment, which outlines higher noise levels than the results of the initially submitted Noise Assessment. Appropriate conditions have been secured to ensure that the internal living environments provided would have enhanced noise insulation to mitigate the poor external acoustic environment. Post-installation tests will add an extra layer of security, with the applicant required to demonstrate that the enhanced sound insulation has met the relevant internal noise levels to mitigate external noise, both providing good quality living conditions for future residents and providing protection to the continued operations of the industrial uses on the northern side of the railway.

### **Air Quality**

Policy SI 1 of the London Plan outlines that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality. Critically, the policy states that "development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people, should demonstrate that design measures have been used to minimise exposure.

In addition, the site is exposed to the industrial activities occurring on the northern side of the railway. It should be noted that the development largely 'turns-its-back' on the railway, with amenity spaces and openings largely focussed inwards, toward the central podium space. Council's Air Quality Officer had queried some points on their initial Air Quality Assessment, with a response to these enquiries given. Accordingly, the Officer has recommended a number of conditions, including a ventilation strategy (providing fresh air ventilation with the supply being located away from sources of local pollution), Air Quality and Dust Management Plan (AQDMP), details on NRMM and diesel generators. A financial contribution has also been requested to mitigate any detriment to local air quality.

### **Contaminated Land Issues**

The submitted details have been reviewed by Council's Contaminated Land Officer who has acknowledged that the site in question was historically used as a coal depot, which was possibly part of the railway network/sidings. As such, the underlying ground could be impacted. Whilst no residential uses are proposed at ground floor level, unknown elements such as tanks or spills could potentially pose a risk around gas or vapour to future users.

As such, a number of conditions have been recommended, including a desktop study, site investigation, remediation scheme and verification report.

### **Energy/Sustainability**

The provision of sustainable development is a key principle of the National Planning Policy Framework (2021), which requires the planning process to support the transition to a low carbon future. Ealing Council declared a climate emergency on April 2019 and adopted the Climate and Ecological Emergency Strategy in January 2021, which states that "the council will also use its planning powers to shape the quality of the development of new buildings and infrastructure in a way that minimises its impact on climate change and increases its resilience to it".

Policy SI 2 of the London Plan, which relates to minimising greenhouse gas emissions, states that major development proposals should include a detailed Energy Strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy, which is be lean, be clean, be green and be seen. Council's Energy Consultant has reviewed the proposed strategy and is very supportive. The hierarchy has been followed with measures identified within the categories of lean, clean and green.

Based on the current design, the proposed development would overall site-wide CO2 emissions reductions by at least 69.66%, which exceeds the minimum requirement of Policy SI2(c) of the London Plan, which requires a minimum on-site reduction of at least 35% beyond Building Regulations. In line with the established hierarchy of Policy SI2, the proposal would achieve carbon reductions of 15.42% through "lean" efficiency measures and 54.54% through "green" efficiency measures. "Clean" efficiency measures are not possible as there is no 'clean' District Heat Network (DHN) available.

In a zero-carbon context, the proposal results in a shortfall of 1,630 tonnes of CO2 emissions over a 30-year period. Based on the offset payment of £95 per tonne, in line with Policy SI2 of the London Plan and Policy CO of the Draft Local Plan, a s106 contribution towards Council's carbon offset fund of £154,868 would be applied. A contribution towards Energy Monitoring and Equipment will also be secured. Monitoring will take place over a period of 4 years to measure the performance of Photovoltaic Panels, Heat pumps, Combined Heat and Power Units and other energy generation/use systems that have been identified within the Energy Strategy. It must be noted that the total carbon offset contribution may be payable at a rate of £95 per tonne for each tonnage of shortfall in the predicted CO2 emission reductions.

In terms of overheating, Council's Energy Consultant has reviewed the submitted Overheating Analysis Report with proposed mitigation measures. The assumption is based on full mechanical ventilation and heat recovery (MVHR). This is compliant with all relevant standards and requirements, with the Energy Consultant notes is a significant achievement. However, this is based on the residential use and the Builders Merchant would be required to submit their own Overheating Assessment, which will be conditioned.

### **Whole Life Carbon (WLC), Circular Economy and Water Consumption**

In line with Policy SI2 of the London Plan, WLC emission assessments are required for all applications that are referable to the GLA. This outlines actions to reduce life-cycle carbon emissions and capture a development's unregulated emissions (such as those associated with cooking and small appliances), embodied emissions (those associated with raw material extraction, manufacture and transport of building materials and emissions associated with maintenance, repair and replacement and eventual material disposal. The report has been assessed by Council's Energy Consultant who has confirmed that the development is compliant with GLA Benchmarks and exceeds the aspirational target.

A Circular Economy Statement was also produced in line with Policy SI7 of the London Plan, which seeks to improve resource efficiency, encourage waste minimisation and prevention and the use of fewer resources in production and distribution of products. The proposal shows that the proposal would be compliant with the requirements of the London Plan, which include:

- diverting 95% of demolition and construction waste from landfill;
- putting 95% of excavation materials to beneficial on-site use;
- diverting 65% of Operational Waste from landfill by 2030; and
- using a minimum of 20% of building materials from recycled sources.

Finally, A Water Consumption Compliance Assessment has been submitted using BRE approved software that confirms the development will meet the regulation target of 105 litres, per person, per day.

### **Flood Risk and Sustainable Drainage**

The application site is located in Flood Zone 1, based off the information provided by the Environment Agency Map. This means that the area has a low probability of flooding from rivers and the sea. Latest Environment Agency also shows the area as at risk of reservoir flooding, and accordingly emergency measures need to be put in place. Accordingly, a Flood Warning and Evacuation Plan needs to be prepared and provided to the Council. This has been secured by planning condition.

The proposal includes a drainage strategy, which has been assessed by GLA Officers, who note that the proposals for green roofs and permeable paving are welcomed. However, overall, the drainage strategy is not considered to be acceptable, and somewhat contradictory, in its current form. The Drainage Strategy notes that rainwater harvesting has been discounted, whereas the Sustainability Statement states that rainwater harvesting is proposed for irrigation purposes. The Flood Risk Assessment also notes that flood water will be discharged onto Horn Lane, which is deemed to be unacceptable. According, a revised Drainage Strategy will be required and the GLA have noted that securing this by condition is appropriate and acceptable. Future details would be accessed by Council's Drainage and Flooding Officer.

### **Crime Prevention**

It is essential that any form of development provides a safe, secure and appropriately accessible environment that aims to reduce criminal behaviour. Routes of access and communal spaces should be legible and well maintained and there should be a clear distinction between private, semi-public and public spaces, with natural surveillance of public spaces and their access.

The Metropolitan Police and British Transport Police Designing Out Crime (DOC) Officers have been consulted and whilst a number of potential issues have been identified, both Officers have noted that on-going discussions are occurring and the small design changes, that would not affect the overall appearance of the development, may be required to address these. The development will need to achieve Secure by Design accreditation, which has been recommended as a condition.

### **Fire Safety**

Design amendments have been secured through the course of the application to introduce a second staircase to parts of the building that exceed 30 metres in height. This is as the application was submitted prior to these new regulations being published by the GLA. This has resulted in minor changes to the housing mix, which are reflected within this report. It is noted that the second staircase has been accommodated through an enclosed spiral staircase, in order to have the most minimal impact on the overall design of the buildings and the housing mix.

Whilst the spiral staircase is an unconventional approach, assurance has been given from the applicant's consultants that this arrangement would meet current and proposed Building Regulations. This has been communicated with the GLA, who have agreed to this in principle.

It is noted that the Council is still awaiting a consultee response from the Health and Safety Executive (HSE) and this is reflected within the recommendation. Council Officers would update the chair of Planning Committee on the final response of the HSE prior to determining the application and outline any changes to the internal layouts of the building that may be required. However, Council Officers are

reasonably satisfied that any changes that may be recommended would not be substantial. For completeness, the Fire Safety Engineer of the applicant has made the following comments with respect to fire safety and the development's compliance with Building Regulations.

- Proposed fire safety provisions for 239 Horn Lane are considered to satisfy the functional requirements of Part B (Fire Safety) of Schedule 1 to the Building Regulations 2010 (as amended).
- Occupants have at least two means of escape leading all the way to ground and out.
- The non-residential areas on mezzanine level have separate means of escape (escape stairs) to those serving the residential floors above.
- There is no basement level. Persons out on the podium (Level 01) have a number of directions of escape back into the building where various escape stairs are available (some of these stairs being firefighting shafts).
- Doors from the podium will be openable from the outside without the use of a key (if electromagnetic, will fail safe open on alarm).
- The podium will be fire rated in accordance with BS 9991 guidance with exit signage and emergency lighting provided, as well as alarm sounders and beacons, as necessary.
- The podium is open to external air. The residential areas will adopt a stay put evacuation strategy. Hose distances will not exceed guidance (BS 9991 and BS 9999).

### **Mayor's Community Infrastructure Levy (CIL)**

In accordance with the Community Infrastructure Levy (CIL) regulations the commercial and market housing elements of the development would be liable to pay CIL at £60 per square metre (rate as of 2020 and subject to indexation).

The final calculation will be provided by Council's CIL Collections Officer.

### **Conclusion**

The proposed development would constitute a mix of uses, that would provide a substantial uplift in housing, in a highly desirable and sustainable location, close to public transport nodes. The commercial element of the development would provide more modern space for the existing user and the siting of a showroom on Horn Lane would create an active frontage to the street and contribute to the improvement of the primary shopping frontage. The space created at the front by demolishing the existing buildings would also provide for a wider footpath, better public realm and an enhanced engagement with the street.

The scheme would deliver a high degree of affordable housing, with tenure splits in favour of London Affordable Rent over Intermediate that is compliant with Council's Local Plan. The standard of the residential accommodation would be high, and residents would have access to extensive amenity spaces and children's play areas. The principles of the Agent of Change have been fully considered and conditions relating to acoustics and air quality would ensure that the proposed development would not impede the continued operations of the industrial uses on the northern side of the railway.

Full assessments have been carried out with respect to daylight, sunlight and overlooking, with these results showing that the proposal would not result in any substantial harm to neighbouring residents. The design of the proposal is well-considered, with the placement of height being situated away from more sensitive uses, and the variation in materials, colours and heights through the development would ensure that the proposal would have a positive impact on the streetscape. A Visual Impact Assessment has been carried out, which shows that the proposal would be consistent with the emerging built form

in the area and would not have a detrimental impact when considered from short-, medium and long-range views.

Overall, the proposal represents a sustainable form of development and it is accordingly recommended that the application be approved, subject to conditions, s106 legal agreement and Stage II referral to the GLA.

**Human Rights Act:**

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

**Public Sector Equality Duty**

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

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

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

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

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

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

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

**Fire Safety**

Large schemes may require several different consents before they can be built. For example, Building Control approval needs to be obtained to certify that developments and alterations meet building regulations. Highways consent will be required for alterations to roads and footpaths; and various licenses



may be required for public houses, restaurants and elements of the scheme that constitute 'house in multi-occupation'.

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

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

Any person or organisation carrying out development can appoint either the Council's Building Control Service or a Private Approved Inspector to act as the Building Control Body (BCB), to ensure that the requirements of the Building Regulations are met. The BCB would carry an examination of drawings for the proposed works, and carry out site inspection during the work to ensure that the works are carried out correctly. On completion of work the BCB will issue a Completion Certificate to confirm that the works comply with the requirements of the Building Regulations. In relation to fire safety in high rise residential developments, some of the key measures include protected escape stairways, smoke detection within flats, emergency lighting to commons areas, cavity barriers/fire stopping and the use of sprinklers and wet/dry risers where appropriate.

**ANNEXE 1**

**Conditions/Reasons:**

**COMPLIANCE CONDITIONS**

**1. Time Limit**

The development permitted shall be begun before the expiration of five (5) years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

**2. Approved Plans**

The development hereby approved shall be carried out in accordance with the following drawings and documents.

1217\_GA-100 rev P7 (Proposed Plan – Ground Level); 1217\_GA-101 rev P7 (Proposed Plan Mezzanine); 1217\_GA-102 rev P7 (Proposed Plan – Level 01 (Podium Level); 1217\_GA-103 rev P7 (Proposed Plan – Level 02); 1217\_GA-104 rev P7 (Proposed Plan – Level 03); 1217\_GA-105 rev P7 (Proposed Plan – Level 04); 1217\_GA-106 rev P7 (Proposed Plan – Level 05); 1217\_GA-107 rev P7 (Proposed Plan – Level 06); 1217\_GA-108 rev P7 (Proposed Plan – Level 07 and 08 (Podium Level); 1217\_GA-109 rev P7 (Proposed Plan – Level 09 and 10 (Podium Level); 1217\_GA-110 rev P7 (Proposed Plan Level 11-14 (Podium Level); 1217\_GA-113 rev P7 (Proposed

Plan – Roof);

1217\_GE-101 rev P6 (Proposed Elevation – South Elevation); 1217\_GE-102 rev P6 (Proposed Elevation – East Elevation); 1217\_GE-103 rev P6 (Proposed Elevation – North Elevation); 1217\_GE-201 rev P6 (Proposed Elevation – Courtyard South); 1217\_GE-202 rev P6 (Proposed Elevation – Courtyard West); 1217\_GE-203 rev P6 (Proposed Elevation – Courtyard North); 1217\_GE-301 rev P6 (Proposed Elevation – West Gables); 1217\_GE-302 rev P6 (Proposed Elevation – East Gables); 1217\_GE-401 rev P6 (Proposed Bay Elevation – South Elevation); 1217\_GE-402 rev P6 (Proposed Bay Elevation – North Elevation); 1217\_GE-403 rev P6 (Proposed Bay Elevation – Courtyard South Elevation)

Planning Statement (DP9, November 2022) with revisions; Affordable Housing Statement (DS2 LLP, November 2022) with Addendum (DS2 LLP, June 2023); Air Quality Assessment (Air Quality Consultants, November 2022); Design and Access Statement (Buckley Gray Yeoman, November 2022) with Addendum (dated June 2023); Biodiversity Net Gain Plan (BMD, November 2022); Circular Economy Statement rev 02 (IN2, 31 March 2023); Daylight and Sunlight Report (Robinsons Surveyors, 21 October 2022); Ecological Assessment (BMD, November 2022); Ecology Technical Note (BMD, February 2023) Energy Strategy rev 03 (IN2, 6 April 2023); Fire Safety Statement rev 02 (Hoare Lea); Flood Risk Assessment and Surface Water Management Report (ICIS Design, October 2022); Pre-Demolition Audit (Stace, rev 03, dated 23 February 2023); Statement of Community Involvement (Kanda, October 2022); Outline Site Waste Management Plan (Velocity, November 2022); Operational Waste Management Strategy (Velocity, November 2022); Sustainability Statement rev 02 (IN2, 21 November 2022); Framework Travel Plan (Velocity, November 2022); Outline Construction Logistics Plan (Velocity, November 2022); Draft Delivery and Servicing Plan (Velocity, November 2022); Transport Assessment (Velocity, November 2022); Transport Technical Note (Velocity, May 2023); Townscape and Visual Impact Assessment (BMD, October 2022); Whole Life Carbon Assessment (IN2, 21 November 2022); Noise and Vibration Impact Assessment Report (KP Acoustics, ref: 23848.NVA.02, dated 5 June 2023); Technical Note (KP Acoustics, 8 June 2023); L21008-IN2-ZZ-ZZ-DR-M-0001 rev P01 (District Heat Network Plans)

Reason: For the avoidance of doubt, and in the interests of proper planning.

**3. Restriction on Commercial Use**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the area shown on the approved plans for a builders merchant (sui generis) shall only be used as such, and not for any other use. The commercial space shall not be subdivided in any way without prior consent from the local planning authority.

Reason: To ensure that the Council retains control over the quality and provision of any change of use, and to protect the character of the area and the amenity of neighbouring occupiers, in accordance with policies D3, D6 and D14 of the London Plan (2021), policies 7A, 7.4 and 7B of the Ealing Development Management DPD (2013), SPG 10, and the National Planning Policy Framework (2021).

**4. Sustainable Design and Construction**

The sustainability measures detailed in the final Sustainability Statement approved by IN2 Engineering Design Partnership in November 2022 (v2) shall be implemented and maintained. The measures shall meet the requirements of local and regional planning policies in force at the date of this permission and be in line with the Mayor’s Sustainable Design and Construction SPG in force at the date of this permission. The development shall be constructed in line with the approved energy and sustainability measures.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies SI2 and SI3 of the London Plan (2021), policies LV5.2 and 7A of Ealing’s Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing’s Development (Core) Strategy 2012 and Mayor’s Sustainable Design and Construction SPG.

**5. Air Quality – All Non-Road Mobile Machinery**

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

Reason: To safeguard adjoining occupiers of the development against unacceptable noise, disturbance and emissions, policies 1.1(j) of the Ealing Development (Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing’s Development Management DPD (2013) and policy SI1 of the London Plan(2021); and National Planning Policy Framework (2021).

**6. Environmental Health (Noise) – Ground and Airborne Building Vibration from External Sources**

Building vibration levels and re-radiated vibration noise generated by the adjacent railway and effective mitigation measures, as necessary, shall ensure that a level of low or no probability of adverse comment is met, in accordance with the criteria and the assessment method specified in BS 6472:2008. No part of the development shall be occupied unless the acceptable vibration levels are achieved.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by ground- or airborne vibration, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**7. Environmental Health (Noise) – Anti-Vibration Mounts**

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

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration noise from mechanical installations/ equipment, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**8. Environmental Health (Noise) – Metal Shutters**

Shutters shall be installed with proprietary anti-vibration isolators and soft closing mechanisms including resilient pads to reduce impact noise when used, to adequately silence the operation of the shutters and prevent structural or airborne noise being emitted.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Policies 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**9. Environmental Health (External Lighting)**

External artificial lighting for the commercial aspect of the development shall not exceed the vertical illumination lux levels at neighbouring premises that are recommended for Environmental Zone 3 by the Institution of Lighting Professionals in the 'Guidance Note 01/20 For The Reduction Of Obtrusive Light'. Lighting should be minimized by limiting the hours of use. Glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policy 7A of the Ealing Development Management DPD.

**PRE-COMMENCEMENT CONDITIONS**

**10. Demolition Method Statement and Construction Management Plan**

Prior to commencement of the development, a demolition method statement/ construction management plan shall be submitted to the Council for approval in writing. **Details** shall include control measures for:-

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

**Reason:** To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the site, in accordance with Policies 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**11. Details of Materials**

Details of the materials and finishes to be used for all external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority before any part of the super structure is commenced and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. The development shall be implemented only in accordance with these approved details.

**Reason:** To ensure that the materials and finishes are of high quality and contribute positively to the visual amenity of the locality in accordance with policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing

Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013), policies D1 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).

**12. Thames Water – Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

**13. Contaminated Land – Desktop Study/Approved Site Investigation**

- (1) No development approved by this planning permission (except demolition and site clearance) shall be commenced until a desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses, and other relevant information (the **Desktop Study**). Using the Desktop Study, a Conceptual Site Model for the site identifying potential contaminant sources, pathways and receptors shall be produced and assessment of risk to identified receptors undertaken (the **CSM**). The Desktop Study and CSM shall be submitted for approval in writing by the Local Planning Authority; and
- (2) No investigations shall be carried out on the site until a site investigation has been designed following completion of the Desktop Study using the information obtained from the Desktop Study and the CSM (the **Site Investigation**). The Site Investigation must be comprehensive enough to enable:
  - i) a risk assessment to be undertaken relating to future occupants of the site and to groundwater and surface waters associated on and off the site that may be affected; and
  - ii) refinement of the CSM; and
  - iii) the development of a method statement detailing the remediation requirements.

The Site Investigation should be submitted to and approved in writing by the Local Planning Authority prior to it being carried out on the site.

Reason: In the interests of public and environmental health and the policies contained in the National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

**14. Contaminated Land – Site Investigation**

Following approval of the Site Investigation and prior to the commencement of any works on site (other than demolition and site clearance), the Site Investigation shall be undertaken in accordance with

BS1075:2011+A1:2013 and LCRM and the CSM shall be amended based on the findings of the Site Investigation. The Site Investigation must be undertaken by a competent person and shall assess any contamination on the site. The findings of the Site Investigation shall be submitted to the Local Planning Authority for approval in writing prior to any remedial works commencing and any development works commencing.

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

**15. Contaminated Land – Remediation Scheme**

Following the approval of the findings of the Site Investigation by the Local Planning Authority, a detailed remediation scheme (based on the Method Statement and Site Investigation) to bring the site to a condition suitable for the intended use shall be submitted to and subject to the approval in writing of the Local Planning Authority (the **Remediation Scheme**). The Remediation Scheme must include all remediation works to be undertaken, proposed remediation objectives and remediation criteria. Once approved, the Remediation Scheme must be carried out in accordance with its terms prior to the commencement of development (other than demolition, site clearance, and site investigation), and other than that required to carry out remediation works.

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

**16. Energy and Sustainability – Overheating and Cooling (Non-Residential Commercial Space)**

Prior to commencement of construction (which excludes demolition, site clearance, site investigation and site remediation) an Overheating and Cooling analysis shall be submitted to the Council for approval for the non-residential commercial space. The dynamic analysis shall be compliant with the relevant CIBSE guidance TM52.

Reason: To ensure that the risk of overheating has been sufficiently addressed in accordance with policy SI4 of the London Plan; Ealing’s Development (Core) Strategy, and Development Management DPD.

**17. Energy and Sustainability – Whole Life-Cycle Carbon Assessment**

- A. Prior to the Commencement of Construction (which excludes demolition, site clearance, site investigation and site remediation), a Whole Life Carbon Assessment shall be submitted to the Council for approval. The Assessment shall be compliant with policy SI2(F) of the London Plan and in line with the GLA (March 2022) guidance. The Development shall meet the GLA benchmark targets and seek to achieve the aspirational target.
- B. Upon completion of the development, (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to new owner(s), if applicable), the site owner(s), or their agent, of the development should submit the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk). The site owner(s)/agent should use the post construction tab of the GLA’s WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA’s WLC Assessment Guidance. The post-construction assessment should provide an

update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion, unless otherwise agreed.

- C. The development shall implement the measures identified in the WLC Assessment prepared by IN2 Engineering Design Partnership in November 2022 (v2). Modules A1-A5 should achieve 516 KgCO<sub>2</sub>e/m<sup>2</sup>, and B1-C4 (excluding B6/B7) 208 KgCO<sub>2</sub>e/m<sup>2</sup>, with a total carbon emissions baseline scenario (over 60 years) of 720 KgCO<sub>2</sub>e/m<sup>2</sup> (including sequestration and module D benefits).

In this condition, the meaning of “site owner” shall exclude lessees and occupiers of the individual residential units, or the commercial unit, but shall include the freehold owner(s) of the site, or a management company with a legal interest in the site. The responsibility for discharging the requirements of Par B above may therefore fall upon more than one legal entity with an ownership interest in the site and is capable of being discharge separately in the respect of the commercial and residential uses.

Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI2(F) of the London Plan.

**18. Environmental Health (Noise) – Sound Insulation of the Building Envelope**

Prior to commencement of the superstructure (excluding demolition, initial site clearance, substructure, site investigation, site remediation and ground works), details of the sound insulation for the non-glazed and glazed building envelope at various floors and facades shall be submitted for approval by the Council in writing, having regard to the Council’s assessment standard in the current adopted version of SPG10 and noise limits specified by BS8233:2014, in conjunction with the recommendations in the Noise and Vibration Impact Assessment Report by KP Acoustics ref. 23848.NVA.02 dated 05/06/2023.

Details shall include the glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise). Details of best practicable mitigation measures for external amenity spaces shall also be provided. Details shall confirm that noise limits specified in BS8233:2014 will not be exceeded. Approved details for the residential units and the residential amenity spaces shall be implemented prior to occupation of any residential unit. Approved details for the commercial space shall be implemented prior to the occupation of the commercial space. In both cases, the approved details shall thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**19. Environmental Health (Noise) – External Noise from Mechanical Installations**

Prior to the commencement of the superstructure (excluding initial site clearance, demolition, site investigation, site remediation and ground works), details shall be submitted to the Local Planning Authority for approval in writing, of plant/ machinery/ equipment/ducting/air in- and outlets/ mechanical installations and their external rating noise level, together with mitigation measures as appropriate. The measures shall ensure that the external rating noise level LAeq emitted will be lower than the lowest existing background sound level LA90 by 10dBA at the most noise sensitive receiver locations at the

development site and at surrounding premises. The assessment shall be made in accordance with BS4142:2014 +A1 2019, with all plant/equipment operating together at maximum capacity.

Approved details shall be implemented prior to occupation/ use of plant/ machinery/ equipment and thereafter be permanently retained, save that this shall not prevent plant/machinery/equipment being upgraded for alternative plant/machinery/equipment at a later date provided that the approved noise criteria continue to be met.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**20. Environmental Health (Noise) – Enhanced Sound Insulation of Noise Sensitive Rooms in Neighbouring Dwellings**

Prior to commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure or ground works), details shall be submitted to the Council for approval in writing, of an enhanced sound insulation value of at least 5dB above the maximum Building Regulations value in force at the date of this permission, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings/areas, namely, bedroom above/below/adjoining kitchen/living/dining/bathroom of separate dwellings. The assessment and mitigation measures shall have regard to standards of the Council's current adopted version of SPG10 and noise limits specified in BS8233:2014. Approved details shall be implemented prior to occupation of the adjoining dwellings to which the approved details relate, and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with the London Housing SPG, Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**21. Environmental Health (Noise) – Enhanced Sound Insulation between Commercial and Residential Uses**

Prior to commencement of the superstructure, (excluding demolition, initial site clearance, site investigation, site remediation, substructure and ground works), details shall be submitted to the Council for approval in writing, of an enhanced sound insulation value of at least 10dB/ 15dB/ 20dB, as necessary, above the Building Regulations value in force at the date of this permission for residential use, of the floor/ ceiling/ walls separating the commercial premises, plant, and communal areas including staircase, lift lobbies, cycle/bin storage, etc. from dwellings. Where noise emissions include characteristic features, the Noise Rating level should not exceed NR20 Leq 5mins (octaves) inside habitable rooms. Details shall include the installation method and materials of separating structures and, where necessary, additional mitigation measures and the resulting sound insulation value to achieve the internal sound level specified above. The assessment and mitigation measures shall be based on standards and noise limits of the current adopted version of Council's SPG10 and BS8233:2014. Approved details shall be implemented prior to occupation of the residential units within the development to which this condition relates, and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with the London Housing SPG, Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.



**22. Environmental Health (Noise) – Enhanced Sound Insulation of Lifts**

Prior to commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure or ground works), details shall be submitted to the Council for approval in writing, of enhanced sound insulation of lifts and lift shafts, in accordance with noise limits specified in Table 5 BS8233:2014. Where noise emissions include characteristic features, the Noise Rating level shall not exceed NR20 Leq 5mins inside habitable rooms. Details shall include mitigation measures and the resulting sound insulation value and internal sound/rating level. Approved details shall be implemented prior to first use of a lift to serve the development (other than as part of lift construction, testing and commissioning) and thereafter be permanently retained.

This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**23. Air Quality – Ventilation Strategy Report**

Prior to the commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure or ground works), a Ventilation Strategy Report shall be submitted to and approved by the Local Planning Authority. The report will contain details for providing fresh air ventilation, the supply should be located away from sources of local pollution.

The report shall also include the following information:

- a) Details and locations of the ventilation intake locations of all floors
- b) Details and locations of ventilation extracts locations of all floors

The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the relevant floor of the development, to which the approved details relating to that floor relate and thereafter permanently retained and maintained. This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

Reason: To minimise exposure to existing poor air quality and provide a suitable internal living environment for future occupiers, in accordance with policy SI 1 of the London Plan 2021, policy 1.1(j) of the Ealing Development Strategy 2026 DPD (2012); and policy 7A of the Ealing Development Management DPD (2013).

**24. Air Quality – Air Quality and Dust Management Plan**

Prior to commencement of any works onsite, an Air Quality and Dust Management Plan (AQDMP) shall be submitted for the approval of the Local Planning Authority. The AQDMP will be based on the findings of Air Quality (Dust) Risk Assessment provided in the Air Quality Assessment report titled “239 Horn Lane, Ealing” dated November 2022. The AQDMP will provide a scheme for air pollution mitigation measures based on the findings of the Air quality report.

The plan shall include:

- a) Dust Management Plan for Demolition Phase
- b) Dust Management Plan for Construction Phase

The applicant shall contact the council's Pollution-Technical team about the installation of air quality monitors on site and always provide direct access to monitoring data for the duration of the project.

The Air Quality Dust Management Plan shall be implemented on commencement of any works on site and the site shall be managed in accordance with the approved plan for the duration of the construction.

Reason: In the interests of the amenity of adjoining occupiers and to minimise particulate matter associated with construction works in accordance with policies 1.1 (e) (f) (j) of the Ealing Development (Core) Strategy 2012, policy 7A of the Ealing Development Management Development Plan (2013) and policy SI1 of the London Plan(2021); and National Planning Policy Framework (2021).

#### **25. Environmental Health (Odour) – Extract and Arrestment Plan for Commercial Odours**

Prior to commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure and ground works), details shall be submitted to the Council for approval in writing, of the installation, operation, and maintenance of a suitable arrestment plant and extract system for fumes/smell, dust, solvents etc. relating to the commercial space. Approved details shall be implemented prior to occupation of the commercial space within the development and thereafter be permanently maintained and retained.

**Reason:** To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, smell, fumes, etc. in accordance with Policy 7A of the Ealing Development Management DPD.

#### **26. Transport – Layout of Access Road and Footpaths**

Prior to the commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure and ground works) and notwithstanding any approved plans and documents, details of the layout and construction of all car parking spaces, access roads, footpaths (including ramps for pedestrians and cyclists) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highways Management Department and Transport for London). The details and drawings shall incorporate the pedestrian and vehicle visibility splays, traffic calming measures, vehicle tracking diagrams and evidence of any Stage I Road Safety Audit undertaken in relation to the design of all new vehicle access points and / or alterations to the adopted highway. All new footpaths are required to be Equality Act 2010 compliant.

Reason: In the interest of the environment and improving air quality, to ensure the safe manoeuvring of cars, free flow of traffic and conditions of pedestrians, wheelchair users and general highway safety on the neighbouring highways is provided for, in accordance with policies 6.3, 6.10 and 6.13 of the London Plan (2016); and policies 1.1(e), 1.1(f), 1.1(g) and 1.2(k) of Ealing's Development (or Core) Strategy 2026 (2012).

#### **27. Landscaping and Children's Play Space**

Prior to first occupation or use of the proposed development hereby approved, the following details shall be submitted to and approved in writing by the local planning authority. The development shall be implemented only as approved and retained thereafter.

- a) Details of children's play area including safety surfacing and equipment. The childspace provision shall take account of the projected age splits of children as outlined by the GLA Population Yield Calculator;

- b) Details of hard and soft landscaping scheme, including landscape design for all communal amenity areas;
- c) Details of boundary treatments;
- d) Details of a Landscape Management Plan for a minimum period of 5 years from the implementation of final planting (specify only for applications with significant public aspect, important habitat qualities & opportunities or communal spaces in larger residential developments)
- e) Details of the green roof construction and specification, together with a maintenance schedule

Reason: To ensure that there is suitable provision for landscaping, play facilities and drainage within the site in accordance with policies 1.1 (e), 2.1 (c) of the Ealing Core Strategy (2012), policies LV 3.5 and 7D of the Ealing Development Management Development Plan Document (2013), policies S4, D6 and D8 of the London Plan (2021), the London Plan SPG on Children's Play and Recreation, and the National Planning Policy Framework (2021).

**28. Network Rail – Phasing Plan**

In the instance that the TWAO by Network Rail is approved by the Secretary of State only, prior to commencement of construction (which excludes demolition, site clearance, site investigation and site remediation), the developer shall submit to the Council for approval a phasing plan which demonstrates the phases of the development, and how the phases can be constructed to ensure that Network Rail's Old Oak Common Station works are not impeded. For the avoidance of doubt, works phased on the area shown hatched yellow on drawing number 0313888 will be assumed to provide no impediment on Network Rail's works. The phasing plan will demonstrate, in particular, how Network Rail's access to the site and turning of vehicles, storage requirements, parking requirements for RRVs and track plant, and access to the temporary RRAP will be accommodated and not impeded. Construction management measures may be included in the phasing plan to demonstrate lack of impediment to Network Rail's works. The phasing plan may include an early works phase, that may include setting out, and substructure works.

Reason: To ensure that both the intentions of the developer and network rail for the application site can be delivered should the Secretary of State grant approval for Network Rail works.

**29. Drainage and Flooding – Revised Drainage Strategy**

Prior to the commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure and ground works) a revised drainage strategy shall be submitted to the Local Planning Authority outlining the following:

- A reduction in the proposed surface water discharge rate to achieve the Qbar Greenfield rate, where practicable
- The implementation of rainwater harvesting within the proposed development in line with London Plan drainage hierarchy
- Avoid the discharge of flood water onto Horn Lane and how exceedance flood flows shall be safely stored on-site
- Completion of Ealing's version of the London Sustainable Drainage Proforma

Reason: To ensure that flood risk is minimised and mitigated, and that residual risk is addressed in accordance with Policy SI 12 of the London Plan.

**PRE-OCCUPATION CONDITIONS**

**30. Post Construction Noise Assessment for Residential Use**

Before the residential part of the development hereby permitted is first occupied or brought into use, the applicant shall demonstrate compliance with the standards and noise limits outlined within Condition 18 through post-completion noise tests that should be carried out by accredited/approved organisations and test reports shall be submitted to and approved in writing by the Local Planning Authority. The extent and type of noise tests required would depend on a number of factors, including but not limited to size of development, environment factors, and therefore any such tests would need to be agreed with the Local Planning Authority in advance. As a guide it is recommended that 10% of the number of flats are tested. Any noise measurements shall be carried out taking account of worst case environmental conditions, such as easterly/westerly operations at Heathrow, peak times of industrial activity on the opposite side of the railway, peak time traffic flows wind speed, direction and presence of temperature inversion. All continuous logged/measured data shall be submitted. The noise testing should be undertaken over a minimum period of 24 hours and include periods of typical train movements and representative activities on the industrial sites north of the railway, including train unloading. The results presented must include the LAeq,16hours in living rooms, dining rooms and bedrooms during the day, and the LAeq,8hours and LAmax,f in bedrooms at night.

In the event that the measured noise levels demonstrate that the required noise levels in terms of daytime LAeq,16hour, night-time LAeq,8hour and night-time LAmax,f are exceeded, proposals for mitigation treatments must be provided and installed, with repeat compliance tests undertaken prior to occupation.

Reason: To ensure adequate noise mitigation has been achieved, to provide good quality living conditions and to protect the operations of the activities on the northern side of the railway, in accordance with Policy D6, D13 and D14 of the London Plan and Policy 7A of the Ealing Development Management DPD.

**31. Transport – Car Parking and Management Plan**

Prior to the first occupation of the development, a Site Wide Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Car Parking Management Strategy shall include the following details:

- a) The proposed layout, distribution, accumulation of and arrangements for the management of:
  - i) Residential car parking
  - ii) Commercial car parking
  - ii) Wheelchair users parking, including demonstrating how an additional 7% disabled parking could be accommodated within the site.
- b) Measures for preventing parking in undesignated places throughout the site
- c) Measures to show how the access gate will be administered to secure the space after 5pm and how residential users (aside from disabled parking) will be prevented from parking within the internal road network
- c) The provision of active Electric Vehicle Charging Points (EVCP) for a minimum of 20% of the car parking spaces and an additional 80% passive provision of the car parking spaces within the development as set out in the London Plan (2021)
- d) Exploration of the possibility of providing a car club bay within the site

The car parking shall be provided and managed in accordance with the approved strategy for the lifetime of the development.

Reason: To ensure inclusive, safe and adequate parking is provided and retained in conjunction with the development in the interests of the general amenities of the locality, the flow of traffic and conditions of pedestrian and general highway safety within the site and on neighbouring highways, a sustainable development and where appropriate constrain local highway impact in accordance with policies T2, T3 and T4 of the London Plan (2021); policies 1.1(e), 1.1(f) 1.1(g) and 1.1(h) of the Ealing Development (Core) Strategy (2012).

### **32. Transport - Cycle Parking Details**

Notwithstanding the submitted documents, details shall be submitted prior to the first occupation of each relevant part the development to demonstrate how the cycle parking as shown on the approved plans will be implemented according to the specifications and adopted standards of the London Plan, the London Cycle Design Standards, and the Local Planning Authority. The plans shall demonstrate how 9 bicycles can be accommodated for the commercial space.

The approved details shall be brought into first use prior to occupation and retained permanently.

This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

Reason: To ensure adequate cycle parking is provided within the development in pursuance of the objectives of sustainability and encouraging the use of modes of transport other than private motor vehicles in accordance with policy T5 of the London Plan (2021), policies 1.1(k) and (g) of Ealing's adopted Development (or Core) Strategy (2012), and Ealing's Sustainable Transport for New Development SPG.

### **33. Transport - Deliveries and Servicing Management Plan**

Prior to first occupation of any part of the development hereby approved a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan should be in general accordance with the Draft Delivery and Servicing Management Plan, Outline Site Waste Management Plan and Operational Waste Management Strategy. The final plan shall cover the following:

- Vehicle tracking - Swept paths drawings for a refuse lorry vehicle, 10-metre rigid vehicle and a fire appliance vehicle;
- Deliveries and collections (both community use and residential); including how deliveries will be scheduled to avoid several lorries arriving at the site simultaneously;
- Servicing trips (including maintenance); and measures to reduce the number of freight trips to the site (freight consolidation);
- Details for the management and receipt of deliveries for the residential units.
- Cleaning and waste removal; including arrangements for refuse collection;

- Measures to be implemented on site to prevent conflicts between vehicles, disabled persons, cyclists and pedestrians on the internal road, in line with the Mayor's Vision Zero Action Plan
- Monitoring and review of operations.

The Delivery and Servicing Plan shall be implemented on first occupation of any part of the development hereby approved and the site shall be managed in accordance with the approved plan for the life of the development, or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development can be adequately serviced in the interests of the amenity of occupiers of the development and neighbouring properties, local/regional strategies adopted to increase the use of sustainable modes of transport, and pedestrian and highway safety and movement, in accordance with policies D4, D6, D8, SI7, T1, T2, T4, T5, T6 and T6.1 of the London Plan (2021).

### **34. Transport - Travel Plan**

A separate Travel Plan for both the residential and commercial functions of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use. The detailed Travel Plan shall be prepared in accordance with Ealing's Sustainable Transport for New Development SPD and the Mayor's Strategic Mode Shift Target in use at the time of its preparation. The development shall be carried out in accordance with the approved Travel Plan.

The Travel Plan for the commercial function shall also show where end-of-trip facilities (shower, lockers, change room etc.) will be provided on the ground floor to further encourage sustainable forms of transportation for the commercial element of the development. This shall be located as close as practical to the proposed cycle parking spaces for the commercial area.

Reason: To promote sustainable modes of transport, and to ensure that the development does not exacerbate congestion on the local road network, in accordance with policies 1.1 (f) (g) of the Ealing Development Strategy 2026 (2012); policies T1, T3, T4, T5 and T6 of the London Plan (2021) and Ealing's Sustainable Transport for New Development SPG.

### **35. Contaminated Land – Verification Report**

Following completion of the Remediation Scheme, a verification report that demonstrates the remediation criteria and objectives of the Remediation Scheme have been met must be produced and approved in writing by the Local Planning Authority before occupation of the development (the **Verification Report**). The Verification Report submitted shall be in accordance with the latest Environment Agency guidance.

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

### **36. Energy and Sustainability – Post-Construction Renewable Energy Equipment Monitoring**

In order to implement Ealing Council DPD policy E5.2.3 (post-construction energy equipment monitoring), and key parts of London Plan policy SI2 ("Be Seen"), the developer shall:

- a. Upon final construction of the development, and prior to occupation, the agreed suitable devices for monitoring the performance/efficiency of the renewable energy equipment shall be installed. The monitored data shall be automatically submitted to the Council at daily

intervals for a period of four years from occupation and full operation of the energy equipment. The installation of the monitoring devices and the submission and format of the data shall be carried out in accordance with the Council's approved specifications as indicated in the Automated Energy Monitoring Platform (AEMP) information document. The developer must contact the Council's chosen AEMP supplier (Energence Ltd) within three months of commencement of construction to facilitate the monitoring process.

- b. Upon final completion of the development and prior to occupation, the developer must submit to the Council proof of a contractual arrangement with a certified contractor that provides for the ongoing, commissioning, maintenance, and repair of the renewable energy equipment for a period of four years from the point that the building is occupied and the equipment fully operational. Any repair or maintenance of the energy equipment must be carried out within one month of a performance problem being identified.

Reason: To monitor the effectiveness and continued operation of the renewable/low carbon energy equipment in order to confirm compliance with energy policies and establish an in-situ evidence base on the performance of such equipment in accordance with London Plan (2021) policy SI2 ("Be Seen" stage of the energy hierarchy), Ealing's Development (Core) Strategy 2026 (3rd April 2012) and Development Management DPD policy 5.2, E5.2.3, and Policy 2.5.36 (Best Practice) of the Mayor's Sustainable Design & Construction SPG.

**37. Energy and Sustainability – Post-Construction Energy Use Monitoring (“Be Seen”)**

In order to demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and all in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

- A. Within four weeks of the commencement of development by the Local Planning Authority, the site owner is required to submit to the GLA accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the 'Be seen' energy monitoring guidance.
- B. Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. In consultation with the Council's chosen Automated Energy Monitoring Platform provider the owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.
- C. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner

has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

- D. In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner should use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority. The measures approved by the Local Planning Authority should be implemented by the legal Owner as soon as reasonably practicable.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

**38. Energy and Sustainability - Energy and CO<sub>2</sub>**

Prior to construction completion and occupation, the Development shall implement and maintain, and in the case of energy generation equipment confirm as operational, the approved measures, as laid out within the Energy Strategy, to achieve an overall sitewide reduction in regulated CO<sub>2</sub> emissions against SAP10 (or any later version) of at least 69.66% (equating to 124.76 tonnes of CO<sub>2</sub> per year) beyond Building Regulations Part L 2021 (or any later version). These CO<sub>2</sub> savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by IN2 Engineering Design Partnership in November 2022 (version 2). including:

- i. Lean, passive design measures to achieve an annual reduction of at least 14.42% equating to at least 22 tonnes in regulated carbon dioxide (CO<sub>2</sub>) emissions over BR Part L 2021 for the residential development, and at least 22.88%, equating to at least 5.57 tonnes, over Part L 2021 for the non-residential space.
- ii. Green, renewable energy equipment including the incorporation of photovoltaic panels with a combined total capacity of at least 92.5 kWp, and Air Source Heat Pumps to achieve an annual reduction of at least 54.24%, equating to 97.15 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) emissions over Part L 2021.
- iii. Seen, heat and electric meters installed to monitor the performance of the PV and the carbon efficiency (SCOP) of the heat pump system(s) (including the heat generation and the electrical parasitic loads of the heat pumps), in line with the Council's monitoring requirements.

Prior to Installation, details of the proposed renewable energy equipment, and associated monitoring devices required to identify their performance, shall be submitted to the Council for approval. The details shall include the communal heat distribution loop schematics, the exact number of heat pumps, the heat pump thermal kilowatt output, heat output pipe diameter(s), parasitic load supply schematics, monthly energy demand profile, and the exact number of PV arrays, the kWp capacity of each array, the orientation, pitch and mounting of the panels, and the make and model of the panels. The name and contact details of the renewable energy installation contractor(s), and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.

- A. On completion of the installation of the renewable energy equipment copies of the MCS certificates and all relevant commissioning documentation shall be submitted to the Council.
- B. The development shall incorporate the overheating mitigation measures detailed in the dynamic Overheating Analysis by IN2 Engineering Design Partnership in November 2022 (version 2). Any later stage version shall be compliant with TM59/Guide A and modelled against the TM49 DSY1 (average summer) weather data files, and the more extreme weather DSY2 (2003) and DYS3 (1976) files for TM59 criteria (a) and (b).



- C. Within three months of the occupation/first-use of the development a two-page summary report prepared by a professionally accredited person comparing the “as built stage” TER to BER/DER figures against those in the final energy strategy along with the relevant Energy Performance Certificate(s) (EPC) and/or the Display Energy Certificate(s) (DEC's) shall be submitted to the Council for approval.

Reason: In the interest of addressing climate change and to secure environmentally sustainable development in accordance with policies SI2 and SI3 of the London Plan (2021), and the relevant guidance notes in the GLA Energy Assessment Guidance 2020, policies LV5.2 and 7A of Ealing’s Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing’s Development (Core) Strategy 2012.

**39. Energy and Sustainability - Circular Economy**

Prior to completion of construction of the permitted development a Circular Economy Statement Post Completion Report should be completed accurately and in its entirety in line with the GLA’s Circular Economy Statement Guidance (or equivalent alternative Guidance as may be adopted). This should be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Specific commitments detailed in the Circular Economy statement produced by IN2 Engineering Design Partnership in November 2022 (v1), or any later approved version, and accompanying Logistic Plans, should be implemented including; diverting 95% of demolition and construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, using 20% of building materials from recycled sources, and diverting the London Plan target of 65% of Operational Waste from landfill by 2030.

Reason: In the interests of sustainable waste management and in order to maximise the appropriate re-use and recycling of materials in line with London Plan Policy D3 (Optimising site capacity), SI7 (Reducing waste), SI2 (Minimising greenhouse gas emissions).

**40. Air Quality – Diesel Generators**

Prior to their operation, details on all new installed diesel generators demonstrating compliance with a minimum NOx emissions standard of 150mg/Nm-3 (at 5% O2) must be submitted and approved in writing by the Local Planning Authority. This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

The details must include the results of NOx emissions testing of the diesel fuelled generator units by an accredited laboratory, emissions concentrations expressed at specific reference conditions for temperature, pressure, oxygen and moisture content under normal operating conditions.

Where any combustion plant does not meet the relevant standard, it should not be operated without the fitting of suitable NOx abatement equipment or technology. Evidence of installation shall be required where secondary abatement is required to meet the NOx Emission standard 150mg/Nm-3 (at 5% O2). The emergency plant and generators hereby permitted may be operated only for essential testing, commissioning and maintenance, except when required in an emergency situation.

Reason: To ensure LA meets its obligations to deliver air quality objectives for NO2 in accordance with London Local Air Quality Management (LLAQM), and to limit PM2.5 (fine particulates) to safeguard public health and well-being and external amenity of nearby sensitive receptors.

**41. Secure By Design**

The development hereby approved shall achieve Secure by Design Accreditation, in consultation with the Metropolitan Police Crime Prevention Design Advisor and the British Transport Police Designing Out Crime Unit. Measures to be discussed further with both these relevant stakeholders need to be addressed, including:

- The postal strategy for the development to ensure that these are appropriately designed to mitigate against theft; and
- Adequate height for roof terraces, balconies and decks facing the railway to prevent objects being thrown on to the overhead electric lines and tracks; and
- The proposed security gate to the internal access road will need to be secured at 5pm each day to prevent Anti-Social Behaviour.

Reason: To ensure that opportunities to commit crime are reduced, particularly in relation to the approved apartment buildings that contain shared core entrances that serve more a number of dwellings; and in order that the new buildings incorporate appropriately designed security features, in accordance with policies D11 of the London Plan (2021).

**42. Environmental Health (Noise) – Commercial Site and Operations Management Plan**

Prior to occupation of the commercial space, a commercial Site and Operations Management Plan shall be submitted to the Council for approval in writing. Details shall include the following:

- hours of use,
- details of operations,
- times and frequency of activities, deliveries and collections, vehicle movements incl.forklift,
- details of external and internal storage arrangement for building materials,
- keeping external doors and windows shut at all times where noise, smell, smoke or fumes may be emitted,
- details of a quiet delivery/collection strategy,
- a clear policy of careful handling, avoiding banging, dropping heavy items,
- quiet reversing methods and vehicle engines off when stationary,
- absorbent surfaces,
- shielded position of lorry engines starting up, breaking, etc.

The assessment shall be based on standards of the Council’s SPG10 (in force at the date of this permission) and BS8233:2014 for noise sensitive receivers. Quiet Deliveries Good Practice Guidance by the DfT (Department for Transport) and the FTA (Freight Transport Association shall be observed. Approved details shall be implemented prior to occupation of the commercial space and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, smell, fumes, etc. in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

**43. Flood Warning and Evacuation Plan**

Prior to occupation of the development, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to the Council for approval, including consideration of the identified risk of reservoir flooding of the site.

Reason: To ensure the safety of future residents and occupiers and build resilience including the safe evacuation of all site users, in accordance with Policy SI 12 of the London Plan.

**44. Thames Water – Infrastructure Phasing Plan**

No development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

**Informatives**

1. The decision to grant planning permission has been taken in accordance with the statutory duty under section 38(6) Planning and Compulsory Purchase Act 2004 that the application must be determined in accordance with the development plan unless material considerations indicate otherwise; and in accordance with the statutory duty under section 70(2) Town and Country Planning Act 1990 (as amended) to have regard to the provisions of the development plan, so far as material, any local finance considerations so far as material, and to all other material considerations. The decision to grant planning permission has been taken having regard to the formal comments received by the Greater London Authority and other representations received; and after considering the National Planning Policy Framework (2021), the policies and proposals in the London Plan (2021) and all relevant material considerations including Supplementary Planning Documents/Guidance, and the following:

National Planning Policy Framework (2021)

London Plan (2021)

- Policy GG1 Building Strong and Inclusive Communities
- Policy GG2 Making the Best Use of Land
- Policy GG3 Creating a Healthy City
- Policy GG4 Delivering the Homes Londoners Need
- Policy GG5 Growing a Good Economy
- Policy GG6 Increasing Efficiency and Resilience
- Policy SD10 Strategic and Local Regeneration
- Policy D1 London’s Form, Character and Capacity for Growth
- Policy D2 Infrastructure Requirements for Sustainable Densities
- Policy D3 Optimising Site Capacity Through the Design-Led Approach
- Policy D4 Delivering Good Design
- Policy D5 Inclusive Design
- Policy D6 Housing Quality and Standards
- Policy D7 Accessible Housing
- Policy D8 Public Realm
- Policy D11 Safety, Security and Resilience to Emergency
- Policy D12 Fire Safety
- Policy D14 Noise
- Policy H1 Increasing Housing Supply
- Policy H4 Delivering Affordable Housing
- Policy H5 Threshold Approach to Applications

|             |  |
|-------------|--|
| Policy H6   | Affordable Housing Tenure                          |
| Policy H7   | Monitoring of Affordable Housing                   |
| Policy H10  | Housing Size Mix                                   |
| Policy H16  | Large-Scale Purpose-Built Shared Living            |
| Policy S3   | Education and Childcare Facilities                 |
| Policy S5   | Sports and Recreation Facilities                   |
| Policy E11  | Skills and Opportunities for All                   |
| Policy HC1  | Heritage Conservation and Growth                   |
| Policy HC6  | Supporting the night-time economy                  |
| Policy HC7  | Protecting public houses                           |
| Policy G1   | Green Infrastructure                               |
| Policy G4   | Open Space   |
| Policy G5   | Urban Greening                                     |
| Policy G6   | Biodiversity and Access to Nature                  |
| Policy SI1  | Improving Air Quality                              |
| Policy SI2  | Minimising Greenhouse Gas Emissions                |
| Policy SI3  | Energy Infrastructure                              |
| Policy SI4  | Managing Heat Risk                                 |
| Policy SI5  | Water Infrastructure                               |
| Policy SI7  | Reducing Waste and Supporting the Circular Economy |
| Policy SI12 | Flood Risk Management                              |
| Policy SI13 | Sustainable Drainage                               |
| Policy T1   | Strategic Approach to Transport                    |
| Policy T2   | Healthy Streets                                    |
| Policy T3   | Transport Capacity, Connectivity and Safeguarding  |
| Policy T4   | Assessing and Mitigating Transport Impacts         |
| Policy T5   | Cycling  |
| Policy T6   | Car Parking  |
| Policy T6.1 | Residential Parking                                |
| Policy T7   | Deliveries, Servicing and Construction             |
| Policy T9   | Funding Transport Infrastructure Through Planning  |
| Policy DF1  | Delivery of the Plan and Planning Obligations      |

In reaching this decision, specific consideration was given to the information contained in the applicant's submission including detailed plans, supporting statements and technical reports submitted with the application. The principle of the proposed land uses has been considered against relevant policies, the public benefits generated by the proposed development and the needs of the local area. Consideration was also given to the impact of the proposed development on the amenities of neighbouring residential properties and the character and appearance of the area. The principle of tall buildings on this site and its appropriateness in terms of its form, scale, layout and appearance and contribution that it makes to place making and the quality of the proposed residential environment and the amenity of future residents. The level of affordable housing is supported. Access, traffic, parking and servicing implications have all been assessed and found to be acceptable as has the provision of quality hard and soft landscaping and public and private amenity spaces.

It was considered that subject to appropriate safeguarding conditions, given the nature of the proposed development and having considered all objections and comments received from stakeholders and interested parties to date, that on balance the proposals would accord with the relevant planning policies and guidance. It is therefore considered that planning permission should be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

2. This development is the subject of an Agreement under Section 106 of the Town and Country Planning Act (as amended).
3. The Mayor's Community Infrastructure Levy (CIL) was adopted on 01/04/2012 and later revised on 01/04/2019 (MCIL 2) This has introduced a charging system within Ealing of £60 per sqm of gross internal area to be paid to the GLA. On the basis of the information submitted with the application, the proposed development would be liable to pay CIL due to the development comprising of new residential uses and development of over 100sq.m which is not exempt from the Mayors CIL.
4. Construction and demolition works and associated activities at the development including deliveries, collections and staff arrivals audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays.
5. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of persons responsible for the site works should be signposted at the site and made available for enquiries and complaints for the entire duration of the works. Updates of work should be provided regularly to affected neighbours. Any complaints should be properly addressed as quickly as possible.
6. Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition.
7. No waste materials should be burnt on site of the development hereby approved.
8. Best Practicable Means (BPM) should be used during construction and demolition works, including low vibration methods and silenced equipment and machinery, control and monitoring measures of noise, vibration, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary, in accordance with the Approved Codes of Practice of BS 5228-1 and -2:2009+A1:2014 Codes of practice for noise and vibration control on construction and open sites.
9. Although it isn't anticipated that the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or Radar. We would like to advise the developer that if a crane is required for construction purposes, then red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib if a tower crane, as per the requirements set out by CAP1096.  
<https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=5705>
10. Where a crane is 100m or higher, crane operators are advised to notify the CAA ([arops@caa.co.uk](mailto:arops@caa.co.uk)) and Defence Geographic Centre ([dvof@mod.gov.uk](mailto:dvof@mod.gov.uk)) .

The following details should be provided before the crane is erected:

- the crane's precise location
- an accurate maximum height
- start and completion dates

11. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
12. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021.
13. Railway boundary fencing may need to be replaced with a Class 1 boundary measure, to prevent a fare evasion/trespass desire line between the platforms at Acton Main Line station and this development, Network rail will be able to provide confirmation. Trespass onto the railway is a criminal offence and serious injury and loss of life can occur should individuals gain access. It can also result in damage to the railway infrastructure and cause long delays to railway services which can not only impact local services but also services many miles away.