



Notice of Meeting:  
**Planning  
Committee**

**Meeting Location:**

The Atrium - Perceval House

**Date and Time:**

Wednesday, 13 December 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), S Khan, T Mahmood, A Kelly, A Raza, M Hamidi, Y Gordon, L Wall, M Rice, C Summers, J Ball and S Kumar

# 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

(Pages 5 - 12)

To approve as a correct record the minutes of the meeting held on 1 November 2023.

## 6 Site Visit Attendance

To share site visit details and note site visit attendance.

## 7 Planning application - 225225FUL - Villiers High School, Boyd Avenue, Southall, Middlesex, UB1 3BT (Southall Broadway)

(Pages 13 - 58)

## 8 Planning application - 220178FUL - East Acton Arcade, 93 Old Oak Common Lane, Acton, London, W3 7DJ (East Acton)

(Pages 59 - 140)

## 9 Planning application - 233342FUL - 16 Eastman Road, Acton, W3 7YG (Southfield)

(Pages 141 - 196)

## 10 Planning Services Performance Report

(Pages 197 - 202)

## 11 Public Speaking at Planning Committee - Protocol Update

(Pages 203 - 238)

## 12 Date of the Next Meeting

The next meeting will be held on 24 January 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, 5 December 2023

## Minutes of the meeting of the Planning Committee

**Date:** Wednesday, 1 November 2023

**Venue:** The Atrium - Perceval House

### **Attendees (in person): Councillors**

R Wall (Chair), D Martin (Vice-Chair), T Mahmood, A Kelly, A Raza, M Hamidi, M Iqbal, S Padda, L Wall, G Shaw, A Steed and F Conti

### **Apologies:**

K Sahota, S Khan, S Kohli and Y Gordon

### **1 Apologies for Absence and Substitutions**

Apologies were received from Councillors Gordon, Kohli, Sahota, and Khan.

Councillor Iqbal substituted for Councillor Gordon, Councillor L Wall for Councillor Kohli and Councillor Raza for Councillor Sahota.

### **2 Urgent Matters**

There were none.

### **3 Declarations of Interest**

There were none.

### **4 Matters to be Considered in Private**

There were none.

### **5 Minutes**

#### **RESOLVED:**

That the minutes of the meeting on 19 October 2023 were agreed as a correct record.

### **6 Site Visit Attendance**

The following councillors attended site visits for the applications on the agenda prior to the meeting:

Councillors R Wall, Martin, Mahmood, Kelly, Iqbal, Padda and Conti.

### **7 Planning application - 223090FUL - Sherwood Close (Former Dean Gardens Estate), West Ealing, London, W13 9YP (Walpole)**

Joel Holland, Planning Officer, introduced the report and explained that the application before the Committee was for the redevelopment of the site, including the demolition of the existing building and the construction of two buildings in their place ranging from 6 to 14 storeys. These buildings were proposed to provide 185 self-contained residential units. The development site was located in West Ealing, with the site having frontages onto Northfield Avenue, Tawny Close and Sherwood Close. Northfield Allotments were to the east of the development.

Mr Holland outlined some of the history to the development, noting that the proposals related to Phase 3 (the final phase) of the Sherwood Close (Dean Gardens) estate redevelopment. Phase 3 had been covered by a planning permission consent given in October 2015. The updated proposals involved an increase in the number of units to be created as part of phase 3, an increase in the height of the development, and a change in the massing of the buildings.

The increase in the number of proposed units was accompanied by proposals for affordable housing to be brought forward in this phase, which had not originally been planned. The 10 3-bedroom units were all going to be affordable housing, which was particularly desirable as this would supply housing for low-income families. Despite the increase in height, Mr Holland explained that officers considered that the proposals were an improvement on the design of the original scheme, particularly in that the new proposals included staggered building heights and opportunities for new cross development links and public realm improvements.

Overall, officers considered that the development constituted one which maximised the opportunity for housing on the site and which was well-connected to public infrastructure. It was considered to be a significant improvement to the consented scheme, and was accordingly recommended for approval, subject to conditions and a section 106 legal agreement.

A briefing note in respect of the application had been produced by Planning Officers, circulated to the committee and published on the Council's website prior to the meeting. It had provided information on an amendment to the officers' recommendation and additional clarifications to the report.

Edita Butkute, an objector to the development, made a representation to the Committee which included the following key points:

- The proposed buildings were too tall in the context of the local area, with buildings near to the estate tending to range between 5 – 7 stories. The heights of the proposed buildings were taller than those recommended for West Ealing in Ealing's tall buildings strategy 2022.
- The proposals were likely to change the scale and character of the local area, with particular risk to the character of the community allotments next door to the site.
- Whilst residents were supportive of redevelopment for the local area, it

appeared to them that the planning process had been rushed with little time for engagement and consultation with local residents ahead of the decision.

Pascal French, on behalf of the applicant, spoke in favour of the application. The representation made the following key points:

- The proposals formed the third phase of the Dean Gardens Estate regeneration scheme. The proposals were designed to maximise the potential of the site, which was brownfield and highly accessible.
- There was a historic planning permission for the scheme which was granted in 2015. The new application was an improvement on the existing consent, comprising 37 new social rent units of which 10 were going to be 3-bedroom family units. There had been no affordable housing proposed in phase 3 of the original scheme.
- Other benefits of the scheme included the planting of new trees, a biodiversity net gain, new employment opportunities, as well as the provision of a new pocket park and community garden.

The Committee asked questions and debated the proposal. In response to some of the questions and points raised, officers confirmed that:

- In the committee report, officers acknowledged the provisions of the Local Plan in relation to tall buildings and their suitability for this site. On balance, given the findings of the townscape impact assessment, officers considered that the proposed heights were acceptable in this case.
- Officers disagreed that the application had been rushed, given that the original application had been submitted in July 2022 and that the duration of the application had been longer than statutory timeframes.
- Page 9 of the report was corrected to state that “Of the uplift in units between the approved and proposed schemes, the development provides for 68% affordable housing, which are all within a social rent tenure”.
- The development site was a brownfield site because it had been developed on before.
- Consent had been given to planning applications for buildings in the local area taller than the proposed 14 storeys of this development. One example was the consent given to the last phase of the Green Man Lane Estate, with buildings in this development to be up to 16 storeys.

The Committee proceeded to vote on the application.

**RESOLVED:**

That for the reasons set out in the committee report, planning permission for application REF **223090FUL** be **GRANTED** subject to:

1. Successful resolution of Planning Conditions of Consent;

1. Satisfactory completion of a Section 106 Legal Agreement; and
2. A Stage II referral to the Greater London Authority.

**8 Planning application - 223545FUL - The Hambrough Tavern, The Broadway, Southall, Middlesex, UB1 1NG (Southall West)**

Joel Holland, Planning Officer, introduced the report and explained that the application before the Committee was for the demolition of existing buildings on the application site and the construction of a part 5, part 17 storey building comprising build to rent resident units, community space, and the re-provision of an existing public house on the site. The site was located in Southall West, close to the canal, with prominent frontages onto both Bankside and The Broadway. Officers considered it had the potential to become a gateway building to Southall, given its prominent position on the border with the London Borough of Hillingdon, and its location in an area which played a historically important role in the development of Southall.

Mr Holland described the residential units which would be created as part of this development. They were going to be build to rent units, which were considered to be strategically important in both the London Plan and the Draft Local Plan. Although the site was not allocated for development in the existing Local Plan, it was part of a potential allocation within the Draft Local Plan. It was also noted that there was an existing consent for a hotel scheme of up to 15 storeys on the site, although officers were satisfied that there was sufficient evidence that a hotel scheme was no longer viable on the site, allowing the principle of this residential led development to remain acceptable.

Mr Holland provided an overview of officers' assessment of the design, scale and height of the proposed development. Officers believed that the scheme did not depart significantly in terms of scale and height from the existing consent for a 15-storey building on the site. Mr Holland also noted some of the key strengths of the design, including an interesting façade design which used ceramic panelling glazed with terracotta. The use of these materials were a reference to the heritage of Southall.

Overall, it was the view of officers that the scheme was well considered. Officers found no reasons that would warrant refusal of the application. Mr Holland therefore recommended that the committee grant the application, subject to conditions, a Section 106 legal agreement, and a Stage II referral to the Greater London Authority.

A briefing note in respect of the application had been produced by Planning Officers, circulated to the Committee and published on the Council's website prior to the meeting. It had provided notes and clarifications to the committee report.

There were no speakers on this item. The Committee asked questions and debated the proposal. In response to some of the questions and points



raised, officers confirmed that:

- There was a supportive policy context to the re-provision of the public house on the site. The London Plan sought to support the operation of public houses through planning policy, with public houses understood to be spaces for community gatherings.
- In order for the applicant to change the use of the ground floor from a public house to another use, for instance a commercial use, the applicant would have to make an application to change the use class. As part of the application, the applicant would have to supply robust evidence that a public house was not viable on the site.
- The proposals for the unique cladding design were brought to the Council by the applicant rather than the proposals being requested by the Council. Officers were confident that this indicated that the applicant was serious about delivering on the design that was proposed. In any case, there were conditions on the materials the applicant could use for cladding.
- Given the proximity of the territorial army centre to the development site, officers consulted the Ministry of Defence of the proposals. The Ministry of Defence requested a bird hazard management plan to be produced.
- There was a community asset separate to the public house.
- It was a common design of tall buildings to include a roof terrace communal space on the top level of the building. Any such roof terraces were required to comply with building regulations in order to ensure the safety of the areas.
- There was a contribution of £50,000 towards the canals and river trust. This had been requested to expand the scope of the Southall Wellbeing Way project.

The Committee proceeded to vote on the application.

**RESOLVED:**

That for the reasons set out in the committee report, planning permission for application REF **223545FUL** be **GRANTED** subject to:

1. Successful resolution of Planning Conditions of Consent;
3. Satisfactory completion of a Section 106 Legal Agreement; and
4. A Stage II referral to the Greater London Authority.

**9 Planning application - 216215FUL - 13-15 The Green, Southall, UB2 4AH (Norwood Green)**

John Robertson, Planning Officer, introduced the report and explained that the application before the Committee was for the demolition of existing buildings and the construction of a part 23, part 19 and part 14 storey building on a derelict commercial site just south of Southall town centre. The

proposals were for a residential-led redevelopment comprising 95 residential units, with flexible community/amenity space on the ground floor available for residents and the local community. There was also going to be communal outdoor amenity space in terraces at the first and fourteenth floor levels.

Mr Robertson noted that an application had been approved by the planning committee in July 2022, although this had required revision due to changes in fire safety regulations. The proposals had been amended to provide a second staircase in the building, which had led to changes in the shape of the building and an enlargement of its core area.

Some key aspects of the proposals remained unchanged from the consented application. The proposed tenure split remained unchanged, with 70% intermediate and 30% London Affordable Rent. This was not the preferred tenure split of the Council, although officers were satisfied on the basis of the evidence submitted by the applicant that this was the best tenure split which was financially viable for the applicant. Mr Robertson also noted that the proposed height of the building was unchanged from the existing consent. Whilst the site was not within a site identified as appropriate for tall buildings, it did lie in the Southall Gateway character area and was close to other sites in the area which had gained consent for similarly tall buildings.

Mr Robertson noted the public realm improvements secured through the scheme. These included widening pavements, tree planting, new benches, and integrated street lighting between public realm area and the raised highway. Whilst the urban greening factor was below what the Council would usually expect, Mr Robertson noted that this was likely due to small size of the site. There were also going to financial contributions as a result of the scheme through a Section 106 Legal Agreement and a Community Infrastructure Levy, with contributions overall in the region of £1.2 million.

Overall, it was the view of officers that the scheme was likely to provide a number of planning and regeneration benefits. On balance, it was considered that the proposed development accorded with relevant planning policy. Mr Robertson therefore recommended that the committee grant the application, subject to conditions, Section 106 and Section 278 legal agreements, and Stage II referral to the Greater London Authority.

A briefing note in respect of the application had been produced by Planning Officers, circulated to the Committee and published on the Council's website prior to the meeting. It had provided information on amendments to the recommendation in the committee report and details further comments which had been received. Mr Robertson explained that the London Fire Brigade had raised concerns about lobbies to the fire evacuation lifts and the 14<sup>th</sup> floor amenity area. Mr Robertson explained that the applicant had provided a response to the concerns and had satisfied officers that the proposed design was compliant with the London Plan and relevant fire safety legislation. It was also noted that no objections had been raised by the Health and Safety Executive in relation to the scheme and that the proposals were to be reviewed by the Greater London Authority as part of a Stage II referral.

The Committee asked questions and debated the proposal. In response to some of the questions and points raised, officers confirmed that:

- Because of the size of the site, it had not been possible to offer on-site parking. It was proposed for one parking bay on Hortis Road to be converted into a disabled parking bay.
- There had been discussions about the potential for additional disabled parking bays being allocated on The Green. However, there was a risk that parking pressures in the local area could worsen if additional bays were converted to disabled bays. Officers were asked to probe this issue further and to feedback to the chair and vice-chair of the committee on any developments in provision of parking for the scheme.
- There had not been any agreed parking for the consented scheme, so it was officers' view that the agreed disabled parking bay on Hortis Road was an improvement on the original application.
- Loading and servicing areas were planned to be on-site at the ground floor level. Entrance to the site for these areas was considered adequate by the Council's highways team.
- Because there were two fire evacuation lifts rather than one, and each one was in a separated ventilated corridor, these corridors provided the dedicated lobby area noted by the London Fire Brigade and these would be suitable for refuge for all fire scenarios considered by fire safety guidance.
- The ground floor amenity area had not changed from the previous consent. It was available for use by residents of the flats in the buildings and by any community groups which came forward.
- It was common for tall building developments to propose amenity areas for their residents on a top floor terrace. There were conditions proposed to ensure high balustrades were installed to ensure the safety of the terrace and it was noted that the plans were to be scrutinised by building regulations and the Health and Safety Executive.
- Public realm landscaping was going to be managed and maintained by the development's managing agent, whilst works to the area outside of the applicant's control were going to be dealt with by a Section 278 Agreement.

The Committee proceeded to vote on the application.

**RESOLVED:**

That for the reasons set out in the committee report, planning permission for application REF **216215FUL** be **GRANTED** subject to:

1. Successful resolution of Planning Conditions of Consent;
  2. Satisfactory completion of Section 106 and 278 Legal Agreements;
- and

3. A Stage II referral to the Greater London Authority.
4. A Community Infrastructure Levy payment to the Greater London Authority (GLA).

**10 Date of the Next Meeting**

The next meeting was scheduled for 13 December 2023.

Meeting commenced: 7.00 pm

Meeting finished: 8.26 pm

Signed:

Dated: Wednesday, 13 December  
2023

R Wall (Chair)

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**Ref :** 225225FUL

**Address:** Villiers High School, Boyd Avenue, Southall, Middlesex, UB1 3BT

**Ward:** Southall Broadway

**Proposal:** Construction of a three storey building for education use on the south eastern part of the site; rooftop teaching terrace and wildlife meadow (Regulation 3 Application by London Borough of Ealing)

**Drawing numbers:** VHS4-MAB-00-00-DR-A-00170 Rev P04 (Proposed Sections), VHS4-MAB-00-00-DR-L-00101 Rev P03 (Existing Site Layout / Block Plan), VHS4-MAB-00-00-DR-L-00102 Rev P08-WIP (Proposed Site Layout / Block Plan), VHS4-MAB-01-00-DR-A-00107 Rev P02 (Building as Existing - Photographs), VHS4-MAB-01-00-DR-A-00120 Rev P05 (Proposed Ground Floor Plan), VHS4-MAB-01-01-DR-A-00121 Rev P05 (Proposed First Floor Plan), VHS4-MAB-01-02-DR-A-00122 Rev P05 (Proposed Second Floor Plan), VHS4-MAB-01-03-DR-A-00123 Rev P05 (Proposed Roof Terrace Plan), VHS4-MAB-01-RF-DR-A-00124 Rev P04 (Proposed Roof Plan), VHS4-MAB-01-ZZ-DR-A-00160 Rev P05 (Proposed Elevations), VHS4-MAB-01-ZZ-DR-A-00165 Rev 02 (Proposed Street-Scene Elevations), VHS4-MAB-ZZ-ZZ-VL-A-00190 Rev P02 (Perspective Views), VHS4-MAB-ZZ-00-DR-A-00100 Rev P04 (Site Location Plan), Planning Statement Ref: VHS4-MAB-XX-00-PR-A-00101 Rev S2 P01 dated 05.12.2022, Design & Access Statement Rev P02 dated 01.12.2022, Preliminary Ecological Appraisal dated January 2021, Technical Briefing Note: Addendum to Ecological Appraisal dated 17 October 2022, Transport Assessment Ref: 5891/001/001A dated November 2022, Site Waste Management Plan for Villiers-Forecast dated 24 November 2022, Villiers High School Acoustics Rev P01 dated 6 December 2022, Villiers High School Energy Report Rev 5 dated 1 December 2022, Villiers High School BREEAM 2018 NC Pre-Assessment Report Rev 1 dated 28 July 2022, Drainage Strategy Report Rev P01 dated 22 November 2022, Draft Interim Travel Plan October 2022, HEA 02a Villiers High School Campus Indoor and Outdoor Air Quality Plan – Supporting Evidence dated 5 August, Villiers High School – Air Quality Existing Masterplan, Tree Survey Condition & Management Report dated 4 November 2020 and Tree Location Plan dated 11/03/2020.

Type of Application: Full Application

Application Valid: 12.12.2022

Report by Marile van Eeden

Recommendation: Grant planning permission subject to conditions and planning obligations

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**Executive Summary**

Villiers High School is located within Southall, West London in a predominantly residential neighbourhood. The application site measuring 2.06ha has been used educational use since 1907 and new buildings were added through the years. The application site is not located within a Conservation Area and does not contain any Statutory Listed Buildings. It is located within the Southall Opportunity Area.

The proposed development comprises of a three storey technology teaching building, inclusive of rooftop teaching terrace and wildlife meadow. The proposed development would entirely occur on land designated for educational use. The proposed technology teaching block would be located towards the south eastern portion of the site and would partially be located on the existing playing field. The proposed technology teaching block would measure approx. 4,725sqm (GIA) and would contain several classrooms, staff rooms, washrooms, etc. Currently, there are 1,731 pupils enrolled (8FE) and the proposed technology teaching building would enable an additional 122 pupils resulting in a total of 1,853 pupils (9FE). Subsequently (not forming part of this application), building B02 would be demolished as per the existing Villiers High School Masterplan.

A financial contribution to the sum of £36,384 would be secured by way of internal transfer and for transparency all obligations will be registered on the local land charge pursuant to a Unilateral Undertaking.

The external materials align with typical educational buildings and reference has been made within the proposed technology teaching block to the Edwardian facades of the original school building on the application site. The proposed technology teaching block would be located in closer proximity to the residential amenity located to the south of the application site. The proposed development would not negatively impact the neighbouring amenity in terms of daylight/sunlight, however, it would increase the level of overlooking and privacy and noise, however, it is considered that these would be limited to school hours only and the proposed use is aligned to typical uses found within educational sites.

The proposed technology teaching block would be partially located on the existing playing fields. In order to mitigate the loss of the playing field, several new multi sports areas have been identified which would be developed in line with the masterplan. These multi sports areas include a new multi-use games area, table tennis, outdoor gym located towards the centre of the site where block B02 would be demolished. In addition, two sport courts located to the east of the school would be upgraded with 3G surfacing and sport lights and a 1 mile running track, zen garden and forest school would be created around the proposed technology teaching block.

The proposed development incorporates design principles and features that would maximise the energy efficiency of the proposed development which would reduce the energy demand of the proposed development. These design principles and features include:

- Building fabric elements and glazing specifications significantly improved to the Building Regulation requirements.
- Reduced air permeability compared to maximum required standards.
- Specification of efficient heating services and control systems.
- Energy efficient lighting through the development.

The modelling undertaken confirms that a 2.2tn (15%) reduction in CO2 emissions could be achieved over the baseline emissions via the implementation of the energy efficient design aspects.

In addition to the design principles and features, Photovoltaic (PV) Panels would be installed on the roof of the proposed technology teaching block. This technology option would achieve a BREEAM 'Excellent' and Low and Zero carbon energy requirements.

The proposed strategy achieves a site wide total reduction of the regulated carbon dioxide emissions of 37% over Building Regulations (2021). Moreover, the development achieves a total reduction of 22% of its regulated emissions through the use of renewables on site.

No new car parking would be proposed, and the proposed development would increase the number of blue badge parking spaces and electrical vehicle (EV) parking spaces.

No representations were made during the statutory consultation period.

The application has been assessed in terms of the principle, design character and street scene, impact on neighbouring amenity, sport fields, energy and sustainability, highways, transport parking and cycling, trees and landscaping, air quality and flood risk and drainage. It is considered that the proposal is acceptable and would be consistent with the aims of the relevant policies of the National Planning Policy Framework, The London Plan, Ealing's Development (Core) Strategy, Development Management DPD and the Planning for Schools DPD. It is therefore recommended that the committee GRANT planning permission subject to conditions of consent contained in Appendix A; subject to the satisfactory completion of a Unilateral Undertaking to secure the items set out below.

### **Recommendation**

#### **Grant subject to Conditions, and Planning Obligations**

That the committee GRANT planning permission subject to the internal transfer of financial contributions, and securing of other planning obligations as follows:

That planning permission is granted subject to the following:



**1.1 Heads of Terms**

**1.1.1 Financial contributions**

The proposed contributions to be secured through the internal transfer of financial contributions and for transparency all obligations will be registered on the local land charge pursuant to a Unilateral Undertaking as set out below:

- Energy (carbon offsetting) - £26,634
- Energy (post construction energy monitoring) - £6,750
- Travel monitoring – £3,000

Total: £36,384

**1.1.2 Non-Financial contributions**

Upgrading of the existing sport courts to the east of the application site with 3G surfacing and sports lighting.

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

**1.1.3 Other Heads of Terms**

**Site Description**

Villiers High School is located within Southall, West London. The site is bounded by Villiers Road to the west and Boyd Avenue to the north. Residential properties are located on both the western side of Villiers Road and the northern side of Boyd Avenue. The site adjoins Southall Park to the east, and residential properties to the south as illustrated in *Figure 1* below.



*Figure 1: Site location*

The site has been used educational use since 1907, when the school first opened. The school originally comprised the main B01 building, which faces onto Boyd Avenue. Notably, the Main building was designed by Middlesex County Council Architect Harry George Crothall (1865-1929), whom also around the same time designed Harrow School for Boys in 1911 and Sir Thomas More School in Wood Green in 1912. In 1975, an additional 4 storey technology building was added to the site. Between the years of 1988 to 1995 various additions have been made to Villiers High School, including a single-story Dining Hall, 6th Form Study, Music and Sports hall with changing.

The largely rectangular site occupies an area of 2.06ha and several existing buildings are located on the site as illustrated in *Figure 2* below:

- B01 Two-storey building. Main high school entrance block.
- B02 Four-storey building. Technology Block.
- B02 Link Two-Storey building (Open GF). Link between B01 & B02 buildings.
- B03 Single-storey canteen, sports hall and 6th form block.



*Figure 2: Existing buildings*

The main vehicle and pedestrian access to the site is located along Boyd Avenue. Additional pedestrian access to the Sixth Form Centre is from Villiers Road. There is one pedestrian access from Southall Park in the southeast, currently not in use, and also an access from the school to the sport courts.

There are currently 75 car parking spaces provided on site, largely located along the northern and eastern boundaries.

The application site is not located within a Conservation Area and does not contain any Statutory Listed Buildings. It is located within the Southall Opportunity Area and the Ealing’s Draft New Local Plan (Reg.18 Nov. 2022) indicates the Southall Opportunity Area Planning Framework (OAPF) would be replaced by the Southall Town Plan and associated site allocations.

The application site is located within a ground water vulnerability drift area and is susceptible to groundwater flooding. The site currently has a PTAL of 4 and 5 and therefore benefits from good transport links in terms of vehicular, bus and railway transport options. The site is located within the Southall 1 Zone L Controlled Parking Zone with parking restrictions between Monday to Saturday 10:00 to 20:00 and Sundays between 14:00 to 20:00.

**Relevant Planning History**

191951FUL	Installation of 2.3-metre-tall turnstile entrance gate on Villiers Road	Granted with Conditions	04/03/2020
PP/2015/1293		Approved	02-07-2015
PP/2014/2704	Erection of two single storey extensions to west side to enlarge the dining room and Sixth Form accommodation and an adjacent replacement detached bin store with additional pedestrian access off Villiers Road	Granted with Conditions	29-08-2014
16569/6	Erection of single storey expressive arts block adjacent to gymnasium changing block to provide drama studio and three teaching areas with ancillary storage space.	Deemed Permission	10-03-1994
P/2003/0090	Alterations and resurfacing of tennis court area adjacent to Villiers High School, to form multi-purpose courts (for use for tennis, netball, basketball and 5-a-side football for school and community use); replacement and new floodlighting and boundary fencing.	Granted with Conditions	20/03/2003

P/2003/1892	Works to trees required by condition 5 of planning permission ref: 07743/3 dated 20/03/03 for 'alterations and resurfacing of tennis court area adjacent to Villiers High School, to form multi purpose courts (for use for tennis, netball, basketball and 5-a-side football for school and community use); replacement and new floodlighting and boundary fencing	Deemed Consent	14-07-2003
16569/7	Replacement of gates on Villiers Road boundary and replacement of gates on Boyd Avenue boundary with 1.6 – 1.8m high black galvanised iron railing type gates.	Granted Conditionally	10-06-1999

**The Proposed Development**

The formal description of the current proposal is:

*Construction of a three storey building for education use on the south eastern part of the site; rooftop teaching terrace and wildlife meadow (Regulation 3 Application by London Borough of Ealing).*

The proposed technology teaching block would measure approx. 73.89m in length and 20.66m in width at the northern edge and 29.57m in width at the southern edge.



Figure 3: Proposed Site Plan

The proposed development comprises of a three storey technology teaching building, inclusive of rooftop teaching terrace and wildlife meadow. The building form follows an L shape, which seeks to wrap around the existing playing field and promote ease of circulation from building to building on site. The building form will also compliment the future masterplan for the site, which will see the demolition of B02 to the north of the proposal and open up a central external space for learning and socialising on site.



*Figure 4: 3D impression of the proposed technology teaching building*

Currently, there are 1,731 pupils enrolled (8FE) and the proposed technology teaching building would enable an additional 122 pupils resulting in a total of 1,853 pupils (9FE).

A new sub-station is proposed along the western boundary towards the southern part of the application site. This sub-station is required as part of the proposed work. A total of five (5) trees would have to be removed to allow access during construction work and to accommodate the sub-station. A water tank would be located in the southwestern corner of the application site.

### **Consultation**

#### **Public Consultation:**

A notice was placed in the vicinity of the application site and advertised in the Ealing Gazette on 25.01.2023 with comments due by 15.02.2023. No comments were received.

#### **External Consultation:**

The CCTV Systems Manager, Chair Planning Committee, Design Out Crime, London Fire And Emergency Planning Authority, Leader Of The Council, Sport England, Save Ealings Open Spaces, Schools Property Safety, Southall Broadway Councillors and National Grid Plant Protection were consulted on 21.12.2022 with comments due by 11.01.2023. The Secure by Design condition as requested by the MET Police was included above and one comment was received and summarised below.

Sport England

Sport England raises no objection to the application because it is considered to accord with exceptions E4 and E5 of our Playing Fields Policy and paragraph 99 of the NPPF.

The proposal would result in the loss of playing field land that would affect the playing fields' sporting capacity now and into the future. The mitigation for the loss of the grass playing field is 2 small sided 3G AGPs which are to be sports lit and the conversion of an old MUGA, into natural grass. The conversion of the former MUGA, into grass does not meet our planning policy exceptions. However, the creation of the 2 small side 3G AGPs on what was is playground, can be considered to broadly meet our E4/E5 planning policy exceptions. E4 in the sense the grass is being replaced which is lost to the building, sprinkler tank and substation on to a MUGA, which in turn is being replaced by a 3G AGP, which meets our E5 planning policy exception. We are also counting, one of the 3G AGPs towards the loss of the playing field.

*Officer's Response: Existing sport courts to the east of the application site would be converted into 3G AGPs which would be sports lit. The recommended conditions have been incorporated into this report.*

Design Out Crime

Consideration must be given to crime and anti-social behaviour at the proposed site and it is recommended to incorporate police-preferred and security-rated physical security products into a new-build or refurbishment project. This can be achieved through the adoption and compliance with the Secured by Design (SBD) accreditation process.

The architects and planning agent have been given specific advice in line with the new schools SBD guide 2014. It is likely that the proposed development would achieve a Secured by Design Accreditation.

*Officer's Response: The comments are noted, and the recommended condition has been incorporated.*

**Internal Consultation:**

The following departments were consulted on 21.12.2022 with consultation expiring on 04.01.2023:

Pollution Technical (Noise)	<p>Comments were made on the proposed plant on the roof top and at ground floor level, potential noise egress from class rooms and children would potentially be overlooked from new/pending high-rise buildings on Park Avenue.</p> <p><i>Officer's Response: The comments are noted and recommended conditions have been incorporated.</i></p>
Pollution Technical (Air Quality)	<p>The proposed development is set back from roads. A concern regarding the idling of cars whilst children are dropped of and picked up was raised. The Travel Plan indicate the proposed development would endeavour to receive Bronze STARS rating.</p> <p><i>Officer's Response: The comments are noted and recommended conditions have been incorporated.</i></p>
Pollution Technical (Contaminated Land)	<p>No comments were made.</p> <p><i>Officer's Response: N/A</i></p>
Sports & Leisure	<p>The proposal would result in the loss of playing field land that would affect the playing fields' sporting capacity now and into the future.</p> <p><i>Officer's Response: The masterplan for the Villiers High School was reviewed and additional sport facilities including a MUGA, table tennis tables, outdoor gym and running track was included to offset the loss of the existing sport field.</i></p>
Energy	<p>An excellent energy strategy has been prepared for this Council school. The development will be all electric with no additional gas infrastructure on-site. There is no available "Clean" district heat network (DHN) and no further research or action is required on this issue.</p> <p>There is a shortfall of 280 tonnes CO2 (over 30 years) in the zero-carbon that will be mitigated through an "offset" payment at £95 per tonne.</p> <p><i>Officer's Response: £26,634 (£95 per tonne) contribution for energy offset to be secured through the internal transfer of financial contributions. £6,750 contribution for energy monitoring equipment and data processing to be secured through the internal transfer of financial contributions.</i></p>

Tree Services

Tree services agree to trees T823, T824, T826 and T858 to be replaced as per a planting plan and recommends a tree protection plan to be conditioned.

*Officer's Response: The recommended condition has been included in this report.*

**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.

**Principle of development:**

The principle of the proposed education development with associated children's play facilities is considered in the context of the site's predominant designation for school use within Ealing's adopted Planning for Schools DPD.

Paragraph 95 of the NPPF (2023) states local planning authorities should give great weight to the need to create, expand or alter schools through decisions on applications. Policy S3 of The London Plan (2021) supports the improvement of educational facilities which would enhance education and skills provision, and aims to ensure there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice.

Ealing's new emerging local plan states that every child in Ealing should continue to have access to good and sustainable schools in their local community be investing in modern, fit-for-purpose buildings and expanding provision for those with special educational needs.

Cabinet approved the appointment of a consultant to undertake the pre-construction services design for the increase of Villiers High School's accommodation to bridge the gap between net capacity and planned capacity at the school.

There is a clearly established pressing need for school places within the catchment area of Villiers High School. The application site has been identified as suitable and deliverable to increase its capacity from an 8FE to a 9FE to meet the identified education provision demands. The new technology teaching block would offer improved teaching and learning facilities for both students and staff. The proposed technology teaching block would comprise a green rooftop with outdoor teaching terrace and a wildlife meadow.



Overall, the provision of a new technology teaching building with the provision for 1,853 pupils (additional 122 pupils) on an existing high school site is acceptable in principle and would comply with paragraph 95 of the NPPF (2023), the objectives of Policy S3 of the London Plan (2021) and Ealing's Planning for Schools DPD.

**Design, character and street scene**

The NPPF (Section 12 'achieving well designed places') states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 emphasises the importance of good quality design in making better places for people, stating that it is a key part of sustainable development and indivisible from good planning. Paragraph 127 sets out several considerations to incorporate in developments, including the functioning of a site and surrounding area, visual appeal, sympathetic to local character and history, sense of place, inclusive and accessible place, and mixed developments (where appropriate).

Paragraph 127 emphasises that developments should create "attractive, welcoming and distinctive places to live, work and visit." Paragraph 132 states that Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Policy D3 of the London Plan (2021) indicates that development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policy D4 of the London Plan (2021) seeks to ensure that new development is informed by and complements its surroundings.

Policy DAA of Ealing's draft new Local Plan (Regulation 18) states 'development should ensure high quality design'. The above policy is reinforced by policies 7.4 and 7B of the Ealing Development Management Development Plan (2013) which state that developments should complement their street sequence, building pattern, scale, materials and detailing and should have high quality architecture.

The application site is located in a predominantly residential neighbourhood approximately 0.5 miles north of the Southall Station. The existing buildings on the application site ranges from one storey to four storeys. The proposed technology teaching block would comprise of a three storey building with an L-shape and would be located towards the south east of the application site. Examining the scale and mass of the development, the proposed technology teaching block would measure approx.

4,725sqm (GIA). The proposed shape of the building would wrap around the existing playing field.

The main entrances would be to the north and west of the proposed technology teaching block. *Figure 5* below illustrates the main entrance along the northern elevation. There would be only two access doors along the eastern elevation which is for the water storage and electrical plant rooms. Each of the entrances would comply with Part M of the Building Regulations and one lift would be located near the northern entrance point. A central core measuring approx. 2.3m wide would provide internal circulation to the classrooms, staff rooms, washrooms, etc located on either side of the corridor. The proposed design draws on biophilic design principles, connecting teaching spaces with the surrounding natural environment and a folding partition between two maths classrooms at ground floor level would allow for the spaces to be opened up and combined.



*Figure 5: Main entrance (Northern elevation)*

The external materials align with typical educational buildings and reference has been made within the proposed technology teaching block to the Edwardian facades of the original school building on the application site. The pallet of materials is kept intentionally simple with, brickwork, glass and architectural metalwork detailing as illustrated below in *Figure 6*. Within the brickwork contrasting banding would break down the facades. Further detail within the brickwork includes corbeling, banding, patchwork and recesses, which would add a finer level of detail and improve the interest and quality of the facades.



Figure 6: Proposed external materiality

The application site is not within a Conservation Area and the nearest heritage asset, the Red Lion Hotel (Statutory Listed Building Grade II) is located approx. 133m to the north east of the application site, the South Road Himalaya Palace Theatre (Statutory Listed Building Grade II) is located approx. 215m to the west of the application site and the Odeon Building (Local Heritage Asset) is located approx. 86m north of the application site as illustrated in *Figure 7* below. The proposed development does not sit within a street scene with nearby historic significance.



Figure 7: Nearest heritage assets

The character of the surrounding street scene, comprise of mostly 2-storey residential terraced and semi-detached dwellings. The proposed technology teaching block would be located along the south-eastern boundary. Although the proposed technology teaching block would be visible from Villiers Road, it would be shielded by the trees along the highway. It would be visible from the pedestrian footpath leading from Park Avenue to Southall Park. As such, in addition to being considerately placed within its surrounding context, the varied character of the surrounding street scene supports and reflects the appearance of the proposed technology teaching block.

Overall, the proposed technology teaching block is considered to be of high-quality architecture, using distinctive architectural details and using high-quality materials. As such, in terms of design, street scene and character, the proposed development is consistent with policy D4 of the London Plan (2021), Policy DAA of Ealing's draft new Local Plan (Regulation 18) and policy 7.4 of the Ealing Development Management DPD (2013).

**Impact upon neighbouring amenity**

Policy D3 of the London Plan (2021) requires that the design of development should deliver appropriate outlook, privacy and amenity. This is supported by policy D6 of the London Plan (2021), which states "the design of development should provide sufficient daylight and sunlight to new and surrounding housing". These objectives are supported by policy 7B of the Ealing Development Management Development Plan (2013) which provides that new development must achieve a high standard of amenity for users and for adjacent users.

Policy DAA of Ealing's draft new Local Plan (Regulation 18) states 'New development must take responsibility for mitigating any adverse effects upon its neighbours and surroundings.'

The nearest residential amenity is 39-53 (uneven) Park Avenue and the impact of the proposed development on neighbouring amenity has been assessed in terms of its impacts on:

- Daylight/ Sunlight;
- Overlooking and Privacy; and
- Noise.

**Daylight/Sunlight**

The proposed technology teaching block would be located to the north of 39-49 (uneven) and north east of Nos. 51 and 53. It is anticipated that some shadows could be cast over Nos. 51 and 53, however, this would be in the later afternoon only.

Overall, it is considered that relatively low overshadowing would occur onto the neighbouring amenity located to the south of the application site.

**Overlooking and Privacy**

Nos. 39-49 (uneven) would be located approx. 12m from the proposed technology teaching block. The eastern and southern side elevations of the proposed technology teaching block would include several windows to the classrooms. The rooftop teaching terrace would be located to the eastern portion of the roof. The windows and rooftop teaching terrace would be located at an oblique angle to the neighbouring residential amenity. It is noted that some overlooking would be created, however, this would be during regular school and office hours when residents would predominantly not be at home.

**Noise**

The proposed technology teaching block would entirely be located within a site utilised as educational use. It would partially be sited on the existing sports field in close proximity to residential amenity. The noise acoustic survey indicated noise levels on the site are low.

It is noted that the sports field is an existing source of noise. The number of students utilising the southern portion of the site would increase, however, the main entrances to the building would be located towards the north and west of the proposed technology teaching building (away from residential amenity). There are windows facing towards the residential amenity.

The acoustic survey indicates that natural ventilation solution without the need for additional acoustic measures would be required. Proposed acoustic performance levels for the facade and double-glazed windows are also sufficient to enable appropriate and compliant noise levels internally. The conditions recommended by the Council's Pollution Technical Officer have been incorporated.

**Sport Fields**

Section C of Policy S5 of the London Plan (2021) states that 'existing sports and recreational land (including playing fields) and facilities for sports and recreation should be retained' and 'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'.

The proposed development would be partially located on the existing sport field to the south of the application site. *Figure 8* below illustrates the location of the proposed development in relation to the existing playing field. Approximately 1,425sqm of the playing field would be lost due to the proposed development.



Figure 8: Sport field area lost due to proposed development.

To mitigate the loss of the playing field, two existing sport courts located to the east of the application site which would be upgraded with 3G AGP's which would be sports lit. Sport England indicated that although the conversion of the former MUGA into grass would not meet planning policy, however, the creation of the these courts would be considered too broadly meet E4 and E5 of the Playing Fields Policy exceptions. The conditions recommended by Sport England have been included.

These areas would sufficiently offset the loss of the playing field and the upgrading of the existing courts would provide better quality play facilities to the school.

As such, the proposed development would adequately mitigate the loss of the existing playing field and would be in accordance with S5 of the London Plan (2021).

**Energy and Sustainability**

In April 2019 Ealing Council passed a motion declaring a Climate Emergency with a commitment to draw up and implement policies that will achieve a target of net zero emissions by 2030. The provision of sustainable development is a key principle of the National Planning Policy Framework which requires the planning process to support the transition to a low carbon future.

The National Planning Policy Framework (2023), section 2, paragraph 11 states regarding the presumptions in favour of sustainable development that: *"all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects."*

The London Plan (2021) policies SI 1 (Improving air quality), SI 2 (Minimising greenhouse gas emissions), SI 4 (Managing heat risk), SI 7 (Reducing waste and supporting the circular economy), and SI 13 (Sustainable drainage) also emphasises a sustainable approach in new developments. This is also supported by the policies 5.2 (Local Variation: Minimising Carbon Dioxide Emissions) and EA (Local Policy: Presumption in Favour of Sustainable Development) of the Ealing Development Management DPD (2013).

Policies SI2 and SI3 of the London Plan (2021) require submission of energy and sustainability strategies showing how the heating and cooling requirements of the development have been selected in accordance with the Mayor's energy hierarchy. Energy strategies should be produced in line with the GLA Energy Assessment guidance (2020).

In particular, policy SI2 that requires new major development to meet zero-carbon standards with at least a 35% CO2 reduction beyond Building Regulations Part L 2013 (or any later version) being achieved onsite. Any shortfall will be met through an internal transfer carbon offset contribution. Policy SI2 adds a fourth layer to the energy hierarchy which requires development to monitor, verify, and report on energy performance.

London Plan policy SI3 (Energy Infrastructure) recognises that combined heat and power (CHP) may have negative effects on London's air quality. The policy also recognises that because the carbon intensity of grid electricity is steadily dropping due to the increasing use of marine wind turbines, 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.

Policy SP.2.2 (Climate action) of The Draft Ealing Local Plan 2022 (Reg 18) states that:

"C. Promoting greater energy efficiency and investment in new technologies by:  
(i) Contributing to Ealing's ambition to become net carbon neutral by 2030.  
(ii) Promoting sustainable design and construction techniques including requiring new developments to significantly reduce CO2 emissions and water consumption, whilst encouraging and promoting retrofitting in older properties".

And

"D. Building resilience, mitigation and adaptation to changing environments by:

(vi) Taking a character and heritage-led approach to mitigating the causes and effects of climate change as appropriate in areas of high character and heritage value and in relation to heritage assets".

An Energy Report prepared by RPS has been submitted as part of this application to demonstrate how the measures incorporated into the design of the proposed development will comply with the objectives of the London Borough of Ealing's Development Plan and the London Plan (2021).

To maximise the energy efficiency of the development and thus reduce the energy demands, the following design principles and features would be incorporated:

- Building fabric elements and glazing specifications significantly improved to the Building Regulation requirements.
- Reduced air permeability compared to maximum required standards.
- Specification of efficient heating services and control systems.
- Energy efficient lighting through the development.

The modelling undertaken confirms that a 2.2tn (15%) reduction in CO2 emissions could be achieved over the baseline emissions via the implementation of the energy efficient design aspects. These percentage reductions are in accordance with Greater London Authority (GLA) guidance on preparing energy assessments.

The inclusion of a site wide heating system was investigated. Potential options at the site included either connection to an area wide low carbon heat distribution network, a site wide heat network or a Combined Heat and Power (CHP) system. It was considered that the installation of either of these options would not be practical.

A low or zero carbon (LZC) technology feasibility study was completed as part of the Energy Strategy which compared the feasibility of different technologies based on the energy demand of the proposed development. The most appropriate technology to meet its sustainability and energy targets, is the installation of Photovoltaic (PV) Panels. This technology option would achieve a BREEAM 'Excellent' and Low and Zero carbon energy requirements. It is proposed to install 346.5 m<sup>2</sup> of PV panels for a total peak of 58kWp in conjunction with ASHPs of a SCoP of 3.2.

The proposed strategy achieves a site wide total reduction of the regulated carbon dioxide emissions of 37% over Building Regulations (2021). Moreover, the development achieves a total reduction of 22% of its regulated emissions through the use of renewables on site.

The Council's Energy Officer has reviewed the submitted Energy Report and has indicated that an excellent energy strategy has been prepared which would deliver an all electric with no additional gas infrastructure on-site.

The strategy proposes a LHWT ASHP distribution loop with a maximum flow temperature of 43o, providing space heating through (conditioning) Air Handling Units (AHU), and domestic hot water (DHW) to the main toilet areas that will have the majority load. Secondary DHW will come from electric point of use. The predicted efficiency (SCOP) of the ASHP system will be (approx) 3.2.

There will be sophisticated heat recovery/summer cooling ventilation for the classrooms. Also proposed is an extensive PV array with a capacity of (approx) 58 kWp. The greater part of the array will be biosolar with the panels mounted over a green roof.

The Council confirms that there is no available "Clean" district heat network (DHN) and no further research or action is required on this issue.

An Overheating 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 TM52, and follows the TM49 methodology of modelling against the DSY1 average summer year (2020), as well as the more intense (but non-mandatory)



DSY2 (2003) and DSY3 (1976) data files. All rooms comply with the mandatory DSY1 modelling for criteria (a) and (b). 50% of the rooms passed against DSY2, with over a third managing to pass against DSY3.

At the current design stage the overall site-wide CO2 emissions will be cut by at least 37.24%, with 15.17% carbon reduction through “Lean” efficiency measures, and 22.07% through “Green” renewable energy.

There is a shortfall of 280 tonnes CO2 (over 30 years) in the zero-carbon that will be mitigated through an “offset” payment at £95 per tonne to the Council of £26,634.

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 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). An internal transfer (or other option) 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 and communal Air Source Heat Pump distribution loop to evaluate their performance/efficiency for a period of 4 years. Monitoring the heat pumps 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 the monitoring equipment through an internal transfer (or other option). The Developer will need to liaise with Ealing Council/Energence at the appropriate time to ensure the monitoring is correctly implemented. Energy monitoring devices to be supplied by Ealing/Energence through the internal transfer (or other option) contribution (subject to final confirmation are):

- PV (GPRS) smart meters x1.
- ASHP (loop) heat meters (M-Bus connect) x1.
- ASHP (loop heat meter) dataloggers x1.
- ASHP electric parasitic load (GPRS) smart meters x3.

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.

As such it is considered that the demolition of the existing property would result in an acceptable impact in the local environment, would represent an improvement when it regards sustainability and would comply with Policies SI 1, SI 2, SI 4, SI 5, SI 7 and SI 13 of The London Plan (2021), policies 5.2 and EA of the Ealing Development Management DPD (2013), the NPPF (2023), and Listed Buildings and Conservation Areas Act 1990.

### **Highways, transport, parking and cycling**

Policy T4 (Assessing and mitigating transport impacts) of the London Plan (2021) states that development proposals should ensure that development should not adversely affect

safety on the transport network. Policy T6 (Car parking) of the London Plan (2021) provides that an appropriate balance should be struck between promoting new development and preventing excessive car parking and that in locations with high public transport accessibility, car-free developments should be promoted. Policy T5 (Cycling) of the London Plan (2021) states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Planning policy supports development that encourages walking and cycling and that reduces the need to travel, especially by car.

The main vehicular access is via Boyed Avenue located to the north of the application site and there is an additional access along Villiers Road for access to the kitchen area. Car parking for staff and visitors is provided in marked car parking bays for 71 cars including one disabled bay between the school building and school boundary fence to the north and east. The staff car park is typically full during the school hours with some double parking. The school has three minibuses normally parking in the school grounds. There are no dedicated spaces, unmarked areas are used.

All delivery and servicing trips are conducted via Gate 4 and 5 as illustrated in *Figure 9* below. Deliveries on large vehicles which cannot be accommodated on Villiers Road takes place through Gate 1. Deliveries typically occur between 06:30 and 17:00.

Pedestrian access is from along Boyed Avenue to the north with additional pedestrian access from Southall Park to the south east of the site and pedestrian access along Villiers Road as illustrated in *Figure 9* below.

Cycle parking in the form of covered Sheffield Stands both in secured facilities are provided for students and staff within the school premises for up to 30 spaces split in three cycle sheds at different locations. Two out of three cycle parking stands are located within 50m of the nearest access point in line with Westrans requirements. Cycle parking is currently underutilised.

The application site is located within a controlled parking zone (Zone L) where parking is restricted between Monday to Saturday 10:00-20:00 and Sunday 14:00-18:00. The site has a PTAL rating of 5 where The PTAL value is classified in bands ranging from 1a to 6b where 1a is the lowest level of accessibility (very poor) and 6b is the highest level of accessibility (excellent).

The nearest bus stop of the school for east-westbound direction buses is Southall Police Station located on A4020 High Street approximately 250m (3mins walk) to the north of the school access point (Gate 1 as illustrated on *Figure 9* below).

The nearest bus stop to the school for north-south direction buses is The Green and Southall Broadway located on A3005 South Road approximately 250m (3mins walk) to the west of the school access point (Gate 1 as illustrated on *Figure 9* below).



Figure 9: Existing site access

The school is located approximately 560m to the northeast of Southall Railway Station. The station is located within travel zone 4 and is on the Great Western Main Line. Rail services are operated by TfL Rail and Great Western Railway.

Personal Injury Accident (PIA) data was assessed as part of the Transport Assessment prepared by Robert West and indicates that accidents occurred on key routes and at junctions which is typical for any urban area. The PIA data indicates a total of 98 accidents with 3 fatal and 11 serious accidents occurred over the study period (most recent five-year period). It is noted that no accidents occurred near the school on Villiers Road, Boyd Avenue or Avenue Road. Furthermore, it is noted that the accidents occurring further away from the school were related to the behaviour of the road users rather than the operation of the highway network and the majority of the accidents occurred in the evening, at the weekend, during school holidays or at times students would not be travelling to/from school.

**Proposed car parking:**

Policy T4 of the London Plan (2021) states that development proposals should ensure that development should not adversely affect the safety or capacity of the transport network.

Policies T6 and T6.1 of the London Plan (2021) require that an appropriate balance be struck between promoting new development and preventing excessive car parking and that in locations with high public transport accessibility, car-free developments should be promoted.

The number of car parking spaces would be reduced (from 71 spaces to 66 spaces) as a result of the proposed development to provide clear fire tender access, fire escape routes and to provide clear access to wood storage.

The reduction in car parking spaces would support the London Plan's strategic approach to transport. Overall, the proposed car parking is in accordance with Policies T1 and T6 of the London Plan (2021).

**Proposed disabled persons parking:**

Policy T6.5 of the London Plan (2021) states that all non-residential developments should provide access to at least one on or off-street disabled persons parking bay whilst Table 10.6 of the London Plan (2021) indicates that education developments should provide 5 per cent designated bays (per cent of total parking provision) and 5 per cent enlarged bays (per cent of total parking provision).

The transport assessment indicates that the proposed development does not meet the London Plan standards, however, six disabled parking spaces and six enlarged parking bays would be along the existing Block B02 and B02 Link as illustrated on the Proposed Site Layout / Block Plan drawing VHS4-MAB-00-00-DR-L-00102 Rev P08-WIP.

Overall, the proposed car parking is in accordance with Policies T1 and T6 of the London Plan (2021).

**Proposed electric vehicle parking:**

The proposed development includes a reduction in car parking spaces, however, the development would include 20% or 13 car parking spaces as active electric vehicle spaces.

Overall, the proposed electric vehicle parking is in accordance with Policies T1 and T6 of the London Plan (2021).

**Proposed cycle parking:**

Table 10.2 Minimum cycle parking standards of Policy T5 of the London Plan (2021) requires both long-stay and short-stay cycle spaces. The requirement is 1 space per 8 FTE staff and 1 space per 8 students long-stay cycle parking spaces and 1 space per 100 students for short-stay cycle parking spaces.

The proposed development would increase the number of students and staff by 102 students and 12 staff members. The proposed development would secure an additional 15 cycle parking spaces. The new cycle store would be located to the north-west of the application site near the access points and in close proximity to the existing cycle stores.

Overall, the proposed cycle parking is in accordance with Policy T5 of the London Plan (2021).

**Proposed servicing and delivery:**

The proposed development would not create additional delivery and servicing trips. The proposed servicing and delivery would continue to take place on-site as per the current arrangement.

Overall, the proposed servicing and delivery strategy is in accordance with Policy T7 of the London Plan (2021).

**Trees and landscaping**

Policies G5 and G7 encourages major developments to contribute to the greening of London and development proposals should ensure that, wherever possible, existing trees of value are retained. Policy 5.10 and 5.11 of the Ealing Development Management Development Plan (2013) states where trees are proposed to be removed, re-planting is required based on no net loss of amenity. While the extent and location of the planting need not necessarily be the same afterward as it was before development, the quality and type of amenity offered (based on CAVAT value) should at least be the same, if not better.

Existing trees are predominantly confined to the boundaries of the school. Five (5) trees along the western boundary have been identified to be removed to provide temporary access to the site as well as to allow for the new substation required. The Arboricultural Survey indicates these trees are of low quality and the loss would result in a minimal impact. Five (5) new trees would be planted to mitigate the removal of these trees. The removal of trees, tree protection measures, etc. would be secured via appropriate conditions.

In addition, the proposed development would include an accessible rooftop wildlife meadow which would offer ecological diversity and wildlife habitats on site as illustrated below in *Figure 10*. A wildflower meadow would be created to enhance biodiversity and encourage pollinators and beneficial insects.



*Figure 10: Proposed rooftop wildlife meadow*

Overall, it is considered that the proposed development is in accordance with Policies G5 and G7 of the London Plan (2021).

**Air quality**

Policy SI 1 of the London Plan (2021) states that development plans, through relevant strategic, site-specific and area-based policies, should seek opportunities to identify and deliver further improvements to air quality.

The travel plan includes electric vehicle parking spaces and indicate the desire to achieve Bronze STARS rating, however, the Council’s Air Quality officer is concerned regarding an increase in students and idling of cars during pick-up/drop off. The recommended conditions have been included in this report.

Overall, it is considered that the proposed development is in accordance with Policy SI 1 of the London Plan (2021).

**Flood Risk and Drainage**

Policy SI 12 of the London Plan (2021) require developments to remain safe and operational under flood conditions, while Policy SI13 states developments should demonstrate consideration of the drainage hierarchy, aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

The application site is located within a Flood Risk Zone 1, meaning it has less than 1 in 1,000 annual probabilities of river or sea flooding. The site is located within an area susceptible to groundwater flooding, however, the planning statement indicated that there are no notable flood risks associated with the site.

Overall, it is considered that the proposed development is in accordance with Policy SI 12 of the London Plan (2021).

**Conclusion**

The application has been assessed in terms of the principle, character and appearance, transport, noise and air quality, heritage, energy and sustainability, flood risk and drainage and landscaping and trees. It is considered that the proposal is acceptable and would be consistent with the aims of the relevant policies of the National Planning Policy Framework, The London Plan, Ealing's Development (Core) Strategy, Development Management DPD and Planning for Schools DPD.

**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.

**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:

VHS4-MAB-00-00-DR-A-00170 Rev P04 (Proposed Sections), VHS4-MAB-00-00-DR-L-00101 Rev P03 (Existing Site Layout / Block Plan), VHS4-MAB-00-00-DR-L-00102 Rev P08-WIP (Proposed Site Layout / Block Plan), VHS4-MAB-01-00-DR-A-00107 Rev P02 (Building as Existing - Photographs), VHS4-MAB-01-00-DR-A-00120 Rev P05 (Proposed Ground Floor Plan), VHS4-MAB-01-01-DR-A-00121 Rev P05 (Proposed First Floor Plan), VHS4-MAB-01-02-DR-A-00122 Rev P05 (Proposed Second Floor Plan), VHS4-MAB-01-03-DR-A-00123 Rev P05 (Proposed Roof Terrace Plan), VHS4-MAB-01-RF-DR-A-00124 Rev P04 (Proposed Roof Plan), VHS4-MAB-01-ZZ-DR-A-00160 Rev P05 (Proposed Elevations), VHS4-MAB-01-ZZ-DR-A-00165 Rev 02 (Proposed Street-Scene Elevations), VHS4-MAB-ZZ-ZZ-VL-A-00190 Rev P02 (Perspective Views), VHS4-MAB-ZZ-00-DR-A-00100 Rev P04 (Site Location Plan), Planning Statement Ref: VHS4-MAB-XX-00-PR-A-00101 Rev S2 P01 dated 05.12.2022, Design & Access Statement Rev P02 dated 01.12.2022, Preliminary Ecological Appraisal dated January 2021, Technical Briefing Note: Addendum to Ecological Appraisal dated 17 October 2022, Transport Assessment Ref: 5891/001/001A dated November 2022, Site Waste Management Plan for Villiers-Forecast dated 24 November 2022, Villiers High School Acoustics Rev P01 dated 6 December 2022, Villiers High School Energy Report Rev 5 dated 1 December 2022, Villiers High School BREEAM 2018 NC Pre-Assessment Report Rev 1 dated 28 July 2022, Drainage Strategy Report Rev P01 dated 22 November 2022, Draft Interim Travel Plan October 2022, HEA 02a Villiers High School Campus Indoor and Outdoor Air Quality Plan – Supporting Evidence dated 5 August, Villiers High School – Air Quality Existing Masterplan, Tree Survey Condition & Management Report dated 4 November 2020 and Tree Location Plan dated 11/03/2020.

**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 Cycle parking**

Cycle storage for 15 bicycle spaces shall be provided within the curtilage of the development, within secure, lockable compounds in accordance with the designated

locations identified in the approved drawings listed under condition 2 and all adopted standards prior to the first occupation of the building. The storage spaces shall be permanently retained thereafter.

Reason: To provide adequate bicycle storage in accordance with policy and T5 of the London Plan (2021).

**5 Demolition Method Statement and a Construction Management Plan**

Prior to commencement of the development hereby approved, a detailed Demolition Method Statement and a Construction Management Plan shall be submitted to and approved in writing by the Council, in consultation with TFL and in accordance with Tfl guidance. Details shall include:

a) 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;
- audit of existing condition of roads and footways to ensure that they be restored if damaged during construction;
- hours of work and all associated activities audible beyond the site boundary restricted to 0800-1800hrs Mondays to Fridays, 0800 -1300 Saturdays;
- neighbour liaison, notifications to interested parties;
- public display of contact details including accessible phone numbers for persons responsible for the site works for the duration of the works.

b) Details related to:

- The construction lorry route from the main distributor roads and the number of construction related vehicles, which would be travelling to the application site. A drawing showing signing for the construction vehicles is also required;
- Key dates of various stages and all the emergency contacts during construction;
- Abnormal load delivery vehicle routes and dates of these deliveries;
- Swept path envelopes for construction lorries;
- the safety of pedestrians accessing the station and bus stops during construction, including those with restricted mobility and night-time movements;
- Assurances that the construction of the proposed development will not impact on the safety and function of the adjoining highway network, and the bus stop and its associated operations in proximity to the site.

Reason: To ensure the orderly and satisfactory development of the Site in accordance with the assumptions which underpinned the EIA Process; 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; and to minimise highway and traffic impact during the course of the works, whilst allowing enough flexibility to enable the development to be delivered in a manner which accords with the EIA process, 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 T7 and SI1 of the London Plan(2021); and National Planning Policy Framework (2023).

**6 Ventilation Strategy Report**

Prior to the commencement of the development, 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 to Block B4, 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; and
- 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).

**7 Air Quality and Dust Management Plan (AQDMP)**

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).

**8 3G artificial grass pitches**

No development shall commence until details of the design and layout of 3G artificial grass pitches and natural grass pitch have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). This should include a section through the edge of the AGP and natural grass pitch and the playground. The artificial grass pitches shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy. \*\*

**9 Tree protection plan**

No operations (including initial site clearance) shall commence on site in connection with the development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority and installed on site.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus

materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision the of the Standard\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

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 D8, G1, G5, G7, S11, and S12 of the London Plan, policy 5.10 of Ealing’s Development Management DPD and Ealing’s SPG 9 - Trees and Development Guidelines.

10 External noise from machinery, equipment, extract/ventilation ducting, mechanical installations

Prior to the commencement of the development, 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 policy 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'.

11 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 SAP10.2 (or any later version) of at least 37.24% (equating to 5.4 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 RPS in December 2022 (v5) including:
  - i. Lean, passive design measures to achieve an annual reduction of at least 15.17% equating to at least 2.2 tonnes in regulated carbon dioxide (CO2) emissions over BR Part L 2021.
  - ii. Green, renewable energy equipment including the incorporation of photovoltaic panels with a combined total capacity of at least 58 kWp, and Air

- Source Heat Pumps to achieve an annual reduction of at least 22.07%, equating to 3.2 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 (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 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 RPS (December 2022 Energy Strategy). Any later stage version shall be compliant with CIBSE guidance Part O TM52, 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).
  - 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) 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.

12 Hard and soft landscaping  
 Details of biodiverse landscaping, boundary treatments, wildlife meadow roofs, and a detailed Landscaping 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 of the new build office space hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season. All planting shall be replaced with others of a similar size and species and in the same position and shall be retained thereafter.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances biodiversity and the visual amenity of the locality, in accordance with policies 5.10, 7.4 and 7B of the Ealing Development Management Development Plan Document (2013), policies S4 and G5 of the London Plan (2021) and the Mayor's Supplementary Planning Guidance on Play and Informal Recreation; the London Environment Strategy (2018) and the National Planning Policy Framework (2023).

**13 Car parking & Emergency Vehicle Plan**

Prior to the occupation of the development hereby approved, a Car Parking Management and Emergency Vehicle Plan shall be submitted and approved in writing by the Local Planning Authority. This plan shall detail the arrangements for the management of:

- Blue Badge car parking.
- How the two spaces are monitored, managed and enforced.
- How the detailed plan will manage access to future disabled users of the development site, considering that parking rates for blue badge parking within the Ealing Broadway Shopping Centre apply.
- Measures for preventing parking in undesignated places throughout the site.
- The provision of Electric Vehicle Charging Points (EVCP) - 20 per cent of the car parking spaces shall be fitted with active electric car charging provision and the remainder of car parking spaces shall be fitted with passive provision (80 per cent).
- Emergency Vehicle details

Reason: To provide adequate facilities for disabled drivers, in accordance with policies T6 and D5 of the London Plan 2021 and Ealing Development (Core) Strategy policy 1.1(h).

**14 Travel Plan**

Notwithstanding any information submitted, a detailed 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 in writing by the Local Planning Authority. The revised and detailed Travel Plan shall be prepared in accordance with the Transport for London Travel Plan Guidance and Ealing's Sustainable Transport for New Development SPD in use at the time of its preparation. The development shall be carried out strictly in accordance with the approved Travel Plan.

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 T2, T3 and T4 of the London Plan (2021); and Ealing's Sustainable Transport for New Development SPG.



15 Secured by Design

The proposed educational building 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).

16 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 of "Excellent" with a score of 74.08% as detailed in the pre-assessment carried out by RPS in July 2022 (v1), including an EPRNC (Ene01) rating of "Excellent" (>4), based on the latest BREEAM NC Technical guidance.
- 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.

17 Community Use Agreement

Within 12 months of the date of this permission until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to artificial grass pitches, toilet provision and car parking and include details of pricing policy, hours of use, access by non-educational establishment users

management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy \*\*

**18 Management and Maintenance Scheme**

Before the artificial grass pitches are brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England , this should include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified period; a containment strategy and recycling strategy for the Artificial Grass Pitch. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitches.

Reason: To ensure that a new facilities are capable of being managed and maintained to deliver facilities which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy \*\*

**19 Refuse and Recycling**

The development hereby approved shall not be occupied until refuse and recycling storage within a secure enclosure has been provided in accordance with the designated location identified in the approved drawings listed under condition 2 and in accordance with the Local Planning Authority Standards and has been fully implemented and made available for use. These facilities shall permanently retained thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material, in accordance with policy SI 8 of the London Plan (2021).

**20 Non-Road Mobile Machinery (NRMM)**

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).

**21 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 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'.

**22 External doors and windows to remain shut during noise emission**

At no time during the emission of noise shall any door or window 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).

**23 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 Unilateral Undertaking with the Council to secure a 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 (Energence 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.

**24 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.

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 (2023)

2. Achieving sustainable development
8. Promoting healthy and safe communities
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

London Plan (2021)

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Noise
- S3 Education and childcare facilities
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- G5 Urban greening
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water Infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency

SI 12 Flood risk management  
 SI 13 Sustainable drainage  
 T1 Strategic approach to transport  
 T2 Healthy Streets  
 T3 Transport capacity, connectivity and safeguarding  
 T4 Assessing and mitigating transport impacts  
 T5 Cycling  
 T6 Car parking  
 T7 Deliveries, servicing and construction  
 T9 Funding transport infrastructure through planning  
 DF1 Delivery of the Plan and Planning Obligations

Supplementary Planning Guidance /Documents  
 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 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  
 Energy Planning (March 2016)  
 Children and Young People's Play and Informal Recreation SPG (September 2012)

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)  
 6.2 Social infrastructure  
 6.4 Planning Obligations and Legal Agreements

Ealing's Development Management Development Plan Document (2013)  
 Ealing local variation to London Plan policy 5.2: Minimising carbon dioxide emissions  
 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 6.13: Parking  
 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

Interim Supplementary Planning Guidance/Documents  
 SPG 3 Air quality SPG 4 Refuse and recycling facilities (draft)  
 SPG 10 Noise and vibration

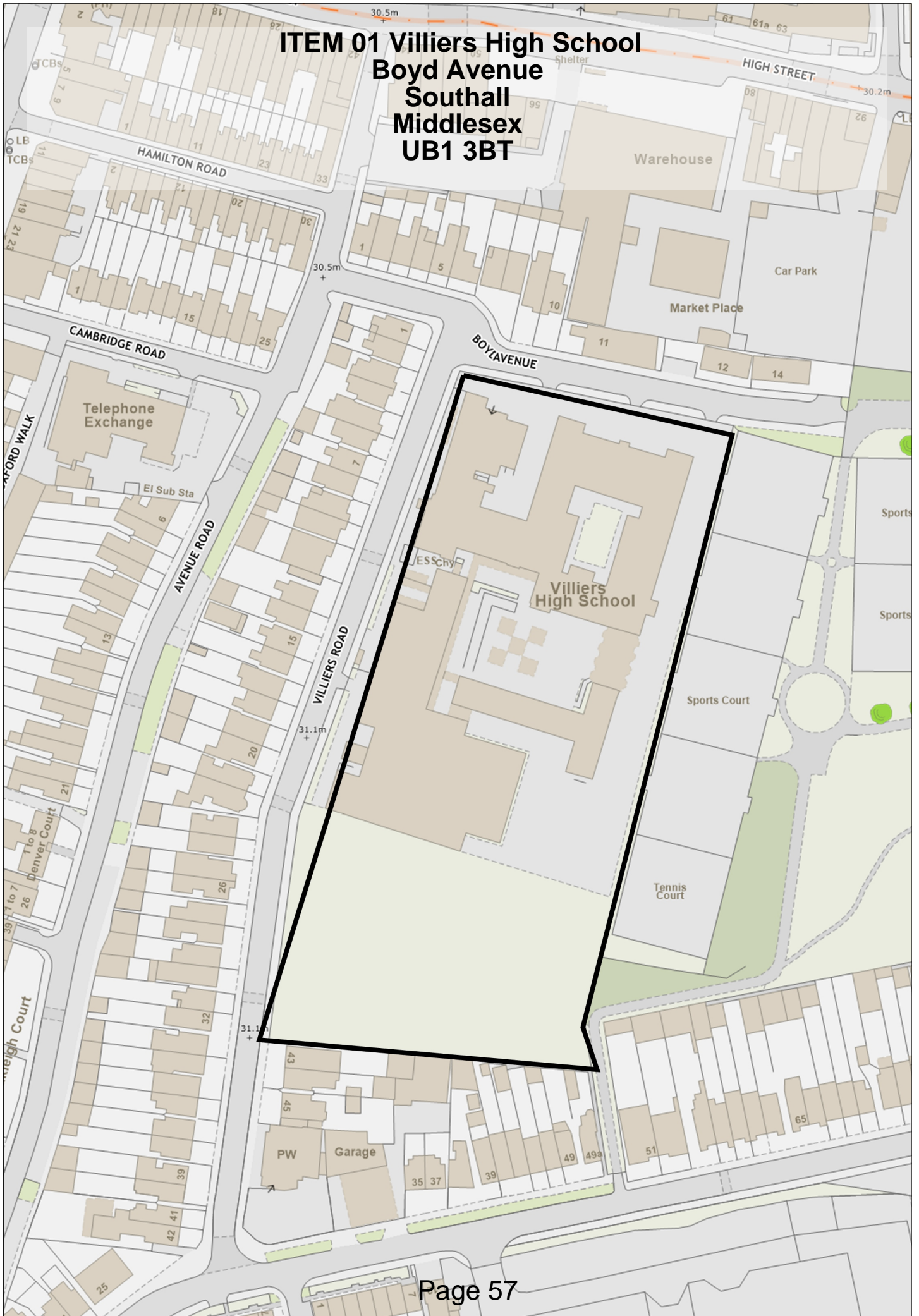
- 2 Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

- 3 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.
- 4 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.
- 5 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.
- 6 No waste materials should be burnt on site of the development hereby approved.
- 7 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.

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**ITEM 01 Villiers High School  
Boyd Avenue  
Southall  
Middlesex  
UB1 3BT**



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<b>Ref :</b>	<b>220178FUL</b>
<b>Address:</b>	<b>East Acton Arcade, 93 Old Oak Common Lane, Acton, London, W3 7DJ</b>
<b>Ward:</b>	<b>East Acton</b>
<b>Proposal:</b>	<b>Demolition of existing building to enable construction of multi-storey hotel (Use Class C1) including flexible space within basement for hotel (Use Class C1) or snooker hall (Use Class E(d)) use; and ancillary shared cafe/restaurant/workspaces; plus associated landscape works and public realm improvements.</b>
<b>Drawing numbers:</b>	<b>Refer to Condition 2 in Appendix 1.</b>
<b>Supporting Documents:</b>	<b>Refer to Condition 2 in Appendix 1.</b>
<b>Type of Application:</b>	<b>Major</b>
<b>Application Received:</b>	<b>17/01/2022</b> <b>Revised: 16/11/2023</b>

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**Report by: Patrick Franklin**

**Recommendation: Grant Permission, subject to conditions and section 106 Legal Agreement**

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**Executive Summary**

The current planning application is for the demolition of the existing building and construction of a multi-storey hotel with flexible space within the basement for a hotel (Use Class C1) or snooker hall (Use Class E(d)). The building would be five storeys from ground level. The building would incorporate a two-storey basement level to deliver 114-129 guest rooms with an ancillary ground floor hotel lobby and shared café, restaurant and workspaces. This application has previously been brought to Planning Committee in August 2022. The application was deferred by the Planning Committee for further clarification on:

1. the snooker and pool needs assessment;
2. traffic management around the site and the usage to the rear of the site; and
3. the natural light impact of the proposal to the rear of the site.

1. Snooker and Pool Needs Assessment

Post-Planning Committee, the applicant (via Ealing Council) instructed a third-party consultant, Continuum Sport & Leisure Limited (CSLL), to review the submitted Snooker and Pool Needs Assessment (SNPA), prepared by the applicant. The original conclusion reached by the applicant was the existing snooker facility was surplus to needs in the local and sub-regional area. CSLL reached a differing conclusion that the snooker hall was not surplus to needs, although did identify capacity at the existing snooker hall and at all similar quality facilities within the local and sub-regional level.

Subsequently, following further discussions with the applicant, the proposal has been revised to incorporate flexible use floorspace at -2 basement level. The flexible use floorspace does not result in changes to the external design or layout of the proposed building and would largely only impact the permitted uses at the -2 basement level.

The Heads of Terms are on Page 5 of this report outlining how the applicant proposes to secure a snooker operator within the flexible use floorspace prior to the commencement of development. Should a snooker operator not come forward to secure an agreement for lease, the flexible use floorspace

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would revert to the initially proposed hotel use/layout (resulting in 129 hotel bedrooms). For the avoidance of doubt, the flexible floorspace would only come forward specifically for snooker use (Class E(d)) or hotel use (Class C1) and should a future snooker operator vacate the premises, the applicant would be enabled to lawfully change the use of the space to the originally proposed C1 hotel use.

The previous proposal resulted in the loss of the existing snooker hall, which was 692m<sup>2</sup>. If a snooker hall came forward, the hall would be approximately 511m<sup>2</sup> and the hotel would have 114 bedrooms.

<b>Outcome A:</b>	<b>Outcome B:</b>
- Snooker use clause is activated	- Hotel use clause is activated
- C1 and E(d) use with 114 guest rooms	- C1 use with 129 guest rooms

*Table 1: Outcome A and B*

**2. Traffic Management Around the Site and Usage to the Rear**

The proposal provides one off-street loading bay to the rear of the site, accessible via the existing access road from the south side of Brassie Avenue. However, coach, taxi and disabled parking are not provided on site due to the site’s constrained nature.

The impact of the development on traffic, drop-off and deliveries has been reassessed following additional information from the applicant. Taxi’s will contribute to a small number of trips and will drop-off people from the layby at the front of the site. Only small deliveries (LGV or 3.5 tonne panel van) will use the rear access via Brassie Avenue. Larger deliveries (7.5 tonne box vans and refuse collection vehicles) will use the front layby. The Highways Department have confirmed that the impact of drop-offs and deliveries on traffic and the highway network is acceptable. In addition, TfL have not objected to the proposal.

**3. The Natural Light Impact of the Proposal to the Rear**

The impact of the development on neighbouring amenities has been reassessed, and it is accepted that there would be some loss of light to adjoining residential properties. However, 93% of all tested windows would comply with the BRE guidelines for daylight, and the harm is limited to non-habitable spaces and bedrooms, which have a lower, or no, expectation for light in the BRE guidance. Mitigation measures for overlooking, noise and light spillage have been successfully integrated into the design to prevent adverse harm to the amenities enjoyed by adjoining residential properties.

124 parties (including Ealing Civic Society) objected to the application. The most common concerns raised related to the loss of the snooker hall, the impact on the character and appearance of the area and harm to neighbouring amenities. These representations have been addressed within the report. However, it is concluded that the matters raised do not outweigh the recommendation for approval.

The proposal is consistent with the aims of the Ealing Development (Core) Strategy (2012), the Ealing Development Management DPD (2013), the London Plan (2021) and the National Planning Policy Framework (2023). It is therefore recommended that planning permission be granted with conditions and the completion of a section 106 legal agreement.

**Recommendation**

That the committee **GRANT** planning permission 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.

**Heads of Terms**

The proposed contributions and obligations to be secured through a S106 Agreement are set out as follows:

- i. Prior to Commencement of development the Flexible Basement Floorspace shall be marketed to Snooker Use Operators solely for 'Snooker/Pool' use, for a period extending up to 6-months from the date of the grant of the Planning Permission for the Development.
- ii. The Flexible Basement Floorspace shall be marketed at market rates which will be determined by a qualified RICS surveyor.
- iii. The Existing Operator shall be provided with a exclusive 3-month Negotiating Period to trigger a First Right of Refusal and secure an Agreement for Lease.
- iv. Following the exclusive 3-month Negotiating Period, should the Existing Operator not exercise the First Right of Refusal or secure an Agreement for Lease, the Flexible Basement Floorspace shall be marketed to other Snooker Use Operators for a further 3-month period.
- v. Upon completion of the 6-month marketing exercise, the Applicant shall submit to the Council the details and outcome of the marketing exercise.
- vi. Snooker Use Clause - If the Applicant secures a Agreement for Lease with a Snooker Use Operator within the 6-month Negotiating Period, the Flexible Basement Space shall come forward in accordance with the approved Snooker Use floorplan (Dwg. Ref. 03 0301B Revision 1 (Proposed Basement Level 2 - Snooker Hall)).
- vii. Hotel Use Clause - If the Applicant does not secure Agreement for Lease with a Snooker Use Operator within the 6-month Negotiating Period), the Flexible Basement Space shall come forward in accordance with the approved Class C1 hotel floorplan (Dwg. Ref. 03 0301A Revision 1 (Proposed Basement Level 2 - Shell & Core)).
- viii. In the event that the Applicant secures an Agreement for Lease with a Snooker Use Operator, a 3-month Negotiating Period would commence to formalise a Lease Agreement. The Negotiating Period shall comprise:
  - The Applicant shall notify the Council upon commencement of the Negotiating Period;
  - The Applicant shall document all correspondence with the Snooker Use Operator and submit this to the Council upon request;
  - Should the Applicant and Snooker Use Operator secure a Lease Agreement, the Applicant shall notify the Council that the Snooker Use clause has been triggered;

- Should the Applicant and Snooker Use Operator not secure a Lease Agreement, the Applicant shall notify the Council for approval that the Hotel Use clause has been triggered.
- ix. Prior to occupation, the Applicant shall deliver the Flexible Basement Space to the Snooker Use Operator as shell and core
- x. Should the Flexible Basement Space come into use as a Snooker Facility, upon any termination of Lease of the premises by the Snooker Use Operator or the Land Owner, the Flexible Basement Space can be repurposed for C1 Hotel Use in accordance with the approved Class C1 hotel floorplan (Dwg. Ref. no 1150\_03 0301\_Rev.P2) without planning permission subject to the Applicant providing evidence and approval by Council
- xi. Financial contribution of £124,200 for highways and transport improvements.
- xii. Financial contribution of £145,174 towards carbon dioxide offsetting.
- xiii. Financial contribution of £13,214 for the post construction energy monitoring of the building.
- xiv. Financial contribution of £39,250 towards air quality monitoring and improvements.
- xv. Financial contribution of £18,252 towards public open space improvements.
- xvi. Financial contribution of £495 for the amenity value of the tree to be fell in the garden of 1A Brassie Avenue.
- xvii. Financial contribution of £3,000 towards travel plan monitoring.
- xviii. A commitment to adhere to the approved travel plan.
- xix. A commitment to provide 4 apprenticeships (including an £8,000 penalty per apprenticeship not created), 6 work experience opportunities, 6 school/college visits, 6 school/college workshops and the employment of a minimum of 20% local labour during the 18-month construction phase.
- xx. All contributions to be index linked; and
- xxi. Payment of the Council’s reasonable legal and other professional costs in preparing and completing the agreement

<b>Financial Contribution Heading</b>	<b>Proposed Contributions</b>
<b>Highways and transport improvements</b>	
- Accident remediation project on Old Oak Common Lane	£30,000
- Traffic calming measures and pedestrian crossing facilities to the west of the development	£20,000
- Cycle infrastructure	£25,000
- On-street cycle parking*	£1,200
- Footway improvements	£25,000
- Parking stress mitigation	£20,000
- Travel plan monitoring	£3,000
<b>Energy and sustainability</b>	
- Carbon dioxide offsetting	£145,174
- Energy monitoring for 4-years	£13,214
<b>Air quality monitoring and improvement</b>	£39,250



<b>Amenity value of trees to be felled</b>	£495
<b>Public open space improvements</b>	£18,252
<b>Subtotal</b>	<b>£339,385</b>

\* This contribution is only payable should a snooker use come forward

Table 2: Financial Contributions

**Site Description**

The application site of 93 Old Oak Common Lane, W3 7DJ, is located on the western side of Old Oak Common Lane on a rectangular plot of approximately 1000sqm with a wide frontage onto Old Oak Common Lane. Primary access to the site is from Old Oak Common Lane, with vehicle access to a rear servicing yard from the south side of Brassie Avenue, which is located north of the site. The site benefits from a forecourt adjacent to the highway and is bound to its north, south and west boundaries by neighbouring developments.

The existing building comprises a two-storey plus roof-level building, which occupies virtually the total area of the plot except the rear access road. Existing uses on the site include a warehouse (Use Class B8) and retail uses (Use Class E) at the ground floor level. The first floor comprises a Snooker Hall (Use Class E) with access from the ground floor primary frontage.



Figure 1: Site Location

The building was built as a small shopping arcade in the late 1930s and comprises four units in the front, returning to a central passageway. Construction was economical, and the detailing sparse, consisting of a brick-panelled concrete frame with a simple, pedimented front of artificial stone and a long pitched roof clad in fibre cement sheeting running back into the site. No original features of the shop front survive, and the building has been significantly altered. The building today is of standard design with little architectural or historic merit and is in a relatively poor level of upkeep.



Figure 2: Existing Site Frontage

The existing building has a mixed palette of exterior materials. The principal façade is clad in blue and green coloured masonry blocks of varying sizes with an ad-hoc joint pattern. It has a central decorative arched panel and exposed concrete framing. The façade is covered with various signs, cables and utilities. The windows to the first floor are boarded up. The sides and the rear of the building are industrial in character, with exposed brickwork and concrete framing.

The site is located within the East Acton Neighbourhood Centre, and the surrounding area comprises a variety of commercial, retail, leisure and community uses to the south and east. To the north and west, uses are primarily residential. To the south, along Old Oak Common Lane, buildings primarily take the form of three to four storeys (including roof levels), while to the north and west, the typical form is two-storey. The clock tower of St Aidan's Church to the south projects above the established building height in the immediate area. There are large buildings forming in the backdrop, including the Argos Homebase Superstore on Western Avenue (ref: 178994FUL), which will comprise 19 storeys at its highest point and 10 Westway to the south, which incorporates five storeys.

The existing high street is characterised by masonry and timber-framed construction, ornamented with distinctive brick detailing. The streetscape is mixed with examples of Tudorbethan features typical of 1920s developments in outer London, such as black-on-white timber framing, brick terraced blocks and a mix of commercial and residential scaled elements. There is a robust window articulation with

repetitive upper floors, concrete banding, brick relief patterns and low eaves lines with steeply pitched roofs. The existing building is uncharacteristic of the surrounding form by virtue of its fenestration pattern and external materials, which contrast sharply with the primarily brick and rendered facades in the vicinity.

The site is not located in a Conservation Area nor subject to an Article 4 Direction. There are no statutory listed buildings in the site boundary or immediate vicinity. To the eastern side of Old Oak Common Lane is the Old Oak and Wormholt Conservation Area of the London Borough of Hammersmith and Fulham. Similar to the western side, this comprises commercial uses at the ground floor level of Old Oak Common Lane and residential further west. The Old Oak and Wormholt Conservation Area Character Profile (2018) sets out the sub-area 'Old Oak Estate', which is immediately adjacent to the site, is distinguished by the large number of houses which are laid out around lawns and gardens in U-shaped terraces which run perpendicular to the main course of the street.

The site is highly accessible and has a PTAL level of 6a. The nearest bus stop is within 40 metres of the site on Old Oak Common Lane. East Acton station is within 250 metres of the site, which accesses London Underground services.

**The Proposal**

This application seeks planning permission for 'Demolition of existing building to enable construction of multi-storey hotel (Use Class C1) including flexible space within basement for hotel (Use Class C1) or snooker hall (Use Class E(d)) use; and ancillary shared cafe/restaurant/workspaces; plus associated landscape works and public realm improvements.'

The proposed building would have a four-storey main bulk, a setback roof level and a two-storey basement and incorporate 114-129 guest rooms, a shared hotel lobby, café/restaurant and workspaces. It would have a total gross internal area of 3,925sqm.

On the ground floor, the development would provide a hotel lobby, reception area, shared café/restaurant and workspaces, which would be open to the public. Beyond this, guest rooms, back-of-house, bike and bin stores and a servicing area would occupy the ground level. The site would be serviced via the existing service road to the south side of Brassie Avenue. The basement levels would provide guest rooms, flexible Class C1/E(d) space and back-of-house areas, while the upper floors would comprise solely guest rooms.

As explained in the Executive Summary and Heads of Terms, the proposal has two outcomes following the 6-month marketing exercise prior to commencement of development to identify any potential snooker operators who would seek to secure a lease agreement. The outcomes are summarised below:

<b>Outcome A:</b>	<b>Outcome B:</b>
- Snooker use clause is activated	- Hotel use clause is activated

- C1 and E(d) use with 114 guest rooms	- C1 use with 129 guest rooms
--	-------------------------------

Table 3: Outcome A and B

The proposed footprint would extend up to the north and south boundaries in part, although a central recess would be provided to step away from the boundaries. This footprint would be followed from the



Figure 3: Proposed Front Elevation CGI Render

basement levels to the fourth storey. However, a further set back would be incorporated at the roof level from all boundaries.

The proposed building would have a maximum height of 15.6 metres above ground level. The front elevation would be articulated by thick vertical feature banding, narrow horizontal banding, simple fenestration, and using red and brown materials to replicate the materials palette in the area. The entrance treatment would incorporate faience glazed tiling and an arched entry door to signify the main entrance, beyond which a glazed frontage would be set to give the building an animated and approachable face that permits views in and out. A covered outdoor public seating area, comprising suspender planter boxes and outward-facing benches, would integrate the site with the public realm and high street.

The north elevation would mirror the banding detailing and materials of the front elevation to its main bulk, while the south elevation would incorporate a new stepped gable wall with matching brick to the primary façade. The recessed central mass would be finished in brick zinc shingles to match the set  
 Page 10 of 79

back roof level and would incorporate box banding to the window frames to articulate and detail the façade. Windows to the north, west and south elevations would incorporate louvres of materials similar to the zinc shingles to provide privacy and reduce overheating in south-facing rooms.

**Original Consultation**

**Public Consultation**

An advertisement was published in the Ealing Gazette, and twelve (12) public site notices were displayed on adjacent streets surrounding the development site on 21.06.2022, and the public notification period ended on 16.02.2022. One hundred twenty-one (121) parties (including from Ealing Civic Society) responded in objection to the original consultation, while one (1) comment of support was received.

The application was reconsulted again on 16.11.2023 with the amended description. The outcome of this consultation will be discussed in the ‘Reconsultation’ section below.

The planning matters raised in the objections to the original proposal can be summarised as follows:

<b>Material Planning Objection</b>	<b>Planning Officer’s Response</b>
Demolition of a listed building	The building is not statutory or locally listed and has been extensively altered from its original state in the 1930s. The building no longer has any significant historic or architectural merit.
Loss of snooker hall, a community/recreational facility <ul style="list-style-type: none"> <li>- While it may be true that there has been some decline in number of facilities and participation levels over time, this is a distraction from the fact that snooker remains a popular participation sport in this country and actual levels of participation are significant within Sport England data in comparison to lots of other mainstream sports.</li> <li>- There will be nowhere to play snooker in West London.</li> <li>- The snooker needs assessment is inadequate and does not demonstrate compliance with Policy S5 of the London Plan.</li> </ul>	Space for a snooker hall within the development at -2 basement level is available if the current leaseholder or another operator wants to take this up.  However, it is important to note that the existing snooker hall is not a protected facility and falls under Class E. The existing snooker hall could be transformed into an alternative use, including retail use, financial service use, professional service use, (and other uses) without the express consent of the LPA.
Loss of opticians	Optician services fall within retail (Use Class E) of the Use Classes Order and are therefore not

	<p>protected as medical and health facilities. The opticians could be transformed to an alternative retail use without the express consent of the LPA.</p>
<p>Overdevelopment: there is no need for another hotel</p>	<p>Policy E10 of the London Plan (2021) sets out that it is estimated that London will need to build an additional 58,000 bedrooms of serviced accommodation by 2041, and that serviced accommodation should be promoted in Town Centres where they are well-connected by public transport, particularly to central London.</p> <p>The application is also supported by a Hotel Needs Assessment, which demonstrates hotel developments in Ealing, including those in the pipeline, and sets out the GLA Working Paper 88's anticipated targets for Ealing (equivalent to 2,243 rooms by 2041). The pipeline data is significantly short of the GLA target.</p>
<p>Impact on Character &amp; Appearance: out of keeping with the 'village' feel of the area</p>	<p>It is not considered that the existing building has a positive relationship with the appearance of the area. It is in a poor state of upkeep and the materials palette contrast awkwardly with the dominant style and appearance of buildings in the area.</p> <p>It is accepted that the proposed building would be of contemporary style. Nonetheless, it would utilise materials and a scale reflective of those in the immediate area and would provide a better relationship with the street relative to the existing building. This matter is considered further in the remainder of the report.</p>
<p>Loss of light to neighbouring residential properties</p>	<p>The application is supported by a Daylight and Sunlight Assessment, which reviews the impact of the development on 1-7 Brassie Avenue, 87, 91, 101 and 103 Old Oak Common Lane, 1-3 Erconwald Street and St Aidan's Church. This demonstrates that 93% of windows would satisfy the BRE guidelines for daylight. This is considered further in the remainder of the report.</p>

Noise/disturbance from construction	A condition for a demolition and excavation method statement and construction management plan has been secured by condition to minimise the emissions from the construction phase. The condition requires the construction emissions to meet environmental health thresholds.
Inadequate notices	Site notices were erected in 12 locations in the immediate vicinity of the site and advertised in the Ealing Gazette. Furthermore, the applicant carried out their own consultation prior to submission which included issuance of letters to 1,450 properties in the immediate area, and notification to existing occupiers of the building.
Increase in traffic and parking pressure	The application is supported by a Transport Assessment. The assessment confirms the net impact of car/taxi trips results in an overall reduction on the highway network across the day.
Loss of right of way	There is no public right of way to the rear of the site. The development would not block access for existing neighbouring uses.
Increase in pollution	The development would not result in an increase in pollution. At the current design stage, the overall site-wide CO2 emissions will be reduced by approx. 73.47%.
Damage to the local environment	The development would not result in an unacceptable impact on the local environment. The Council's Air Quality Officer, who has recommended conditions for an air quality assessment, an air quality and dust management plan, and non-road mobile machinery. The conditions shall ensure that control measures are in place during the construction phase and throughout the lifetime of the development to ensure that it would achieve an air quality neutral benchmark. The development is also satisfactory in terms of flood risk, energy and improved Urban Greening Factor.

**External Consultation**

Consultee	Comments	Officer Response
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London Fire Brigade	No comments were received.	N/A
Designing Out Crime Officer	<p>No objections, although concerns were raised in regards to the following:</p> <ul style="list-style-type: none"> <li>- The rear access road may become an area for anti-social behaviour. The service road should be closed with an access control gate. If a recessed gate (from Brassie Avenue) is provided, CCTV should be provided.</li> <li>- There must be separation between the public areas and guest rooms. Lift and stairs should have fob or card activated access control.</li> <li>- Fire escape stairs should be alarmed and fit with CCTV.</li> <li>- A condition for secure by design, including CCTV, postal strategy, doors, windows, etc. should be attached.</li> </ul>	The comments are noted and conditions applied for a minimum of 8 CCTV cameras to the exterior of the building, details of an access controlled gate to the rear service road and for the development to achieve secure by design accreditation.
Thames Water	No objections subject to a condition for details of a piling method statement and for water network capacity to be reviewed and a delivery approached agreed with Thames Water.	Noted. The conditions have been included.
TfL Borough Planner	<ul style="list-style-type: none"> <li>- Given the scale of the development and change in pattern of active travel, an Active Travel Zone (ATZ) Assessment would have been requested, to focus on links to public transport destinations and road safety.</li> <li>- The constraints of servicing on site are noted, but off-street servicing should be maximised on site to relieve pressure to on-street loading bays, with a more robust solution to accommodate taxi movements, all of which would be addressed though the Delivery and Servicing Plan</li> </ul>	Since the above comments were received, s106 contributions securing financial payments to active travel and road safety improvements were agreed. While it is acknowledged that an ATZ assessment would have been requested by TfL, the submitted travel plan indicates the 2 key objectives for transportation to and from the development as 1) promoting walking and cycling primarily and 2) promoting the public of public transport and shared car services over private single occupant vehicles. Travel



	<ul style="list-style-type: none"> <li>- The existing trip generation figures are challenged, as the exemplar for the takeaway is based on a single site in suburban West Midlands, and a leisure centre, which are not realistic comparators, and in the absence of which a site survey should be undertaken.</li> <li>- Nevertheless, the high volume of trips from the take-away would likely be skewed to short and evening/nighttime trips, which are different from the profile of trips generated through a hotel use.</li> <li>- Hotel trips are likely to have a more even profile than the predominantly off-peak evening and night uses currently on site.</li> <li>- As such, in the absence of an ATZ, there is strong justification for contributions towards active travel, including safety improvements focused on crossings, junctions and public transport facilities.</li> <li>- This is justified because notwithstanding the concerns about current estimated trip generation, the nature of future trips for hotel guests and staff will likely be very different from the current trip profile.</li> </ul>	<p>Plan monitoring contributions have been secured, as well as an obligation within the Legal Agreement to adhere to the submitted Travel Plan. Additionally, a Delivery, Servicing and Hotel Operations Management Plan have been secured through pre-commencement condition.</p>
<p>London Borough of Hammersmith &amp; Fulham</p>	<p>Objection comments were received outlining the development would cause harm to the Old Oak and Wormholt Conservation Area by virtue of its height and volume, and there is insufficient information submitted in relation to highways impacts.</p>	<p>An assessment of the impact of the development upon the Old Oak and Wormholt Conservation Area is considered further below. The proposal results in an increase of approx. 1.4m in maximum height and 4m in eaves height and is not considered excessive.</p>

		<p>A Construction Logistics Plan has been secured by condition to ensure there is no harm to the local transport network. TfL were also consulted, who did not comment on the proposal. The development does not propose any car parking and is located within a high PTAL (6a) area. An active travel zones assessment was therefore not considered necessary.</p>
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**Internal Consultation**

<b>Consultee</b>	<b>Comments</b>	<b>Officers Response</b>
<p>Transport Services</p>	<p>No objections in principle subject to S106 contributions to mitigate the impacts of the development. The contributions should be directed towards accident remediation schemes, footway improvements, cycle infrastructure, CPZ and restrictions monitoring and travel plan monitoring.</p>	<p>Noted. The contributions have been sought from the developer, who has agreed to the principle of such contributions. The financial sums are pending further review by Council's Transport Officer.</p>
<p>Leisure Services</p>	<p>Sports facilities catering for snooker and billiards aren't included in the Ealing Sports Facility Strategy 2022-2031. However, a loss of any sports facility would be disappointing.</p> <p>The club benefits from a 147 club status. The 147 club scheme was launched by the English Partnership for Snooker and Billiards (the national governing body for snooker and billiards in England), with the aim of promoting better standards and improving the junior game.</p>	<p>Noted. However, the submitted Snooker and Pool Needs Assessment identifies the host site as surplus provision and demonstrates there would be adequate supply to absorb demand arising from the loss of the on site facility.</p> <p>A number of the alternative sites considered in the Snooker and Pools Needs Assessments are also 147 clubs, including Gunnersbury Triangle Club, Chiswick Memorial Club, Raging Ball Greenford, Done Our Bit Club, Riley Sports Bar, Cousins Professional Snooker &amp; Pool Club, Southall Conservative and Unionist Club and London Snooker Tooting. It is noted that 147 club status can only be awarded to</p>

		snooker and billiards facilities, and would not extend to solely pool facilities.
Waste and Street Services	No comments received.	N/A
Pollution Technical (EH)	<p>Conditions are recommended for:</p> <ul style="list-style-type: none"> <li>- Air quality assessment</li> <li>- Air quality and dust management plan</li> <li>- Non-road mobile machinery</li> <li>- Noise assessment of background noise levels and sound insulation of the building envelope</li> <li>- Enhanced sound insulation of lifts and lift shafts</li> <li>- External noise levels emitted from plant and mitigation measures</li> <li>- Silencing and anti-vibration mounts to machinery</li> <li>- Demolition method statement and construction management plan</li> </ul>	The conditions are included in Appendix 1.
Contaminated Land Officer	The Contaminated Land Officer notes that significant impact to the underlying ground from such activities is likely low. However, to safeguard and to ensure the site is safe for the proposed use, a condition for unsuspected contamination has been recommended.	The condition is included in Appendix 1.
Energy Officer	<p>The energy strategy is supported and would achieve a very good BREEAM standard. It would be all electric with no gas connections and a significant volume of PV.</p> <p>S106 contributions for a carbon offset and energy monitoring should be secured.</p>	Noted. The S106 contributions have been included within this recommendation.
Flood Risk Officer	Satisfied that the development would provide a significant betterment of run-off rates and the drainage strategy. A condition for	The condition has been attached as part of the recommendation (Appendix 1).

	<p>ground investigations should be undertaken at detailed design stage to compensate storage arising from the basement level.</p>	
Tree Officer	<p>No objection to the proposed development but a condition for a tree protection plan should be included.</p> <p>A contribution of £495 for the amenity value of the tree in the garden of 1A Brassie Avenue is sought.</p> <p>The developer will need permission from the landowner to remove the tree.</p>	<p>Noted. The contribution has been included in the recommended Heads of Terms.</p> <p>The landowner is the Council's Housing Department, who were consulted and raised no objection to the removal of the tree. In addition, a letter was issued to the tenant advising them that the tree would need to be fell and welcomed comments. No comments from the tenant were received, although the Council's Housing Officer confirmed the tenant supports the removal of the tree.</p>
Parks	<p>The development must provide an amenity space of 196sqm but there is a shortfall of approximately 150sqm. A S106 contribution towards local open space improvements should be secured.</p> <p>The landscape proposals are high quality and there is an effort to provide some amenity space on a constrained site, which is welcome.</p> <p>Green roofs and evergreen climbing plants are supported and the Urban Greening Factor is acceptable. There is a substantial increase in green space relative to the existing site, which does not benefit from any.</p> <p>Conditions should be included for hard and soft landscaping plans and a 5-year maintenance plan, and details of the green roof construction.</p>	<p>Noted. The S106 contribution and conditions have been included in the recommendation.</p>

CCTV Systems Manager – Safer Communities	Requested a S106 contribution of £12,000 for upgrading of a CCTV camera outside St Aidan’s Church to the south.	<p>MET Police have required the installation of CCTV to the exterior of the building to ensure compliance with secure by design standards. As such, the development provides its own surveillance and mitigates its impacts and a partial offer for the system was made. The CCTV request was therefore retracted by the CCTV Systems Manager as they cannot proceed with a partly funded system.</p> <p>Nonetheless, a condition is recommended for the installation of a minimum of 8 CCTV cameras to the exterior of the building and covering all entry and exit points and the public forecourt.</p>
Economic Regeneration	During construction, the development should provide 4 apprenticeships (with an £8,000 penalty per apprenticeship not created), 6 work experience opportunities, 20% local labour, 6 school/college visits and 6 school/college workshops.	These terms have been included in the heads of terms.
Education Services	No comments received.	N/A

**Ealing Civic Society**

The Ealing Civic Society has raised that their original objection was not completely summarised in the Committee Report. To rectify this, a full summary is found below:

- The loss of the East Acton Arcade is regrettable, which in its original state, would have been worthy of consideration for a local listing
- The current façade could be restored to its original form
- A partial history of the existing building is identified but a full history is not known, therefore, if the Council is minded to approve, detailed historical research on the original building should be required via condition, to be recorded in the Ealing Archives
- The loss of daylight to no. 1 and no. 3 Brassie Avenue, due to the increased height and massing of the proposed building, is unacceptable

*Officer's response* – Points on the historic merits of the original building have been addressed in the Committee Report, as has a balanced planning assessment of amenity impacts on no. 1 and no. 3 Brassie Avenue. The need for a condition assessing the history of the building was disputed by the applicant, and deemed not necessary in the planning authority's assessment, considering the building is not locally listed nor does it have any other designated heritage value, and there is subsequently no policy requirement for a similar condition.

**Cllr Katherine Crawford's comments**

Councillor Katherine Crawford objected to the original proposals outlining incorrect information within the original Committee Report and the applicant's submitted snooker needs assessment. Councillor Katherine Crawford also believed it unreasonable the applicant is not re-providing a snooker facility. These comments were responded to in the briefing notes of the original Committee Report. Many of these points have been summarised above. However, it is worth repeating that regarding legislative land use, Snooker Halls are a commercial use under Class E(d) and not a protected community sporting facility under Class F. As such, there is no policy obligation to re-provide an equivalent facility in terms of location, service or membership price.

Despite this, the application has been revised to include a snooker hall at -2 basement level should the snooker clause be activated.

**Other comments**

It should be noted Cllr Hitesh Tailor and Cllr Steve Donnelly submitted comments expressing support for the comments submitted by MP Dr Rupa Huq. In summary:

- The proposed development should be refused as it does not propose to relocate thriving businesses currently on site.
- The loss of the snooker hall and opticians would be detrimental to surrounding users and residents.

**Reconsultation**

**Public Consultation**

The application was reconsulted on 16.11.2023, site notices were displayed on 22.11.2023. The planning matters raised in the objections to the amended proposal can be summarised as follows:

<b>Material Planning Objection</b>	<b>Planning Officer's Response</b>
Loss of opticians	Optician services fall within retail (Use Class E) of the Use Classes Order and are therefore not protected as medical and health facilities. The opticians could be transformed to an alternative retail use without the express consent of the LPA.

Loss of butchery	The butchery, like the opticians, falls within retail (Use Class E) and is not a protected use. The butchery could be transformed to an alternative retail use without the express consent of the LPA.
Loss of hot food takeaway	The hot food takeaway falls within a Sui Generis use. While planning permissions would be required for a change of use, this is not a protected use.

**External Consultation**

No additional comments were received from the external consultees.

**Internal Consultation**

<b>Consultee</b>	<b>Comments</b>	<b>Officers Response</b>
Transport Services	The development would be liable to additional cycle parking requirements should a snooker use come forward. No objection to the changes subject to £3,600 to install the short-stay cycle parking on the street.	£3,600 has been added to the contributions in the Heads of Terms, payable if a snooker use comes forward.
Leisure Services	Leisure Services agree with the conclusions of the third-party Snooker Needs Assessment Review (SNAR) conducted by Continuum Sport & Leisure Limited (CSLL).	Noted.
Waste and Street Services	No further comment.	N/A
Pollution Technical (EH)	No further comment except updating the wording of the air quality conditions to reflect current guidance/policy.	Noted and conditions updated.
Contaminated Land Officer	With the double basement proposed the same conditions as before are requested.  The applicant is informed that asbestos has been found throughout the building and needs to be removed in accordance with current best practice and the HSE	Noted.

	informed as required by the regulations.	
Energy Officer	No change to the Energy Strategy. Existing measures and conditions are adequate.	Noted.
Flood Risk Officer	No further comment.	N/A
Tree Officer	No further comment.	N/A
CCTV Systems Manager – Safer Communities	No further comment.	N/A
Economic Regeneration	No further comment.	N/A

**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 and Assessment**

This proposal has been assessed against the relevant policies of the London Plan (2021), Ealing Development (Core) Strategy (2012), Ealing Development Management Development Plan (2013), and Interim Supplementary Planning Guidance/Documents. The key issues in the assessment of this planning application are:

- Principle of Development
- Design, Appearance and Impact on the Street Scene & Local Character
- Impact on Amenity of Neighbouring Occupiers
- Site Access and Highways Impacts
- Accessibility
- Energy and Sustainability
- Waste and Recycling
- Crime Prevention
- Environmental Health
- Flooding and Sustainable Drainage
- Fire Safety



**Principle of Development**

**Reprovision of Snooker Hall**

Policy S5 of the London Plan (2021) sets out that, amongst other possible exclusions, existing sports and recreational land and facilities should be retained unless an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements at the local and sub-regional level.

The existing use as a Snooker Hall (Use Class E(d)) represents an indoor recreational facility, comprising 692sqm and 21 playing tables. The facility does not have lift access despite being located on the first floor and provides an ancillary bar function (including alcohol, hot drinks, soft drinks and bar snacks). The snooker hall is independently operated by London Snooker and requires users to hold a membership to access the facility. Membership fees are priced at £22 for adults, £15 for students and £3 for guest members. In addition to membership fees, users must hire tables, which is currently priced between £9-£11 per hour.

The third-party Snooker Needs Assessment Review (SNAR) conducted by Continuum Sport & Leisure Limited (CSLL) concluded that the snooker hall was not surplus to needs. However, it did identify capacity at the existing snooker hall and all similar quality facilities within the local and sub-regional levels. Specifically, the SNAR found that:

- 8 of the 14 operational sites identified in the applicant's Snooker and Pool Needs Assessment (SNPA) are not directly comparable operations.
- Site visits undertaken throughout June 2023 suggest some unused capacity in the peak evening periods for adults (Friday and Saturday) at the snooker hall and comparable alternative venues. 7 out of 21 playing tables were in use during the visit.
- The site visit was conducted outside of peak playing times for snooker and pool which runs from September to the end of April. Unused capacity could be substantially reduced during this period.

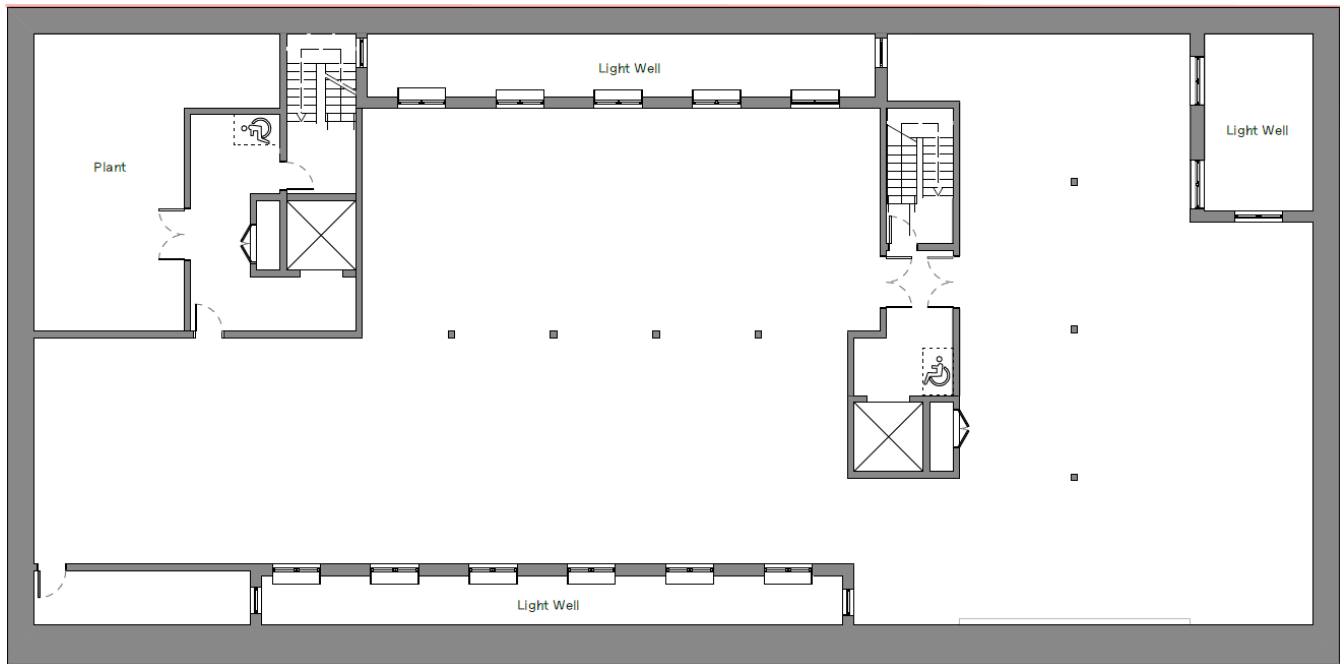


Figure 5: Shell and Core

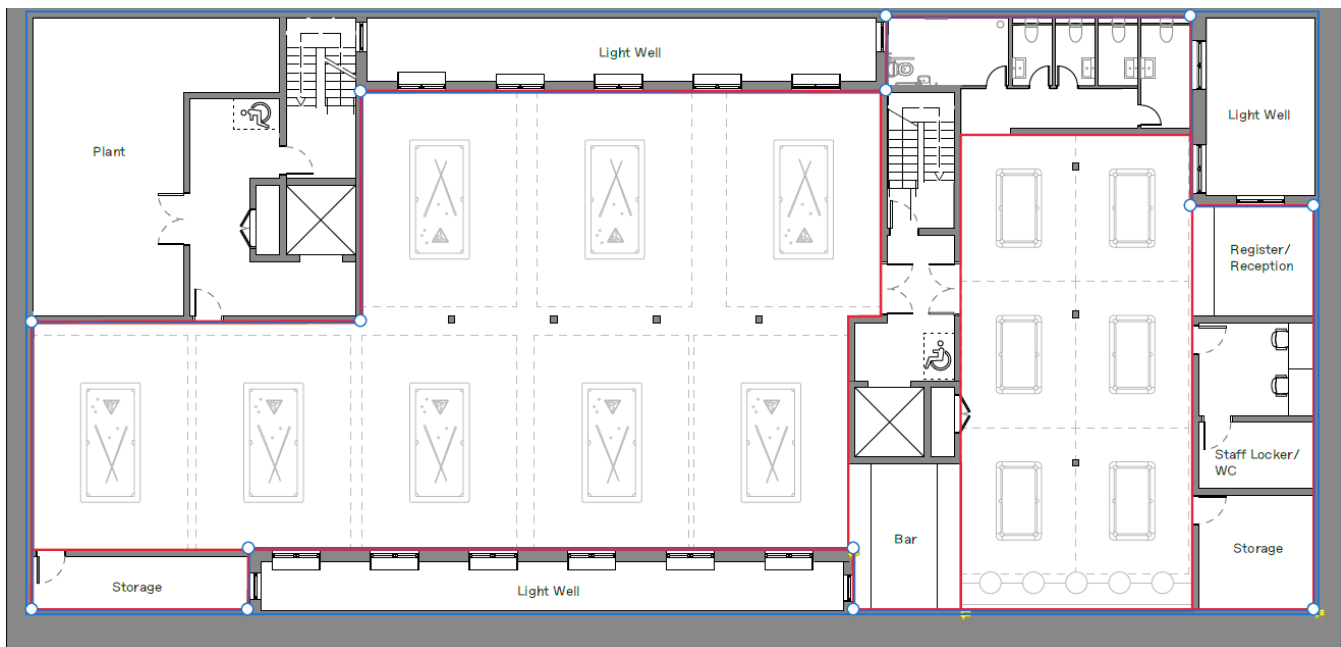


Figure 4: Indicative Snooker Hall

If the current snooker operator activates the first right of refusal, a snooker use would be created at -2 basement level. The size of the snooker hall would be 511.37sqm (this measurement excludes the plant room, stair cores and lift; it does include toilets, the bar and staff facilities). The snooker hall would offer 14 playing tables. The snooker hall would be smaller than the existing snooker hall, resulting in a loss of 180sqm and 7 playing tables. However, the SNAR concluded that while the existing snooker club was well used, some unused capacity was available at peak evening periods. There is also available unused capacity at comparable alternative venues in London.

The SNAR concluded that there was capacity during the peak evening periods. However, the site visit was carried outside of peak playing times for snooker and pool which runs from September to the end of April. As such, between September-April it is likely that unused capacity be reduced substantially. Nevertheless, the SNAR does not conclude that the snooker club would be at capacity, even during these periods.

In addition to this, the snooker hall would be within a new building which has lift access, improving accessibility to the snooker hall. The quality of the playing space would also be improved, the existing quality was considered 'Average' in the SNAR. Given the snooker hall would be a brand-new facility, the quality of the playing space provided would be superior to all existing comparable alternative venues in London on a scale of 1-5 with 4 being the highest (Raging Bull and Hurricane Rooms).

As such, the reduction in space and playing tables is acceptable and would comply with Policy S5 of the London Plan (2021). An assessment has been undertaken which shows unused capacity at the existing snooker hall, even during peak periods. Therefore, it is considered that some capacity at the existing snooker hall is surplus to requirements at the local and sub-regional level and the loss of 180sqm and 7 playing tables is satisfactory.

### **Loss of Storage/Warehouse**

Policy E4 of the London Plan (2021) seeks to retain a sufficient supply of land and premises in London to meet current and future demands for industrial and related functions. It recognises non-designated industrial sites as key contributors to London's overall capacity for industry, logistics and services.

Policy E7 of the London Plan (2021) sets out that mixed-use or residential development proposals on non-designated industrial sites should only be supported, amongst other considerations, where there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4.

Policy 4A of the Ealing Development Management DPD (2013) states that on unallocated sites, the redevelopment of the site for non-employment use may be permitted where it is demonstrated that the site is not viable for re-occupation, alternative employment use or does not constrain neighbouring employment uses.

The host site comprises 425sqm of storage facility (Use Class B8) at the rear of the ground floor level. The facility is accessible via a single, narrow driveway on the southern side of Brassie Avenue. Internally, the floor space has a minimum headroom height of 3.3m, rising to 3.7m maximum. The storage facility is an isolated industrial use within the Town Centre. It has limited vehicle access by virtue of the width of the rear access road, providing significant constraints to most warehousing and storage operators.

The application is supported by a Market Demand Report, which assesses the demand for the existing facility and alternative sites within the local area. It sets out that the site, due to its constrained vehicular access, lack of servicing yard, residential neighbours, dated interior and poor energy efficiency, would derive exceptionally limited interest. It also sets out several alternative sites in Ealing

(with floorspace circa 200-500sqm) readily available in the immediate area, which benefit from more efficient layouts and service yards, industrial neighbours, energy efficiency and modern interior, all of which contribute to improved operational capacities. Indeed, Policy E7 of the London Plan emphasises the importance of generous service yards, headroom heights and energy-efficient premises. Facilities of this effect are readily available in neighbouring industrial locations (i.e... The Vale Locally Significant Industrial Site, South Acton Locally Significant Industrial Site and Park Royal Strategic Industrial Location).

For successful and maximised operations, storage, warehousing and industrial facilities, by their very nature, require large service yards, sufficient access for heavy goods vehicles and large separation distances from neighbouring residential sites. The host site would fail to provide these even with redevelopment as it is an isolated industrial site located within a densely built area. The site would have limited interest for re-occupation or alternative industrial uses due to its constraints, and it is considered that, in this instance, there is no reasonable prospect of the site being successfully used for industrial and related purposes. The development would, therefore, comply with Policy E7 of the London Plan (2021) and Policy 4A of the Ealing Development Management DPD (2013).

The site is also located within East Acton Neighbourhood Town Centre. It is imperative to note that Policy 4C of the Ealing Development Management DPD (2013) sets out main town centre uses should have an active frontage. This is reciprocated in Policy SD6 of the London Plan (2021), which states that town centres should comprise main town centre uses, night-time economy, civic, community, social and residential uses. It also states that town centres have an important public function, with high streets providing opportunities for people to gather, meet, socialise and be entertained. It is considered that the existing storage use on site fails to deliver the aspirations for a good town centre, and its loss would, therefore, not benefit the overall functionality of the town centre.

### **Proposed Use as a Hotel**

The site lies within the East Acton Neighbourhood Town Centre and is well connected, as demonstrated by its PTAL rating of 6a. Although the site is not an allocated development site, it must be noted that the building dates from the 1930s and has been extensively altered since its conception. The building is a tall, dense structure, which provides an inefficient and poor use of the site.

The London Plan (2021) identifies hotels as a main town centre use. Policy SD6 of the London Plan (2021) states that hotels in town centre locations, especially in outer London, should be enhanced and provided. Policy SD7 states that when considering development proposals, a town centre first approach should be taken, including requiring town centre uses to be located in town centre.

The principle of a hotel in this location is therefore considered acceptable. The site is located within a town centre and benefits from an exceptional PTAL rating of 6a (where 0 is the worst and 6b is the best). A hotel use would be appropriate to the town centre location. Furthermore, the proposed development would provide an active frontage through a public café/restaurant, shared workspaces and a public forecourt. Further animation would be provided through outward-facing benches, which would animate the frontage and street.

Policy E10 of the London Plan (2021) stipulates that London's visitor infrastructure should be strengthened, particularly in parts of outer London that are well-connected by public transport. It goes on to identify an estimated additional 58,000 rooms of serviced accommodation will be required by 2041.

The GLA Working Paper 88 (Projections of Demand and Supply for Visitor Accommodation in London to 2050) provides a breakdown of demand for serviced accommodation by borough. It finds that as of December 2015, there were 1,928 serviced rooms in Ealing, equating to 2.9% of London's stock. The paper finds that LB Ealing is expected to achieve an additional 2,234 rooms by 2041, which is approximately 3.5% of total demand and equates to a provision of an additional 85 rooms per annum. At the time of the publication of the working paper (2017), there were approx. 288 rooms of serviced accommodation in the pipeline in Ealing. It is important to note that the pipeline data used in the 2017 paper covered available data up to 2018.

Since then, the following notable hotel developments have been resolved to grant permission:

- Dawley House (ref: 201022FUL) – an additional 82 rooms relative to the 2014 consent
- 22-24 Uxbridge Road (ref: 193920OUT) – uplift of 97 rooms relative to existing
- 4 Portal Way (ref: 191854OPDFUL) – loss of 66 rooms

In addition to the 288 rooms in the 2017 Working Paper, the approved schemes provide another net 401 rooms in Ealing. There have also been other applications for marginal increases and reductions in rooms at smaller sites, which are unlikely to make any significant difference to the overall pipeline numbers. The current development in the pipeline would likely fall significantly short of the 2,234 target set by the GLA Working Paper 88. It is therefore considered that the proposed hotel use would not result in an oversaturation of hotels in the area and would contribute towards fulfilling regional policy objectives, as set out by the London Plan (2021).

The redevelopment of the site for hotel use would also result in significant benefits, including employment opportunities in accordance with the strategic objectives of the London Plan and Local Plan. The developer would be required (through the section 106 agreement) to produce a Local Employment & Training plan, to be developed with the support of LB Ealing Employment & Skills Officer, which will set out minimum commitments. This plan would cover a wide range of opportunities, including a local labour target, skills development, apprenticeships and work experience, provision of any required vocational training and qualifications and a financial contribution towards the monitoring of the project, preparing residents for upcoming vacancies on site and other employment and skills related activities.

### **Design, Character and Public Realm**

Policies D1, D2, and D3 of the London Plan (2021) seek to ensure that new developments are well-designed and fit into the local character of an area. New buildings and spaces should respond to the form, style and appearance to integrate into the local character of an area successfully, have a positive relationship with the natural environment and respect and enhance the historic environment. Specifically, Policy D3 seeks to optimise the potential of sites with regard to local context, design principles, public transport connectivity and accessibility, and the capacity of existing and future

transport services using an assessment of site context and a design-led approach to determine site capacity.

Section 12 of the NPPF (2023) and Policy 7B of the Ealing Development Management DPD (2013) require that development has regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings. They also note that development should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and comprise details and materials that complement, not necessarily replicate, the local architectural character.

The proposed building has been designed to be a comparable mass and height to the existing building, albeit with a greater number of storeys created through rationalisation of the floor-to-ceiling heights. It would incorporate an improved relationship to the neighbouring buildings and public realm by setting back from the north and south boundaries, extending and integrating the street forecourt, creating a stronger bookend to the termination of the commercial high street and considering the tonality and texture of the elevation materials.



*Figure 6: Proposed Street Scene*

The proposed building would be 15.5 metres high to the roof level, representing an increase of 1.4m at the maximum height and 4m at the eaves relative to the existing building. The proposed building has been designed to respond to its location in terms of its immediate and wider context, including when viewed from within the adjacent Conservation Area. Its height, at a maximum of five storeys, incorporates a roof level that would be set back from the primary and side facades to harmonise with the surrounding scale. The proposed height would not be taller than other buildings already found in the immediate area. For example, the proposed building would be more than 3m lower than the Clock Tower of St Aidan’s Church and less than 1m taller than the main ridge of the Church. The Argos Homebase Superstore development, on the corner of East Acton Lane and Western Avenue, comprises a height of up to 19 storeys. It is also clearly visible from the host site. In this context, the proposed building would not appear excessive. The proposed massing and height would be in keeping with the existing and emerging character and development pattern of the surrounding area. The building would relate well to the form, proportion, scale and character of the adjacent buildings.



Figure 7: Street Scene with Argos Homebase Superstore Development Under Construction

The proposed building would comprise a colonnade at the ground floor level, which would step forward of the established building line. The colonnade would provide an outdoor public seating area and integrate the site with the street. At the upper floor levels, the building would step back to match the established building line. While it is accepted that the siting at the ground floor level would represent a departure from the established form, it is not considered that this would harm the appearance of the street scene. The ground floor would be well integrated with the public realm and would provide an active frontage through an open colonnade, planting, clear glazing and outward-facing benches. The sheltered seating area provided by the projection at the ground floor level would positively contribute to the town centre setting.

The mass would be broken up through setbacks, step-ins and vertical and horizontal banding. To the street elevation, the roof level would be set back from the front and side walls to provide visual relief. To the north and south boundaries, the building would step in along its centre to break up the massing as viewed from neighbouring sites and on approaching the site. The combination of vertical and horizontal banding would articulate the façades to provide interest, would provide human scale to the building and would reflect the modular grouping of hotel rooms behind the façade. This would be particularly important for the north façade, which will be highly exposed when approaching the site from the north. The continuation of the banding to this façade would provide a positive address to the street.

Additional interest would be created through subtle variations in the tonalities of materials and a simple fenestration, which would also contribute to the rhythm of the façade. The recessed parts of the building at the floor level and along the south and north boundaries would be visually distinct from the main mass through the use of zinc cladding, which would subtly contrast against the red/brown brick and pre-cast concrete to provide a contemporary take on the traditional material tonality and palette found in the immediate vicinity. It is considered that the design would be of high quality, as required by the NPPF (2023) and design policies of the London Plan (2021) and Ealing Development Management DPD (2013). Although the building has a contemporary design, it reflects the scale, detailing, massing and materials in the local context.

As such, the siting, height, form and design of the building would be appropriate and compatible with this part of the town centre while optimising the site for efficient use. The proposed development would not result in harm to the character and appearance of the local area and would comply with the aforementioned policies of the London Plan (2021), Ealing Development (Core) Strategy (2012) and Ealing Development Management DPD (2013).

**Impact on Old Oak and Wormholt Conservation Area**

The application site does not fall within a conservation area, nor does it contain any listed buildings. However, the site is adjacent to the Old Oak and Wormholt Conservation Area of the London Borough of Hammersmith & Fulham.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates 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'.

The National Planning Policy Framework (2023) Section 16, paragraph 202 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 securing its optimum viable use'.

Policy HC1 of the London Plan (2021), Policy 1.1 of the Ealing Development (Core) Strategy and Policy 7C of the Ealing Development Management Development Plan Document (DPD) seeks to ensure that new development preserves the significance of heritage assets. Development should be sympathetic in its materials and architectural detailing, and the introduction of designs or materials which undermine the significance of heritage assets should be avoided.

The Old Oak and Wormholt Conservation Area was designated in 1980. Old Oak Common Lane serves as the eastern boundary to the conservation area and forms part of its setting. The host site sits directly opposite the eastern boundary of the conservation area.

The Conservation Area Profile (2017) analyses the special architectural and historic interest of the Conservation Area is derived from:

- The historic street pattern and the planned garden suburb layouts of the Old Oak and Wormholt Estates, which remain largely unchanged
- An example of high-quality planned early twentieth-century public housing
- The historical significance of the influence of the garden suburb movement, the 'Homes for Heroes' campaign and the 1919 Housing Act as evidenced by the development of the Old Oak and Wormholt Estates
- The distinctive 'cottage garden' character and garden suburb architecture typified by the domestic scale of the housing material palette, roofscapes, boundary treatments, and large planted front and rear gardens
- The character of a predominantly early twentieth-century suburb and the mix of buildings and open spaces associated with that role



- The open character and soft landscaping of Wormholt Park
- The high quality of the townscape and soft landscaping

The existing building on the site does not contribute to the significance of the Old Oak and Wormholt Conservation Area. The Character Profile identifies various contributors to the special character of the conservation area, none of which the host site displays. Furthermore, in its poor state of upkeep and altered state, it could be argued that the existing building has a negative effect on the setting of the Conservation Area. It is not considered that the loss of the existing building would have a negative impact on the overall significance of the conservation area.

The proposed development would not have a direct impact on the conservation area as it is located outside of the conservation area boundary. It would be visible from some parts of the conservation area and would, therefore, have an indirect impact in terms of the potential change to the setting of the conservation area.

The scale and massing of the proposed building are reflective of the emerging context in the area, and it is considered to be appropriate for the Town Centre location. The proposed building would also incorporate the materials palette of the area, albeit in a more contemporary style. Moreover, the proposed landscaping and seating within the front of the building would enhance the street scene and animate the space, contributing to an improved frontage and public realm. This would represent a significant improvement to the current site, which has been vandalised in the form of graffiti on shop shutters and broken windows and is in a poor state of upkeep.

The proposed development would not detract from any of the features which make up the special character of the conservation area that are set out in the Character Profile and, therefore, would not affect the significance of the heritage asset. It would have limited visibility from some parts of the conservation area, and the building, at its proposed height and scale, would be less intrusive and less visible than the existing tall buildings, which are visible from across the entire conservation area. In the context of an altered backdrop and skyline, it is considered that the proposed development would not result in harm to the significance of the Old Oak and Wormholt Conservation Area and would comply with the NPPF (2023) and London Plan policies insofar as they relate to heritage assets.



Figure 8: Tall Buildings Visible from within the Conservation Area

**Landscaping and Urban Greening Factor**

Policy G5 of the London Plan (2021) states that developments should provide new green infrastructure that contributes to urban greening and recommends that London boroughs develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required for new developments. The Mayor of London recommends a target score of 0.4 for predominantly residential developments and 0.3 for commercial developments.

The existing site does not benefit from greening and has an Urban Greening Factor of 0.0. The proposed development would achieve a 0.3 Urban Greening Factor by installing an intensive green roof, flower-rich perennial planting, a green wall, groundcover planting and permeable paving. The level of landscaping proposed is acceptable and would improve the site's appearance and pedestrian experience in East Acton Town Centre.

The landscaping proposal consists of an entrance space, a covered external café seating area, two inaccessible lightwells with narrow planting beds and green walls, and a tarmac service area to the rear of the building. The external café would feature a collonaded canopy, integrated planters and outward-facing benches. The proposed landscaping would provide an improved pedestrian walkway and create a positive relationship with the street and animated frontage, which would be imperative for town centre locations.

In addition to the planting proposed to the front of the site, a biodiverse-intensive green roof is proposed around the perimeter of the main roof. The area has been maximised within the limits of PV, plant and services distribution requirements.



*Figure 9: Proposed Outdoor Public Seating Area*

The landscape proposals were reviewed by the Council’s Landscape Architects, who commended the efforts made to ensure the site achieved the necessary UGF factor. Conditions were recommended for details of the final hard and soft landscape proposal and green roof. Subject to the conditions, the proposal would comply with the aims of Policy G5 of the London Plan (2021).

### **Conclusion**

Given all of the above, the proposed development is considered to accord with London Plan Policies D1, D2 and D3 and the aforementioned relevant policies by taking into account the local context, including density and local character, and by respecting the current building line and active frontage along Uxbridge Road.

This building’s form, design and materials overall would secure a high-quality design that responds acceptably to its location and would raise the appearance and amenities of this site. The overall design complies with the development plan in terms of urban design (sense of place, density, public realm and active frontages) and optimisation of the development potential of this site.

### **Impacts on Neighbouring Properties**

London Plan Policies D3, D4, and D14, Development Strategy Policies 1.1(e) and (j) and Ealing Development Management Development Plan Document Policies 7A and 7B are relevant regarding the impact on the amenities of neighbouring residential properties. The Ealing Development Sites Development Plan Document states that ‘the height and massing of buildings on the southern boundary should be smaller to ensure that the amenity of the existing residential properties is maintained’.

**Impact on Sunlight, Daylight and Overshadowing**

The applicant has submitted a Sunlight and Daylight Assessment, which includes an assessment of the proposal's impact on neighbouring sites. The assessment considers the impact of the development on the following properties:

- 1 Brassie Avenue
- 2 Brassie Avenue
- 3 Brassie Avenue
- 4 Brassie Avenue
- 5 Brassie Avenue
- 7 Brassie Avenue
- 87 Old Oak Common Lane
- 91 Old Oak Common Lane
- 101 Old Oak Common Lane
- 103 Old Oak Common Lane
- St Aidan's Church
- 1-3 Erconwald Street

The assessment utilises methodologies set out in the 2011 'Building Research Establishment (BRE) – Site Layout Planning for Daylight and Sunlight: A guide to good practice' (hereon referred to as 'BRE guidelines'). It is important to note that the guidelines are not fixed standards and are to be applied flexibly to take into account the specific circumstances of each case. This is reciprocated by paragraph 125 (c) of the NPPF (2023), which states that 'authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site'.

Daylight is assessed through the vertical sky component (VSC) and no skyline (NSL) measures. VSC measures the amount of skylight received on a vertical wall of a window, following consideration of any visible obstructions. NSL measures the distribution of daylight within a room at the horizontal 'working plane' – i.e. a height of 0.85m for residential properties. The BRE guidelines stipulate that existing daylight may be noticeable if windows achieve a VSC below 27% and are reduced to less than 0.8 times their former value, or the existing levels of NSL within the rooms are reduced to less than 0.8m times their former values.

Sunlight is assessed through annual probable sunlight hours (APSH), which calculates the percentage of probable hours of sunlight received by a window or room over a year. Regarding existing adjacent properties, only those windows oriented within 90 degrees due south and which overlook the site require assessment. The BRE guidelines stipulate that dwellings may be adversely affected if the APSH to main living rooms is less than 25% annually or less than 5% during winter, and reduced to less than 0.8 times its former value, with a loss of sunlight over the whole year greater than 4% in APSH in real terms.

Overshadowing of amenity spaces is assessed through the 2-hour sun counter test, which compares the proportion of an amenity area (e.g. rear gardens, parks and playing fields) receiving at least 2 hours

of sun on the 21st of March in the existing and proposed condition. The BRE guidelines stipulate that 50% of an amenity space should receive 2 hours of sun after the development or retain at least 0.8 times the former value.

The daylight, sunlight and overshadowing assessment concludes that 93% of the tested windows and 85% of rooms within all neighbouring buildings tested would satisfy the default BRE guidelines for daylight. In addition, those below the default BRE guidelines represent minor deviations and pertain to less sensitive or non-habitable rooms that arise due to the design constraints of the buildings concerned.

Furthermore, regarding annual probable sunlight hours (APSH), 100% of the tested windows would meet the suggested annual BRE criteria, and 92% would meet the winter criteria. The windows below the winter criteria represent minor deviations or slight absolute alterations.

The assessment finds that 2, 4, 5 and 7 Brassie Avenue, 101 and 103 Old Oak Common Lane, St Aidan’s Church and 1-3 Erconwald Street would satisfy the BRE criteria for daylight and sunlight. The remaining properties – 1 and 3 Brassie Avenue and 87 and 91 Old Oak Common Lane – are considered below.

**1-3 Brassie Avenue**

These properties, comprising four flats, are located immediately north of the proposed development. There is a gap of approx. 5-6m between the rear wall of these properties and the south flank of the existing and proposed development. A total of 24 windows serving 16 rooms were considered for daylight. As per plans of similar maisonettes on the streets, the windows pertain to a mixture of bedrooms, small kitchens and non-habitable/circulation space.

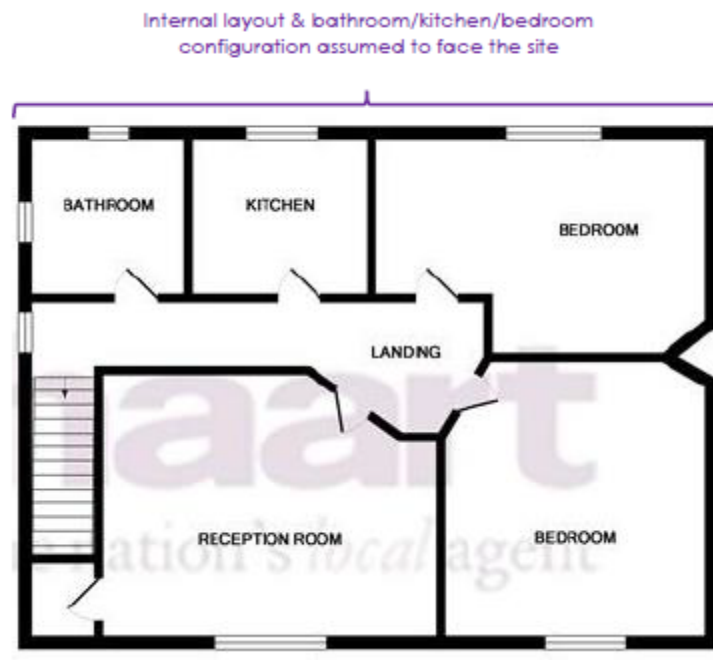


Figure 10: Example Layout of 4 Brassie Avenue

The VSC analysis shows that 10 (42%) of the 24 windows considered would fulfil the BRE guidance. The remaining 14 windows would see relative VSC reductions from 34% to 45%. However, of the 14 windows, 10 serve non-habitable spaces (including small kitchens) and do not have a reasonable expectation for light as per the BRE guidance and can, therefore, be discounted. The remaining four windows serve bedrooms, where the BRE guidance stipulates ‘bedrooms should be analysed although they are less important’. The VSC retained for bedrooms would range between 10% and 14.5%, which, although short of the 27% VSC prescribed by the BRE guidance, would provide sufficient daylight to bedrooms, which have a lower expectation for light.

Similarly, the NSL analysis finds that eight (50%) of the 16 rooms tested would meet the BRE Guidelines. The remaining eight rooms are kitchens and bedrooms, which have lower (or no) expectations of light in the BRE guidelines. Furthermore, in reviewing existing daylight, the rooms are already below the suggested values for their use and would, therefore, rely heavily on artificial lighting. Although it is noted that the development would result in loss of daylight, the impact is not detrimental as the impacts would be limited to non-habitable spaces and bedrooms, which have lower expectations of light.

In terms of sunlight, the APSH analysis finds that 100% of the 21 tested windows would satisfy the BRE criteria for the annual period. There would be a lower BRE compliance level in the winter months, with only 6 (29%) of the windows meeting the criteria for this period. However, many of the windows below the winter guidance values either experience very small APSH changes in real terms or marginal deviations from the absolute targets. As the absolute reductions are marginal, it is not considered that the proposed development would result in a detrimental loss of sunlight.

Window	Existing Winter APSH	Proposed Winter APSH	Absolute Reduction	Relative Reduction
Bedroom	2%	1%	1%	50%
Kitchen	3%	2%	1%	33%
Kitchen	5%	4%	1%	20%
Bathroom	5%	4%	1%	20%
Bathroom	3%	3%	0%	0%

*Table 4: Annual Probable Sunlight Hours - 1 Brassie Avenue, Ground Floor*

**87 Old Oak Common Lane**

The north flank of this residential property faces the host development, and eight of its windows, serving six rooms, were assessed.

The VSC analysis shows that all eight windows would meet the BRE guidelines. Regarding NSL, four of the six rooms would meet the BRE criteria, while the remaining two would see a loss of 22% and 30%, marginally exceeding the 20% loss that is considered acceptable by the BRE guidelines. It is not considered that the marginal exceedances would result in detrimental loss of daylight to the rooms.

Furthermore, the rooms appear to pertain to non-habitable spaces (bathrooms/circulation) by virtue of the position of the flue pipe to the north elevation. Non-habitable spaces would not have a reasonable expectation for light in accordance with the BRE guidance.

The property was not tested for sunlight as windows are not oriented 90 degrees due south of the host site, as required by BRE guidance for tests of APSH.

**91 Old Oak Common Lane**

This property adjoins the host site to its south and comprises residential accommodation at the first-floor level.

The VSC analysis demonstrates that five of the six tested windows would satisfy the BRE guidelines. The final window, which serves a kitchen, would see a reduction of 56% relative to the former VSC value. Although the relative reduction is significant, the absolute change to VSC would only be 1% and would, therefore, be negligible to users of the space.



*Figure 11: Rear Elevation of 91 Old Oak Common Lane*

The NSL analysis shows that four of the five rooms tested would meet the BRE guidelines. The remaining room, the kitchen, would see a reduction of 83% relative to the former NSL value. However, it is important to note that a small kitchen would constitute a non-habitable space that is not afforded a

reasonable expectation of light under the BRE guidance. Additionally, an obscure-glazed structure has been constructed to the rear of the property, which has not been considered in the daylight analysis. The window is located immediately south-west of the original kitchen window and would, therefore, significantly reduce daylight in any case.

**Overshadowing**

Regarding overshadowing, 5 out of 6 tested amenity areas would satisfy the BRE guidelines. The exception is 1 Brassie Avenue, which is below the BRE suggested area target in its existing condition. Currently, it benefits from 34% of the amenity space received 2 or more hours of sun on March 21. This would be reduced to 24% following the completion of the development. This area experiences a relatively small additional shadow due to the orientation and proximity to the proposed development. However, this would represent a minor breach of the guidance thresholds, and there are existing trees and shrubs along the boundary that would alleviate the impact. It is also important to note that on 21 June, 95% of the amenity space would receive sun, relative to 91% in its existing situation. Although there would be a small increase in overshadowing in March, this would not harm the garden's enjoyability, particularly given the extent of existing overshadowing and the improvement in June.

**Changes to the BRE Guidance**

It is noted that the BRE Daylight and Sunlight Report (Site Layout Planning for Daylight and Sunlight: a guide to good practice) has been revised since the above assessments were carried out. The guidance in the revised BRE Report has been updated to reflect the British Standard changes and how natural light conditions are assessed.

The revised BRE Report is a guidance document advising on interpreting the recommendations given in British Standard BS EN 17037 and CIBSE guide LG10. The previous British Standard (BS 8206 part 2) was replaced in June 2019 by BS EN 17037. BS EN 17037 introduces new tests and definitions to the current daylight and sunlight testing practices.

While the above assessment was carried out using the previous BRE Report guidance, the applicant's Sunlight and Daylight consultants have confirmed that the overall effect of the development on neighbouring amenities would not be materially different had the newly recommended tests been applied.

A technical note outlining this view has since been submitted supporting the application. Based on this, it is not likely that a revised Sunlight and Daylight assessment would produce a materially different conclusion on the overall impact of the development on neighbouring amenities. The information submitted is sufficient to reach a thorough and balanced conclusion on the overall effect of the development on neighbouring amenities in this regard.

**Sense of Enclosure and Outlook**

The existing building sits along shared boundaries with 1 and 3 Brassie Avenue and 91 Old Oak Common Lane. The proposed building would represent an increase in height of 1.4m at its maximum,



relative to the existing building, and 4m at the eaves. The existing building is built up to the north boundary for its full height and incorporates plant to its north flank.



*Figure 12 North Flank of Existing Building from the Rear Garden of 1A Brassie Avenue*

The proposed building would be 4m higher along parts of the shared boundary with 1 and 3 Brassie Avenue. However, it would incorporate a 2.7m offset from the shared boundary along its centre, which would significantly alleviate the impact of the additional height. Additionally, new boundary treatments would be installed to separate the sites along the recessed parts. At the same time, façade detailing would be incorporated on parts of the building which sit along the boundary. It is considered that the proposed building would improve the outlook from 1 and 3 Brassie Avenue relative to the existing building. Furthermore, providing appropriate boundary treatments would enhance the usability of the rear gardens relative to the existing facing flank, which comprises noisy plant and extract systems.

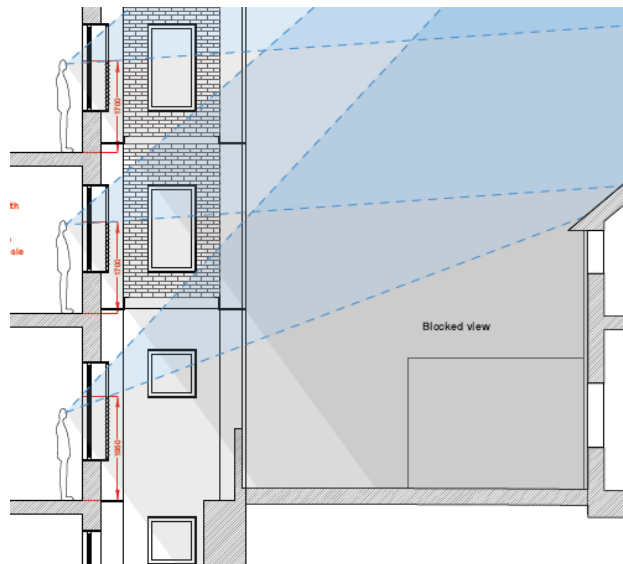
The proposed building would not harmfully impact the amenities of 91 Old Oak Common Lane in terms of an increased sense of enclosure and loss of outlook. As noted above, the facing kitchen window is now concealed by an obscure-glazed structure which prohibits outlook from the rear of the host site. Furthermore, the existing building on the site significantly projects beyond the rear of 91 Old Oak Common Lane. The proposed building would, therefore, have a negligible additional impact despite its increased height due to the proximity of the existing building to the shared boundary and the fact that

the proposed building would be recessed from the shared boundary along its centre. This would reduce a sense of enclosure.

**Privacy and Overlooking**

The first-floor flat of 91 Old Oak Common Lane to the south benefits from one window to its rear wall, serving a bathroom. An obscure-glazed structure is located adjacent to the shared boundary with the host. Due to the lack of clear glazing to the rear elevation, the proposed development would not give rise to overlooking or loss of privacy to 91 Old Oak Common Lane.

To the north and west elevations, louvres would be installed to windows facing 1-3 and 5 Brassie Avenue. To the north elevation, the louvres would be positioned horizontally within window reveals to prevent downward views into the rear gardens and windows of 1-3 Brassie Avenue. To the west elevation, the louvres would be placed vertically to prevent direct views into the rear garden and windows of 5 Brassie Avenue. A condition has been included seeking the details of the siting of louvres to each of the windows to ensure that there would not be an adverse impact upon the privacy of the habitable rooms and gardens of neighbouring residential sites. Subject to the condition, the proposal would not harm the privacy of residential neighbours.



*Figure 13: Long Section with 1-3 Brassie Avenue*

**Noise**

Policy D14 of the London Plan (2021) requires that developments achieve an appropriate acoustic soundscape for future users and adjoining sites. Policy 7A of the Ealing Development Management DPD (2013) requires that developments not increase emissions (including noise) to neighbouring sites.

There would be an increase in intensity of use at the site, although there would be a reduction of person trips. It is considered that the intensification of the use at this site, which is within a town centre with excellent public transport links, would not compromise local amenities. While there would be a decrease in comings and goings from the development, there would be some increased noise to the

frontage along Old Oak Common Lane, arising from the public forecourt with sheltered seating and outward-facing benches. However, it is not considered that this would be uncommon for the town centre location, and the activity would be concentrated at the front of the site during daytime hours. It would not result in excessive noise exceedance of existing background noise levels. As such, the development would not harm neighbouring amenities in terms of increased nuisance or noise over and above that generated by typical town centre uses.

It should also be noted that the windows of the guest rooms would be fixed shut to prevent noise nuisance to residential neighbours. A mechanical ventilation system would be installed in place of openable windows. This has been secured by condition.

Furthermore, the Council's Environmental Health department has raised no objection to the proposal subject to appropriate conditions related to external noise and vibration to ensure that the amenity of occupiers of the development site and surrounding premises would not be adversely affected by excessive noise. The following conditions have therefore been included:

- Noise assessment of background noise levels and sound insulation of the building envelope
- Enhanced sound insulation of lifts and lift shafts
- External noise levels emitted from plant and mitigation measures
- Silencing and anti-vibration mounts to machinery
- Demolition method statement and construction management plan

### **Light Spillage**

The proposed development would incorporate additional windows facing onto the rear of 1, 3 and 5 Brassie Avenue at proximity. This could result in some light spillage and disturbance to the amenities of the neighbouring properties. The applicant has suggested several means to accommodate this, such as window films, window tints or automatic blinds. A window film would see transmittance reduced from 85% (no film) to 9% with a film, significantly alleviating light spillage to the neighbouring properties. However, this aspect of the proposal must be reviewed at the detailed design stage to ensure that it can be appropriately integrated into the design and would provide the best mitigation relative to alternatives. Accordingly, a condition has been attached for the details of light spillage mitigation measures to be submitted to and approved by the LPA.

### **Overall Impact**

Given the above, it is considered that, on balance, the proposed development would not harm the amenities of neighbouring residential properties. However, it is accepted that the development would result in some loss of light to residential properties. However, these are isolated daylight/sunlight transgressions of the BRE Guidelines, most notably in relation to 1-3 Brassie Avenue and 91 Old Oak Common Lane. This is considered further in the conclusion of the report.

### **Site Access and Highways Impacts**

London Plan (2021) Policies T2, T3, T4, T5, T6, T6.4 and T9, NPPF Chapter 4 (Promoting Sustainable Transport), and Ealing Development Strategy Policy 1.1(f) and (g) are relevant with regards to transport  
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issues. A Transport Statement has been submitted with the application to assess the level of car and cycle parking provision and associated impacts on the highway network.

The site is located on Old Oak Common Lane, which is commercial and residential in nature. Old Oak Common Lane is approximately 11m wide and benefits from on-street loading bays, a traffic light-controlled T-junction, bus stops and a comprehensive street lighting system. Primary vehicle access to the site is provided via Brassie Avenue - a narrow one-way residential street with resident-only parking along its entire length.

The site is bound by residential gardens to the north and west, a mixed-use commercial and residential property to the south, and Old Oak Common Lane, which is a classified road, to the east. Western Avenue (A40), located 160 metres to the south, forms part of the Transport for London Road Network (TLRN). The site is well served by buses, with five bus routes available from the bus stop located 100m to the northeast on the southbound carriageway of Old Oak Common Lane. There is another bus stop 170m to the south, on the northbound carriageway of Old Oak Common Lane, which serves the same bus routes. East Acton Station is located 270m east of the site, providing access to the Central London Underground line.

The site has an excellent Public Transport Access Level (PTAL) of 6a, on a scale of 0 to 6b, where 0 is the worst and 6b is the best.

The site has excellent pedestrian routes in all directions. The footways on both sides of Old Oak Common Lane are surfaced mainly with large paved surfacing and are in very good condition. All footways near the site, including those on Brassie Avenue, are at least 2m wide. Old Oak Common Lane benefits from a range of pedestrian crossing points along its length with all pedestrian crossing points, including flush kerbing and tactile paving, thus ensuring that pedestrians are not restricted access to or from this site.

The proposed development is within easy walking/cycling distance of many local facilities. While Old Oak Common Lane does not benefit from dedicated cycle routes within the carriageway, cycle infrastructure is included, such as advanced cycle stop lines at junctions.

The current vehicular access point to the site would remain unchanged via the existing private access road on the south side of Brassie Avenue.

**Trip Generation**

The applicant has submitted a Transport Statement (TS). The TS notes that the existing building comprises several units with varying uses, including a takeaway, butchers, a warehouse, a snooker hall and a retail unit. The units provide 1,312 two-way daily trips, including 530 trips by foot, 125 by private car and 27 via cycling.

The TS outlines the proposed development for 129 hotel rooms and café, which would derive a total of 785 two-way trips per day, including 698 two-way tips associated with active and sustainable travel.

If the development were solely a C1 use, the development would result in a net decrease of 527 two-way trips per day, with decreases in cycling, walking, bus travel and private cars. There would be an increase in the number of trips by taxi and rail relative to the existing development's use of these means of travel.

However, the development has been revised and now includes flexible Class E(d) space for a snooker hall operator. If a snooker use were to remain, the site would produce a net decrease of 351 people across the day, with decreases in cycling, walking and bus travel. Rail use does increase with 15 additional trips in the AM peak and 19 in the PM peak, which will have a negligible impact on the rail network. The net impact of car/taxi trips results in an overall reduction on the highway network across the day of 9 trips.

Whilst the current proposal is for a hotel and potential snooker hall, it would reduce the number of units with varying uses on the site and, therefore, the number of trips to and from the site. In addition to the above, those visiting the hotel would be staying for extended periods and unable to utilise the resident-only parking bays in the vicinity due to timing restrictions.

The development would contribute to slightly lower numbers of private vehicle trips and would benefit the local highway network in terms of congestion. The development would comply with Policy T3 of the London Plan (2021). In addition, the Council's Transport Services department has no objections in principle, subject to appropriate mitigation measures secured through conditions and section 106 financial contributions for local highway improvements.

**Vehicle and Coach Parking**

The site lies within an area subject to a Controlled Parking Zone (CPZ). Brassie Avenue and Old Oak Common Lane predominantly designate on-street parking as resident permit holders parking only between Monday to Friday 9-10am and 2-3pm. However, some on-street pay at the meter and loading bays are available on Old Oak Common Lane. The site has a PTAL score of 6a regarding public transport, considered excellent. Policy T6.4 of the London Plan (2021) states that in locations with a PTAL rating of 4-6, on-site parking provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing.

The proposal provides one off-street loading bay to the rear of the site, accessible via the existing access road from the south side of Brassie Avenue. However, coach, taxi and disabled parking are not provided due to the site's constrained nature.

- (1) **Coach:** Off-street coach parking could only be feasibly provided via the rear access road via Brassie Avenue. This is because Old Oak Common Lane is a classified road and there is a significant level change between the highway and footway. A coach could manoeuvre and turn from Brassie Avenue into the site's rear access point. However, given the location of the proposed development within a town centre, the number of coach trips is anticipated to be minimal.
- (2) **Taxi:** It is considered that the existing layby capacity on Old Oak Common Lane would be able to accommodate the taxi trips for the proposed hotel/snooker hall.

- (3) **Disabled parking:** A disabled car parking bay to the rear of the site would not be practical from a distance and step-free access perspective. There is an existing on-street disabled parking bay on Brassie Avenue, adjacent to the junction with Old Oak Common Lane. A S106 financial contributions has been secured to provide additional disabled parking bays within the local highway network.

### **Cycle Parking**

Policy T5 of the London Plan (2021) requires hotels to provide 1 long-stay space per 20 bedrooms and 1 short-stay space per 50. The proposed development, with 129 rooms, would therefore be required to provide 7 long and 3 short-stay spaces. The proposal incorporates a bike store to the rear, with access from Brassie Avenue, with a capacity for up to 12 bicycles. The store would be secure, sheltered and able to accommodate larger, modified bikes. All the storage stands would be at ground floor level and easily accessible for users of differing needs. A condition has been recommended for the minimum quantum of cycle provision to be provided in full accordance with the standards and specifications of the London Cycle Design Standards.

If the snooker use clause is activated, there is a requirement to provide additional cycle parking, totalling 7 long-stay and 9 short-stay spaces. In this scenario, the bike store to the rear would provide long-stay and some short-stay parking. Additional short-stay parking would be provided on the street (3 spaces). The Council will require the developer to pay £1,200 to install the street cycle parking as set out in the Heads of Terms.

As such, it is considered that the proposal would comply with Policy T5 of the London Plan (2021).

### **Servicing and Deliveries**

The site would be serviced partly from the rear via the service road accessed from Brassie Avenue and partly from the existing loading bay on Old Oak Common Lane. The service trips generated from the development would be six two-way trips, representing a reduction of two two-way trips from the existing uses.

The largest vehicles expected to service the site would be 7.5-tonne box vans, which would be able to readily enter and exit the rear access road in a forward gear and easily move through Brassie Avenue, a narrow one-way residential street. Heavy goods vehicles would be directed to use the existing loading bay on Old Oak Common Lane. The Transport Statement includes a parking survey demonstrating that the loading bay could accommodate the service trips arising from the proposed development.

This arrangement is considered the most appropriate given the width of Brassie Avenue, adjoining residential properties, and the capacity of the existing loading bay. The submitted Transport Statement provides vehicle swept path analysis demonstrating that smaller service vehicles can safely enter and exit the site in a forward gear.

While an indicative delivery and servicing plan has been submitted, it addresses the overall approach to the site's servicing. Details, such as the consolidation of trips, are not yet determined and are subject to further review at the detailed design stage. The approach to servicing and deliveries, particularly loading points, is acceptable in that they would be appropriate to the site's constraints and prevent traffic and congestion to the local transport network. A condition requiring further details has been attached to ensure the development achieves compliance with Policy T7 of the London Plan (2021).

**Accessibility**

London Plan Policy D5 seeks to ensure that proposals achieve the highest standards of accessible and inclusive design, ensuring that developments:

- can be entered and used safely, easily and with dignity by all;
- are convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment; and
- are designed to incorporate safe and dignified emergency evacuation for all building users.

Policy E10 of the London Plan seeks to ensure sufficient choice for people who require an accessible room. As such, developments for serviced accommodation should make provision for either 10 or 15 per cent of new bedrooms to be wheelchair accessible in accordance with the respective British Standard, as set out in the London Plan Policy E10.



Figure 14: Accessible Rooms and Circulation Layout

**Outcome A - Snooker Hall Use**

The proposed building would provide 114 guest rooms in total. 11 of the rooms (9.64%) would be wheelchair accessible. They would be designed with a rational layout, wheelchair circulation and a turning circle. 2 wheelchair-accessible rooms would be lost due to the revision of the -2 basement floor to a snooker hall. It is accepted that the number of wheelchair-accessible bedrooms would fall short of the 10% required by Policy E10. However, given that the loss of accessible bedrooms would make way for a snooker and pool facility with a very high accessibility standard, this minor transgression is considered acceptable.

All accessible rooms would meet the requirements and provisions of Approved Document Part M of the Building Regulations for sleeping accommodation. An appropriate condition has been included in this recommendation to ensure the provision of these rooms.

**Outcome B - Hotel Use**

The proposed building would provide 129 guest rooms in total. In accordance with the London Plan (2021), 13 of the rooms (10%) would be wheelchair accessible and would be designed with a rational



layout, wheelchair circulation and turning circle. All accessible rooms would meet the requirements and provisions of Approved Document Part M of the Building Regulations for sleeping accommodation. An appropriate condition has been included in this recommendation to ensure the provision of these rooms.

In addition, the application is supported by an Accessibility Management Plan (Section 3.9 of the Design and Access Statement), which sets out how the proposal has been designed to ensure it is fully inclusive for all users. The development would incorporate a single-level entrance lobby for guests, generous corridors and lift lobbies, and additional equipment for guests. Other equipment could include vibrating fire pillow pads for guests with a hearing impairment, roll-in/level showers with mobile seams, support rails and portable induction loops.

Vertical access would be provided to all floors via two guest-passenger lifts. Lifts are proposed at 2 metres wide by 2.1 metres deep to allow one user of any wheelchair, together with several other passengers and would provide sufficient space for all types of users. The lifts would have a minimum opening of 1.3m to ensure access for all types of wheelchairs. Corridors have been designed with a minimum width of 1.6 metres and would be provided with passing places at least 2.1 metres wide and 1.4 metres in length. Space for a wheelchair is provided both within the lift lobby and within the escape stair enclosure at each floor level to provide safe refuge while waiting for management assistance to escape.

The development would, therefore, comply with policies D5 and E10 of the London Plan (2021).

### **Energy and Sustainability**

In April 2019 Ealing Council passed a motion declaring a Climate Emergency with a commitment to draw up and implement policies that will achieve a target of net zero emissions by 2030. The provision of sustainable development is a key principle of the National Planning Policy Framework (2023), which requires the planning process to support the transition to a low-carbon future.

Policies SI 2 and SI 3 of the London Plan (2021) require the submission of energy and sustainability strategies showing how the heating and cooling requirements of the development have been selected in accordance with the Mayor's energy hierarchy. In particular, Policy SI 2 requires new major development to meet zero-carbon standards with at least a 35% CO<sub>2</sub> reduction beyond Building Regulations Part L 2013 (or any later version) being achieved on-site. Any shortfall will be met through a S106 carbon offset contribution. Policy SI 2 adds a fourth layer to the energy hierarchy, which requires development to monitor, verify and report on energy performance in operation. Ealing Council's 2013 DPD Policy 5.2 (Minimising Carbon Dioxide Emissions) reflects this policy, which requires the post-construction monitoring of renewable/low-carbon energy equipment.

London Plan Policy SI 3 (Energy Infrastructure) recognises that combined heat and power (CHP) may negatively affect London's air quality. The policy also recognises that because the carbon intensity of grid electricity is steadily dropping due to the increasing use of marine wind turbines, electric air source heat pumps are a better carbon reduction option than gas-fired CHP.

Section 11.2 of the GLA (2018) 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.

The applicant has submitted an Energy and Sustainability Statement, Thermal Comfort Assessment, BREEAM Pre-Assessment and Strategy Report and a Circular Economy Statement. These documents have been reviewed by the Council's Energy Officer, who confirmed support for the energy strategy, as when assessed against the draft SAP10 benchmark, it follows the standard energy hierarchy of "Lean, Clean, Green" and is in line with London Plan Policy SI 2 and Ealing DPD Policy 5.2. There is no available "Clean" district heat network available, and CHP is not suitable for the development.

The development is all electric with no gas infrastructure on-site. The energy strategy proposes an air source heat pump distribution loop driven by (approx. x16 40kW) collectors on the roof, delivering space heating to the hotel rooms via air handling units (AHU), with a separate high-temperature loop for the DHW. Also proposed is a PV array mounted over the ASHP collector enclosure on the roof with an approximate capacity of 14.6 kWp.

At the current design stage, the overall site-wide CO2 emissions will be reduced by approx. 73.47%, with 12% carbon reduction through "Lean" efficiency measures, 31.25% "Clean" reduction through the use of a site-wide heat network, and 30.24% through "Green" renewable energy. There is a shortfall of (approx.) 1,528 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 £145,174. For information, the carbon offset amount saved through the Clean/Green energy equipment is £327,750.

As mentioned above, the London Plan (Policy SI2) introduces an additional 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 additional physical monitoring and performance analysis of the renewable/low-carbon energy equipment. Ealing Council 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 (Emergence Ltd) using the Automated Energy Monitoring Platform (AEMP).

Following revisions to the proposed development to incorporate flexible floor space at -2 basement level, the applicant has submitted a Letter of Comfort regarding Energy, Overheating, and Circular Economy Impacts. The letter concludes that, due to the flexible floor space at -2 basement level, the conclusions of the above reports would remain the same. This has been agreed and confirmed by Ealing Council's Energy Officer.

To confirm full compliance with the relevant Mayor's and Ealing energy policies, the Council will require the developer to pay the Index Linked total sum of £13,214 total (inclusive of VAT). Indexed as a contribution towards the provision (by Emergence Ltd) of the post-construction energy equipment monitoring, comprising:

- a) £3,992 for the automated energy monitoring web platform and associated officer/consultant time and

b) £9,222 for the cost of the energy monitoring equipment and data processing (4 years).

Contribution a) is payable within 6 months from completion of the Legal Agreement, and contribution b) within 30 days of the commencement of construction.

Subject to the completion of the legal agreement to secure the S106 financial contributions and monitoring, the development would achieve compliance with Policies SI 2 and SI 3 of the London Plan (2021).

### **Waste and Recycling**

Policy SI 7 of the London Plan (2021) requires that developments are designed with adequate, flexible and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.

Refuse storage would be provided at the rear of the site, adjacent to the service area, and would incorporate nine refuse bins to service the development. Temporary stores would be provided on each floor where staff will deposit waste and sort by general waste and recycling. Site management would collect the waste daily and transfer it to the large store at the rear of the site for collection.

The applicant has submitted a delivery and servicing plan, which shows the development would generate approximately 32,250 litres of waste per week (using the British Standard Calculation). This would be split between separate bins for recyclable items and residual waste. Refuse collections would be made three to four times a week. However, this plan does not account for a snooker use on site. A detailed Delivery and Servicing Plan has been recommended as a details condition to ensure that the development can be adequately serviced without impact on neighbouring sites or the local transport network.

Nonetheless, the submitted Delivery and Servicing Statement provides a swept path analysis, which confirms that a large refuse vehicle could safely access the site to collect refuse stored at the rear, turn around and exit the site in a forward gear.

Accordingly, the proposed refuse arrangements would be acceptable and comply with Policy SI 7 of the London Plan (2021).

### **Crime Prevention**

Policy D11 of the London Plan (2021) and Policy 7.3 of the Ealing Development Management DPD (2013) seek to create safe, secure and appropriately accessible environments. Policy D11 of the London Plan (2021) aims to ensure that development includes measures to design out crime, deter terrorism, assist in detecting terrorist activity, maintain a safe and secure environment and reduce the fear of crime.

The Metropolitan Police Designing Out Crime Officer has been consulted and has raised some concerns regarding the rear access road and recommended the service road be closed with an access-

controlled gate. A condition has been applied for the details of this gate to be submitted and approved by the LPA later to ensure compliance with design out crime standards.

In addition, the Metropolitan Police recommend that CCTV should cover the fire escapes to alert reception and prevent guests bringing in unauthorised guests. A condition has been applied for a minimum of eight (8) cameras to be installed on the exterior of the building to cover entry/exit points to ensure compliance.

A condition requiring the development to achieve Secured by Design accreditation should planning permission be granted. This condition would incorporate all aspects of doors, windows, lighting and postal strategy. This condition has been included in this recommendation (See: Appendix A), and subject to compliance, the development would comply with policy D11 of the London Plan (2021) and policy 7.3 of the Ealing Development Management DPD (2013).

### **Environmental Health**

Policy GG3 of the London Plan (2021) requires that wider determinants of health be addressed in an integrated and coordinated way and to ensure that development proposals mitigate and maximise potential positive impacts.

### **Air Quality**

Policy SI1 of the London Plan (2021) seeks to ensure that improvements to air quality are secured. This policy states that development should not further deteriorate areas of poor air quality. The proposed development is located in the Ealing Air Quality Management Area and the Acton A40 North Acton Rail/Gypsy Corner/Savoy Circus/White City Air Quality Focus Area. Local air quality monitoring has indicated poor air quality. Proposals in Air Quality Focus Areas should demonstrate that design measures have been used to minimise exposure.

The Council's Air Quality Officer has reviewed the application and has recommended conditions for an air quality assessment, an air quality and dust management plan and non-road mobile machinery. The conditions shall ensure that control measures are in place during the construction phase and throughout the lifetime of the development to ensure that it would achieve an air quality neutral benchmark, as set out by policy SI1 of the London Plan (2021). In addition, a S106 financial contribution towards air quality monitoring and mitigation measures has been secured to ensure the development meets appropriate emissions standards and that any mitigation, as necessary, can be delivered.

Subject to the recommended conditions, the development would comply with Policy SI1 of the London Plan (2021) and Policy 7A of the Ealing Development Management DPD (2013).

### **Noise**

Policy D14 of the London Plan (2021) requires that development proposals manage noise and ensure appropriate soundscapes for users. The management of noise is about encouraging the right acoustic

environment and also includes promoting good acoustic design of the inside of buildings, for example reducing noise emitted from plant.

It is recognised that the site is located within East Acton Town Centre and along a busy roadside. The site is, therefore, exposed to high levels of commercial, leisure and transport noise emissions. In addition, the proposal would involve the installation of roof level plant, lifts and other service areas (i.e. back of house and communal areas). The Council's Environmental Health Officers were consulted on the application and recommended several conditions to restrict and mitigate noise. In this instance, they include control and mitigation measures for the following:

- Noise assessment of background noise levels and sound insulation of the building envelope
- Enhanced sound insulation of lifts and lift shafts
- External noise levels emitted from plant and mitigation measures
- Silencing and anti-vibration mounts to machinery
- Demolition method statement and construction management plan

Subject to the conditions, the proposal would deliver an appropriate acoustic environment and safeguard the amenities of guests of the hotel use and neighbouring properties, per Policy D14 of the London Plan (2021) and Policy 7A of the Ealing Development Management DPD (2013).

#### **Land Contamination**

Policy SI 10 of the London Plan (2021) states that development proposals should ensure that environmental impacts are considered, including land contamination. Policy SD1 of the London Plan (2021) states that to make the best use of land, enable the development of brownfield sites, and contribute to creating a healthy city, development proposals must appropriately deal with contamination so that land can be safely used.

The Council's Regulatory Services (Contaminated Land Officer) noted the submitted Contaminated Land Desk Study Risk Assessment report notes the present building was built on a greenfield site circa 1935. At that point, the building was used as small retail units. The Contaminated Land Officer notes that the impacts of such uses on the underlying ground are likely low. However, a condition for unsuspected contamination has been recommended to safeguard and ensure the site is safe for the proposed use. As such, an appropriate condition has been recommended, which requires the developer to draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development and to ensure that a programme of investigation and/or remedial work be carried out if needed.

The development would achieve compliance with Policy SI 10 of the London (2021) and Policy 5.21 of the Ealing Development Management Plan DPD (2013) subject to the recommended condition.

#### **Flooding and Sustainable Drainage**

Policy SI 12 of the London Plan (2021) and Policy 5.12 of the Ealing Development Management DPD (2013) seek to ensure that current and expected flood risks are managed sustainably. Development proposals should ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan

(2021) recognises that London is at particular risk from surface water flooding, mainly due to the large extent of impermeable surfaces. Development proposals should aim to achieve greenfield run-off rates for drainage.

The development proposal incorporates a two-storey basement supported by a flood risk assessment, a sustainable drainage strategy, and a basement impact assessment. The Council's Flood Risk & Drainage Officer has reviewed the documents and confirmed they are satisfied that the proposed development would significantly improve the existing drainage rates through its drainage system and restricted run-off rates.

Regarding the basement levels, the Flood Risk & Drainage Officer notes that significant earth must be removed. Therefore, ground investigations (including groundwater monitoring) should be undertaken at the detailed design stage to determine groundwater level and consider compensation storage within the drainage system if groundwater storage is lost. A condition has been attached for these details to be submitted for approval before the commencement of works.

With the inclusion of the above condition, the proposal is considered to comply with Policy SI 12 of the London Plan (2021) and Policy 5.12 of the Ealing Development Management DPD (2013).

## **Conclusion**

The proposed development would optimise the use of the site in accordance with the objectives set out by the NPPF (2023), the London Plan (2021) and Ealing Development (Core) Strategy (2012). The proposed building would be of high-quality architecture and would harmonise with the appearance of the surrounding area, albeit in a contemporary form. Furthermore, the development would animate the street frontage, provide a better interaction with the high street and deliver public realm improvements to the East Acton Neighbourhood Town Centre.

The flexible space within the basement for the hotel (Use Class C1) or snooker hall (Use Class E(d)) is considered a balanced approach to retain a snooker use on-site whilst capturing the benefits of the development. The Heads of Terms set out the sequential steps to secure a snooker use, which the Council will monitor throughout.

It is recognised that the proposed development would result in some loss of daylight to 1 and 3 Brassie Avenue. However, most of the affected windows serve non-habitable spaces and bedrooms, where the BRE guidance sets out lower, or no, expectations of light. There would nonetheless be an improvement or negligible impact on the amenity of rear gardens through an improved siting and façade articulation. Overlooking, noise nuisance and light spillage would adequately be mitigated through privacy louvres, non-openable windows and window films.

The development would reduce vehicle trips and congestion in the area and provide a fully electric building with maximised provision of PV panels on the roof. The proposed building would be energy efficient and see overall site-wide CO2 emissions reduced by approximately 73.47%, contributing positively towards the borough's objectives to improve energy efficiency and air quality.

The development would also regenerate a site within East Acton Neighbourhood Town Centre and introduce outdoor public seating areas for the local community. It would also deliver a range of economic benefits. These would include an additional £590,000 spent in the local high street, creating 24 full-time jobs during the construction phase including apprenticeships, school visits and the employment of 20% local labour, and creating 40 full-time jobs throughout operation.

It is therefore recommended that planning permission be granted, subject to the Heads of Terms set out at the start of the report and the planning conditions included in Appendix 1.

### **Mayor's 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 exact amount of liability would be calculated by the CIL Officer who can be contacted at [cilcollections@ealing.gov.uk](mailto:cilcollections@ealing.gov.uk).

### **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:**

1. Statutory Time Limit

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. Approved Plans

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

**Plans and Drawings:**

- 1150\_01 0100 (Location Plan)
- 1150\_01 0101 (Existing Site Plan)
- 1150\_01 0301 (Existing Ground Floor Plan)
- 1150\_01 0302 (Existing First Floor Plan)
- 1150\_01 0401 (Existing East Elevation)
- 1150\_01 0402 (Existing West Elevation)
- 1150\_01 0403 (Existing South Elevation)
- 1150\_01 0404 (Existing North Elevation)
- 1150\_03 0101 (Proposed Site Plan)
- 1150\_03\_0301 Revision 2 (Proposed Basement Level 2)
- 1150\_03 0301A Revision 1 (Proposed Basement Level 2 - Shell & Core)
- 1150\_03\_0302 Revision 2 (Proposed Basement Level 1)
- 1150\_03 0303 Revision 2 (Proposed Ground Floor Plan)
- 1150\_03 0304 Revision 1 (Proposed First to Third Floor Plan)
- 1150\_03 0305 Revision 1 (Proposed Fourth Floor Plan)
- 1150\_03 0306 (Proposed Fifth Floor Plan)
- 1150\_03 0401 (Proposed East Elevation)
- 1150\_03 0402 (Proposed West Elevation)
- 1150\_03 0403 Revision 1 (Proposed South Elevation)
- 1150\_03 0404 Revision 2 (Proposed North Elevation)
- 1150\_03 0501 Revision 1 (Proposed Section AA)
- 1150\_03 0502 (Proposed Section BB)
- 1150\_03 0001 (Diagram of Louvre – Section)
- 1150\_03 0002 (Diagram of Louvre – Plans)
- 1150\_03 0003 (Typical Floor Section)
- 1150\_03 0004 (Ground Floor North Side Entrance Door)
- 1150\_03 0006 (Diagram of Louvre - Section Without Louvre)
- L029-P-01 (Landscape General Arrangement)
- L029-P-02 (Levels Strategy)

- L029-P-03 (Site Sections)
- L029-P-04 (Planting Strategy Plan)
- L029-P-05 (Hard Landscape General Arrangement)
- L029-P-06 (Typical Landscape Details)
- L029-P-07 (Typical Landscape Details)
- L029-P-08 (Typical Landscape Details)
- C2622-01\_Rev A (Pre-Development Impermeable Areas and Exceedance Route Plan)
- C2622-02\_Rev A (Post-Development Impermeable Areas and Exceedance Route Plan)
- C2622-03\_Rev A (Foul Water Network Layout Plan)
- C2622-04\_Rev A (Level 4 Roof Level SuDS Layout Plan)
- C2622-05\_Rev A (Level 5 Roof Level SuDS Layout Plan)

**Supporting Documentation and Reports:**

- Planning Statement Addendum prepared by tor&co dated 14 November 2023 (ref: 284501)
- Snooker Needs Assessment - Letter of Evidence prepared by Avison Young dated 8 September 2023 (ref: UK/640/02C102557/HB)
- Snooker and Pool Needs Assessment Review prepared by Continuum Leisure dated June 2023
- Daylight & Sunlight Summary Note prepared by Avison Young dated 3 July 2023
- Briefing Note on Delivery, Servicing and Taxis prepared by Markides Associates dated 8 November (ref: 21226 MA TN01)
- Design & Access Statement Addendum rev P2 prepared by Manalo & White Architects dated November 2023
- Letter of Comfort regarding Energy, Overheating, and Circular Economy Impacts prepared by JS Lewis Ltd dated 3 November 2023
- Transport Assessment and Delivery & Service Plan Addendum prepared by Markides Associates dated 8 November 2023 (ref: 21266, TN02)
- Design and Access Statement prepared by Manalo & White and dated January 2022
- Hotel Needs Assessment prepared by Q+A Planning and dated December 2021
- Employment Market Demand Report prepared by Vokins Chartered Surveyors and dated 30 November 2021
- Snooker and Pool Needs Assessment prepared by Avison Young and dated 25<sup>th</sup> November 2021
- Landscape Strategy Report prepared by Urban Landscape Partnership and dated 5 January 2022 (ref: L029-RP01)
- Heritage Statement prepared by Geoff Noble Heritage and Urban Design and dated December 2021
- Transport Statement prepared by Markides Associates and dated 13 January 2022 (Document Number TS01 Rev C)
- Framework Travel Plan prepared by Markides Associates and dated 12 January 2022 (Document Number TP02 Rev B)
- Delivery & Servicing Plan prepared by Markides Associates and dated 13 January 2021 (Document Number DSP01 Rev A)
- Flood Risk Assessment and Drainage Strategy prepared by Nimbus Engineering and dated December 2021 (Document Number: C2622-R1-REV-A)

- Daylight, Sunlight and Overshadowing Report prepared by Avison Young and dated 20<sup>th</sup> December 2021
- Energy and Sustainability Strategy prepared by JS Lewis Ltd and dated January 2022 (Revision B)
- Thermal Comfort Assessment prepared by JS Lewis Ltd and dated January 2022 (Revision A)
- Circular Economy Statement prepared by JS Lewis Ltd and dated January 2022 (Revision A)
- BREEAM Pre-Assessment Report prepared by Carbon Consult and dated 12th January 2022 (Ref FB\_260D Rev 1.1)
- Phase 1 Environmental Assessment prepared by Avison Young and dated December 2021 (Instruction Number: 01C100901 Version 2)
- Basement Impact Assessment prepared by Fordham Consulting Ltd and dated 7th January 2022 (ref: 21-0942)
- Statement of Community Involvement prepared by Kanda Consulting and dated December 2021

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

3. Materials

All external materials to be used in the development shall match those detailed in the approved drawings and documents listed under condition 2.

Reason: To ensure that the materials harmonise with the surroundings, in accordance with Policies 1.1 & 1.2 of the Ealing Core Strategy (2012), Policies 7.4 & 7B of the Ealing Development Management Development Plan Document (2013), Policies D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2023).

4. Use Restriction

The development hereby approved shall be used only as either a Hotel or Hotel and Snooker use (Use Classes C1 or C1 and E(d)) and the associated ancillary uses as indicated in the application and shall not be used for any other purposes within that Use Class of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other use, without the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

The hotel or the snooker use at -2 basement level shall only commence once the details and the outcome of the 6-month marketing exercise have been submitted and approved by the Council.

Reason: To enable the local planning authority to maintain strict control over the nature of the use in order to restrict the use of the premises to one compatible with the surrounding area, in accordance with Policies 1.1, 1.2, 2.1 & 2.8 of the Ealing Development (Core) Strategy (2012), Policies 4.5 and 4C of the Ealing Development Management DPD (2013), Policies SD6, SD7, SD8 and E10 of the London Plan (2021) and the National Planning Policy Framework (2023).

5. Demolition and Excavation Method Statement and Construction Management Plan

Prior to commencement of the development hereby approved, a demolition method statement, excavation method statement and construction management plan shall be submitted to and approved by the Council in writing. Details shall include the following:

- a) Control measures for:
  - i. Noise and vibration (according to Approved CoP BS 5228-1 and - 2:2009+A1:2014)
  - ii. Dust (according to Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition)
  - iii. Lighting ('Guidance Note 01/20 For The Reduction Of Obtrusive Light' by the Institution of Lighting Professionals)
  - iv. 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)
  - v. Neighbour liaison, notifications to interested parties and
  - vi. Public display of contact details including accessible phone numbers for persons responsible for the site works for the duration of the works
- b) Schedule of works, with anticipated time frames
- c) Site hoarding and signage
- d) Site security and access
- e) Swept path analysis and turning manoeuvres for heavy goods vehicles
- f) Pre-construction highway survey
- g) Delivery vehicle routes to and from the site
- h) Parking for construction vehicles, where necessary
- i) Anticipated delivery schedule, including frequency and timings (to avoid peak hours), and delivery locations
- j) Material storage locations
- k) Waste management, hazardous material storage and removal
- l) Traffic management during deliveries, where necessary
- m) The number of on-site construction works and details of their transport options and parking facilities
- n) Any temporary road measures, including pedestrian and cyclist diversions, where necessary
- o) Prevention of mud and debris being deposited on highway and wheel washing facilities
- p) Emergency contacts during construction

Reason: In the interests of the amenity of adjoining occupiers and to minimise highway and traffic impact during the course of the works, in accordance with Policies 7A, 7B and 7.15 of the Ealing Development Management DPD (2013), Policies 1.1 (e) (j) 1.2 (f), 2.1 (c) and 2.10 of the Ealing Core Strategy (2012), Policies D6, D10, D14, SI1, T3 and T7 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 density.

6. Privacy Louvres

Prior to the installation of the windows to the facades, details of the privacy louvres shall be submitted to and approved by the Local Planning Authority in writing. The details shall include the materials of the louvres and the positions and siting of the louvres on each of the windows facing residential properties. The louvres shall be fully installed prior to the first use of the hereby approved development and permanently retained thereafter.

Reason: In the interests of the privacy of neighbouring residential sites in accordance with Policies D3 and D4 of the London Plan (2021) and Policies 7.4 and 7B of the Ealing Development Management Plan (2013).

7. Light Spillage Mitigation

Prior to the installation of the windows to the facades, details of light spillage mitigation measures shall be submitted to and approved by the Local Planning Authority in writing. The details shall include the specification of the mitigation measures, the level of light spillage reduction and siting, and shall demonstrate that light spillage to adjoining residential properties would be minimised. The mitigation measures shall be fully installed prior to the first use of the hereby approved development and permanently retained thereafter.

Reasons: In the interests of the amenities of neighbouring residential uses, in accordance with Policies D3 and D4 of the London Plan (2021), and Policies 7.4, 7A and 7B of the Ealing Development Management DPD (2013).

8. Fixed Windows

All windows of the guest rooms and snooker hall within the development shall be non-opening and shall remain in a fixed shut position for the lifetime of the development.

Reason: In the interests of the amenities of neighbouring residential sites and users of the development and to ensure an appropriate acoustic environment, in accordance with Policy D14 of the London Plan (2021) and Policy 7A of the Ealing Development Management Plan (2021).

9. Deliveries and Servicing

Prior to the first use of the hereby approved development, a delivery, servicing, and hotel operations management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall cover the following:

- a) The number of service trips (deliveries and collections) per day the development will generate;
- b) How deliveries will be scheduled to avoid several vehicles arriving at the site simultaneously, with due regard adjoining commercial and residential uses;
- c) Measures to reduce the number of delivery and collection vehicle trips to the site (trip consolidation);

- d) Measures to control the use of the servicing area and spaces beyond the hotel building by staff and deliveries personnel, in order to minimise potential amenity impacts on adjoining residences and businesses;
- e) Monitoring and review of operations.

The delivery, servicing and hotel operations plan shall be implemented on the first occupation of the development hereby approved and the site shall be managed in accordance with the approved plan for the life of the development.

Reason: To ensure that the development can be adequately serviced and in the interests of pedestrian, cyclist and highway safety, the local transport network, and adjoining residential amenity in accordance with Policies D3, D5, T3, T4 and T7 of the London Plan (2021) and the National Planning Policy Framework (2023).

**10. Layout of Plant Equipment on Roof**

Prior to the installation of plant equipment on the flat roof of the hereby approved development, details of the type and locations of plant shall be submitted to and approved by the LPA in writing. The details shall demonstrate that the locations and general layout have been rationalised as far as possible to minimise the total coverage of the roof. Plant shall be installed on the flat roof in accordance with the approved details.

Reasons: In the interests of the character and appearance of the development and surrounding area in accordance with policies D3 and D4 of the London Plan (2021) and policies 7B and 7.4 of the Ealing Development Management DPD (2013).

**11. Balconies and Roof Terraces**

No part of the development shall be used as or altered to form a balcony, roof garden, roof terrace or similar amenity area.

Reason: To protect the living conditions of nearby residential properties in accordance with Policies D4 and D6 of the London Plan (2021), Policies 7.4, 7A & 7B of the Ealing Development Management Plan Document (2013) and Policies 1.1 (e)(g), 1.2 (f), 2.1(c) and 2.10 Core Strategy (2012).

**12. Accessible Rooms**

If 114 bedrooms are provided, a minimum of 9.64% of all guest rooms, as indicated on the approved plans listed under condition 2, shall be wheelchair accessible rooms. If 129 bedrooms are provided, a minimum of 10% of all guest rooms as indicated on the approved plans listed under condition 2, shall be wheelchair accessible rooms. The accessible guest rooms shall be completed prior to the first use of the hereby approved development and shall be permanently retained as such for the lifetime 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 Policies D5 and E10 of the London Plan (2021).

**13. Passenger Lifts**

The passenger lifts located within the cores shall be installed and fully operational prior to the first use of the hereby approved development.

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 Policies GG3, D5, D6 and D7 of the London Plan (2021), Policy 1.1(h) of the Ealing Development (Core) Strategy (2012), Policy 7B of the Ealing Development Management DPD (2013) and interim Ealing SPG 'Accessible Ealing' (2012).

**14. Refuse and Recycling Storage**

The refuse and recycling storage area identified in the approved drawings listed under condition 2 shall be brought into use prior to the first use of the hereby approved development, shall be permanently retained thereafter and shall not be obstructed or used for any other purpose at any time without the express consent of the LPA.

Reason: In the interests of the adequate disposal, storage and collection of waste and recycling and in the interests of highway and pedestrian safety in accordance with Policies 1.1, 1.2 & 3.8 of the Ealing Development (Core) Strategy (2012), Policies 3.5, 7A, & 7B of the Ealing Development Management DPD (2013), Policy SI 7 of the London Plan (2021) and the National Planning Policy Framework (2023).

**15. Cycle Parking**

A minimum of seven (7) long-stay secure and sheltered cycle parking spaces and a minimum of three (3) short stay cycle parking spaces shall be provided in the locations identified in the approved drawings listed under condition 2. The cycle storage shall be in accordance with the standards and specifications of the London Cycle Design Standards, and shall be brought into use prior to the first occupation of the hereby approved development. The cycle storage shall be permanently retained thereafter and shall not be obstructed or used for any other purpose at any time without the express consent of the LPA.

Reason: To provide adequate bicycle storage in accordance with the 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 (Core) Strategy (2012).

**16. Microwave Mast, Antennae and Satellite Dishes**

No microwave masts, antennae or satellite dishes or any other plant or equipment (other than those approved in accordance with the approved drawings listed under condition 2 and details approved under condition 9) shall be installed on any external part of the building unless otherwise approved in writing by the Local Planning Authority through the submission of a planning application.

Reason: To safeguard the character and appearance of the building and the area as a whole, in accordance with Policy 1.1(h) of the Ealing Development (Core) Strategy (2012) and Policies 3.5, 7.4 and 7B of the Ealing Development Management DPD (2013).

**17. 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. Piling shall be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The development is located within 15 metres of a strategic sewer and piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure, and to protect underground water utility infrastructure in accordance with Policy SI 5 of the London Plan (2021).

**18. Water Network Infrastructure Capacity**

Prior to the first use of the development, confirmation shall be provided to the Local Planning Authority 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: To ensure adequate network reinforcements, where necessary, and that sufficient water capacity is made available to accommodate additional demand anticipated from the development in accordance with Policy SI5 of the London Plan (2021).

**19. Land Contamination**

The developer shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the demolition and construction of the development.

In the event of contamination to land and/or water being encountered, development shall not continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the Local Planning Authority.

The development shall not be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

In the event that no contamination is encountered, the developer shall provide a written statement / photographic evidence to the Local Planning Authority confirming that this was the



case, and only after written approval by the Local Planning Authority shall the development be occupied. The evidence shall include waste disposal transfer notes proving correct disposal of soil.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Policy SI10 of the London Plan (2021) and Policy 5.21 of the Ealing Development Management DPD (2013).

**20. Transport and Commercial Noise Sources**

The sound insulation of the building envelope including glazing specifications shall be assessed and implemented in accordance with the Council's standard in SPG10 and noise limits of BS8233:2014. If compliance requires the windows to be closed, then acoustically attenuated mechanical ventilation and cooling shall be installed as necessary (with air intake from the cleanest aspect of the building and low self-noise).

Reason: In the interests of the amenity of guests of the development in accordance with Policies 7A & 7B of the Ealing Development Management Development Plan Document (2013), Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012), Policies D6 and D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing SPG10.

**21. Sound Insulation of Lifts and Lift Shafts**

Enhanced sound insulation of lifts and lift shafts, in accordance with noise limits specified in Table 5 BS8233:2014, shall be installed. Where noise emissions include characteristic features, the Noise Rating level shall not exceed NR20 Leq 5mins inside a guest rooms. The enhanced sound insulation shall be implemented prior to the first occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of the amenity of guests of the development in accordance with Policies 7A & 7B of the Ealing Development Management Development Plan Document (2013), Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012), Policies D6 and D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing SPG10.

**22. Plant Noise**

- a. Prior to the installation of plant, machinery, ducting, air in- and outlets and/or mechanical installations, details of the external rating noise level emitted from them, together with mitigation measures as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that the external rating noise level LAeq emitted is 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.

- b. A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps shall be taken as necessary to mitigate noise. Details shall be submitted to and approved by the Council in writing prior to the completion of the development. Approved details shall be implemented prior to the first occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of guests of the development site and surrounding residential premises is not adversely affected by noise in accordance with Policies 7A & 7B of the Ealing Development Management Development Plan Document (2013), Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012), Policies D6 and D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing SPG10.

23. Anti-Vibration Mounts and Silencing of Machinery

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 guests of the development site and surrounding residential premises is not adversely affected by vibration and noise in accordance with policies 7A & 7B of the Ealing Development Management Development Plan Document (2013), Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012), Policies D6 and D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing SPG10.

24. Extraction and Odour Control System for Non-Domestic Kitchens

Prior to the installation of any kitchen facilities, details of the installation, operation, and maintenance of an odour abatement equipment and extract system, shall be submitted to and approved in writing by the Council. 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, the height of the extract duct and vertical discharge outlet without cowl at least 1m above the eaves of the main building, of equipment and ducting to be fitted with anti-vibration mounts and silencers and of additional mitigation measures as necessary to ensure that noise and vibration transmission via internal ceilings, walls and external façades will meet the Council's standards specified in the SPG10. Approved details shall be implemented prior to the first use of any part of the development as a kitchen and shall be permanently retained thereafter.

Reason: To ensure that the amenity of guests of the development site and occupiers of 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 Development (Core) Strategy (2012), Policy 7A of the Ealing Development Management DPD (2013), Policies D14 and SI 1 of the London Plan (2021), and the National Planning Policy Framework (2023).

25. External Doors and Windows to Commercial Kitchen Kept Shut

Prior to the installation of any kitchen facilities, all external doors and windows to the commercial kitchen shall be fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows be fixed in an open position.

Reason: To ensure that the amenity of guests of the development site and occupiers of surrounding premises is not adversely affected by noise, smell, steam or other effluent, in accordance with Policies 1.1(j) of the Ealing Development (Core) Strategy (2012), Policy 7A of the Ealing Development Management DPD (2013), Policies D14 and SI 1 of the London Plan (2021), and the National Planning Policy Framework (2023).

26. Secure by Design

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

Reason: In the interests of public safety and to deliver a safe and secure development in accordance with Policy 7.3 of the Ealing Development Management DPD (2013) and Policy D11 of the London Plan (2021).

27. CCTV Cameras

Prior to the first use of the hereby approved development, a minimum of eight (8) closed circuit television (CCTV) cameras shall be installed to the exterior of the building. The CCTV cameras shall, at a minimum, provide surveillance of all entry and exit points and the public forecourt, and shall be retained as such for the lifetime of the development.

Reason: In the interests of public safety and to deliver a safe and secure development in accordance with Policy 7.3 of the Ealing Development Management DPD (2013) and Policy D11 of the London Plan (2021).

28. Vehicle Access Gate

Prior to its installation, details of the vehicle access gate located adjacent to Brassie Avenue shall be submitted to and approved in writing by the LPA. The details shall include the materials, appearance, siting and specification of the gate, and details of its operation and access control.

Reason: In the interests of public safety, to deliver a safe and secure development and prevent traffic congestion on Brassie Avenue and the local transport network in accordance with Policy 7.3 of the Ealing Development Management DPD (2013) and Policies D11, T4 and T7 of the London Plan (2021).

29. Hard and Soft Landscaping Boundary Treatments

Prior to the installation of soft and hard landscaping, details of hard and soft landscaping works, boundary treatments, permeable construction for hardstanding areas and a landscaping

management plan covering 5 years from the implementation of final planting shall be submitted to and approved in writing by the Local Planning Authority.

The approved works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. 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, to ensure appropriately landscaped amenity space and public realm, in accordance with Policies D3, D4 and D8 of the London Plan (2021) and Policies 7.4 and 7B of the Ealing Development Management DPD (2013).

**30. Forecourt and Public Realm**

The forecourt, public seating areas and public benches shall be completed and fully usable prior to the first occupation of the hereby approved development. The seating areas and benches shall be retained for the lifetime of the development.

Reason: In the interests of delivering high quality public realm in accordance with Policy D8 of the London Plan (2021).

**31. Green Roof**

Prior to the installation of the green roof, details of the green roofs shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a technical report from a suitably qualified ecologist specifying how the green roof has been developed for biodiversity with details of landscape features with the GRO Green Roof Code 2014.

Green roofs shall be biodiversity based with extensive substrate base, have sufficient depth of soil or growing medium for the relevant planting, be planted/seeded with a green mix of species within the first planting season following the practical completion of the building works, and have relevant efficient and effective drainage and irrigation during establishment.

Reason: In the interests of supporting and enhancing local biodiversity in accordance with Policies G5 and G6 of the London Plan (2021), Policies 5.10 and 5.11 of the Ealing Development Management DPD (2013) and the NPPF (2023).

**32. Felling and Pruning**

Prior to the commencement of the hereby approved development (including demolition and ground works), the hedges within the gardens of 1, 1A, 3 and 3A Brassie Avenue, which are located adjacent to the shared boundary with the host site, shall be trimmed back.

Prior to excavation and piling associated with the hereby approved basement, the tree located within the rear garden of 1A Brassie Avenue and adjacent to the shared boundary with the host site shall be felled.

Reason: To minimise dust retention and exposure to neighbouring residential sites during demolition and construction in accordance with Policy SI 1 of the London Plan (2021) and Policy 7A of the Ealing Development Management DPD (2013).

**33. Existing Trees**

Other than the felling of 1no. tree in the rear garden of 1A Brassie Avenue and cutting back of hedges and shrubs in the gardens of 1, 1A, 3 and 3A Brassie Avenue, no trees, shrubs or hedges within, or in proximity of, the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without first obtaining written consent of the Local Planning Authority.

Any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation.

The local authority shall receive the full CAVAT value, or a proportion reflecting the damage /decline in tree health, for all trees removed without consent, dying, being severely damaged, or becoming seriously diseased (crown more than 50% sparse), within 5 years from the start of work on the development hereby permitted. This financial penalty shall be sought, unless the Local Planning Authority has given written consent to any variation.

Reason: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area as a whole, Policies D4, D8 and G7 of the London Plan (2021), Policies 1.1 (e) (g), 1.2(f), 3.1(b) and 3.8 of the Ealing Core Strategy (2012), Policies 7.4 of the Ealing Development Management DPD (2013).

**34. Tree Protection Plan**

No operations (including initial site clearance) shall commence on site in connection with the development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees (incl. street trees) and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- a. A full survey of all trees on site and those within influencing distance on adjacent sites and the street in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- b. A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- c. A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.

- d. Timing and phasing of works
- e. Site specific demolition and hard surface removal specifications
- f. Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- g. Access arrangements and car parking
- h. Landscaping proposals
- i. A Tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- j. Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- k. Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision the of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

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 Ealing SPG 9, Policy 5.10 of the Ealing Development Management DPD (2013) and Policies SI 1, SI 2 and G7 of the London Plan (2021).

### 35. Ground Investigations

Prior to the commencement of development (excluding initial site clearance, demolition and contaminated land remediation works), ground investigations data and report, including ground water monitoring at design stage, shall be submitted to and approved by the Local Planning Authority in writing. The data and report shall determine ground water levels, consider compensation storage within the drainage strategy if there is loss of ground water storage and the incorporation of resilience and resistance measures if the report finds the basement levels would be at risk of flooding.

Reason: To avoid the risk of flooding in accordance with Policies D10, SI12 and SI13 of the London Plan (2021) and Policy 5.12 of the Ealing Development Management DPD (2013).

### 36. Air Quality Assessment Report

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), Policy S11 of the London Plan (2021); and National Planning Policy Framework (2023).

**37. 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, in accordance with Policy 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), Policy S11 of the London Plan (2021); and National Planning Policy Framework (2023).

**38. Neutral Transport Emissions**

Details shall be submitted for the approval of the Local Planning Authority before the development is commenced, to demonstrate that the development complies with the air quality neutral transport emissions benchmarks as stated in Section 4 of Air Quality Neutral London Plan Guidance 2023. If the development is found not to be air quality neutral for transport emissions, an off-setting payment as per the Air Quality Neutral London Plan Guidance 2023 for excess emissions using the most-up-to date version of the Defra damages cost for air pollution will be required.

Reason: In the interests of improving air quality in the Borough, in accordance with Policy 1.1(j) of the Ealing Core Strategy (2012), Policy 7A of the Ealing Development Management Development Plan Document (2013), Air Quality Neutral London Plan Guidance 2023, Policy S11 of the London Plan (2021), and National Planning Policy Framework (2023).

**39. 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 standards of (approx) 73.47% (equating to approx 141 tonnes of CO2 per year) beyond Building Regulations Part L 2013. These CO2 savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the Energy Statement prepared by JS Lewis Ltd in January 2022 (revision B) and follow-up emails including:
  - i. Lean, passive design measures to achieve an annual reduction of at least 12% equating to at least 23 tonnes in regulated carbon dioxide (CO2) emissions over BR Part L 2013.
  - ii. Clean, energy generation systems including the use of a site heat network to achieve an annual reduction of at least 31.25%, equating to 60 tonnes, in regulated carbon dioxide (CO2) emissions over Part L 2013.
  - iii. Green, renewable energy PV panels with a capacity of (approx) 14.6 kWp, and Air Source Heat Pumps, to achieve an annual reduction of at least 30.24%, equating to 58 tonnes, in regulated carbon dioxide (CO2) emissions over Part L 2013.
  - iv. Seen, heat and electric meters installed to monitor the performance of the PV and the carbon efficiency (SCOP) of the heat pumps including the heat generation and the combined parasitic loads of the heat pumps.
  
- 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 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 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 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 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 and cooling measures detailed in the dynamic Overheating analysis produced by JS Lewis (rev-A January 2022), or any later stage version. The assessment shall be compliant with CIBSE guidance TM59 and/or TM52, and modelled against the TM49 DSY1 (average summer) weather data files, and the more extreme weather DSY2 (2003) and DYS3 (1976) files.
- e) Within three months of the first occupation and/or 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 5.2 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).

40. 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 the agreed suitable devices for monitoring the performance/efficiency (SCOP) of any 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 (Energence 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 Policy SI2 of the London Plan (2021), Policy 5.2 of the Ealing Development Management DPD (2013) and Policy 2.5.36 (Best Practice) of the Mayor's Sustainable Design & Construction SPG.

**41. Post-Construction Energy Use Monitoring**

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. 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: 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 (2021).

**42. Whole Life-Cycle Carbon Assessment**

Upon completion of the detailed design process a Whole Life Carbon (WLC) analysis report shall be submitted to the Council for approval. The WLC analysis should be assessed against the GLA CO<sub>2</sub>e/m<sup>2</sup> benchmarks for the three key combined modules; A1-A5 (construction), B1-C4 (in-use and end of life embodied carbon loss), and B6-B7 (operational carbon – as identified in the energy hierarchy strategy). The WLC assessment must meet GLA target benchmarks.

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.

Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI2 of the London Plan (2021).

**43. Circular Economy Statement**

Prior to occupation 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](mailto: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 JS Lewis Circular Economy Statement (rev-A January 2022) unless otherwise agreed by the Local Planning Authority should be implemented.

Reason: In the interests of sustainable waste management and in order to maximise the appropriate re-use and recycling of materials in line Policy SI7 of the London Plan (2021).

**44. BREEAM Energy/CO2 Accreditation**

- a) The development shall be registered with Building Research Establishment (BRE) and use reasonable endeavours to achieve BREEAM Rating Very Good with a score of at least 63%, and make reasonable endeavours to achieve Excellent (based on the latest BREEAM NC Technical guidance).
- b) Within 6 months from the date of first occupation 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 6 months from the date of first occupation of the development, BREEAM 'Post Construction Stage' Assessment and related Certification verified by the BRE shall 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 unless otherwise agreed in writing by the Local Planning Authority.

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), the GLA Energy Assessment Guidance (2020), Policies 5.2 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).

**45. Fire Statement**

Prior to the commencement of the superstructure works, a Fire Statement shall be submitted to and approved by the LPA in writing. The Fire Statement shall include details of:

- a) the building's construction: methods, products and materials;
- b) appropriate features which reduce the risk to life in the event of a fire;
- c) appropriate way to minimise the risk of fire spread
- d) a robust strategy for evacuation, including a convenient means of escape for all building users;
- e) 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

- f) any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these.

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).

**46. Café, Restaurant and Shared Workspaces Opening Hours**

The ancillary café, restaurant and shared workspaces shall not be available for public use outside of the hours of 07:00am to 23:00pm on any day. The café, restaurant and shared workspaces shall be available for public access at all other times and shall not be used for any other purpose without the express consent of the LPA.

Reason: To ensure neighbouring residential developments are not adversely affected by noise nuisance and general disturbance in accordance with Policy D14 of the London Plan (2021) and Policies 7A and 7B of the Ealing Development Management DPD (2013).

**47. Snooker Club Opening Hours**

The use of the snooker hall shall not be available for public use outside of the hours of 9:00am to 02:00am on any day. The snooker hall shall be available for public access at all other times.

Reason: To ensure neighbouring residential developments are not adversely affected by noise nuisance and general disturbance in accordance with Policy D14 of the London Plan (2021) and Policies 7A and 7B of the Ealing Development Management DPD (2013).

**Informatives:**

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the National Planning Policy Framework (2023), the London Plan (2021), the Ealing Development (Core) Strategy (2012), the Ealing Development Management DPD (2013) and to all relevant material considerations:

The National Planning Policy Framework (2023)

- 2. Achieving Sustainable Development
- 4. Decision-Making
- 6. Building a Strong, Competitive Economy
- 7. Ensuring the Vitality of Town Centres
- 8. Promoting Healthy and Safe Communities
- 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
- 16. Conserving and Enhancing the Historic Environment

London Plan (2021)

- GG1 Building Strong and Inclusive Communities

- GG2 Making the Best Use of Land
- GG3 Creating a Healthy City
- GG5 Growing a Good Economy
- GG6 Increasing Efficiency and Resilience
- SD1 Opportunity Areas
- SD6 Town Centres and High Streets
- SD7 Town Centres: Development Principles and Development Plan Documents
- SD8 Town Centre Network
- SD10 Strategic & Local Regeneration
- D1 London's Form, Character and Capacity for Growth
- D3 Optimising Site Capacity Through the Design-Led Approach
- D4 Delivering Good Design
- D5 Inclusive Design
- D8 Public Realm
- D10 Basement Development
- D11 Safety, Security and Resilience to Emergency
- D12 Fire Safety
- D14 Noise
- S4 Play and Informal Recreation
- S5 Sports and Recreation Facilities
- E4 Land for Industry, Logistics and Services to Support London's Economic Function
- E7 Industrial Intensification, Co-Location and Substitution
- E9 Retail, Markets and Hot Food Takeaways
- E10 Visitor Infrastructure
- HC1 Heritage Conservation and Growth
- G4 Open Space
- G5 Urban Greening
- SI 1 Improving Air Quality
- SI 2 Minimising Greenhouse Gas Emissions
- SI 7 Reducing Waste and Supporting the Circular Economy
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 10 Aggregates
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage
- T1 Strategic Approach to Transport
- T2 Healthy Streets
- T3 Transport Capacity, Connectivity and Safeguarding
- T4 Assessing and Mitigating Transport Impacts
- T5 Cycling
- T6 Car Parking
- T6.2 Office Parking
- T6.4 Hotel and Leisure Uses Parking
- T6.5 Non-Residential Disabled Persons Parking
- T7 Deliveries, Servicing and Construction
- T9 Funding Transport Infrastructure through Planning

DF1 Delivery of the Plan and Planning Obligations

London Plan - Supplementary Planning Guidance / Documents

Accessible London: achieving an inclusive environment

Sustainable Design & Construction

The Mayor's Transport Strategy

Ealing Development Strategy DPD (2012)

- 1.1 Spatial Vision for Ealing
- 1.2 Delivery of the Vision for Ealing 2026
- 3.1 Realising the Potential of the A40 Corridor & Park Royal
- 3.7 Neighbourhood Shopping Centres at East Acton, Park Royal, Perivale & Northolt
- 5.3 Protect & Enhance Green Corridors
- 5.5 Promoting Parks, Local Green Space and Addressing Deficiency
- 6.1 Social Infrastructure
- 6.4 Planning Obligations and Legal Agreements

Ealing Development Management Development Plan Document (2013)

- 4A Employment Uses
- 4.5 London's Visitor Infrastructure
- 4B Retail
- 4C Main Town Centre Uses
- 5.2 Minimising Carbon Dioxide Emissions
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environments
- 5.12 Flood Risk Management
- 5.21 Contaminated Land
- 6.13 Parking
- 7A Amenity
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7B Design Amenity
- 7C Heritage
- 7D Open Space
- EA Presumption in Favour of Sustainable Development

Supplementary Planning Guidance/Documents

SPG 3 Air Quality

SPG 4 Refuse and Recycling Facilities

SPG 9 Trees and Development Guidelines

SPG 10 Noise and Vibration

Accessible Ealing

Ealing Sports Facility Strategy 2022-2031

In reaching the decision to grant consent, specific consideration was given to the impact of the planning application on the amenity of neighbouring dwellings, the appearance and character of the property within the local area. The proposal is considered acceptable on these grounds, and is also considered to comply with the relevant policies in the adopted Ealing Development Management. It is not considered that there are any other material considerations in this case that would warrant a refusal of the application.

- 2 The Council's Environmental Health Service has powers to control noise and disturbance during buildings works. It considers that normal and reasonable working hours for building sites are 8.00 am to 6.00 pm Monday to Friday, from 8.00 am to 1.00 pm on Saturday and not at all on Sunday or Public Holidays. If any activities take place on the site beyond these times which give rise to noise audible outside the site the Council is likely to take action requiring these activities to cease.
- 3 The applicant is advised that the Building Regulations are legal requirements that apply to building work and are aimed at achieving minimum standards of construction to ensure the health and safety of people in or around buildings, including fire safety.

Approval under the Building Regulations is requirement and you are advised to seek the advice of the Council's Building Control Service or an Approved Inspector prior to the commencement of works.

For more information on Building Regulations, please follow the link - [https://www.ealing.gov.uk/info/201156/building\\_control](https://www.ealing.gov.uk/info/201156/building_control)

- 4 The developer/applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuant to the application.
- 5 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 Thames Water's Guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you are considering working above or near Thames Water's 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.
- 6 The developer can request information to support the discharge of condition 'Water Infrastructure Capacity' by visiting the Thames Water website at [www.thameswater.co.uk/preplanning](http://www.thameswater.co.uk/preplanning).
- 7 As required by Building regulations part H paragraph 2.36, the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a

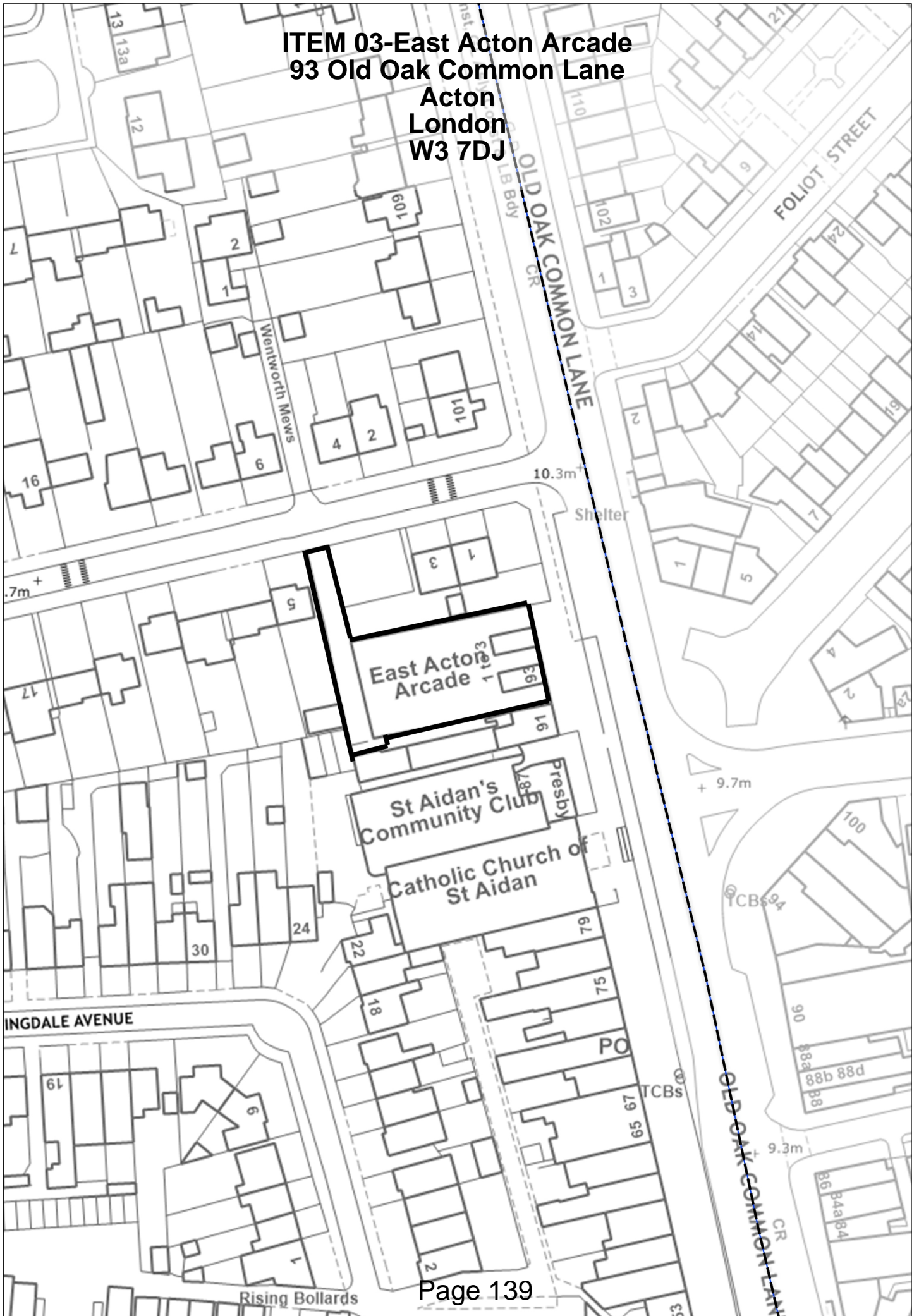


positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a 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. Thames Water 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 online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 8 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.
- 9 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.
- 10 No waste materials should be burnt on site of the development hereby approved.
- 11 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.

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**ITEM 03-East Acton Arcade  
93 Old Oak Common Lane  
Acton  
London  
W3 7DJ**



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**Ref:** 233342FUL

**Address:** 16 Eastman Road, Acton, W3 7YG

**Ward:** Southfield

**Proposal:** Demolition of existing building and erection of a single storey industrial and/or logistics unit (Class E(g)(iii), Class B2 and B8) with ancillary office space (Class E(g)(i)) alongside associated parking and landscaping

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

**Type of Application:** Full Planning Application

**Application Received:** 15/08/2023

**Report by: Xanna Machecourt**

Recommendation: Grant subject to a S106 agreement and conditions.

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**Executive Summary:**

The proposed development involves the demolition of the existing single storey warehouse (b2) and the construction of a large industrial building within Use Classes E(g)(iii), B2 and/or B8. The site is located on the southern edge of the Acton Park Industrial Area, which is designated as a Locally Significant Industrial Site (LSIS), and therefore the overall uses proposed are wholly consistent with the site designation and the scale of the proposal would fully optimise the site for potential industrial uses. Whilst no potential occupant for the site has yet been secured, the design of the industrial building has allowed for the greatest adaptability and flexibility to appeal to a wider pool of potential occupants, however the site has been designed with logistics and distribution uses in mind.

The design of the industrial building is conventional for this type of use, would provide servicing and HGV movement areas to its western side. The main building entrance is located to the eastern elevation with a distinct corner edge on the southwestern corner, which promotes the legibility of the space by clearly denoting the entrance to the building. The design of the south-eastern corner of the building and the layout of the car parking, cycle parking and pedestrian movement areas improves the legibility of the space, particularly in relation to the existing building to be demolished, which makes little contribution to the character and appearance of the area.

Appropriate conditions have been recommended to ensure that the proposed development does not materially impact the adjacent residential development, with respect to noise and acoustics. Conditions relating to potential contaminated land have also been recommended and the applicant has agreed to a financial contribution for mitigation projects relating to poor air quality.

The proposed development presents a very good energy strategy, that has been reviewed by Council's Energy Consultant who is strongly supportive of the scheme. The plan entails creating a net-zero carbon, all-electric development, utilizing Air Source Heat Pumps for heating and domestic hot water in most areas, with offices employing VRV/VRF heat pumps for heating/cooling, with this achieved through lean and green measures as outlined within the Energy Hierarchy of the London Plan.

The Landscaping proposals for the site involve the retaining of exiting tree belts along the southern boundary and enhanced through the inclusion of additional planting. Outdoor furniture would also be provided for employees and visitors and intermittent landscaping around car parking areas.

The existing access would be remained but with new measures to minimise conflicts between vehicles and pedestrian and cyclist. The proposal results in a significant site-wide reduction in car parking spaces and compliant amount of cycle parking to encourage a modal shift to more sustainable forms of transportation. The application site is also in close proximity to established cycle and pedestrian routes and established bus routes. The proposal therefore represents a highly sustainable location and the applicant will also be required to submit a Travel Plan, to demonstrate methods that will be taken to reduce reliance on private vehicle transport. The recommended s106 agreement also includes funding towards projects in the local area, to improve transport infrastructure, connectivity and accident remediation.

An apprenticeship scheme has been agreed to provide 4 spaces and at least 1 person must be locally employed. A financial contribution towards offsite affordable workspace provision is also agreed.

Overall, the site offers a highly sustainable form of development within a designated Locally Significant Industrial Site that will contribute to Ealing and London by providing increased economic activity and

employment opportunities for local residents. It is therefore recommended that the application be approved, subject to conditions and s106 agreement.

**Recommendation:**

That planning permission is granted subject to the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the following:

<b>Heading</b>	<b>Contribution</b>
Junction and Link Improvements, Cycle Infrastructure	£85,000
Travel Plan Monitoring	£5,000
Post Construction Energy Equipment Monitoring	£9,869
Air Quality Mitigation	£98,600
Air Quality Neutral for Transport Emissions Off-setting payment	Only payable if the development is found not to be air quality neutral, as identified by Condition 14
Employment, training, and skills	£50,000 (4 full apprenticeships must be delivered, a charge of £30,000 per apprentice obligation that is not met.)
Affordable workspace offsite contribution	£322,056
<b>TOTAL</b>	<b>£248,469 + 322,056 (TBC)</b>

- The affordable workspace offsite contribution is based on an annualised rent of £27 per square foot. The final sum shall be demonstrated by independent assessed market evidence or a viability assessment.
- A minimum of 25% of labour should be locally employed and 5 weeks of Work Experience must be completed throughout the length of the project.
- Payment of the council’s reasonable legal and professional costs in preparing the s106 agreement.
- All financial contributions to be index linked.

AND

Subject to conditions/informatives that can be found at the end of the report.

**Site Description:**

The application site is a somewhat regular shaped plot, with an area of approximately 2.04 hectares (20,400sqm). The current site is occupied by Freshways for milk production, comprise a Use Class B2 (General industrial) and Use Class B8 (Storage and Distribution). A warehouse building dominates the site, which is of single-storey construction, but has a building ridge height of approximately 9.5m and eaves 9m. The total floorspace across all buildings is 8,0613 sqm. The remainder of the site to the south comprises operational yard space and a large, single industrial warehouse.

The site is located on the southern edge of the Acton Park Industrial Area. It is accessed from Eastman Road, a cul-de-sac off The Vale, the A4020. The site is designated as a Locally Significant Industrial Site (LSIS) within the proposals map (map 3) of Ealing's Development (Core) Strategy to 2026 Development Plan Document (2012). There are other industrial and commercial premises on three sides (to the north-east and west), a playing field (Southfields Park) and two-storey terraced houses in Hatfield Road to the south. The park abuts directly onto the western section of the southern

boundary, whilst there is a narrow rear access between the site and the back gardens of the houses along its eastern part.

There is a relatively narrow strip between the warehouse building and the northern boundary. A single-storey office building and a four-bay vehicle maintenance workshop abut the eastern boundary, and a small brick structure is at the south-western corner, but the majority of the rest of the area around the building is surfaced with concrete for vehicular access. A section along the southern boundary, a former railway line, is hard surfaced and is used for both visitor and employee car parking.

The site is not located within a Conservation Area, whilst there is no locally or statutory listed building within or adjacent to the subject site. However, the Acton Park Conservation Area is located to the north of the site, across The Vale.

Hanovia House has a number of tenancies for smaller occupiers and serves to provide additional floorspace for Freshways. There is a large proportion of the existing floorspace which is vacant and many of the sub-tenancies expire in the next 6-12 months.



*Figure 1: Existing Site Location Plan*





*Figure 2: Aerial View of Existing Site*

**The Proposal:**

The proposal involves the complete demolition of the existing single storey warehouse and the construction of a large industrial building within Use Classes E(g)(iii), B2 and/or B8. The site would also include ancillary office space within the footprint of the main building.

The proposed industrial building comprises:

- Footprint: approx. 7,570 sqm
- Industrial GIA: 7,264 sqm
- Office GIA: 1,390 sqm
- Mezzanine: 1,207 sqm
- Total GIA: 9,860 sqm
- 3 storey: 14.25m high to parapet and 15.3m to ridge
- 10 loading docks
- 2 level access doors parking spaces
- 7 HGV parking spaces

The proposal includes provision for 73 vehicles spaces. 8 of the spaces are reserved for nearby occupiers Bombay Duck and Safestore. The remaining 65 spaces, for staffs and visitors, are located along the southern boundary and eastern side of the site.

The proposed development would also involve the implementation of associated fencing, cycle parking, gates and landscaping.

Revisions are acceptable during the planning process, the following changes have been made:

- The parapet height has been reduced from 15m to 14.25m;
- The car parking spaces have been reduced from 70 to 65;
- A new double gate would be included within the internal access road.



*Figure 3: Proposed Development CGI*

**Relevant Planning History:**

232153SCE. EIA Statement Not Required.

Request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations (2017) for erection of a single storey industrial and/or logistics unit (Class E(g)(iii), Class B2 and B8) with ancillary office space, alongside associated parking and soft and hard landscaping

Hanovia House (1 Eastman Road):

19133/1- 23/07/1980- Erection of one warehouse and three industrial units with ancillary offices and parking, loading and unloading provision.

25477- 21/01/1985- Use of warehouse for servicing and installation of radio telephone equipment with ancillary accommodation.

PP/2012/4598- Refused on 28/01/2013- Change of use from A1(retail) and B8 (storage and distribution) to D2 (assembly and leisure) to create sports and exercise centre

21996/1- 13/08/1996- Change of use of third floor accommodation into a furniture making wood workshop (general industrial b2)

21996- 25/01/1982 - Use of third floor of storage building for photographic printing and processing with ancillary office. (4.150 square feet)

22813/4- 24/09/2002 - Change of use of one room (Suite 6) (22 sqm) from B1 (office) to a 24 hr mobile controlled booking office for private hire vehicles

16 Eastman Road:

A series of applications related to the aperture on the roof but refused:

173472FUL(14.05.2018), 200013CPL, 185571CPE (12.11.2019), 185572CPE (31.10.2019)

07323/6- 06/08/1969- Demolition of existing buildings and erection of part single and two storey building comprising of warehouse and offices.

07323/11- 07323/11- Erection of second floor extension to office building and single storey extension to storage building.

Planning Enforcement notices:

COM/2015/00547 (notice): Breach of conditions - Non-compliance with condition 16 of planning application ref: 14314/5 dated 13/01/2000 (allowed on appeal ref APP/A5270/A/00/1036100) - construction of roof apertures to rear roof slope.

Breach of conditions - Non-compliance with condition 12 of planning application ref: 14314/5 dated 13/01/2000 (allowed on appeal) APP/A5270/A/00/1036100

Breach of condition 11 (Operational Practices) of planning application ref: 14314/5 dated 13/01/2000

**Statutory and Non-Statutory Consultation:**

**Pre-application:**

<p><b><u>Design Review Panel</u></b></p>	<p>The proposal was presented to the Design Review Panel (DRP) on 06 June 2023. Comments were sought on panel’s views on the proposed the site layout and functionality of the building, on its scale, massing, and design, and on its potential impact on the openness of Southfields Park and on the residential properties on Hatfield Road. Comments are also sought on access to the site, especially HGV movements and pedestrian and cyclist safe access, and on the landscape design. A summary of the key points made is provided below:</p> <ul style="list-style-type: none"> <li>- In terms of the height and massing, The DRP panel acknowledges the proposed heights as industry standard but recommends exploring options to reduce the massing of the office building. Suggestions were made to reduce the building footprint and hardstanding to create a more cohesive landscape and meet environmental targets. Detailed visual impact testing, especially from the park and Hatfield Road perspectives, is also advised.</li> <li>- In terms of the materiality and character, DRP advises enhancing the development's character in line with Ealing's art deco industrial tradition. Consider alternative colour palettes like blues and greens, use photorealistic renders for colour assessment, and incorporate reclaimed steel to cut embodied carbon.</li> <li>- In terms of the access and parking, DRP advises aligning the design with good public transport connectivity for active and sustainable travel. They recommend reevaluating car parking considering low employee numbers and promoting active travel. Further assessment of potential impacts on the Vale junction and road network is needed. Addressing visibility issues with the site's vehicular entrance is crucial. While welcoming proposed electric vehicle charging, DRP recommends maximizing passive provision for future charging points.</li> <li>- In terms of the Site layout and connectivity, DRP welcomes the design progress but suggests a more pedestrian-oriented site layout, coordinating walking and cycling routes to minimize conflicts with vehicles. They question about the office location, recommending a</li> </ul>
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	<p>review due to its distance from the entrance and hidden position. They also suggest relocating the main entrance to the southwest for better wayfinding and moving the office south for improved outlook and civic presence. A secure access from the park and enhanced links to nearby parks are recommended for improved connectivity.</p> <ul style="list-style-type: none"> <li>- In terms of the landscape design, DRP suggests enhancing site-wide landscape design, considering challenges in achieving greening targets. They recommend detailed sustainable drainage planning and access improvements to neighbouring parks. Additional trees are positive but might not provide sufficient acoustic separation. A planted bund is suggested for mitigation.</li> <li>- In terms of the Environmental design, DRP praises the environmental design but suggests addressing embodied carbon as the design progresses. More details on thermal performance and passive measures are requested. The panel supports photovoltaic panels and suggests combining them with lightweight green roofs for biodiversity.</li> </ul>
<p><b><u>Community Review Panel</u></b></p>	<p>The proposal was presented to the Community Review Panel (CRP) on 06 June 2023. Comments were sought on panel’s views on the proposed scale and massing, the landscape design, the site access strategy for HGV movements and pedestrian and cyclist access, the relationship with Southfields Recreation Ground and properties on Hatfield Road, particularly in relation to visual impact and noise, and on the employment benefits of the scheme and the types of jobs that may be available. A summary of the key points made is provided below:</p> <ul style="list-style-type: none"> <li>- The layout and architecture are developing well, but the panel would like to see further testing and analysis of access and vehicle movements, to ensure that the impact on the wider area and road network is minimised.</li> <li>- The landscape design is positive, and the panel is pleased to see additional greening and biodiversity measures across the site. However, they express concerns about the impact on neighbouring houses and a recreation ground to the south. They question the effectiveness of the proposed trees as noise barriers and suggest considering other acoustic treatments, such as fencing. They also recommend conducting further assessment of visual and acoustic impacts.</li> <li>- While the employment opportunities provided by the project are seen as a benefit, the CRP panel suggests that additional amenity space should be provided to accommodate the number of people working on the site. They emphasize the importance of maintaining the quality of amenity spaces and recommend requiring an effective management plan as part of the planning application. Furthermore, the CRP panel considers that sustainability is a key concern for the project, and the design team should do their utmost to create an end-to-end zero-carbon project.</li> <li>- In term of the design, the CRP panel welcomes the presentation of the design development. They believe that the rationale for its location is improved compared to previous versions. They also acknowledge the successful separation of the office space from the machinery area, taking advantage of the open nature of the site. They recognize that the proposed heights are necessary for modern industrial uses. Additionally, the panel is pleased with the ongoing progress of the architectural design, particularly the use of colour and texture. However, despite understanding that the purpose is not residential, the panel requests more information about the choice of cladding to assess its safety and</li> </ul>

	<p>ensure the final quality of the building.</p> <ul style="list-style-type: none"> <li>- In terms of the access and parking, CRP panel highlights concerns about ongoing traffic surveys and recommends a comprehensive assessment of transport impact, emphasizing pedestrian and cyclist improvements on Eastman Road. Capacity for growth and future technologies in electric vehicle charging, including HGVs, is also encouraged.</li> <li>- In terms of the landscape design, CRP panel approves increased landscape areas but raises concerns about the green buffer's quality and pollution risks. They recommend a denser barrier on the southern boundary and a management plan as a planning condition.</li> <li>- In terms of the Environmental design, CRP panel recommends exploring the potential of photovoltaic panels for energy generation, considering the entire lifecycle carbon impact, and incorporating sustainable drainage measures. They emphasize the need for green roofs, walls, and efforts to mitigate construction noise.</li> </ul>
<p><b>Case Officer response:</b></p>	<p>The overall review from both Review Panels are positive. Since the meetings changes have been made:</p> <ul style="list-style-type: none"> <li>- <u>Design</u>: The southwest corner of the building has been updated to provide a distinct architectural expression which provides a landmark edge when viewing the proposals along Eastman Road.</li> <li>- <u>Height and Massing</u>: Height has been reduced from 17.8m to 15.3m and further reduced to 14.25m during the planning process. Additional landscaping has been provided along the boundaries to screen the development and the building footprint has been pushed back from the originally proposed 8m on Hatfield Road.</li> <li>- <u>Highways</u>: The suggestion of an additional access to Southfields Recreation Ground was not supported by the Parks team. However, the proposals have been developed to ensure enhanced pedestrian safety through new pathways and a number of improvements have been proposed, such as carriageway resurfacing, new lighting columns, new 10mph speed limit, new signage on Eastman Road and the concrete barriers will be painted with planters added on top to provide additional natural visual screening of passing vehicles and to enhance the walking experience.</li> <li>- <u>Landscape</u>: The landscape proposals have been developed throughout the pre-application process and ensure that all trees are now retained. In addition, a noise barrier is proposed around the Service Yard. A UGF score of 0.37 will be achieved which considerably high for an industrial development.</li> </ul>

**Statement of Community Involvement (SCI)**

It should be noted that in addition to statutory required consultation, the applicant undertook community consultation, between 27 April 2023 to 27 June 2023, prior to the submission of the application. The methods and results of community consultation are outlined within the submitted Statement of Community Involvement. This statement outlined that consultation activities involved:

- Twenty emails to political and community stakeholders to introduce the proposals.
- Twelve one-to-one meetings were offered with the project team.
- A flyer/letter sent to 5,375 local residents and businesses, in an area surrounding the site that was agreed with planning officers.
- A consultation website <https://powerparkacton.com/> with comprehensive information on the proposals and including a contact us option with freephone line and dedicated email address. The website was viewed 452 times by 261 people.

- Newspaper adverts in the West London Gazette in print and My London online with almost 16,000 impressions and 30 hours of total time viewed.
- Two public exhibitions, attended by 46 people in total.
- A webinar on Zoom attended by five people.

A total 46 people attended the public exhibitions, and 11 comments card were received, as well as some verbal feedbacks. The key responses include:

- Concerns about noise, traffic, and pollution: Multiple respondents emphasised the importance of minimising noise, traffic, and pollution impacts on the park and residential area.
- Positive reception and expectations for improvement: Most respondents expressed positive views toward the proposed transformation and the departure of Freshways, expecting an overall improvement as a result of a possible new tenant.
- Emphasis on sustainability and environmental measures: Some respondents highlighted the importance of long-term sustainability and the need for effective environmental mitigation measures.
- Consideration for residents: Several responses emphasised the importance of considering the impact on residents near the site and the need for strict controls around noise and lighting.
- Economic benefits and employment: The potential for increased employment in the area was seen as a positive aspect of the proposed transformation.
- Height and massing.
- Operational and construction disruption.
- Future tenants.
- Support for future landscaping and suggestions on environmental screening.

Overall, the feedback received shows that there is a strong local interest in the proposed transformation of the former Freshways building into a more modern and sustainable industrial site. The majority of respondents expressed positive views towards the project and expectations for improvement. Concerns were raised regarding noise, traffic, and pollution, emphasising the importance of minimising these impacts on the park and residential area. Sustainability and environmental measures were also highlighted as important considerations, along with the need to support and engage with the local community.

**Public**

Public consultation of the application commenced on 30/08/2023 and concluded on 20/09/2023. The application was advertised within the Ealing Gazette and eleven (22) site notices were put up within the surrounding area, including on The Vale, Mansell Road, Wilkinson Way, Birbeck Grove, Stanley Gardens, Warple Way, Hatfield Road, Alexandra Road, Rugby Road and Southfield Recreation Ground.

Two representation letters were received from 24 properties on Hatfield Road and 5 properties on Alexandra Road. 9 other local residents from Hatfield Road and Alexandra Road had registered their objections separately. Residents have objected to the following grounds:

Residents' Concerns	Case Officer response:
1. Existing situation and unknown future occupier: The existing site has a significant detrimental impact on the amenity of local residents, such as operational noise and plant noise. On-going enforcement history on this site. We do not consider that the different end	The proposed uses are conforming uses within the LSIS. The proposed use is supported by policies (see Principle of Development section below). The building design would ensure all plant noise would be kept within the building and operational yards would be away from residential properties. Additional noise mitigation and sound screening would be in place. A number of conditions will be imposed to ensure the

<p>land use scenarios presented by a flexible permission have been adequately addressed in the planning application.</p>	<p>future use of the site will be appropriate.</p>
<p>2. Height, Townscape and Visual Amenity: Significant visual impact to the homes along the northern side of Hatfield Road and Southfield Recreation Ground.</p>	<p>The proposed CIH (clear internal height) of 12.5m, as submitted, is considered the minimum height required to satisfy market demand, whilst ensuring deliverability. A further 750mm reduction to parapet height has resulted in a revised height of 14.25m. Detail discussion see assessment below.</p>
<p>3. Design: The proposed southern façade of the new building utilises very dark colours. Coupled with the significant increase in height and scale of built form on the southern boundary, the proposals will appear overbearing and oppressive to the residential properties of Hatfield Road.</p>	<p>The cladding orientations and colours work to ground the building in its setting while graduating to white at high level reducing dominance and the perceived impact from distant views. Detail discussion see assessment below.</p>
<p>4. Boundary Treatment: Lack of information on boundary treatment.</p>	<p>The existing boundary wall and tree belts will remain. A condition has been agreed to provide further details on boundary treatment and landscape management plan.</p>
<p>5. Amenity: Overlooking Sense of enclosure Light Noise</p>	<p>These concerns will be discussed in the Residential Amenity section below.</p>
<p>6. Inadequate Public consultation</p>	<p>During Pre-application stage, two public drop in sessions and a single zoom webinar were held, attended by 51 people and all advertised across a variety of methods including a letter drop to over 5,000 people, press adverts and emails sent local community groups. To complement these sessions, a project website was set up to act as a hub for consultation, with resource materials also available digitally. Some changes were made to the design to respond to some of the comments.</p>
<p>7. Air Quality: The Air Quality Assessment quotes HGV deliveries (AADT) are predicted to reduce in number from 410 to 146(B2) or 208(B8). Considering the current use is Class B2 we are not convinced that this is any assurance in long term traffic reduction where the end land use position is different to this (as it could be as part of a flexible planning permission).  The Air Quality Assessment does not address the issue of the proposed use of</p>	<p>Road traffic surveys have been undertaken to establish the baseline (existing) position and the proposed approach to trip rates has been discussed and agreed with LB Ealing highways officers. This baseline data has directly informed the Air Quality and Highways Assessments, with the outcome calculated to be a reduction in trips. The supporting technical reports have provided requisite assessments of the various uses as proposed under the planning application for flexible employment uses. The applicant will also provide an increase in cycle spaces and electric charging points (active and passive). The latter will ensure that the site is future</p>

<p>TRU's on the Site.</p>	<p>proofed to accommodate electric vehicles. The applicant has confirmed that the emission associated with the operation of Transport Refrigeration Units (TRU) and other heavy goods vehicles (HGV's) on the local road network has been accounted for in the air quality modelling using emission factors generated from Defra's Emission Factor Toolkit (version 11.0). Relevant conditions will be imposed to ensure the development would be carbon neutral otherwise an off-setting payment would be required via S106.</p>
<p>8. Ecology: The BNG assessment is not explicit in whether this a 10% net increase above the existing situation</p>	<p>As there is currently no soft landscaping on the site, the proposed softlandscaping, green roof, trees and planting will help to achieve a Biodiversity Net Gain. The proposed UGF would be 0.37, which exceeds the 0.3 target score. Further discussion see assessment below.</p>
<p>9. Inaccurate plans. The height of the existing building should be 9.5m but not 18.2m.</p>	<p>Existing elevations have been rectified. As the proposed building is not increased in scale, no re-consultation has been carried out. It's noted that apart from the discrepancy on the existing elevation plan, other supporting documents have referenced the correct height.</p>

**Consultee Comments:**

<p><b>External Consultation</b></p>	
<p>Metropolitan Police (Secure By Design)</p>	<p>I have met with the architects and planning agent with regards to Secured by Design, and they display an aspiration to achieve an SBD accreditation. They have been given specific advice in line with the Secured by Design Commercial Guide 2023 and further specific advice can be given to the architects and developers directly and throughout the development. I see no reason why this proposed development would not achieve a Secured by Design Accreditation.</p> <p><b>Recommendations:</b> We have recommended to the architect that a Gate is placed at this location to prevent unlawful access and to secure the site.</p> <p>Should the development be granted planning permission, I request that the wording of the condition is, or similar to: <b>“The development must achieve Secured by Design accreditation prior to occupation”</b></p> <p>This will incorporate all aspects of doors, windows, lighting, postal strategy and advice on CCTV rather than specifying them individually within the conditions.</p> <p><u>Case officer's note: The recommended assess gate has been included in the revised plans.</u></p>
<p>Historic England</p>	<p>Although the Site does not lie within an Archaeological Priority Area, the Desk-Based Assessment submitted with the application identifies a high potential for early prehistoric archaeology, associated in particular with</p>



	<p>the Langley Silt deposits and the surface of the Lynch Hill Gravels below.</p> <p>Geotechnical investigations have also indicated that the depth of made ground above these deposits varies considerably across the application site (ranging from 0.60 to 3.70m below ground level), and we therefore need to understand the extent to which the proposed groundworks (including foundations, attenuation tanks and services) are likely to impact the deposits of potential archaeological interest.</p> <p>A two-stage condition for archaeological evaluation is recommended, the Stage 1 WSI for which should include an assessment of engineering details for the groundworks, and how this relates to the different depths of made ground across the Site. Stage 1 shall include specialist geoarchaeological and Palaeolithic archaeology test pits, to assess the potential of the areas of silts and gravel that will be impacted by the scheme.</p> <p><u>Case officer's note: recommended conditions have been agreed by applicant.</u></p>
Thames Water	<p>No objections were received. Comments on waste and water are included in the informative section.</p>
Cadent Gas	<p>The application site is in close proximity to our medium and low pressure assets. Cadent Gas have no objection to this proposal from a planning perspective, however an informative has been recommended to prevent damage to their assets or interference with their rights.</p> <p><u>Case officer's note: recommended informative will be included in the decision notice.</u></p>
Transport For London	<ol style="list-style-type: none"> <li>1) Cycle parking not in accordance with LCDS;</li> <li>2) Car Parking provision is still encouraged further reduction;</li> <li>3) Delivery and Servicing plans should be secured through condition;</li> <li>4) Operational Management Plan should be secured through condition;</li> <li>5) Construction Logistics Plan (CLP) should be secured through condition.</li> <li>6) Car parking provision would not exceed the maximum standard, but TFL still encourage further reduction in the quantum of parking noting the applicant's own commentary in regards to the sites accessibility</li> </ol> <p><u>Case officer's note: recommended conditions will be included in the decision notice.</u></p>

<u>Internal Consultation</u>	
Pollution-Technical (Noise)	<p>No objections raised. However as the use class B2 gives potential to expand the use to cooking/ manufacture of food, relevant conditions have been recommended.</p> <ol style="list-style-type: none"> <li>1. External noise from machinery, equipment, extract/ventilation ducting, mechanical installations</li> <li>2. Anti- vibration mounts and silencing of machinery etc.</li> <li>3. Delivery and Operations Management Plan</li> <li>4. Sound Barriers and Enclosures</li> <li>5. Extraction and Odour Control system for non-domestic kitchens</li> <li>6. External doors and windows to remain shut</li> <li>7. Demolition Method Statement and Construction Management Plan</li> </ol> <p>INFORMATIVES for Demolition and Construction, Installation, Refurbishment etc:</p> <ol style="list-style-type: none"> <li>1 Permitted hours for building work</li> <li>2 Notification to neighbours of demolition/ building works</li> <li>3 Dust</li> <li>4 Dark smoke and nuisance</li> <li>5 Noise and Vibration from demolition, construction, piling, concrete crushing, drilling, excavating, etc.</li> </ol> <p><u>Case officer's note: recommended conditions have been agreed by applicant.</u></p>
Pollution-Technical (Air Quality)	<p>Four conditions recommended:</p> <ol style="list-style-type: none"> <li>1. Air Quality and Dust Management Plan (AQDMP)</li> <li>2. All Non-Road Mobile Machinery (NRMM)</li> <li>3. Report for air quality neutral transport emission</li> <li>4. New diesel generator details prior to installation.</li> </ol>

	<p>S106 Contribution for air quality monitoring is requested:  <u>9860m2*£10=£98,600</u></p> <p><u>Case officer's note: recommended conditions and S106 terms have been agreed by applicant.</u></p>
<p>Pollution-Technical (Contaminated Land)</p>	<p>The Paragon site investigation report 21.1128/cb/ck submitted with the application has been reviewed. A number of remedial recommendations are made and these should be detailed in a remediation strategy.</p> <p>The following conditions are requested.</p> <ol style="list-style-type: none"> <li>1. Remediation Scheme</li> <li>2. Verification Report</li> </ol> <p><u>Case officer's note: recommended conditions have been agreed by applicant.</u></p>
<p>Employment, Training and Skills</p>	<p>The developer needs to secure an employment, skills, and training delivery strategy, which needs to be signed off by the Employment and skills S106 team. The developer will engage directly with the partnerships and procurement manager and will be required to submit quarterly monitoring no later than one week after quarter end. (<a href="mailto:S106ELS@ealing.gov.uk">S106ELS@ealing.gov.uk</a>).</p> <p>The developer must deliver 4 full apprenticeships, and there will be a charge of £30,000 per apprenticeship obligation that is not met. 25% local labour must be employed, as a minimum. 5 weeks of Work Experience must be completed throughout the length of the project. There will also be a financial obligation of £50,000, which will contribute to monitoring costs and local employment/apprenticeship projects.</p> <p><u>Case officer's note: recommended S106 terms have been agreed by applicant.</u></p>
<p>Transport Services</p>	<ol style="list-style-type: none"> <li>1. Staff car parking of 65 spaces is an over provision;</li> <li>2. A detailed cycle parking layout is required;</li> <li>3. Construction method statement and construction lorry rout is required;</li> <li>4. Provide disabled car parking in accordance with the TFL standards;</li> <li>5. A Demolition and construction method statements are required;</li> <li>6. A service management and parking management plans are required.</li> </ol>

	<p>S106:</p> <ul style="list-style-type: none"> <li>- To provide a travel plan and its monitoring of £5000;</li> <li>- £10,000 contribution towards Junction Improvement of The Vale (A4020) junction with East Acton Lane / Warple Way;</li> <li>- £15,000 contribution towards implementation implement a link improvement on Uxbridge Road between Acton Town Centre to the borough boundary with Hammersmith &amp; Fulham Council;</li> <li>- £25,000 contribution towards improvement of the cycle infrastructure adjacent to the development;</li> <li>- £15,000 to introduce a raised table (on Eastman Road) near the development.</li> </ul> <p><u>Case officer's note: recommended conditions and S106 terms have been agreed by applicant.</u></p>
<p>Policy</p>	<ol style="list-style-type: none"> <li>1. Draft Local Plan Policy E3 required on-site affordable workspace provision, as the proposal is only required to provide 493sqm (threshold is 3000sqm), offsite provision could be provided by means of a financial contribution.</li> <li>2. The lack of justification of proposed car parking provision.</li> <li>3. Design to be improved.</li> </ol> <p><u>Case officer's note:</u> The applicant has agreed to a financial contribution towards offsite affordable workspace provisions. Car parking provision has been reduced by 5 spaces (total of 65). Design matters will be discussed in the Assessment section below.</p>
<p>Regeneration</p>	<p>Placemaking</p> <ul style="list-style-type: none"> <li>- The council plans to work with landowners in the area to develop a masterplan to support intensity industrial employment in the area and create a better place.</li> <li>- Improve building and façade design to structure the façade and better express modern sustainable industrial building. Better design could allow for more height.</li> <li>- Proposals should show and take into account the emerging context (site on corner of Eastman and A4020 under construction).</li> </ul> <p>Uses and unit sizes</p> <ul style="list-style-type: none"> <li>- Provide a range of smaller units for general and light industrial uses providing more employment and ensure it is not used for big box low density industrial uses such as logistics or a data centre. Opportunity for multistorey smaller industrial spaces at the entrance to the site complementing the Bombay Duck brick building.</li> <li>- Provide affordable workspace in line with the council's policy.</li> </ul> <p>Transport</p> <ul style="list-style-type: none"> <li>- Improve active travel access to building entrance making it more</li> </ul>

	<p>attractive and as direct as possible taking into account redeveloped site on corner of Eastman and A4020. A clear frontage and access to west of building would help improve this.</p> <ul style="list-style-type: none"> <li>- Improve direct access to outdoor amenity space making it more attractive and not via a car park.</li> <li>- Map out in proposal documentation active travel routes from all directions and from public transport stops.</li> <li>- Map out in proposal documentation access routes to key road network for goods (orbital, Heathrow, central London)</li> <li>- Improve safety of cycle lanes on A4020.</li> <li>- Reconsider with Ealing transport team providing active travel access from green space to the south.</li> <li>- Reduce car parking on the site given public transport and active travel links.</li> </ul> <p><u>Case officer's note:</u>                  The applicant has agreed to a financial contribution towards offsite affordable workspace provisions.                  The proposal is designed for single occupancy and subdividing into smaller units is not an option for the applicant.                  Design and scale matters will be discussed in the Assessment section below.</p>
<p>Landscape Architect (Leisure and Parks)</p>	<p>No objections.</p>
<p>Energy Consultant</p>	<p>The Council is highly supportive of the proposed energy strategy produced by Couch Perry Wilkes in August 2023 (vG).</p> <p>The all electric development will be net-zero carbon. Air Source Heat Pumps (air-to-water) will provide (panel radiator) heating and DHW to all areas, except the offices which will use VRV/VRF heat pumps for heating/cooling.</p> <p>The initial estimation (at this design stage) is for approx 1,200 m<sup>2</sup> (200+ kWp) of PV across the entire roof. This is a considerable amount.</p> <p>There is no available "Clean" district heat network (DHN) and no further research is required on this issue.</p> <p>The Strategy has been assessed against Part ADL using SAP 10.2 emission factors, and follows the London Plan policy SI2/SI3 "Lean, Clean, Green, Seen" energy hierarchy.</p> <p>An CIBSE TM compliant <u>Overheating</u> analysis report will be need to be submitted prior to commencement of construction. This will be conditioned (below).</p> <p>At the current design stage (3) the overall site-wide CO<sub>2</sub> emissions will be cut by approx 139%, with 16.22% carbon reduction through "Lean" efficiency measures, and 122.16% through "Green" renewable energy. As such there is no Carbon Offset due.</p> <p>If after one year of in-situ monitoring the PV and Air Source Heat Pump systems do not deliver, within a reasonable margin of error, the carbon</p>

	<p>reductions predicted in the Energy Strategy then the Developer may need to pay an additional Carbon Offset contribution to mitigate some or all of the shortfall.</p> <p>Ealing Council will supply the monitoring equipment (through a S106 contribution) and the Developer will need to liaise with Ealing Council at the appropriate time to ensure the monitoring is correctly implemented. Energy monitoring devices to be supplied by <u>Ealing</u> through the S106 contribution (subject to final confirmation) are:</p> <ul style="list-style-type: none"> <li>• PV (GPRS) smart meters x1.</li> <li>• ASHP heat meter (M-Bus connect) x1 (65mm flow diameter assumed).</li> <li>• ASHP (heat meter) datalogger x1.</li> <li>• ASHP electric parasitic load (GPRS) smart meters x4 (assumed).</li> </ul> <p><i>If there are more than x4 heat pumps/collectors then the Developer must provide suitable parasitic load smart meters for each additional heat pump/collector.</i></p> <ul style="list-style-type: none"> <li>• SIM card and data processing (4 years) x6.</li> </ul> <p>Recommended conditions are as follows:</p> <p>Energy and CO2;</p> <p>Overheating and Cooling;</p> <p>Post-construction Energy Equipment Monitoring; and</p> <p>Whole Life-Cycle Carbon Assessment</p> <p>S106 contributions:</p> <ul style="list-style-type: none"> <li>a) £5,596 for the automated energy monitoring web-platform and associated officer/consultant time, and</li> <li>b) £4,273 for the cost of the energy monitoring equipment and data processing (4 years).</li> </ul> <p><u>Case officer's note: recommended conditions and S106 terms have been agreed by applicant.</u></p>
<p>Tree Service</p>	<p>Four conditions are recommended:</p> <ol style="list-style-type: none"> <li>1. Protection of existing trees/hedgerows and planting locations (demolition &amp; construction):</li> <li>2. Tree monitoring plan</li> <li>3. Tree planting and soil rooting volume condition</li> <li>4. Existing tree/shrub/hedge retention</li> </ol> <p><u>Case officer's note: recommended conditions have been agreed by</u></p>

	<u>applicant.</u>
Lead Officer	The final run-off rate during detailed design development will be reviewed as there may be opportunity to size up the attenuation and reduce rate, and condition has been recommended.  <u>Case officer's note: recommended conditions have been agreed by applicant.</u>
Waste	Swept path for the refuse collection is acceptable.

**Planning Policies:**

The relevant policies are listed in the Appendix 1 section below.

**Reasoned Justification:**

**Principle of Development**

Policy 1.2(b) of the adopted Development Strategy sets out the approach to development on Locally Significant Industrial Sites (LSIS) and Strategic Industrial Sites (SIL), namely that these sites are protected for general industrial/warehousing and industrial type activities, in line with London Plan Policies E6 and E7, in order to preserve an adequate reservoir of land for industrial activities. This designation is intended to ensure that London maintains a sufficient stock of good quality and affordable land and premises to meet the future needs of different types of industrial and related uses. It is particularly crucial that such areas exist as they accommodate uses which usually can't be accommodated easily elsewhere.

Policy E5 also outlines that the most appropriate uses are contained within Policy E4 of the London Plan (2021). The policy specifically outlines the acceptability of flexible B1c/B2/B8 hybrid space to accommodate services that support the wider London economy and population.

Policy E6 of the London Plan requires Boroughs to designate and define detailed boundaries and policies for LSIS justified by evidence in local employment land reviews taking into account the scope for intensification, co-location and substitution. In recognition of the need to intensify industrial capacity within London, Policy E7 of the London Plan actively encourages development proposals to intensify industrial use of selected sites, where this is possible, and to deliver increases in capacity, it may be possible through a plan-led or masterplan-led approach, to deliver residential or other uses.

Ealing's draft Local Plan (2022) Policy E4 supports Industrial intensification and reuse as the primary consideration on industrial land and on the site of any existing employment use in Ealing. Policy E6 continues 'Industrial needs remain the primary consideration on designated LSIS within Ealing and individual applications on these sites will continue to be determined according to the same principles as SIL' and 'Conforming uses with high employment and economic value will be prioritised on LSIS'.



Key:

- Planning Application Boundary
- Residential
- Industrial / Commercial
- Leisure

*Figure 4: Site Location Plan: Aerial View looking North-East*

The site is located within the designated Locally Strategic Industrial Location, where industrial-led development is acceptable in principle. The application proposes to re-develop the site to intensify its industrial use, namely Class E(g)(iii), B2 and B8 uses with ancillary office space would be considered to be appropriate uses that would fall within the requirements of Policy E4 of the London Plan. It should be noted that the E(g)(iii) uses are described as industrial processes that would fall within the former B1c use class and is therefore acceptable.

It is noted that no potential occupant has been identified by the applicant and therefore the proposal has been designed with the highest degrees of flexibility in mind. The principle of this is considered to be acceptable as the proposal would fully optimise this site for industrial uses by increasing the footprint of development on a designated industrial site and its industrial capacity, to create a space that could accommodate a wide variety of appropriate uses and respond effectively to changing market trends.

The site benefits from good access to existing local bus services along The Vale and is approx. 10 minutes walk from Acton Central Overground Station. Additionally, there is a well-established network of pedestrian and cyclist routes in the vicinity of the application site.

The principle of development is therefore wholly supported by planning policy and is therefore considered to be acceptable.



**Affordable Workspace**

The availability of good and affordable workspace can be a barrier for start up businesses and small businesses looking to expand. London Plan policy E3 supports the provision of affordable workspace in certain circumstances in order to generate a wide range of economic and other opportunities to ensure London is a fairer, more inclusive and more equal city. Ealing's Draft Local Plan (Reg 18) E3 does require affordable workspace to be provided on qualifying development.

Policy E3 states:

"F. Affordable workspace in Ealing will be provided on the basis of a levy on development of 10% of gross floor area in mixed use schemes, and 5% of net floorspace in office and industrial schemes. Where that levy would result in affordable provision of at least 1000sqm of mixed-use space, 2000sqm of office space, or 3000sqm of industrial space, then provision should be onsite. Where the total space provided by development is less than these thresholds then provision should be by means of offsite contributions".

And

"H. Affordable workspace will be provided at 80% discount for a period of 15 years. Where an offsite contribution is calculated it should be on the basis of the level of provision (5% or 10% of total development size) multiplied by the value of an 80% reduction in rent for 15 years".

The proposal with an industrial/office floor space of 9,860sqm would therefore be required to provide at least 493sqm of affordable workspace on site. However due to this space is less than the threshold of 3,000sqm, an option to provide offsite contribution is available.

As such, the formula for calculating contributions for affordable workspace is:

Value of affordable workspace = Total floor space (Net uplift for office and industrial) x 5% x Market Rent x 15 years x 80%

The estimated annual rent provided by the applicant is £27 per square foot, as such a total of £322,056 for 15 years provision should be contributed. The final sum shall be demonstrated by independent assessed market evidence or a viability assessment. The affordable workspace would be secured within the S106 and is considered to be a further benefit of the development given it would contribute to affordable workspace elsewhere in the borough that would still benefit for small and start-up businesses.

**Employment and Skills**

London Plan 2021 Policy E11 Skills and opportunities for all outlines 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. This is supported by policy 4A Employment uses of the Ealing's Development Management Plan 2013.

Ealing Council's Council Plan 2022-2026 aims to ensure that new growth in our borough benefits every resident and every neighbourhood. Following the guidelines, the borough's Employment and skills S106 team requires the applicant to secure an employment, skills, and training delivery strategy, which needs to be signed off by the Employment and skills S106 team. The developer will engage directly with the partnerships and procurement manager and will be required to submit quarterly monitoring no later than one week after quarter end.

The applicant has agreed to deliver 4 full apprenticeships, and there will be a charge of £30,000 per apprenticeship obligation that is not met. 25% local labour must be employed, as a minimum. 5 weeks of Work Experience must be completed throughout the length of the project. There will also be a financial obligation of £50,000, which will contribute to monitoring costs and local employment/apprenticeship projects.

**Local Character and Design**

Policy D4 of the London Plan (2021) requires that the design of new developments should give regard to its layout, scale, height, density, land uses, materials architectural treatment, detailing and landscaping. LV Policy 7.4 of the Ealing Development Management DPD seeks to ensure that development is respectful of the surrounding built form in terms of its street sequence, building pattern, dimensions, scale, bulk and appearance.

It is noted that the proposal, at just under 10,000sqm is a large development that significantly increases the bulk, scale and massing on the site in comparison to the existing situation. However, given the site's industrial location, the proposal and its overall design, character and appearance, the development represents an optimisation of the site for industrial type uses. It is also noted that the proposal would result in the demolition of the existing 10 storey building and therefore the proposal would result in a reduction in height when viewed in a wider context. The design of the proposal represents a box-like structure that is typical of conventional industrial development within the Borough. This allows the development to provide for adaptable space for a range of uses. The layout of the site, with the building positioned to the western side of the site allows for adequate vehicle circulation areas for large HGVs that may use the site. Whilst the design of the proposal is conventional for an industrial development, the front elevation includes a number of features to add visual interest and articulation to the façade.

Locating the ancillary office space to the front of the building avoids the need for blank walls and presents the opportunity to provide additional glazing, particularly the south-eastern corner, which uses high level glazing that is wrapped around by white banding that continues along the front elevation. This promotes the legibility of the space by clearly denoting the entrance to the building. The eastern elevation of the building is designed accordingly to practicality. As this is primarily used by service vehicles, the amount of roller doors is necessary and is consistent with the industrial character of the area.

Appropriate amounts of vegetation have been provided within the site to maintain a balance between ensuring the functionality of the space and softening the overall appearance of the building.

The colour scheme for the development uses neutral colours of grey and white, with a typical cladding material uses. These neutral tones will ensure that the proposed development will not sit dominantly within the streetscene by blending in more easily with its surroundings. Overall, the design, whilst conventional for industrial developments of its type, is acceptable and would make a positive contribution to the character, appearance and visual amenity of the surrounding area.

Some residents have concerns on the visual impact to Southfield Recreation Ground, which are located to the southern side of the site. The distance between the proposed building and the park boundary (north) is approx. 22.4m, given the proposed building is further reduced in its eaves height and the site is located in an urban area, overall, the visual impact is not considered would raise significant impact that would warrant refusal.

Overall, the proposal would result in a large building with a high-quality modern design and improved landscaping compared with the current situation. As such the proposal is supported.



*Figure 5: Indicative Visual images*

Impact on Residential Amenity

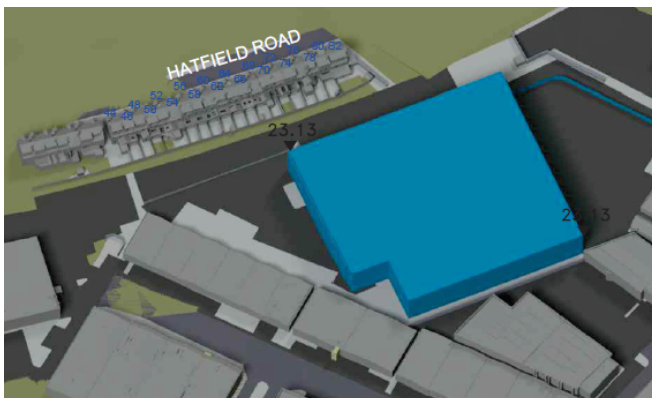
Development is expected to be sensitive to the impacts that it would have on the local area and avoid reducing the level of amenity available to both the site itself and its surroundings (London Plan - Policy 7.6; and Development Management DPD - Policy 7A). The application site is situated in an industrial area but with residential properties to its southern boundary.

A Daylight & Sunlight Report has been provided. The BRE Guide describes two parameters to be assessed in order to measure the impact of the proposed new building on Daylight/Sunlight availability to the key adjacent properties. These parameters are Daylight Vertical Sky Component (“VSC”) and the No-Sky Line (“NSL”), and Sunlight (Annual Probably Sunlight Hours (APSH)).

To the southern boundary, Nos. 44-82 Hatfield Road would have a direct impact by the proposal. In total, 112 windows serving 70 rooms have been assessed within the Hatfield Road properties. In the vast majority of instances, the BRE criteria is met with 100% of windows meeting the VSC (daylight) criteria and 100% of southerly orientated windows meeting the APSH (sunlight) criteria. In regard to NSL (daylight) 97% of the habitable rooms assessed would meet the BRE criteria. The only exceptions are three rooms located on the ground floors of 80 and 82 Hatfield Road. One of these is only fractionally short of guidance and the other two are deep spaces where a greater movement of the no-sky line may be unavoidable. Furthermore, the retained levels of VSC to these windows is very good for an urban location (25-32%). The submitted Daylight & Sunlight Report has concluded that the overall effects are to be considered acceptable in the context of a development happening in a more urban environment such as this where this rate of compliance with the guidelines is uncommon.



*Figure 6: Existing 3D View*



*Figure 7: Proposed 3D view*

The separation distance between the southern elevation of the proposed building and the southern boundary of Hatfield Road would all be at least 21m and would be over 34m to their ground floor rear

elevations. These separation distances are considered adequate to prevent overlooking and adverse impacts on outlook. It's noted that the existing tree belts would be retained, these trees would screen the majority of the proposed building that would further protect residents' privacy.

Some objections mentioned about increase in sense of enclosure resulted by the development. The proposed eaves heights have been reduced from 15.3m to 14.25m, which would be 4.55m higher than the existing eave height (9.7m). The distance from the building and the southern boundary would be reduced from 26m to 21m. As such the proposed building would be visible to Hatfield Road residents. However the lower part of the new building would be screened by the presence of extensive, planted mitigation along the site's southern boundary and only the top of the building would be visible. A number of mitigations have been made to reduce the visual impact, such as further lowering the eaves heights, retaining existing tree belts, planting more green screening and incorporating graded colouring of the visible façade. On balance, the proposal is not considered would result in significant impact that would warrant refusal.

### Environmental Health

#### Noise

London Plan Policy E7 seeks to ensure industrial and related activities within LSIS on-site are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24- hour access and operational requirements.

London Plan Policy D13, supporting paragraph 3.13.2, states that where new noise generating uses are proposed close to existing noise-sensitive uses, the onus is on the new use to ensure its building or activity is designed to protect existing users from noise impacts. London Plan policy D14 states that to reduce, manage and mitigate noise, development should avoid significant adverse noise impacts, mitigate and minimise the potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development. Potential adverse effects should be controlled and mitigated through applying good acoustic principles.

The proposed development is proposed to operate 24-hours a day / 7 days a week, catering to the needs of potential occupiers. This reflects the nature of the proposed use for modern warehousing. The London Plan has a number of priorities related to night-time economy, and recognises that London is a vibrant 24-hour city.

The existing development is a Dairy company which has been complained by surrounding residents in relation to noise resulted by plants and equipment and operational vehicle movements along the southern boundary. A Noise Impact Assessment has been submitted as part of this application which includes existing baseline surveys. The Assessment concludes that despite the very low adverse impact predicted for the proposed development, given all the plants and equipment would be contained within the building and activities of operational vehicles would be limited within the service yard only, which is on the western side of the site.

Although not considered necessary due to the very low magnitude of the impact predicted and the context of the proposed development compared to the existing site, mitigation to further control noise and protect amenity of nearby occupiers has been included through the incorporation an acoustic barrier around the service yard.

The Assessment concludes that proposal can be controlled to have at worst a low or no impact and that the Site is suitable for the proposed development and for 24-hour operation without the need for mitigation.

In addition, the existing site (appeal reference APP/A5270/A/1036100) enables the ability to operate on a 24/7 basis, although condition 12 restricts commercial vehicle movements outside of 07:00 to 18:00 hours Monday to Saturday and not at all on Sundays, to the south and eastern elevation of the building. Given all commercial vehicle movements are proposed to be restricted to the proposed service yard on the western elevation, 24/7 operation is deemed acceptable.

Council's Pollution-Technical Officer has also recommended details of noise levels emitted from plant equipment which could adversely affect surrounding sensitive receptors to be submitted as a condition. These details would need to include any mitigation measures as necessary. Subject to the recommended conditions, Council's Pollution-Technical Officer is satisfied that the proposal would not adversely impact the amenity of surrounding sensitive receptors.

### **Air Quality**

London Plan policies SI1 and D14; Ealing Development (or Core) Strategy policies 1.1 (e) and (j); Ealing Development Management policies 5.21 and 7A are relevant with regard to noise, air quality and contaminated land issues.

An Air Quality Assessment has been submitted, which confirms that there is a medium risk of dust soiling impacts during unmitigated construction activities. However, as set out in the Construction Management and Logistics Plan, measures will be taken to further reduce any impacts during the construction phase.

During the Operational Phase, it is concluded that site specific mitigation to protect existing and future users of the Proposed Development from poor air quality is not required. Comparing the existing operations on the Application Site, the Proposed Development:

- Results in a reduction in onsite carparking compared the existing use;
- Generates less motor vehicle trips per day than the existing use; and,
- Does not include for any onsite combustion plant.

Whilst mitigation measures have been implemented within the site, Council routinely requests s106 financial contributions to mitigate the total combined emissions from the scheme, which considers emissions from generators, HGV movements during both the construction and operational phases of the development and emissions from NRMM. As such the Council has requested a financial contribution of £98,600, which is based on £10 per sqm. This is based on the Greenwich Formula (contained within the Low Emissions Strategies Good Practice Guidance from DEFRA) and is used across London. Following extensive discussion with the applicant, this contribution has been agreed. In addition, a number of conditions have been agreed in terms of air pollution mitigation measures and Air quality neutral for Transport emissions measures. For these reasons the proposal is considered acceptable with regard to London Plan policies SI1 and D14.

### **Contaminated Land**

NPPF (2023) outlines planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Moreover, land contamination is classified as a principal issue in London plan 2021 to be addressed to ensure that impacts to environment, heritage and amenity values. Ealing's Development Management Plan 2013 policy 5.21 contaminated land also set requirement to ensure the appropriate measures to be taken as contaminated land treatment.

The applicant has submitted a Phase 2 Ground Investigation Report for Contaminated Land, which has concluded that the results of the remaining contaminants within the Made Ground were below the GAC for a commercial land use. Marginal exceedances of the GAC for TPH were identified for the natural strata, which were attributed to historical land uses. The report has found that there is a low to moderate risk associated with Human Health and Controlled Waters receptors. The Report has been

reviewed by Council's Pollution-Technical Team and as a safeguarding measure, conditions have been recommended requiring a Remediation Scheme and a Verification Report following any remedial works, to be submitted to Council. On the basis of these conditions, the proposal raises no concerns with respect to contaminated land and consequent impacts on public health.

### **Energy and Sustainability**

The Council strongly supports the proposed energy strategy outlined by Couch Perry Wilkes in August 2023 (vG). The plan entails creating a net-zero carbon, all-electric development, utilizing Air Source Heat Pumps for heating and domestic hot water in most areas, with offices employing VRV/VRF heat pumps for heating/cooling. The design includes a substantial 1,200 m<sup>2</sup> (200+ kWp) photovoltaic (PV) system on the roof. The strategy aligns with Part ADL and London Plan policies, emphasizing a "Lean, Clean, Green, Seen" energy hierarchy.

The design stage estimates indicate a remarkable 139% reduction in site-wide CO<sub>2</sub> emissions, with 16.22% attributed to "Lean" efficiency measures and 122.16% to "Green" renewable energy. No carbon offset is deemed necessary. However, if in-situ monitoring after a year reveals a failure to meet carbon reduction targets, the Developer may be required to contribute a carbon offset.

The London Plan introduces a fourth step, "be Seen," emphasizing physical monitoring and performance analysis. Ealing Council mandates monitoring for five years, involving PV arrays, Air Source Heat Pumps, and VRF heat pumps. The monitoring equipment, supplied by Ealing Council through a Section 106 contribution. The Developer must ensure correct implementation of monitoring and must coordinate with the Council and Emergence for proper implementation. Energy monitoring devices to be supplied by Ealing/Emergence through the S106 contribution (subject to final confirmation) are:

- PV (GPRS) smart meters x1.
- ASHP heat meter (M-Bus connect) x1 (65mm flow diameter assumed).
- ASHP (heat meter) datalogger x1.
- ASHP electric parasitic load (GPRS) smart meters x4 (assumed).
- SIM card and data processing (4 years) x6.

In order to confirm full compliance with the relevant Mayor of London and Ealing Council energy policies the Council will require the developer to pay the Index Linked total sum of £9,869 as a contribution towards the provision (by Emergence Ltd) of the post-construction energy equipment monitoring, comprising:

- a) £5,596 for the automated energy monitoring web-platform and associated officer/consultant time, and
- b) £4,273 for the cost of the energy monitoring equipment and data processing (4 years).

Furthermore, the Strategy states that the development will be built to BREEAM "Excellent" standard with a "score" of 74.9%. The (stage 3) WLC strategy produced by Couch Perry Wilkes in July 2023 (vA) confirms that the development is compliant with the GLA guidance and exceeds the Aspirational targets. In terms of the circular economy, the statement produced by ESG Consultancy in August 2023 (v1.3) confirms that the development will be compliant with the London Plan targets.

As such, the Energy Strategy is wholly supported and in line with the Development Management (2013), objectives of Ealing's Climate and Ecological Strategy and Policies S12, S13 and S14 of the London Plan. The applicant should comply with the recommended conditions as well as to meet requirements as set in legal agreement.

**Trees, Landscaping and Ecology**

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.

Being an application for industrial use (B2/B8), the scheme is not required to meet a specified target, However, the score of 0.37 is considered satisfactory, full technical details and a maintenance programme for the next 30 years would be requested via a condition.

A Preliminary Ecological Assessment has been submitted with key objectives: identifying ecological constraints, proposing mitigation measures using the 'Mitigation Hierarchy,' suggesting additional surveys for an Ecological Impact Assessment, and pinpointing opportunities for ecological enhancement in the Proposed Development. Its result suggests that the site is largely devoid of vegetative habitat or suitable features for fauna to use, and therefore provides significant opportunity to increase biodiversity at the Site. A robust landscape proposal has been designed to address the Urban Green Factor and significantly improve biodiversity across the Site, creating balance between the Sites development and ecological requirements.

The existing tree belts on the southern boundary would be retained and there are no TPOs (Tree Protection Orders) over the application site. The council's tree officer has recommended conditions to require a tree protection plan, a tree monitoring plan and a tree planting plan.

Landscaping and trees would be intermittently arranged across the site, as well as the proposed car parking area. The landscaping plan has taken on the recommendations from the Preliminary Ecological Assessment and the Council's tree and landscape teams are satisfied with the submitted proposed tree plan and landscape plans. Conditions have been recommended for the applicant to follow.

Overall, the application is considered to provide a positive improvement on the locality through the retention of trees on site, as well as the enhancement of biodiversity throughout the site, the proposal therefore is considered acceptable in regard to London Plan Policies G1, G5 and G6.





*Figure 8: Site Plan showing Landscaping*

**Transport matters**

Policy T6 of the London Plan outlines maximum standards for car parking for development, which is categorised by intended use classes. However, as the London Plan does not include standard maximum car parking rates for industrial developments, with Policy T6.2 stating that for industrial development, provision should be determined on a case-by-case basis but give regard to the standards outlined within Table 10.4. The Table 10.4 states that for Outer London, a maximum rate of 1 space per 100sqm can be used. Based on this, the maximum standard would equate to approximately 98 spaces.

The proposal would provide for 65 spaces, which would not exceed the standards as outlined within Table 10.4. Therefore, the proposal is considered acceptable. It should also be noted that the existing site provides for parking well in excess of this, and as such, the proposal would significantly decrease the amount of off-street parking based on the existing situation. The proposal is with moderate PTAL rating (3) and a Travel Plan has been agreed to be implemented via s106, where the applicant will be required to outline measures to encourage more sustainable forms of transportation and reduce reliance on private vehicle transportation.

Policy T5 of the London Plan also requires new development to make provision for adequate cycle parking to also increase opportunity for a modal shift to more sustainable forms of transportation. The most relevant rate for B2/B8 uses within Policy T5 is 1 space per 500sqm for employees and 1 space per 1000sqm for visitors to the site. This would equate to 20 spaces for employees and 10 spaces for visitors. The proposal exceeds this amount with 40 long stay spaces provided within a secure enclosure and 10 short stay spaces for visitors to the site, to be located close to the entrance to the building. The cycling provision is therefore considered to be acceptable. However the proposed two-tier racks have not met the specification requirements set out in the London Cycling Design Standards

(LCDS), a condition will be secured for revised details of the cycle parking provision, as well as staff changing facilities.

Policy T6.5 (Table 10.6) states that for disabled parking spaces for workplaces, the provision of disabled parking spaces shall be 5% of the total amount provided. The proposal involves 65 parking spaces, which equates to a requirement of 4 spaces. A total of 3 spaces would be required, which complies with the minimum requirement. Whilst the London Plan outlines no specific requirement for industrial development to provide electric vehicle charging points, the development would provide 18 spaces as active electric charging points and 36 passive EV spaces. This is considered adequate for a development of this size.

Given the impact that the proposed development may have on the local road network, Council has requested £85,000 in the form of a s106 financial contribution towards individual projects within the local area. The contribution is calculated proportionately and does not provide full funding for each of these projects. The applicant has agreed to the requested financial contributions.

#### Site Access

The proposed means of vehicular and pedestrian access to and from the site would remain via the existing location on Eastman Road to the northern boundary of the site. However, the proposals seek to improve the vitality of the industrial estate and overall quality and appearance of Eastman Road through the following measures:

- Carriageway resurfacing, including new kerbs to replace existing where damaged.
- New lighting columns.
- New 10mph speed signage supported by new speed humps to replace worn existing ones.
- New signage to cover the existing narrower section of Eastman Road, which will provide priority for inbound HGVs traveling to the site.
- The existing series of concrete barriers, which create the segregated pedestrian route, will be straightened to provide a uniform 1.5m walking route.
- The barriers will be painted with planters added on top to provide additional natural visual screening of passing vehicles and to enhance the walking experience.

Vehicles will use the existing access from Eastman Road and travel southbound to the site. A 10 mph speed limited will be introduced as part of the proposals and where Eastman Road narrows between the neighbouring buildings, the proposals will introduce a formal give-way system providing priority for HGV entering the site. It is noted that this route will be wide enough for two-way car movement.

For pedestrians, within the site there will be a 'zebra style' crossing, which will be supported with dropped kerb and tactile paving, providing a crossing facility at the entrance to the service yard and a 2.0m footway will be provided around the service yard and the southern side of the building to the entrance of the building that is located towards the southeast of the Site.

Within the site, the corresponding give way line on the internal access road and at the exit from the service yard both have clear uninterrupted visibility on inbound vehicles towards the junction with The Vale. In addition, a security gate has been introduced to the internal access to prevent unlawful access to the site. Overall, due to the constraints of the site, the proposed access is considered an improvement compared to the existing situation and would be acceptable.



*Figure 9: Vehicular Access Plan*

**Refuse**

Waste and recycling storage would be located within the servicing area near the site entrance. As the space has been designed for HGV vehicles, servicing of this refuse storage area raises no issues. A swept path has been provided for Council’s Waste Team to review, which the waste collection arrangement is considered acceptable.

**Conclusion:**

As the above report demonstrates, the proposal represents a highly sustainable scheme, and is of a design that is commensurate with its industrial location and designation. The principle of the development of this site is acceptable as it would fully optimise the site for industrial type activities within an appropriate location. The proposal would provide benefits to the local economy by increasing economic activity and improving employment opportunities within the local area.

Subject to reasonable and relevant conditions, the proposal would not unduly harm neighbouring sensitive receptors, would not compromise highway safety and would improve habitat within the site. Appropriate financial contributions have been secured to mitigate adverse impacts on the highway and improve local transport infrastructure, as well as improve local air quality.

The Officer recommendation for this proposed development is to approve, subject to conditions and s106 agreement.

**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.

**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.

**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.
- D. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- E. 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.
- F. It is considered that the recommendation to grant planning permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Appendix 1

**Conditions and Informatives:**

1. Time Limit

The development to which this permission relates shall be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents:

**Plans:**

23116-UMC-XXXX-SI-DR-A-0503-P.01 Existing Site Layout  
23116-UMC-XXXX-XX-DR-A-1504-P.03 Existing Elevations  
23116-UMC-XXXX-ZZ-DR-A-0504-P.01 Existing Warehouse Floor Plans  
23116-UMC-XXXX-SI-DR-A-0502-P.02 Proposed Site Location Plan  
23116-UMC-XXXX-00-DR-A-1001-P.01 Proposed Building Plan  
23116-UMC-XXXX-R1-DR-A-1003-P.02 Proposed Roof Plan  
23116-UMC-XXXX-SI-DR-A-0501-P.01 Site Constraints Plan  
23116-UMC-XXXX-SI-DR-A-0601-P.03 Proposed Site Layout  
23116-UMC-XXXX-SI-DR-A-0701-P.04 Proposed Cycle Shelter Details  
23116-UMC-XXXX-SI-DR-A-0702-P.03 Proposed External Compound Details  
23116-UMC-XXXX-SI-DR-A-0703-P.03 Proposed External Surfacing Plan  
23116-UMC-XXXX-SI-DR-A-0704-P.03 Proposed Fencing Layout Details  
23116-UMC-XXXX-XX-DR-A-1101-P.02 Warehouse Section  
23116-UMC-XXXX-XX-DR-A-1301-P.02 Proposed Elevations  
23116-UMC-XXXX-ZZ-DR-A-1002-P.01 Office Layouts  
23116-UMC-ZZZZ-SI-DR-A-0601-P.02 Proposed Site Layout  
23116-UMC-XXXX-SI-DR-A-0705-P.04 Proposed Operational Waste Layout  
HD029-001 REV.P1 Swept Path Analysis Refuse Vehicle

**Documents:**

Community Infrastructure Questions  
Design and Access Statement  
Planning Statement  
Desktop Archaeology Assessment 280050.02 August 2023  
Air Quality Statement (including Air Quality Neutral) 31511-HML-XX-XX-RP-U-820001 Issue 1  
Biodiversity Impact Assessment (inc. BNG Matrix) 230717 1369 BIA V1  
Car Park Management Plan Rev: Final v1.1 Date: October 2023  
Framework Construction Environment Management Plan  
Circular Economy Statement dated August 2023  
Draft Delivery and Service Plan  
Drainage Strategy 210102-WDK-EX-ZZ-REP-CV-00001(P03)  
Preliminary Ecological Appraisal 230720138 PEA V1a  
Energy and Sustainability Statement (including GLA Spreadsheet) 221049-CPW-ZZ-XX-RP-N-90001-F  
Flood Risk Assessment  
Fire Statement A23-0015/V2  
Ground Investigation Phase 1 and Phase 2 Reports

Townscape Visual Impact Assessment  
Lighting Assessment 221049-CPW-ZZ-ZZ-RP-E-307001-P04  
Noise Impact Assessment 31511-HML-XX-XX-RP-O-500001\_P03  
Statement of Community Involvement  
Daylight/Sunlight and Overshadowing Assessment  
Socio-Economic Benefits Statement  
Transport Assessment Rev: Final v1.2  
Framework Active Travel Plan Rev: Final v1.3  
Urban Greening Factor Masterplan and Spreadsheet  
Whole Life Carbon Assessment

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

3. Materials

All external materials to be used in the development shall match those as outlined within the submitted application form and approved drawings/documents.

Reason: To ensure that the materials are sympathetic with the surroundings, in accordance with policies 1.1 & 1.2 of the Ealing Core Strategy (2012), policies 7.4 & 7B of the Ealing Development Management Development Plan Document (2013), policies D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2023).

4. Tannoys and PA systems

No tannoys or public address systems shall be used, except in cases of emergency.

Reason: To ensure that external noise sources are kept to a minimum to protect the amenity of surrounding residential uses in accordance with Policy D14 of the London Plan, Policy D13 of the draft London Plan, Policy 7A of the Ealing Development Management DPD and SPG10.

5. External noise from machinery, equipment, extract/ventilation ducting, mechanical installations

Prior to the installation of the relevant plant, details shall be submitted to the Local Planning Authority for approval in writing, of plant/ machinery/ equipment/ducting/air in- and outlets/ mechanical installations/uses and their external rating noise level (LA<sub>r</sub>, Tr), together with mitigation measures as appropriate. The measures shall ensure that the emitted external rating noise level will be lower than the lowest existing background sound level LA<sub>90</sub> 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.

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.

6. Anti- vibration mounts and silencing of machinery etc.

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.

7. Delivery and Operations Management Plan

Prior to occupation, a Delivery and Operations Management Plan shall be submitted to the Council for approval in writing. Details shall include:

- times and frequency of deliveries/ collections, activities and vehicle movements at/around the access roads, service yard and loading bays,
- details of a quiet delivery strategy,
- a clear policy of careful handling, avoiding intermittent noise such as banging, clanging, dropping heavy items,
- quiet reversing methods and vehicle movements,
- absorbent surfaces in activity areas,
- shielded position of lorry engines starting up, breaking, waiting, refrigeration charging, etc.
- quiet tail lift operations and transfer/ movement of goods,
- absorbent surfaces,
- the monitoring procedure for noise emissions during the delivery operations,
- commitment to implement mitigation measures as necessary.

The plan shall be based on the Quiet Deliveries Good Practice Guidance by the DfT (Department for Transport) and the FTA (Freight Transport Association) to ensure that noise levels at noise sensitive receivers do not exceed the internal and external noise criteria set by 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 site/ surrounding premises is not adversely affected by noise, fumes, etc. in accordance with Policy 7A of the Ealing Development Management DPD and Policies D14 and T7 of the London Plan.

8. Enclosures and Sound Barriers

Prior to occupation, details shall be submitted to the Council for approval in writing, of a sound barrier along the service yard and loading bays in accordance with criteria and specifications outlined in the Council's SPG10. Approved details shall be implemented prior to occupation /use of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan

9. Extraction and Odour Control system for non-domestic kitchens



Prior to development of commercial kitchens, 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. 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 and Policy D14 of the London Plan.

10. External doors and windows to remain shut

The use of commercial kitchens shall not commence until all external doors to the premises/ commercial kitchens /function rooms /workshops 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 be fixed in an open position during the emission of noise, smell, smAgreede, or fumes.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise /odour /smAgreede /fumes, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

11. 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 Policies 7A of the Ealing Development Management DPD and Policies D14 and T7 of the London Plan.

12. 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 "Air Quality Impact Assessment, Reference: 31511-HML-XX-XX-RP-

U-820001" dated 2 August 2023. 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 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 (2023).

13. NRMM

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 (2023).

14. Air quality neutral transport emissions

Prior to occupation, details shall be submitted for the approval of the Local Planning Authority, to demonstrate that the development complies with the air quality neutral transport emissions benchmarks as stated in Section 4 of Air Quality Neutral London Plan Guidance 2023.

Reason: In the interests of improving air quality in the Borough, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012); policy 7A of the Ealing Development Management Development Plan Document (2013); Air Quality Neutral London Plan Guidance 2023; policy SI1 of the London Plan(2021); and National Planning Policy Framework (2021).

15. Details of diesel generators

Prior to installation, details on any 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.

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, 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.

**16. 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 before any site work commences (except demolition and site clearance).

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, excluding demolition and site clearance and the agreed remedial works.

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2023; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

**17. 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 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 2023; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

**18. Energy and CO2**

Prior to construction completion and occupation, the Development shall use reasonable endeavours to 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 of at least 138.38% (equating to 25.6 tonnes of CO2 per year) beyond Building Regulations Part L 2021 and using SAP10.2 conversion factors. These CO2 savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by Couch Perry Wilkes in August 2023 (vG) including:

Lean, energy efficiency design measures shall be incorporated with reasonable endeavours to achieve an annual reduction of at least 16.22% equating to at least 3 tonnes in regulated carbon dioxide (CO<sub>2</sub>) emissions over BR Part L 2021.

Green, renewable energy equipment including the incorporation of photovoltaic panels with a combined total capacity of approximately 215 kWp, and Air Source Heat Pumps shall be utilised with reasonable endeavours to achieve an annual reduction of at least 122.16%, equating to 22.6 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) emissions over Part L 2021. 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 PV and ASHP systems, and associated monitoring devices required to identify their performance, shall be submitted to the Council for approval. The details shall include the heat distribution 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 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 installation contractors, and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.

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. 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.

**19. Overheating and Cooling**

Prior to commencement of construction (excluding demolition, site clearance, site investigation and site remediation) an Overheating and Cooling analysis report shall be submitted to the Council for approval. The dynamic analysis shall be compliant with the CIBSE guidance (Part O) TM52 (non-domestic), and modelled against the TM49 DSY1 (average summer) weather data file, as well as the more intense DSY2 (2003) and DSY3 (1976) data files.

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.

**20. 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: 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).

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 five 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 (Eurgence Ltd) on commencement of construction to facilitate the monitoring process.

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.

**21. 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.

Within 3 months 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. 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.

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.

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.

**22. Whole Life-Cycle Carbon Assessment**

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.

The Development shall implement the measures identified in the post-construction Whole Life-Cycle Carbon (WLC) Assessment as approved in Part (a).

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

**23. Circular Economy**

Prior to occupation 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](mailto:CircularEconomyLPG@london.gov.uk), along with any supporting evidence as per the guidance. The Post Completion Report shall provide completed 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.

Reasonable endeavours shall be used to meet the specific commitments detailed in the Circular Economy statement produced by CBRE ESG Consultancy in August 2023 (v1.3), or any later approved version, and accompanying Logistic Plans, 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).

**24. Non-Residential BREEAM energy/CO2 accreditation**

The non-residential element of the development shall implement the measures identified in the BREEAM pre-assessment report produced by Couch Perry Wilkes in August 2023 (v1) and the schemes shall use reasonable endeavours to achieve a BREEAM "Excellent" rating. Within 12 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.

Within 12 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.

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

**25. Protection of existing trees/hedgerows and planting locations (demolition & construction):**

No operations (including initial site clearance) shall commence on site in connection with the development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. bridging, instillation of underground services, surfacing, foundations of all structures, within the root protection area,)
- Access arrangements and car parking
- Level changes

- Landscaping proposals
- A Tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision the of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

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.

26. 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
  - The installation of underground services
  - All below ground construction within the root protection area of trees on or off site.
- 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 occupation 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 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.

27. Tree planting and soil rooting volume condition

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

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 31st March 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 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.

28. Existing tree/shrub/hedge retention

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans (Plan/Drawing:) shall be felled, uprooted, damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority.

Any shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation.

If a tree marked on the tree report to be retained is removed without consent, or dying, or being severely damaged, or becoming seriously diseased (crown more than 50% sparse), within 5 years from the start of work on the development hereby permitted, a replacement tree shall be planted on the site or surrounding area reflecting the CAVAT value of the tree, or a proportion of its value reflecting the damage. This penalty shall be sought, unless the Local Planning Authority has given written consent to any variation.

Reason: to secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of important amenity value to the local landscape.

29. Archaeology

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.

Reason: To ensure that the archaeological features are protected, in accordance with policies 7C of the Ealing Management Development Plan (2013); and HC1 of the London Plan (2021).

30. Secure By Design

The design of the building shall comply with the aims and objectives of the Secured By Design standards before the first occupation of the development, and shall be permanently retained.

Reason: To ensure that the development incorporates crime prevention measures to help prevent crime and disorder and to improve pedestrian accessibility in accordance with policies 1.1 (e) of the Ealing Core Strategy (2012), policy LV 7.3 of the Ealing Development Management Development Plan Document (2013), and policy D10 of the London Plan (2021).

31. Drainage

Prior to the commencement of the development (aside from demolition and site clearance), detailed drainage designs (and London Drainage Proforma) confirming the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The details must include: - Any on and/or offsite drainage works necessary; - Proposal(s) to promote benefits including biodiversity, amenity, water quality and attenuation; - Surface water attenuation volume to be designed to reduce

peak run-off to Qbar rate and accommodate the 1 in 100 years plus 40% climate change storm event; and - A detailed maintenance plan of the proposed drainage system for the lifetime of the development confirming owners/adopters of the drainage system. The approved details must be implemented prior to the commencement of the development and, thereafter, retained and maintained for the life of the development.”

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 (2023).

**32. Landscaping**

Prior to first occupation of the development, hard and soft landscaping works shall be carried out in accordance with the approved details, and thereafter retained and maintained in perpetuity. 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and to ensure suitable a suitable level of amenity space is provided for occupant of the dwelling hereby permitted, in accordance with policies 7D of the Development Management, Development Plan Document; policies D3, D4 and D8 of the London Plan (2021); and National Planning Policy Framework (2023).

**33. Hard/ Soft Landscaping and Boundary Treatment**

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 boundary treatments;
- b) 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)

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 (2023).

**34. Construction Logistics Plan (CLP)**

Prior to the commencement (with the exception of demolition, site clearance and enabling works), a Construction Logistics Plan, shall have been submitted to and approved by the local planning authority. The plans shall include:

Furthermore, the following information is required.

- (a) The construction lorry route from the main distributor roads (A40 and A4020) and the number of constructions related vehicles, which would be travelling to the application site;
- (b) Construction management plan with key dates of various stages and all the emergency contacts;
- (c) Abnormal load delivery vehicle routes and dates of these deliveries.

The agreed measures shall be implemented prior to the first occupation of the approved development and shall be retained thereafter.

Reason: To protect the amenity of local residents, to ensure adequate highway and site safety and to promote the use of modes of transport, other than the use of private motor vehicles, in accordance with the Ealing Development (Core) Strategy and the London Plan (2023).

**35. Operational Management Plan**

Details of an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The Operational Management Plan shall specify building operations, workshop activities, fabrication within the workshop, external site-based forklift operations; delivery times and locations; specification of when doors and shutters will be kept closed to the workshop; and the specification of any trolleys to be used externally. All operational parking provision shall include active electric vehicle charging provision. The development shall be carried out in accordance with the approved details.

Reason: Reason: To ensure that the amenity of occupiers of the surrounding properties is not adversely affected by noise, in accordance with policies D14 and T6.2 of the London Plan (2023) and policy 7A of the Ealing Development Management DPD (2013).

**36. Delivery Servicing and Management Plan (DSMP)**

A delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the development hereby approved. The plan shall cover deliveries and collections, servicing trips (including maintenance), cleaning and waste removal, control of vehicle movements within internal access road and public realm, management and security of disabled parking and monitoring and review of operations. A commitment to avoid deliveries during the peak hour should be included in the DSP.

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 the development can be adequately serviced in the interests of pedestrian and highway safety, in accordance with Policies D6, T4 and T6 of the London Plan (2021) and Policy 6.13 of the Ealing Development Management DPD.

**37. Disabled parking**

Seven disabled parking spaces shall be provided, four disabled bays should be provided at the outset and three enlarged bays should be provided. This shall be retained for the lifetime of the development hereby approved.

Reason: To ensure that adequate provision of access for occupants and visitors with disabilities, in accordance with policy T6.4 of the London Plan (2021).

**38. Cycle parking facilities and associated changing facilities**

Details of the cycle parking facilities and associated changing facilities proposed for use by staff employed in premises on the site shall be submitted to and approved by the local planning authority prior to the occupation of the development, and thereafter these facilities shall not be removed except with the prior permission of the local planning authority obtained through the submission of a planning application. The cycle parking facilities shall meet the requirements within the London Cycle Design Standards (LCDS).

Reason: To ensure adequate cycle parking and changing facilities for people employed within the development is provided and retained in pursuance of policy T6 of the London Plan (2021).

**39. Use Class Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any provision in any Statutory Instrument revoking or re-enacting that Order) the development hereby permitted shall not be used for any purposes other than uses falling within Use Classes B2/B8/Eg(iii).

Reason: To accord with the terms of the application and to protect the strategic industrial status of this Preferred Industrial Location, in accordance with policy 1.2(b) of the Ealing Core Strategy; and policies E4 and E6 of the London Plan (2021).

**40. Ancillary Offices and Mezzanine**

Any space proposed for offices shall only be used for purposes in conjunction with and ancillary to the primary use of that unit and shall not be occupied as separate office uses. The office content will be ancillary to the main operation of the unit and shall not exceed 30% of the overall Building Floorspace (Gross Internal Area).

Reason: To accord with the terms of the application and to protect the strategic industrial status of this Preferred Industrial Location, in accordance with policy 1.2(b) of the Ealing Core Strategy; and policies E4 and E6 of the London Plan (2021).

**41. Removal of permitted development rights for commercial uses**

Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension(s) or by way of the installation of a mezzanine floor(s) in a unit which is subject of this permission shall be carried out without planning permission having been obtained from the local planning authority.

Reason: To accord with the terms of the application and to protect the strategic industrial status of this Preferred Industrial Location, in accordance with policy 1.2(b) of the Ealing Core Strategy; and policies E4 and E6 of the London Plan (2021).

**42. 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 Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with policies D4 and D6 of the London Plan (2021) and policies 7A and 7B of the Ealing Development Management DPD (2013).

**Informatives:**

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 (2023)

London Plan (2021)

GG2 Making the best use of land  
GG3 Creating a healthy city  
GG5 Growing a good economy  
GG6 Increasing efficiency and resilience  
D1 London's form, character and capacity for growth  
D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D8 Public realm  
D11 Safety, security and resilience to emergency  
D12 Fire safety  
D13 Agent of Change  
D14 Noise  
E2 Providing suitable business space  
E4 Land for industry, logistics and services to support London's economic function  
E6 Locally Significant Industrial Locations  
E7 Industrial intensification, co-location and substitution  
E11 Skills and opportunities for all  
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 4 Managing heat risk  
SI 12 Flood risk management  
SI 13 Sustainable drainage  
T1 Strategic approach to transport  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.2 Office Parking  
T6.5 Non-residential disabled persons parking  
T7 Deliveries, servicing and construction  
T9 Funding transport infrastructure through planning  
DF1 Delivery of the Plan and Planning Obligations

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 Realising the Potential of the Uxbridge Road / Crossrail Corridor (c)  
5.5 Promoting parks, local green space and addressing deficiency (b) and (c)  
6.1 Physical infrastructure  
6.2 Social infrastructure  
6.4 Planning Obligations and Legal Agreements

Ealing's Development Management Development Plan Document (2013)

Policy 4A: Employment Uses

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

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 7D : Open space

Regulation 18 Ealing Local Plan (2022)

Policy SP.2: Tackling Climate Change

Policy SP4: Creating good jobs and growth

Policy SP2.2 Climate action

Policy DAA: Design and Amenity

Policy E3: Affordable workspace

Policy E4: Land for industry, logistics and services to support London's economic function

Policy E6: Locally Significant Industrial Sites

Policy G4: Open Space

G5: Urban Greening

CO: Carbon Offsetting

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

In reaching the decision to grant permission, specific consideration was given to the impact of the proposed development on the amenities of neighbouring properties and the character of the area as a whole. Consideration was also given to highways, local ecology, contaminated land and air quality. 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.

1. Permitted hours for building work

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.

2. Notification to neighbours of demolition/ building works

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.

3. Dust

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.

4. Dark smoke and nuisance

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

5. Noise and Vibration from demolition, construction, piling, concrete crushing, drilling, excavating, etc.

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.

6. Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

7. Waste Comments

Thames Water would advise that with regard to the COMBINED WASTE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, 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-scale-developments/planning-your-development/working-near-our-pipes>

8. Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached



to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

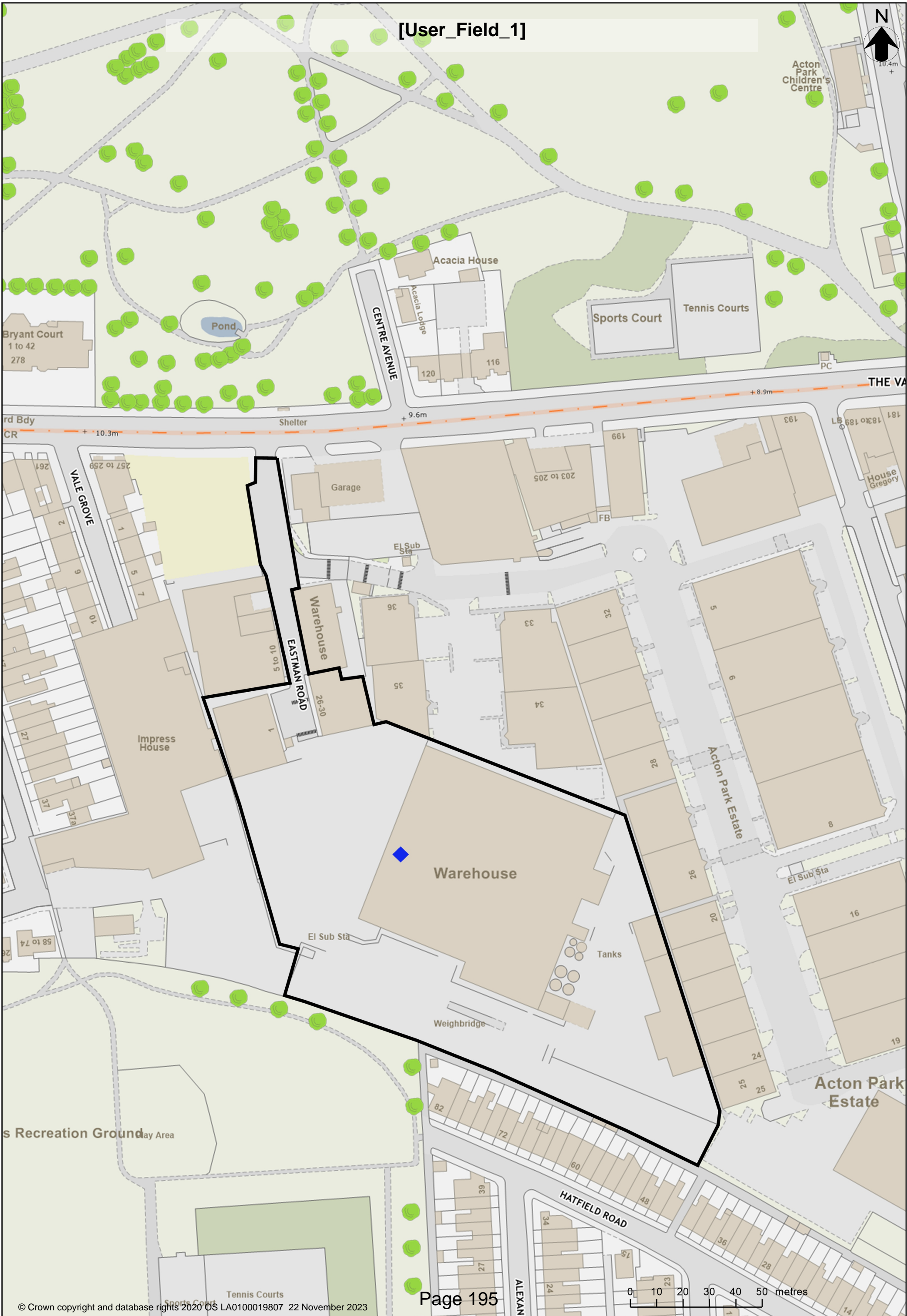
There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance 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/larger-scale-developments/planning-your-development/working-near-our-pipes>

9. Archaeology

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.

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**Report**      **Planning Services Performance Report**

**Scope**      **This is a Service Update report is to provide information on Planning Service’s key performance indicators and benchmarking with other local authorities.**

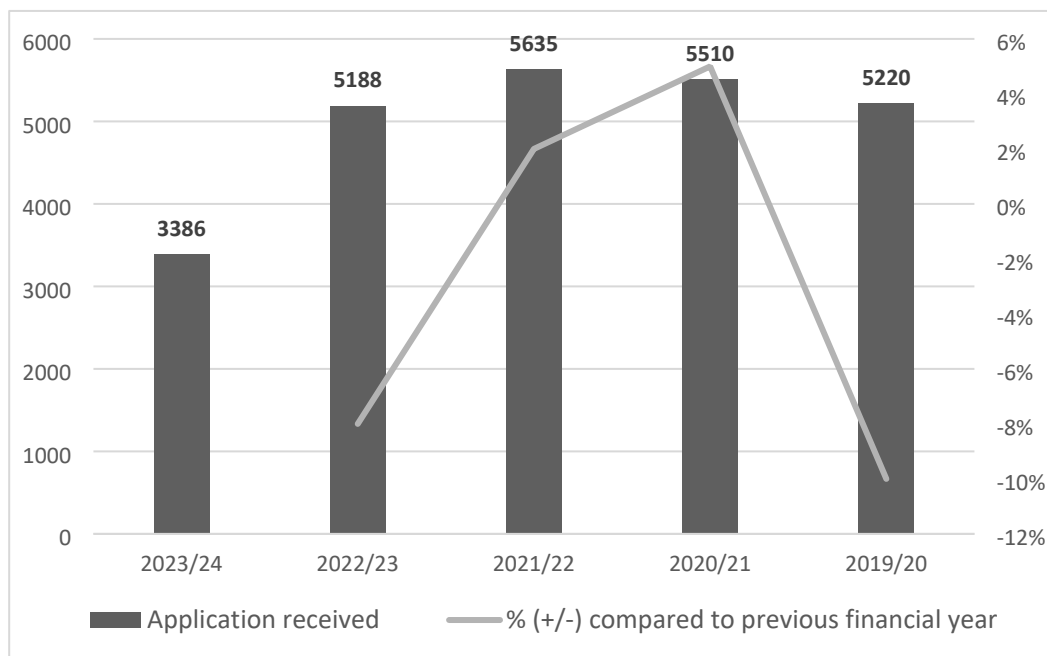
**Report by:**    **Alex Jackson**

### Performance Summary

#### Applications received and validated

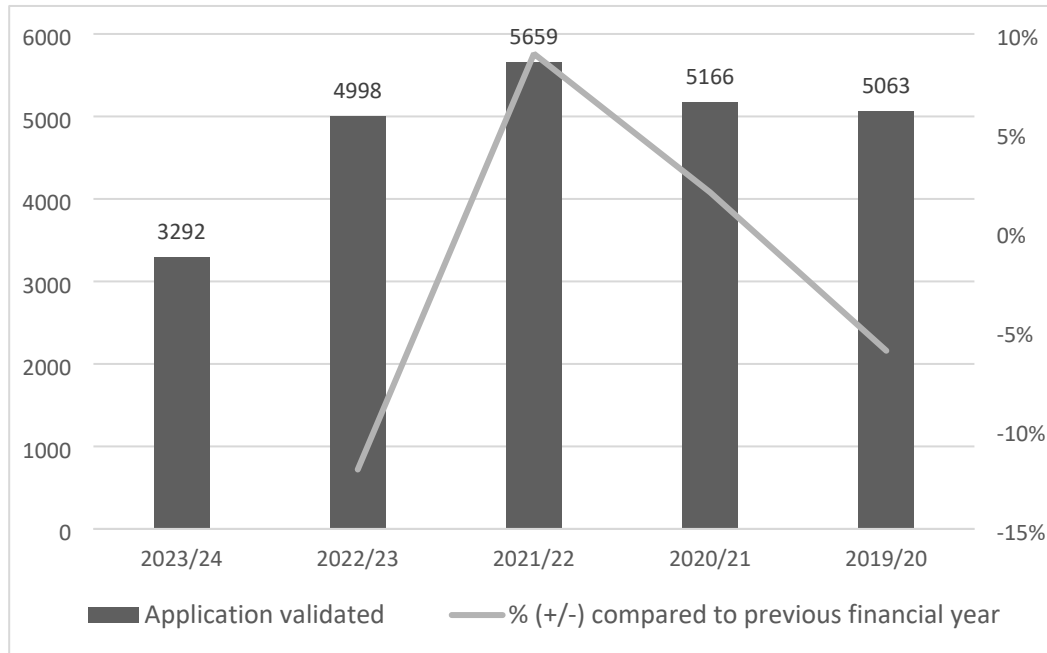
Applications received:

	2023/24*	2022/23	2021/22	2020/21	2019/20
<b>Applications Received</b>	<b>3386</b>	<b>5188</b>	<b>5635</b>	<b>5510</b>	<b>5220</b>
<b>% (+/-) compared to previous financial yr</b>	<b>TBC</b>	<b>-8%</b>	<b>+2%</b>	<b>+5%</b>	<b>-10%</b>



Applications validated:

	2023/24*	2022/23	2021/22	2020/21	2019/20
<b>Applications Received</b>	<b>3292</b>	<b>4998</b>	<b>5659</b>	<b>5166</b>	<b>5063</b>
<b>% (+/-) compared to previous financial yr</b>	<b>TBC</b>	<b>-12%</b>	<b>+9%</b>	<b>+2%</b>	<b>-6%</b>



Validation timescales:

	2023/24*	2022/23	2021/22	2020/21	2019/20
<b>% of apps validated within 5 days</b>	<b>54%</b>	<b>47%</b>	<b>34%</b>	<b>30%</b>	<b>28%</b>
<b>% (+/-) compared to previous financial yr</b>	<b>+14%</b>	<b>+32%</b>	<b>+13%</b>	<b>+7%</b>	<b>+67%</b>

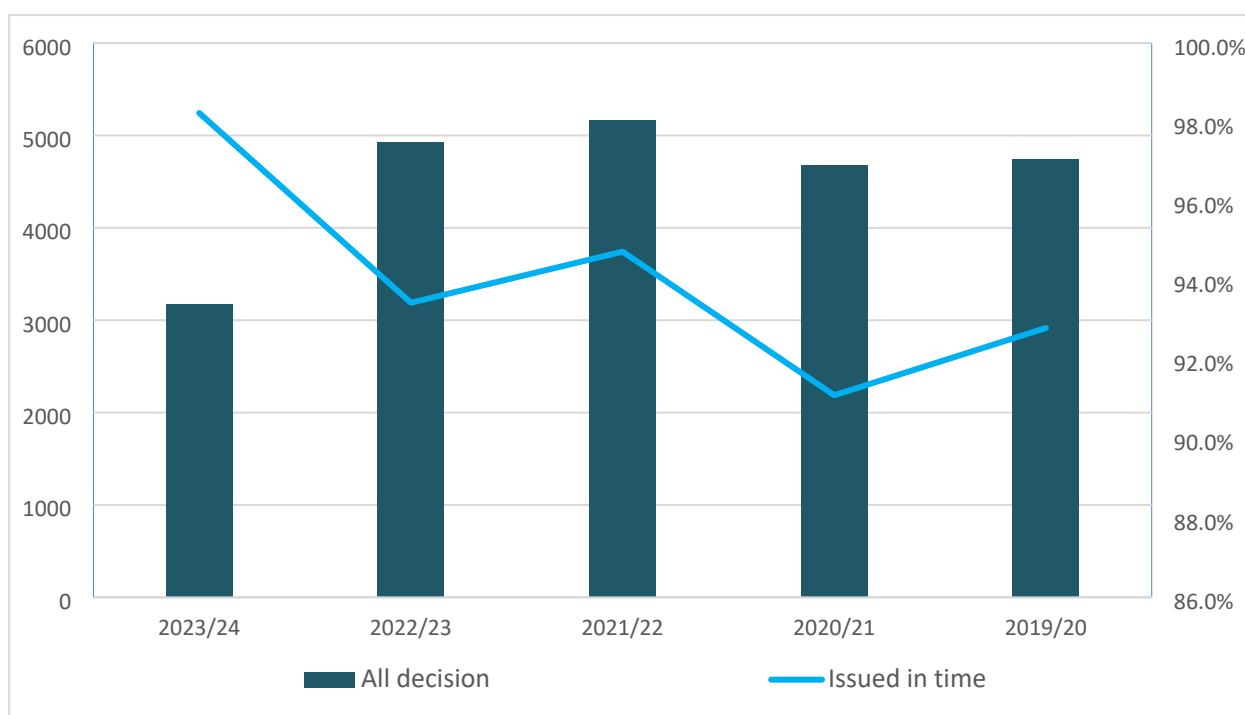
	2023/24*	2022/23	2021/22	2020/21	2019/20
<b>% of apps validated within 10 days</b>	<b>82%</b>	<b>76%</b>	<b>57%</b>	<b>61%</b>	<b>52%</b>
<b>% (+/-) compared to previous financial yr</b>	<b>+8%</b>	<b>+29%</b>	<b>-7%</b>	<b>+16%</b>	<b>+57%</b>

**Number of decisions issued, and % of applications decided in time**

(\*please note for 2023/24 the data is incomplete; it includes data from 01/04/2023 to 01/12/2023)

**All Decisions**

	2023/24 *	2022/23	2021/22	2020/21	2019/20
<b>All decisions</b>	<b>3169</b>	<b>4925</b>	<b>5163</b>	<b>4677</b>	<b>4739</b>
<b>Decided in time %</b>	<b>98.2%</b>	<b>93.4%</b>	<b>94.7%</b>	<b>91.1%</b>	<b>92.8%</b>
<b>% (+/-) compared to previous financial yr</b>	<b>+5.0%</b>	<b>-1.4%</b>	<b>+3.9%</b>	<b>-1.8%</b>	<b>+2.2%</b>



**Decision Breakdown: Major, Minor and Other applications**

Speed of processing applications is assessed as follows:

- 157 a – Major Applications (National target 60%, Service target 96%).
- 157 b – Minor Applications (National target 65%, Service target 93%)
- 157 c – Other Applications (Mainly Householder) (National target 80%, Service target 94%)

The key work of the service is processing planning applications and the relevant National Indicator (NI) is NI157 for speed of processing planning applications. Stretching service targets have been set that exceed the national targets, and performance has been maintained or exceeded for all types of applications – major, minor and other (mainly householder) applications.

A **Major Application** is where -

- The provision of 10 dwellings or more / a site area over 0.5 hectares
- The provision of building(s) where the floor space created is 1000 sqm or more
- The development is on a site of 1 hectare or more

	<b>2023/24</b> *	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>
<b>Majors</b>	<b>27</b>	<b>43</b>	<b>52</b>	<b>63</b>	<b>52</b>
<b>Decisions in time %</b>	<b>100.0%</b>	<b>100.0%</b>	<b>98.1%</b>	<b>96.8%</b>	<b>100.0%</b>

A **Minor Application** is where -

- The number of dwellings is between 1 -9 and a site area less than 1 hectare
- Where the number of dwellings is unknown, the site area is less than 0.5 hectares
- For all other uses, the floor space to be created is under 1000 sqm or the site area is less than 1 hectare

	<b>2023/24</b> *	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>
<b>Minors</b>	<b>536</b>	<b>967</b>	<b>961</b>	<b>923</b>	<b>1056</b>
<b>Decisions in time %</b>	<b>98.7%</b>	<b>94.7%</b>	<b>95.1%</b>	<b>93.8%</b>	<b>96.5%</b>

**Other Application** include

- Change of Use – where no building or engineering work is involved or the works would be permitted development (if not for the change of use)
- Householder developments (extensions, alterations, loft conversions, crossovers etc)
- Advertisement Consents
- Listed Building Consents / Demolish.

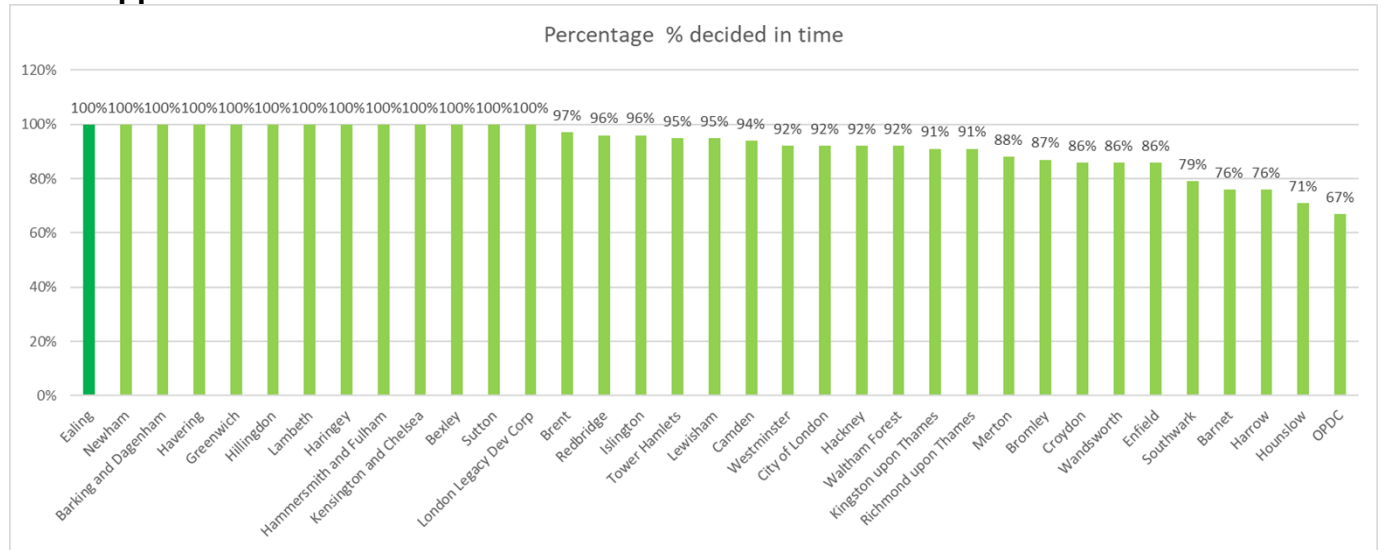
	<b>2023/24</b> *	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>
<b>Others</b>	<b>882</b>	<b>1339</b>	<b>1467</b>	<b>1151</b>	<b>1322</b>
<b>Decisions in time %</b>	<b>98.3%</b>	<b>95.5%</b>	<b>97.9%</b>	<b>94.2%</b>	<b>98.0%</b>



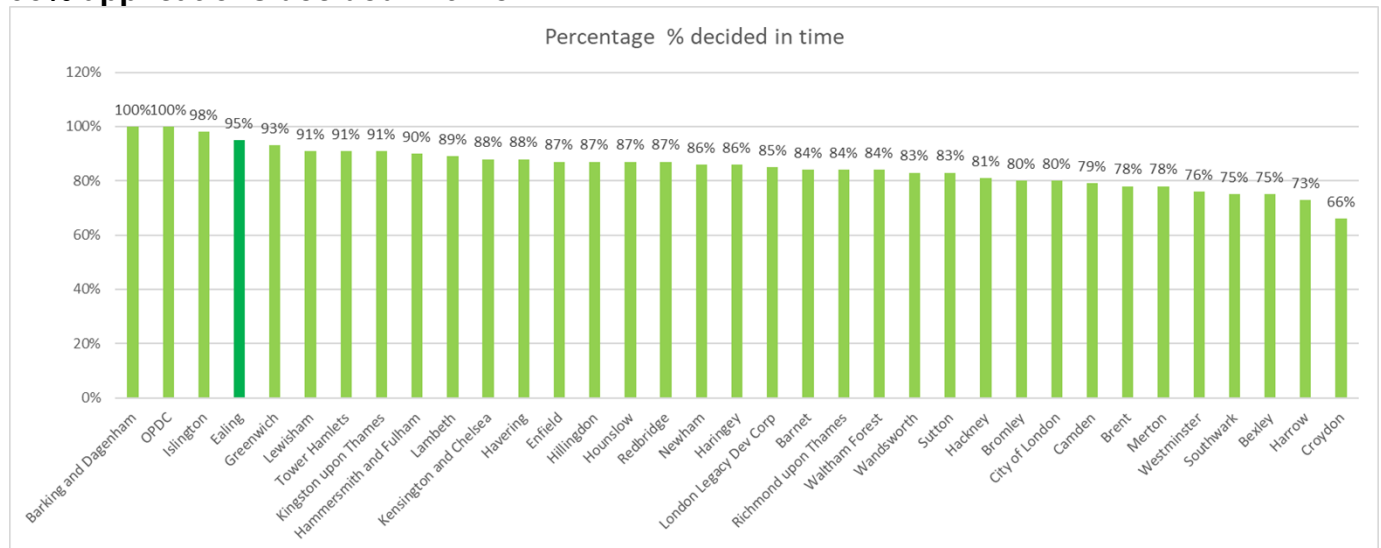
**Benchmarking**

Benchmarking against other London authorities for the latest period collated by DHCLU: Jan 2022 - December 2022 for % decided in time shows the following:

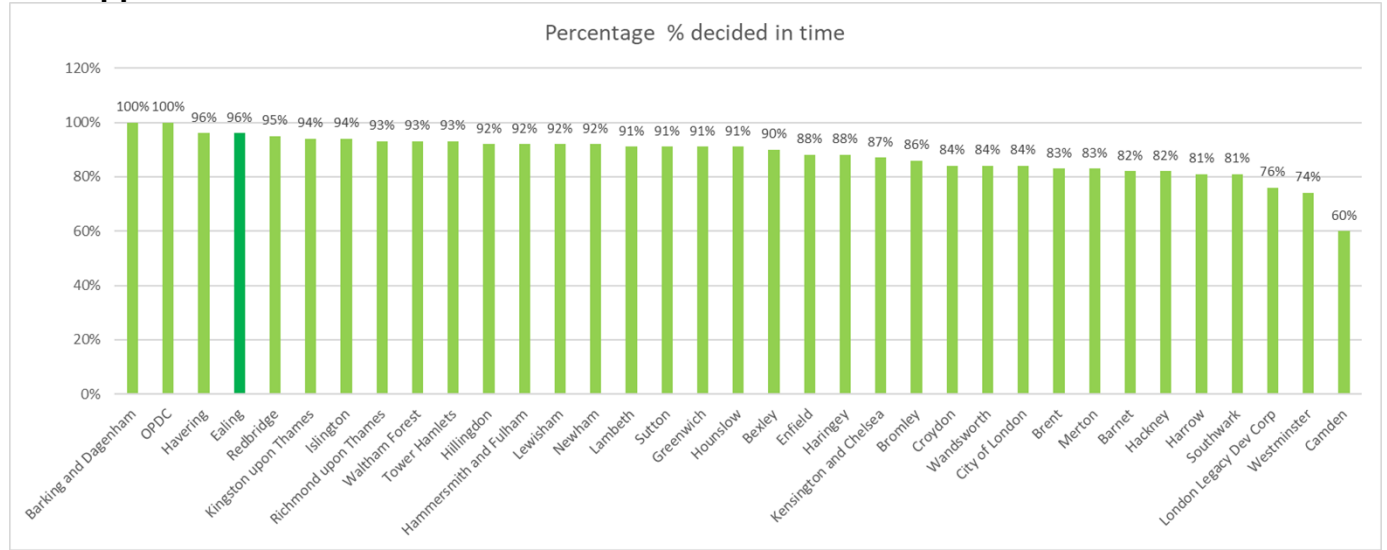
**Major = 1<sup>st</sup>  
100% applications decided in time**



**Minor = 4<sup>th</sup>  
95% applications decided in time**



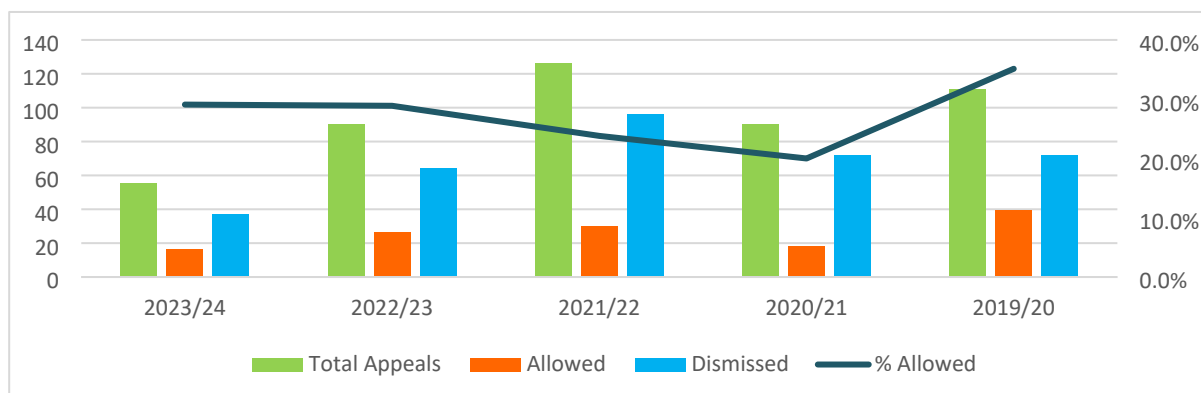
Others = 4<sup>th</sup>  
 96% applications decided in time



**Appeals**

Applicants have the right to appeal against the Council's refusals of permission or non-determination and there has been an overall reduction in appeals allowed over past years.

	2023/24*	2022/23	2021/22	2020/21	2019/20
Total Appeals	55	90	126	90	111
% Allowed	29.1%	28.9%	23.8%	20.0%	35.1%





**Report for:**  
**DECISION**

**Item Number:**

<b>Contains Confidential or Exempt Information</b>	<b>NO</b>
<b>Title</b>	Public Speaking at Planning Committee – Protocol Update
<b>Responsible Officer(s)</b>	Helen Harris, Director of Legal and Democratic Services
<b>Author(s)</b>	Katie Sullivan, Committees Manager Jack Roberts, Democratic Services Officer
<b>Portfolio(s)</b>	N/A
<b>For Consideration By</b>	Planning Committee
<b>Date to be Considered</b>	13 December 2023
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Planning, Public Speaking, Engagement

**Purpose of Report:**

This report asks the planning committee to consider proposed updates to its speaking protocols.

**1. Recommendations for DECISION**

That the Planning Committee:

- i. notes the proposed amendments to the existing public and councillor speaking protocols; and
- ii. agrees to adopt the amended public and councillor speaking protocols as they are set out in appendices 1 and 2.

**2. Reason for Decision and Options Considered**

- 2.1. Speaking protocols set out the opportunity for residents to get involved in the planning process and to engage with local decision makers. It is best practice for the planning committee to keep a clear and up to date protocol to establish rules on who is allowed to speak at planning committee, and how fairness is ensured between all parties.
- 2.2. The procedure should be considered in light of the Council's Equalities duty, the requirement for the Committee to maintain procedural fairness during meetings, and the logistical challenges which procedures might pose in the administration of the Committee meetings.

### 3. Key Implications

- 3.1. Given the time elapsed since the last formal reviews of the protocols, the reviews have been undertaken holistically, with many of the amendments a case of rewording paragraphs to better reflect the existing practices of the committee. There has also been a focus on the impact of the protocols on equalities and diversity, with a general move towards assessing adjustments for individuals with protected characteristics on a case-by-case basis, rather than through set procedures prescribed in the protocols.

*The public speaking protocol:*

- 3.2. This protocol sets out the opportunity to speak for third parties or planning applicants. Changes include providing the opportunity for speakers to disclose their protected characteristics at the point of registration and allowing for increased discretion in how the committee/officers make adjustments for people with protected characteristics.
- 3.3. The update which is likely to have the most noticeable impact is the procedure for deciding who will speak at the meeting in cases where more than one third party objector has registered. The protocol provides that only one speaker on behalf of third-party objectors will normally be allowed to speak at the Committee. Where more than one third party objector registers, the committee administrator invites the prospective speakers to coordinate amongst themselves and appoint a spokesperson.
- 3.4. There are cases where third party objectors are unable to decide between themselves who shall act as their spokesperson. The Committee is asked to agree a procedure for deciding between speakers where agreement has not been reached.
- 3.5. The following options have been assessed:

- a) First come, first served:

*“If agreement cannot be reached on who will speak, the individual who registered with the Committee Administrator first will be selected as the speaker.”*

It has been identified that there may be reasons why prospective speakers with protected characteristics under the Equalities Act 2010 are not in a position to register quickly following notification of their opportunity to speak.

Research suggests that participation in the planning process is lower amongst some groups with protected characteristics, for example amongst young adults, the elderly, ethnic minorities, minority religious groups and those with disabilities. Given that notification of the opportunity to speak on

a planning application is sent to those who have participated in earlier consultation stages for the application, people underrepresented in those earlier stages are less likely to be able to register speak at Committee quickly.

Furthermore, research suggests that the use of the internet for sending and receiving emails is lower amongst the elderly and those with disabilities. Given the notification of the opportunity to speak on a planning application is sent by email, there is a concern that people who do not use email regularly may be disadvantaged in registering to speak quickly.

On the above basis, a first come, first served procedure is not recommended for agreement by the planning committee.

b) Drawing lots:

*“If agreement cannot be reached on who will speak, the selection will be by the Committee Administrator after the drawing of lots.”*

This procedure maintains procedural fairness by affording each prospective speaker with equal chance of being granted speaking rights. On this proposal, there is no advantage to registering quickly after an invitation to register to speak and, as such, the considerations relating to the impact on protected characteristics for the first come, first served policy do not apply.

However, this proposal could pose logistical challenges. The drawing of lots by the committee administrator is best done with all prospective speakers present, either virtually or in-person. However, it is not always possible to organise a time prior to the planning committee meeting where all speakers can attend. This could make this procedure more difficult to enact from a logistical point of view.

Furthermore, whilst this proposal is not likely to cause detriment to people with protected characteristics in the same way that the first come, first served policy might have, it should be noted that pure random allocation of speakers risks situations where due regard is not given to the impact of someone’s protected characteristic on their registration to speak. It does not allow case-by-case consideration to be given to protected characteristics which have been disclosed.

c) Chair’s discretion:

*“If agreement cannot be reached by the third parties on who will speak, the Chair shall decide, having due regard to any protected characteristics”.*

Regardless of protocols put in place, speaking at committee meetings is always at the discretion of the Chair. There are benefits to explicitly emphasising in the protocol that this is the case. Firstly, it makes clear who is the decision maker on matters of speaking to anyone unfamiliar with

committee procedures. Secondly, it allows the decision on who will speak at committee meetings to be taken on a case-by-case basis with explicit due regard to any protected characteristics which are disclosed by prospective speakers. Such due regard is necessary given the Council's equalities duties.

During the consultation there have been concerns raised about the openness and transparency of this proposal. Whilst the process places discretion on choosing the third party speaker with the Chair having considered protected characteristics, the Chair may also, where appropriate, choose for the speaker to be chosen at random.

It is highlighted that this proposal does not have the rigidity of the current administrative procedure for deciding who will speak. As set out in the Equalities Analysis Assessment (Appendix 5), rigid administrative procedures can replicate disparities of earlier stages of the planning application.

#### *Councillors speaking protocol*

- 3.6. The key change which has been made to the councillors protocol is to coordinate its provisions relating to pecuniary interests with the members' code of conduct and the members' planning code.
- 3.7. In the local code of conduct for councillors, it states at 12.4 (c) that councillors who have a disclosable pecuniary interest in any matter to be considered or being considered at a meeting may not "remain in the meeting during the duration of any discussion of the matter". The protocol has been updated to clarify two points:
  - That councillors with a pecuniary interest in an application are not entitled to speak under the councillors speaking protocol. This is because the councillors speaking protocol affords more speaking time for ward councillor speakers (5 minutes) than is afforded to members of public who register using the public speaking protocol (3 minutes).
  - That if a councillor has a pecuniary interest in an application and they are entitled to speak under the Planning Committee's Public Speaking Protocol, they shall nominate a representative to speak on their behalf or feed in their views to a 3rd party spokesperson pursuant to paragraph 14 of Planning Committee's Public Speaking Protocol. This is because councillors must not be in the meeting room whilst a decision is being made on an application for which they have a pecuniary interest. It is recommended that where councillors wish to have their views considered in their capacity as a member of the public, they should do so through a representative.

#### **4. Financial**

- 4.1. There are no financial implications.

## **5. Legal**

5.1. Although there is no legal requirement to allow public speaking at planning committees, most local authorities do so. Where it is allowed, failure to have clear protocols in place setting out the arrangements risks allegations of bias, portrays a lack of transparency, and could result in subsequent challenge to the decision-making process.

## **6. Risk Management**

6.1. None.

## **7. Community Safety**

7.1. There are no concerns about community safety arising from the proposals.

## **8. Links to the 3 Key Priorities for the Borough**

8.1. The council's administration has three key priorities for Ealing. They are:

- fighting inequality
- tackling the climate crisis
- creating good jobs.

8.2. Ensuring good corporate governance will help the Council to achieve its objectives.

## **9. Equalities, Human Rights and Community Cohesion**

9.1. The Committee must have due regard to the equality duties before making a decision.

9.2. An equalities analysis assessment has been undertaken in relation to the proposed updates to the protocol. The findings are referenced in the options considered above.

9.3. Overall, whilst most aspects of the proposed updates to the speaking protocol were deemed either neutral or positive in relation to their impacts on people with protected characteristics, there was a risk that adopting a first come, first served policy would be to the detriment of groups by age, race, disability or religion and belief. Furthermore, although the drawing lots policy did not encounter the same issues as the first come, first served policy, there was a concern that the procedure did not allow due regard to be given on a case-by-case basis to the impact of a protected characteristic on registering to speak. As such, it was considered that the Chair's discretion option was likely to have the most positive impact on people with protected characteristics.

## **10. Any other implications:**

10.1. None.

## **11. Consultation**

11.1. The proposed changes have been reviewed by the Council's legal department.

11.2. Copies were then sent to the Chair of the Planning Committee, and the opposition leads for Planning.

## **12. Timetable for Implementation**

12.1. The amended protocol will come into force for the next meeting of the Planning Committee.

## **13. Appendices**

- Appendix 1 – proposed public speaking protocol.
- Appendix 2 – proposed councillor speaking protocol.
- Appendix 3 – existing public speaking protocol.
- Appendix 4 – existing councillor speaking protocol.
- Appendix 5 – equalities analysis assessment.

## **16. Background Information**

Local Government Association (2019) "[Probity in planning: advice for councillors and officers making planning decisions](#)"



## Consultation (Mandatory)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent to consultee</b>	<b>Date response received</b>	<b>Comments appear in paragraph:</b>
<b>Internal</b>				
Helen Harris	Director of Legal and Democratic Services	9 August 2023	17 October 2023	Appendix 1
Twahid Islam	Senior Regeneration Lawyer	Throughout	Throughout	Sections 3, 5, and Appendices 1, 2 and 5.
Cllr Ray Wall	Chair of Planning Committee	14 November 2023	27 November 2023	
Cllr Jon Ball	Liberal Democrat lead for Planning	29 November 2023		
Cllr Anthony Young	Conservative lead for Planning	29 November 2023	1 December 2023	
Alex Jackson	Head of Development Management	30 November 2023	5 December 2023	

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Planning Committee Decision.	No.
Report no.:	Report author and contact for queries:
	First and surname, job title: Jack Roberts, Democratic Services Officer, 020 8825 6604.

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## PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEES

1. This protocol exists to give clarity in relation to speaking by or on behalf of third parties or planning applicants, at a Planning Committee meeting.
2. Two weeks before the relevant Planning Committee, a decision will be taken on which items should be placed on the agenda for that meeting.
3. For those applications that are to be placed on the agenda for the meeting, a letter will be sent to people who have responded to notification of the application saying:
  - a) That the report is likely to be on the agenda for the meeting, including the date, time and venue.
  - b) That the full report including recommendations will be available 5 clear working days before the meeting from the appropriate committee administrator or via the Council website.
  - c) That the committee administrator should be contacted 5 clear working days before the meeting to verify that the application is on the agenda. The intention to make a statement on it must be confirmed by midday two working days before the meeting.
  - d) Intended items cannot be guaranteed to make a particular agenda.
  - e) That, pursuant to the provisions of this Protocol, they may be entitled to speak at the meeting.
4. The Applicant will be invited to make a statement to Planning Committee, if the Council receives a request by a third party under clause 5, in relation to their application.
5. For the purposes of this protocol a third party is a person directly affected by a planning application but who, unlike the applicant, has no statutory right of appeal against the Planning Committee decision.
6. Third parties wishing to speak at a Planning Committee meeting must contact the committee administrator by no later than midday two clear working days preceding the Committee (This will in normal circumstances be midday on Monday, unless there is an intervening public holiday). Such advance notice is necessary in the interest of fairness to give the applicant notice of the intention and to offer them the opportunity of reply.
7. In implementing this Protocol, the Council will have due regard to its responsibilities under the Equalities Act 2010<sup>1</sup>. Any third party wishing due consideration to be given to their protected characteristics should ensure that

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<sup>1</sup> The protected characteristics specified in the Equalities Act 2010 are age, disability, gender reassignment, race, religion & belief, sex, sexual orientation, pregnancy & maternity, and marriage & civil partnership.

these are fully disclosed at the point of registering to speak with the committee administrator. Note that possessing a protected characteristic is not a guarantee that a third party will be allowed to speak.

8. Anyone due to speak at Planning Committee pursuant to this Protocol must arrive at the meeting venue 15 minutes in advance of the meeting, where they will be met by the committee administrator.
9. Where both a third party and applicant/agent wish to speak, the third party will speak first.
10. A third party or applicant may ask someone else, such as an agent or representative, to make a statement on their behalf.
11. Only one third party speaker (or their agent/representative) (subject to point 12) will normally be allowed to make a statement on a planning application. Where there are multiple applications in respect of the same site that are taken together, this restriction will apply as if only one application is being made.
12. For large planning applications the Chair of the Planning Committee may allow more than one third party speaker. Where time constraints allow, any changes to the speaking arrangements will be detailed in the letter sent to third parties (point 3) and applicants (point 4).
13. All public speaking at Planning Committee is at the discretion of the Chair, who has the discretion to override any other provisions of this Protocol save for point (7).
14. Where more than one third party has registered their interest to speak, the committee administrator will encourage the third parties to nominate a spokesperson. If agreement cannot be reached by the third parties on who will speak, the Chair shall decide, having due regard to any protected characteristics.
15. To enable the Chair to select the third-party speakers pursuant to point 14, the committee administrator shall provide the Chair with a list of those who have successfully registered to speak, including any disclosed protected characteristics, in good time before the selection decision is required.
16. Where an item has been deferred from a previous meeting of the Planning Committee (in addition to point 17 below), further representations will be permitted in relation to that item. They may cover the same points made when the application was previously considered. This is because the membership of the Planning Committee for that meeting might have changed since the previous meeting.
17. Where a report has been deferred from a previous meeting, and speakers addressed that previous meeting, a brief note of the main points made by those speakers will normally be included in the report when it returns to the Planning Committee for decision. The logistics of report production mean that it will not be

practical for speakers to check that their comments have been correctly incorporated. Speakers are, therefore, advised to provide a written summary of their speech if they wish to have greater certainty that their words will be accurately reported.

18. At the meeting, speakers will be advised to direct their presentation to reinforcing or amplifying representations already made to the Council in writing.
19. Speakers may distribute a written summary of their speech to members of the Planning Committee but documents not previously submitted should not normally be circulated at the meeting, as all parties may not have time to consider them and councillors may not be able to give proper consideration to the matter. Speakers will be advised that substantive documents should be submitted to the planning officer as early as possible but by no later than midday on the date of the meeting.
20. Each speaker will be limited to three minutes, apart from when an interpreter is used or a speaker has an impediment which impacts their ability to speak. In such situations, the chair will exercise their discretion on the time permitted.
21. If the speaker has a disability and/or requires a reasonable adjustment to enable them to participate in the meeting they should contact the Committee administrator in advance of the meeting so that arrangements can be made. The Council welcomes the participation of speakers with a disability.
22. If the speaker's first language isn't English and they wish to address the Planning Committee, they can either bring someone to interpret or make a statement on their behalf. If a speaker plans to address the Planning Committee in a language that is not English, it can also sometimes be helpful if a written summary of their speech is provided in English (see point (17) above).
23. The Chair will normally organise the meeting to ensure that applications involving speakers are dealt with first.
24. The speakers will be invited to make their statements after any member declarations and after the officers have presented the application but before the Committee debates the application.
25. Committee members will not question the speakers.
26. The Committee will then debate the application and (where appropriate) reach a decision.
27. Third parties, applicants and their agents or representatives will not take part in the debate. They will not be allowed to question officers, Committee members or each other.

**Revised December 2023**

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## PROTOCOL FOR COUNCILLORS SPEAKING AT PLANNING COMMITTEE

### Introduction

This protocol has been drawn up in response to *'Probity in Planning – Advice for Councillors and Officers making planning decisions (Local Government Association, December 2019)*.

More specifically, Part 10 – Public Speaking at Planning Committee, states that “where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, **ward councillors**, parish councils and third party objectors”.

This protocol should be considered alongside the Public Speaking Protocol Document, which governs third party objector and applicant submissions.

1. Two weeks before the relevant Planning Committee, a decision will be taken on which items should be placed on the agenda for that meeting.
2. Members of the Planning Committee pool and the relevant ward councillors if an application in their ward is being considered will receive an agenda 5 clear working days prior to the meeting concerned.
3. Permission to speak is at the Chair's discretion and ward councillors wishing to speak should contact the Chair in advance of the meeting. Requests to speak should be sent by email to the Chair and Committee Administrator at least 24 hours in advance of the meeting and shall not unreasonably be refused.
4. The Chair will normally organise the meeting to ensure that applications involving speakers are dealt with first.
5. Only one ward councillor will normally be allowed to speak on an application in their ward unless special circumstances apply. Special circumstances could include ward councillors wanting to represent opposite sides or when an application affects a neighbouring ward resulting in a councillor from that ward also being allowed to speak.
6. The order of speaking is usually as follows and subject to the Chair's discretion:
  - a. officer presentation,
  - b. third party objector,
  - c. applicant,
  - d. member of parliament and / or ward councillor(s) (not sitting on the committee)
  - e. the committee with any ward councillors on the committee speaking first
7. Members of Parliament and ward councillors should seek to limit their submission to 5 minutes.

8. Members of Parliament and ward councillors' submissions must be relevant to the application being heard.
9. Ward councillor speakers may distribute a written summary of their speech to members of the committee but documents not previously submitted should not normally be circulated to the committee as all parties may not have time to consider them and committee members may not be able to give proper consideration to the matter. Ward councillor speakers should submit substantive documents to the Planning Officer well in advance of the meeting.
10. Ward councillors (not on the planning committee) will not take part in the debate. They will not be allowed to question officers, Committee members or applicants.
11. Where a ward councillor has a pecuniary interest in an application, they may not speak at Planning Committee under this Protocol.
12. If a councillor has a pecuniary interest in an application and they are entitled to speak under the Planning Committee's Public Speaking Protocol, they shall nominate a representative to speak on their behalf or feed in their views to a 3<sup>rd</sup> party spokesperson pursuant to paragraph 14 of Planning Committee's Public Speaking Protocol.
13. All councillor speaking at Planning Committee is at the discretion of the Chair, who has the discretion to override any other provisions of this Protocol
14. In accordance with Para 23.8 of the Council and Committee Procedure Rules the Leader of the Council and the Leader of the Opposition may attend and speak at all Committees.

**Revised December 2023**



## PUBLIC SPEAKING AT PLANNING COMMITTEES – A PROTOCOL

1. Two weeks before the relevant Planning Committee, a decision will be taken on which items should be placed on the agenda for that meeting.
2. For those applications that are to be placed on the agenda for the meeting, a letter will be sent to people who have responded to notification of the application saying
  - a) That the report is likely to be on the agenda for the meeting, including the date, time and venue.
  - b) That the full report including recommendations will be available 5 clear working days before the meeting from the appropriate Committee Administrator or via the Council website.
  - c) That the committee administrator should be contacted 5 clear working days before the meeting to verify that the application is on the agenda. The intention to make a statement on it must be confirmed by 5.00 p.m. two working days before the meeting.
  - d) Intended items cannot be guaranteed to make a particular agenda.
  - e) That, pursuant to the provisions of this Protocol, they may be entitled to speak at the meeting
3. A letter will be sent to the applicants informing them of their right to attend the meeting and (subject to clause 12 below) to make a statement if third parties have already expressed a desire to do likewise on the application. For the purposes of this protocol third parties are understood to be those persons directly affected by a development proposal but who, unlike the applicants themselves, have no right of appeal against any decisions which may be taken by the Council in its role as Local Planning Authority. In this context they must be objectors to the application in question. However, in the case of planning enforcement cases the comments from third parties could support the recommendations from officers and the applicant/owner would then be cast in the position of objector.
4. The scheme is available to allow public speaking on items appearing on a Planning Committee agenda.
5. **Third parties wishing to make a statement must contact the Committee Administrator by 5.00 p.m. two days (including the day of Committee) preceding the Committee (This will in normal circumstances be Monday 5pm).** Such advance notice is necessary in the interest of fairness to give the applicant notice of the intention and offer them the opportunity of reply.
6. People wishing to make a statement must arrive at the committee room 15 minutes in advance of the meeting where they will be met by the Committee Administrator.

7. A list of those requesting the opportunity to make statements will be drawn up by the Committee Administrator and provided to the Chair and members of that committee in advance of the meeting.
8. The applicant will only be allowed (subject to clause 12 below) to speak in response to a third party's statement.
9. Where both a third party and applicant/agent wish to speak, the third party will speak first.
10. Agents/spokespersons acting on behalf of third parties or the applicant may make a statement for them.
11. Only one third party speaker (or their agent/representative) will normally be able to make a statement on a planning application. This restriction will also apply in those cases where there are multiple applications in respect of the same site that are taken together. If agreement cannot be reached on who will speak, selection will be by the Committee Administrator after the drawing of lots.
12. For large planning applications the Chair of the Planning Committee may allow for more than one public speaker. Any changes to the speaking arrangements will be detailed in the letter sent to objectors (Point 2) and applicants (Point 3). Public speaking at Planning Committee is ultimately at the discretion of the Chair.
13. Where an item has been deferred from a previous meeting of the Planning Committee, and speakers addressed that previous meeting, further representations will be permitted in relation to that item. They may cover the same points made when the application was previously considered as the membership for that meeting might be different.
14. Where a report has been deferred from a previous meeting, and speakers addressed that previous meeting, a brief note of the main points made by those speakers will normally be included in the report when it returns to the Planning Committee for decision. The logistics of report production mean that it will not be practical for speakers to check that their comments have been correctly incorporated. Speakers are, therefore, advised to provide a written summary of their speech if they wish to have greater certainty that their words will be accurately reported.
15. At the meeting, speakers will be advised to direct their presentation to reinforcing or amplifying representations already made to the Council in writing.
16. Speakers may distribute a written summary of their speech to members of the committee but documents not previously submitted should not normally be circulated to the committee as all parties may not have time to react and councillors may not be able to give proper consideration to the matter. Speakers will be advised that substantive documents should be submitted to the Planning Officer as early as possible but by no later than 12noon on the date of the meeting.

17. Each speaker will be limited to three minutes, apart from when an interpreter is used or if the speaker has a learning disability. In such situations, the submission will be limited to six minutes.
18. If the speaker is a wheelchair user or has a hearing impairment they should contact the Committee Section in advance of the meeting to arrange for a portable PA or loop respectively. The Council welcomes the participation of speakers with a disability.
19. If the speaker's first language isn't English and they wish to address the committee, they can either bring a friend to interpret or make a statement on their behalf.
20. The Committee will normally deal with applications involving speakers first.
21. The speakers will be invited to make their statements in advance of any officer input on a case but after any member declarations.
22. Speakers will address the Committee before the Committee discusses the application.
23. As is the case in full Council, the Committee will not question the speakers.
24. The Committee will then debate the application and (where appropriate) reach a decision.
25. Members of the public or their representatives will not take part in the debate. They will not be allowed to question officers, Committee members or applicants.

**Revised January 2011**

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## COUNCILLORS SPEAKING AT PLANNING COMMITTEE – A PROTOCOL

### Introduction

This protocol has been drawn up in response to *'Probity in Planning – The Role of Councillors and Officers – Revised Guidance Note on Good Planning Practice for Councillors and Officers Dealing with Planning Matters'* (Local Government Association, May 2009).

More specifically, Part 9 – Public Speaking at Planning Committee, states that “where public speaking is allowed, it is important that clear protocols are established about who is allowed to speak, including provisions for applicants, supporters, **ward councillors**, parish councils and third party objectors arrangements.

This protocol should be considered alongside the public speaking protocol document, which governs third party objector and applicant submissions.

1. Two weeks before the relevant Planning Committee, a decision will be taken on which items should be placed on the agenda for that meeting.
2. Members of the Planning Committee pool and the relevant ward councillors if an application in their ward is being considered will receive an agenda 7 days prior to the meeting concerned.
3. Permission to speak is at the Chairman's discretion and ward councillors wishing to speak should contact the Chairman in advance of the meeting. Requests to speak should be sent by email to the Chair and committee clerk at least 24 hours in advance of the meeting and shall not unreasonably be refused.
4. The Committee will normally deal with applications involving speakers first.
5. Only one ward councillor will normally be allowed to speak on an application in their ward unless special circumstances apply. Special circumstances could include ward councillors wanting to represent opposite sides or when an application affects a neighbouring ward resulting in a councillor from that ward also being allowed to speak.
6. The order of speaking is as follows: third party objector, applicant, officer, member of parliament ward councillor(s) and then the committee, with any ward councillors on the committee speaking first.
7. Members of Parliament and Ward councillors should seek to limit their submission to 5 minutes.
8. Members of Parliament and Ward councillor submissions must be relevant.
9. Ward councillor speakers may distribute a written summary of their speech to members of the committee but documents not previously submitted should not

normally be circulated to the committee as all parties may not have time to react and committee members may not be able to give proper consideration to the matter. Ward councillor speakers should submit substantive documents to the Planning Officer well in advance of the meeting.

10. Ward councillors will not take part in the debate. They will not be allowed to question officers, Committee members or applicants.
11. Where a ward councillor has a prejudicial interest in an application, they may attend to make their representation but they must withdraw after they have spoken.
12. In accordance with Para 23.8 of the Council and Committee Procedure Rules the Leader of the Council and the Leader of the Opposition may attend and speak at all Committees<sup>1</sup>.

August 2014

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<sup>1</sup> Added 03/12/10 to reflect the contents of the constitution.

# Equalities Analysis Assessment

## 1. Proposal Summary Information

EAA Title	Public Speaking Protocol for the Planning Committee
Please describe your proposal?	<b>Policy</b>
Is it HR Related?	No
Corporate Purpose	<b>Planning Committee Decision.</b>

### 1. What is the Policy looking to achieve? Who will be affected?

*(i.e. Please provide an overview of the aims, objectives and desired outcomes of what you are proposing. Who currently uses the service that will be affected by your proposal? Who will be affected by any changes? What are their current needs? Please add your data here.)*

The Planning Speaking Protocol sets out the opportunity for residents and applicants to voice their views about planning applications at Planning Committee meetings. It is an opportunity for members of the public to engage with decision makers on matters which impact them.

The protocol was last updated in 2011. It is proposed that the Planning Speaking Protocol is updated to ensure clear, fair, and up to date procedures are in place for allowing public speaking at the Planning Committee.

The opportunity to speak at the Planning Committee is for third parties to planning applications. In most cases, only one third party will be allowed to speak on a planning application, and they will be allocated 3 minutes speaking time. The definition of “third parties” is stated at paragraph 3 of the existing speaking protocol:

*Third parties are understood to be those persons directly affected by a development proposal but who, unlike the applicants themselves, have no right of appeal against any decisions which may be taken by the Council in its role as a Local Planning Authority.*

Any person in the Borough could be a third party to a Planning Application and therefore any person in the Borough could be affected by the review of the protocol. We do not collect equalities data on people who have registered to speak at Planning Committee.

Planning Applicants have the right to reply to the submissions by third parties, often speaking in support of a planning application where a third party has objected. In the interest of equity, planning applicants speaking in support of their planning application are afforded equal time (3 minutes) to third parties to address the Planning Committee. Speakers on behalf of applicants are not necessarily Borough residents.

The opportunity to speak at the Planning Committee is notified by email to third parties who responded to the Planning Application’s statutory consultation. Third parties are invited to register to speak with the Democratic Services team by either email or telephone. Applicants are informed that they are entitled to speak if a third party objector registers.

## Equalities Analysis Assessment

Where there are multiple third-party objectors, the Committee Administrator encourages the third party objectors to select a spokesperson. Where this fails it is important to set out a clear and fair procedure to be able to choose a spokesperson

For these cases, it is important that the Planning Speaking Protocol sets out a clear and fair procedure to follow to break the deadlock.

### 2. What will the impact of your proposal be?

*(i.e. Please provide a before and after picture of the service that will be affected by your proposal e.g. how does it currently operate and then how it will operate after your proposal has been implemented. Where possible please be clear on the number of people or size of the community affected)*

Many of the proposed changes to the protocol are minor and are not considered to impact people with protected characteristics. Furthermore, some aspects of the existing protocol are considered to already meet the Council's equalities duty. Where this is the case, this will be noted below.

There are two proposed changes which could impact people with protected characteristics.

#### *(1) Allocating Speaking Rights*

The first is the procedure for allocating third party objector who will address the Planning Committee where more than one third party objector registers. In the first instance, when more than one third party individual registers to speak an application, prospective speakers are asked to coordinate between themselves and nominate a spokesperson.

Where agreement cannot be reached amongst prospective speakers as to who should act as spokesperson, the matter is referred back to the Committee Administrator.

For these cases, it is important that the Planning Speaking Protocol sets out a clear and fair procedure to follow to break the deadlock.

Three options have been considered for deciding between prospective speakers:

- I. Drawing of lots – “If agreement cannot be reached on who will speak, the selection will be by the Committee Administrator after the drawing of lots”; and
- II. First come, first served – “If agreement cannot be reached on who will speak, the individual who registered with the Committee Administrator first will be selected as the speaker”;



## Equalities Analysis Assessment

- III. Chair's discretion – "If agreement cannot be reached by the 3rd party objectors on who will speak, the Chair shall decide, having due consideration to any protected characteristics which are disclosed".

The options have been considered further below:

### (a) Drawing of lots

The drawing of lots has been set out before in the Planning Speaking Protocol. Whilst this procedure maintains procedural fairness by affording each prospective speaker with equal chance of being granted speaking rights, it can pose logistical challenges. For openness and transparency, the drawing of lots is best done with all prospective speakers present, either virtually or in-person.

However, it is not always possible to organise a time prior to the Planning Committee meeting where all speakers can attend.

### (b) First come first served

A different proposal is to choose speakers by a "first come, first served" policy. The procedure maintains a level of random selection between prospective speakers, thus achieving procedural fairness, and it removes the need for meeting all speakers in person or virtually prior to the meeting.

However, there is a concern that, in some cases, there may be reasons why prospective speakers with protected characteristics are not in a position to register quickly following notification of their opportunity to speak.

It is acknowledged that the first come first served may cause detriment to some groups with protected characteristics in that they may not be able to respond quickly post notification.

### (c) Chair's Discretion

Finally, Chair's discretion puts it to the Chair to decide who will speak where there is multiple third party objectors and are unable to agree a spokesperson. The Chair has discretion to allocate speaking on a case by case basis, choosing to allocate randomly where seen appropriate. Whilst there may be issues with the transparency of this proposal, it does allow for explicit and due regard to be given to situations where a person registering to speak has disclosed their protected characteristic and has asked for this to be taken into account. There is the option for the third party objectors to forward their comments to the allocated speaker for presentation to the Committee should they be able to reach their own agreement.

### *(2) Reasonable Adjustments*

The second proposal is to amend paragraph 18 in the existing protocol from:

*If the speaker is a wheelchair user or has a hearing impairment, they should contact the Committee Section in advance of the meeting to arrange for a portable PA or loop respectively.*

To:

## Equalities Analysis Assessment

*If the speaker has a disability or protected characteristic which requires reasonable adjustments to enable them to participate in the meeting, they should contact the Committee Section in advance of the meeting so that arrangements can be made.*

This proposal is considered to have a positive impact on the participation of people with disabilities in that it widens the disabilities which the Committee Section are asked to make arrangements for. This brings the protocol in line with existing practice.

In general, it is considered that reasonable adjustments should be made on a case-by-case basis, and that changes such as this one allow the Council to better respond to an individual's specific needs. Other changes to protocol have followed this general principle, such as opening up the potential for individuals to be allocated extra time to people with interpreters or impediments which would limit their ability to speak.

## 2. Impact on Groups having a Protected Characteristic

**AGE:** *A person of a particular age or being within an age group.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

*(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on different age groups. Please note if there is no differential impact on people with this characteristic, please state this )*

### **Allocating Speaking Rights**

*First Come, First Served*

It is considered that there may be impacts to people with this protected characteristic by adopting a first come, first served policy.

Firstly, underrepresentation of people from certain age groups in participation in statutory consultations for planning applications could impact the ability of young people to respond quickly to be the first person to register to speak. At present, only those who respond to the statutory consultation of an application are notified by Ealing's Planning department of their opportunity to speak at the Planning Committee. This being the case, groups who are underrepresented at the consultation stage will receive less notification of their opportunity to speak, making it less likely that they will register first.

Evidence suggests that younger people may be less likely to participate in statutory consultations in relation to planning applications. A [YouGov poll](#) taken in 2020 indicated that 11% of young adults had knowingly engaged in local plan consultations, whilst taken across all age groups, 26% of people had knowingly engaged with local plan consultations. Whilst this data relates to consultations to Local Plans and not to planning applications, it is considered that this data could give an approximation as to the response rates amongst young adults. On this basis, there could be disadvantage to young people by adopting a first come, first served policy.

## Equalities Analysis Assessment

Statistics are not available for the participation of elderly residents in consultations. [UK Collaborate Centre for Housing Evidence \(2022\)](#) suggests that the elderly are underrepresented in consultations, although further information has been difficult to find on this issue. It is therefore possible that a similar impact might affect the elderly as discussed above in relation to young people, in that they might find it harder to register quickly to speak.

Secondly, given that notification of the opportunity to speak is currently by email, those who use the internet and are familiar with communicating by email will be in a better position to register to speak quickly. The ONS collects statistics on the [use of the internet](#) to send and receive emails by age. Evidence collected in 2020 suggests that older people are less likely to use the internet to receive and send emails. Whilst the data suggests that, overall, 85% of people use the internet to send and receive emails, 72% of people aged 65+ used the internet in this way. This means that older people could be disadvantaged by adopting a first come, first served policy.

On this basis, it is considered that a “first come, first served” policy would have a negative impact on people by their protected characteristic of age.

### *Drawing Lots*

A drawing lots policy does not incur the same impacts as the first come, first served policy. This is because the speed with which a prospective speaker registers will not impact their likelihood of being allocated the speaking time. Whilst this would not change the existing disparities amongst young people and old people as outlined above, it would mitigate against the disadvantage which some groups could face on account of factors making it difficult to register with speed to speak. So long as a person registers within the deadline, the speed with which a person registers to speak would not be factored in deciding who would speak.

However, there is a concern that the drawing lots policy, by operating purely on random chance, does not allow for due regard to be taken into account in individual circumstances where a person discloses that they have a protected characteristic which they believe to be relevant to their application to speak at Planning Committee. A drawing lots policy is likely to replicate the existing disparities in participation in planning matters.

Overall, it is considered that a “drawing lots” policy would have a neutral impact on people by their protected characteristic.

### *Chair's Discretion:*

Implementing Chair's discretion could capture some of the strengths of the drawing lots policy whilst avoiding its shortcoming. In addition to draft wording set out on page 2 of this assessment, the protocol would also state that “Any third party wishing to disclose their protected characteristics for due consideration should do so when they contact the Committee Administrator”. This means that individuals have the opportunity to disclose their protected characteristic for consideration by the Chair when making a decision as to who should speak.

This policy maintains the discretion of the Chair to have regard to protected characteristics when they are disclosed by a third party. It also provides discretion for the Chair to ask for the speakers to be allocated randomly, by a decision-making procedure like drawing lots, where they decide this is more appropriate.

## Equalities Analysis Assessment

Consideration has been given to whether the statistics mentioned above about internet usage by people in different age groups could be relevant to the impacts of the Chair's discretion policy (and, equally, the drawing lots policy). It is outside of the remit of these updates to change the way the original notifications of the chance to speak are sent out to individuals by the Planning Department. However, given that the statistics show that older age groups may have less access to emails, it is proposed that the letters are updated to include a phone number for the democratic services team as well as an email address. If it is preferable for an individual, the democratic services team will accept registration by telephone and continue communications by phone.

### **Other impacts:**

It is not considered that other existing or proposed changes of the speaking protocol will impact people with this protected characteristic.

### **Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

#### **Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

On the basis of the above, it is considered that it would not be appropriate for the protocol to include a first come, first served policy for allocating third party speakers. Whilst not incurring the same difficulties as the first come, first served policy, there are limitations to the implementation of a drawing lots policy, too.

On balance of the above considerations, it is considered that the best mitigating action to the impact to individuals by age by changes to the speaking protocol would be to implement the final option, putting the allocation of speakers entirely to Chair's discretion. This maintains the capacity for the random allocation of speaking rights, although it also allows for due regard to be given persons with relevant protected characteristics on a case-by-case basis. It does not privilege individuals who are better able to respond to notifications of the opportunity to speak quickly.

**DISABILITY: A person has a disability if s/he has a physical, mental or sensory impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities<sup>1</sup>.**

**State whether the impact is positive, negative, a combination of both, or neutral:**

#### **Describe the Impact**

*(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on people with different types of disabilities. Please note if there is no differential impact on people with this characteristic, please state this )*

### **Allocating Speaking Rights**

*First Come, First Served*

<sup>1</sup> Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

## Equalities Analysis Assessment

Statistics are not available for the relationship between disability and consultation participation. [UK Collaborate Centre for Housing Evidence \(2022\)](#) suggests that disabled people are underrepresented in consultations, although further information has been difficult to find on this issue. It is therefore possible that a similar impact might affect people with disabilities as discussed above in the section on age, in that they might find it harder to register quickly to register to speak.

In terms of internet usage, the ONS collects data on the proportion of people with disabilities (as defined by the Equalities Act 2010) who use the internet to send and receive emails. ONS data from 2020 shows that percentage of people who use emails as part of their internet usage is slightly smaller amongst people with disabilities, 78%, than the percentage for the whole population, 85%. As such, it is considered that there could be an impact on people with disabilities, in that they may be less able to pick up and respond to notifications of the opportunity to speak quickly than the general population.

On this basis, it is considered that a “first come, first served” policy would have a negative impact on people by their protected characteristic of disability.

### *Drawing Lots:*

Given that there is a concern that disabled people are underrepresented in earlier consultations in planning applications, there is a similar issue as with the protected characteristic of age in that random allocation may not give due regard to relevant individual circumstances of someone registering with a protected characteristic. Disparities in earlier stages of the Planning Process may be replicated by a random allocation.

### *Chairs Discretion:*

Whilst this option has the benefits outlined above in that it can maintain random allocation where appropriate whilst also ensuring due regard to disclosed protected characteristics, there could be impacts of this proposal to individuals with disabilities.

Unlike the First Come, First Served policy, where a decision can be made on who will speak as soon as the first speaker registers, the Chair’s discretion requires that a decision is delayed until after the deadline for registering. The deadline for registering is proposed to be midday, 2 working days prior to the Committee. The aim would be that the Chair would make their decision on the Monday evening and that this was notified to the relevant speakers first thing the next morning. This would mean third parties would only know who will speak the day before the Committee.

There is a concern that this may leave too little time for a speaker to prepare to speak, particularly for people with learning disabilities or people autistic spectrum condition. For example, [the National Autistic Society](#) explains that some autistic people may find organising and prioritising difficult. Being set a 1-day deadline may be inappropriate and off-putting for getting involved with the Planning process.

### *Other impacts:*

A person with a disability which impacts their mobility could struggle to attend a Committee meeting in-person to address the Committee. However, Planning Committees currently take place as hybrid meetings meaning that there is the option to address the Committee virtually via Zoom. This means that there is the option to address the Committee from home and without having to travel to the meeting venue.

## Equalities Analysis Assessment

However, there continues to be the option for speakers to attend the meeting in person should they wish. It is proposed to update the provisions of the existing protocol such that people with disabilities who require reasonable adjustments to participate at the meeting are asked to contact the Committee section in advance of the meeting. The Committee section would make reasonable adjustments to ensure that if a person wished to attend in person, they could do so.

In addition to this, the existing protocol also allows additional time (6 minutes as opposed to 3 minutes) for people with a learning disability to address the Committee. It is proposed to broaden this allowance, so that it is not only those with learning disabilities who can have extra time but any speaker who has an impediment which impacts their ability to speak. Acknowledging that different amounts of time will be appropriate in different circumstances, it is also proposed to put this to chair's discretion.

In terms of the impact on people with disabilities which affect mobility, it is considered that the impact of the changes will be neutral to positive.

### **Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

#### **Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

Please see mitigation outlined above under the "Age" heading. Overall, it is considered that the most appropriate measure would be to implement the Chair's discretion option.

However, it is noted that there may be challenges for individuals with learning difficulties or autistic spectrum condition with finding out who will be the allocated speaker only a day before the meeting.

In response to this concern, consideration has been given as to whether the deadline for registering to speak should be moved so as to ensure a greater amount of time for speakers to prepare to their presentations once it is clear who will be speaking.

However, it is considered that there is a balance to be struck between keeping the deadline close to the meeting so that those who are not in a position to register to speak quickly are not disadvantaged, and bringing the deadline forward so the chosen speaker has time to prepare. It is also considered that this concern can be mitigated by encouraging people who register to start preparing their speech or at least an outline as soon as they register and not wait for a decision to be made. This would ensure that prospective speakers have up to 2 weeks to prepare their speech. On this basis, it is considered that the proposed deadline, midday, 2 working days before the Committee, will suffice.

It may also be that the outline speech is forwarded to the allocated speaker to consider for presenting on the days.

**GENDER REASSIGNMENT:** *This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

## Equalities Analysis Assessment

<b>Describe the Impact</b>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i></p> <p>Statistics are not available for the relationship between gender reassignment and consultation participation or internet usage, so it is difficult to tell whether prejudice would be caused to people with this protected characteristic.</p>
<b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b>
<b>Describe the Mitigating Action</b>
<p><i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i></p> <p>N/A</p>

<b>RACE: A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</b>
<b>State whether the impact is positive, negative, a combination of both, or neutral:</b>
<b>Describe the Impact</b>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on people from different ethnic backgrounds. Please note if there is no differential impact on people with this characteristic, please state this )</i></p> <p><b>Allocating Speaking Rights</b></p> <p><i>First Come, First Served:</i></p> <p>Statistics are not available for the relationship between race and participation in planning consultations. However, research suggests that people from minority ethnic groups are underrepresented in responding to planning consultations and, in general, they are less likely to be aware of the processes for getting their views heard. Publicly available reports including the report by <a href="#">UK Collaborate Centre for Housing Evidence (2022)</a> and the report by <a href="#">Bristow (2021)</a> both outline the underrepresentation of minority ethnic groups (in Bristow’s case, particularly the BAME community) in planning consultations. Both reports provide references to further academic studies. Like the concern outlined in the section on age above, groups who are underrepresented in earlier consultation stages of planning applications could be less likely to be able to register quickly to speak on an application.</p> <p><i>Drawing Lots:</i></p> <p>Given that there is a concern that individuals from certain races are underrepresented in earlier consultations in planning applications, there is a similar issue as with the protected characteristic of age in that random allocation may not give due regard to the individual circumstances of someone registering with a protected characteristic. Disparities in earlier stages of the Planning Process may be replicated by a random allocation.</p>

## Equalities Analysis Assessment

### *Chairs Discretion:*

This option has the benefits outlined above in that it can maintain random allocation where appropriate whilst also ensuring due regard is given to disclosed protected characteristics.

### **Other Impacts**

The protocol currently states that if the speaker's first language is not English and they wish to address the Committee, they can either bring a friend to interpret or make a statement on their behalf. The existing protocol also sets out that speakers who require an interpreter will be afforded additional time to speak, although it is proposed to update this provision so that the chair has discretion over how much additional time is given. Insofar as people from different nationalities, ethnic or national origins or races might not speak English as a first language, this provision of the existing protocol ensures their needs are taken into consideration. This aspect of the existing protocol is proposed to remain in the updated protocol.

### **Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

#### **Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

Please see mitigation outlined above under the "Age" heading. Overall, it is considered that the most appropriate measure given the concerns above would be to implement the Chair's discretion option.

**RELIGION & BELIEF:** *Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

#### **Describe the Impact**

*(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on people with different religious beliefs. Please note if there is no differential impact on people with this characteristic, please state this )*

Statistics are not available for the relationship between religion and belief and consultation participation, nor internet usage, so it is difficult to tell whether prejudice would be caused to individuals with this protected characteristic.

[UK Collaborate Centre for Housing Evidence \(2022\)](#) suggests that minority faith groups are underrepresented in consultations, although further information has been difficult to find on this issue.



## Equalities Analysis Assessment

<p>It is therefore possible that a similar impact might affect people from minority faith groups as discussed above in the section on age, in that they might find it harder to quickly register to speak.</p>
<p><b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b></p>
<p><b>Describe the Mitigating Action</b></p>
<p><i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i></p> <p>Please see mitigation outlined above under the “Age” heading. Overall, it is considered that the most appropriate measure given the concerns above would be to implement the Chair’s discretion option.</p>

<p><b>SEX: Someone being a man or a woman.</b></p>
<p><b>State whether the impact is positive, negative, a combination of both, or neutral:</b></p>
<p><b>Describe the Impact</b></p>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on a persons gender, please state this )</i></p> <p>According to the ONS, men are marginally more likely to use emails as part of their internet usage than women (86% compared to 85%).</p>
<p><b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b></p>
<p><b>Describe the Mitigating Action</b></p>
<p><i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i></p> <p>Please see mitigation for age.</p>

<p><b>SEXUAL ORIENTATION: A person’s sexual attraction towards his or her own sex, the opposite sex or to both sexes, covering including all LGBTQ+ groups.</b></p>
<p><b>State whether the impact is positive, negative, a combination of both, or neutral:</b></p>
<p><b>Describe the Impact</b></p>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i></p>

## Equalities Analysis Assessment

<p>Statistics are not available for the relationship between sexual orientation and consultation participation, nor internet usage, so it is difficult to tell whether prejudice would be caused to individuals with this protected characteristic.</p>
<p><b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b></p>
<p><b>Describe the Mitigating Action</b></p>
<p><i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i></p> <p>N/A</p>

<p><b>PREGNANCY &amp; MATERNITY: Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.</b></p>
<p><b>State whether the impact is positive, negative, a combination of both, or neutral:</b></p>
<p><b>Describe the Impact</b></p>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i></p> <p>Statistics are not available for the relationship between pregnancy and maternity and consultation participation, nor internet usage, so it is difficult to tell whether prejudice would be caused to individuals with this protected characteristic.</p>
<p><b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b></p>
<p><b>Describe the Mitigating Action</b></p>
<p><i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i></p> <p>N/A</p>

<p><b>MARRIAGE &amp; CIVIL PARTNERSHIP: Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.</b></p>
<p><b>State whether the impact is positive, negative, a combination of both, or neutral:</b></p>
<p><b>Describe the Impact</b></p>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i></p>

## Equalities Analysis Assessment

Statistics are not available for the relationship between marriage and civil partnership and consultation participation, nor internet usage, so it is difficult to tell whether there is an impact on this protected characteristic.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

N/A

### 3. Human Rights<sup>2</sup>

**4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?**

No

*(If yes, please describe the effect and any mitigating action you have considered.)*

**4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?**

No

*(If yes, please describe the effect and any mitigating action you have considered.)*

**4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?**

No

*(If yes, please describe the effect and any mitigating action you have considered.)*

### 4. Conclusion

*(Please provide a brief overview/summary of your analysis in light of the protected characteristics. Please describe the overall impact of your proposal where possible and mitigating actions undertaken by other areas of the Council or by local partners)*

Overall, whilst most aspects of the proposed updates to the speaking protocol are deemed either neutral or positive in relation to their impacts on people with protected characteristics, there is a risk

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<sup>2</sup> For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

## Equalities Analysis Assessment

that adopting a first come, first served policy will be to the detriment of groups by age, race, disability or religion and belief.

Two main factors were identified that drove the detriment to these groups: underrepresentation in earlier planning consultation stages and use of email for correspondence. In relation to the former, it was identified that groups who were underrepresented at consultation stages for planning applications may not be in a position to be aware of the opportunity to speak at planning committee or to register quickly. In relation to the use of emails for correspondence, it was noted that those who did not use emails regularly could be disadvantaged in registering quickly to speak given that the notification of the opportunity to speak was sent via email.

Other options were also considered. Whilst the drawing lots policy removed detriment which would be caused to a group on account of there being barriers to their registering to speak quickly, it was not suitable for having due regard to the specific circumstances of someone's protected characteristic and how it impacted their registering to speak. Due to operating on random chance, it risked replicating disparities in earlier stages of the planning process.

Finally, the option to maintain Chair's discretion as to who should speak was considered. Whilst there were concerns that this would leave people little time to prepare their speech once it was clear who would be speaking, and that this could have particular impact on people with learning difficulties or autistic spectrum condition, it was considered that this concern could be mitigated by ensuring people who register start preparing their speech as soon as they register. It was noted that this option maintained the possibility for the Chair to request that speaking was allocated by drawing lots, where appropriate.

Overall, it was considered that final option, putting the allocation of third party speakers to the Chair's discretion, was the one which had most positive impact on individuals with protected characteristics.

**4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.**

*(Please list all sources here: i.e. local consultation, residents' survey, census etc.)*

UK Collaborative Centre for Housing Evidence, 2022, "Public participation in planning in the UK", [220406-Public-participation-in-planning-in-the-UK\\_v3.pdf \(housingevidence.ac.uk\)](#) (accessed 31 July 2023)

YouGov Poll, 2020, referenced: [Local plans fail to engage people about the future of their areas | Social](#) (accessed 31 July 2023)

Office for National Statistics, 2020, "Internet access – households and individuals", [Internet access - households and individuals - Office for National Statistics \(ons.gov.uk\)](#) (accessed 31 July 2023)

A. Bristow, 2021, "Meeting the Housing needs of BAME households in England: the role of the planning system", [Meeting the housing needs of BAME households in England: the role of the planning system – I-SPHERE \(hw.ac.uk\)](#) (accessed 31 July 2023).

National Autistic Society, 2020, "Organising and prioritising – a guide for all audiences", [Organising and prioritising - a guide for all audiences \(autism.org.uk\)](#) (accessed 4 August 2023).

## Equalities Analysis Assessment

**5. Action Planning:** *(What are the next steps for the proposal please list i.e. when it comes into effect, when mitigating actions linked to the protected characteristics above will take place, how you will measure impact etc.)*

Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer <i>(Contact Details)</i>
Consultation with the Chair of the Planning Committee and opposition leads.	To receive input on the proposed changes from lead members for Planning from each of the political parties represented in Ealing.	That members' views are taken into account before the report for Committee is finalised.	Prior to the submission of the report for the December Planning Committee agenda.	Jack Roberts, Democratic Services Officer, <a href="mailto:robertsja@ealing.gov.uk">robertsja@ealing.gov.uk</a> 020 8825 6604.
Consideration by Planning Committee.	A decision on whether to adopt the changes and, particularly, whether to adopt a first come, first served policy to allocate speaking rights going forward.	That there is agreement on updates for the speaking protocol.	Report to be submitted to December Planning Committee.	Jack Roberts, Democratic Services Officer, <a href="mailto:robertsja@ealing.gov.uk">robertsja@ealing.gov.uk</a> 020 8825 6604.
Implementation of new planning protocol	Notifications of the opportunity to speak will be updated to reflect the changes. Explanations on the Council's website of the opportunity to speak will be update.	The new speaking protocol to be implemented at the meeting after the one where it is agreed.	The Planning department will be updated of the changes to the protocol directly after the meeting where the updates are agreed. The new protocol will be followed for meeting directly after the one where it agreed.	Jack Roberts, Democratic Services Officer, <a href="mailto:robertsja@ealing.gov.uk">robertsja@ealing.gov.uk</a> 020 8825 6604.

**Additional Comments:**

**6. Sign off:** *(All EAA's must be signed off once completed)*

Completing Officer Sign Off:	Service Director Sign Off:	<i>HR related proposal (Signed off by directorates HR officer)</i>
Signed:	Signed:	Signed:

## Equalities Analysis Assessment

Name (Block Capitals): <b>JACK ROBERTS</b>	Name (Block Capitals): <b>HELEN HARRIS</b>	Name (Block Capitals): 
Date:	Date:	Date:
For EAA's relating to Cabinet decisions: received by Committee Section for publication by (date):		

### **Appendix 1: Legal obligations under Section 149 of the Equality Act 2010:**

- As a public authority we must have due regard to the need to:
  - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
  
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
  - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
  - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
  
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.