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**Ref:** 220091FUL

**Address:** Hanger Lane Gyratory, Hanger Lane, Ealing, W5 1DL

**Ward:** Hanger Lane

**Proposal:** Construction of a three-storey roof extension with roof terrace to the 13-storey building and alterations and two storey extension to the 7 storey and 9 storey buildings and linking blocks, to accommodate additional resident amenity and additional student accommodation rooms (sui generis) and associated internal alterations

**Drawing numbers:** For full list of plans/supporting documents see condition 2.

**Type of Application:** Full Application - Major

**Application Received:** 10.01.2022

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**Report by:** Sean Moulton

**Recommendation:** Grant planning permission subject to:

1. **Section 106 Agreement; and**
2. **Planning Conditions of Consent**

**Executive Summary:**

The Application Site is currently being developed to a part 7, 9 and 13 storey student accommodation development containing 562 rooms (174485FUL dated 26.11.2019 as varied by 195106NMA dated 07.01.2020, 195092VAR dated 11.11.2020 and 217214NMA dated 10.01.2022).

This is a full application for the additional storeys of the previously approved development at Hanger Lane Gyratory. The site is located within the Hanger Lane Gyratory, north of Hanger Lane Underground Station and Underground railway lines.

Part of the Site is designated 'Green Corridor' and Site of Importance for Nature (SINC). Part of the Site is also subject to High Speed 2 (HS2) safeguarding. The site is within Ealing Council's Air Quality Management Area (AQMA).

The site is in an accessible location with a Public Transport Accessibility Level (PTAL) 4/5 rating 'Good'.

The surrounding area contains a mix of land uses including residential, retail and commercial uses.

Hanger Lane Underground Station is locally listed and there are two conservation areas nearby, with Brunswick Conservation Area located to the south and Hanger Hill (Haymills) Estate located to the south-west of the application site.

The proposal is for 144 student accommodation rooms (72 additional rooms per floor) and an additional level on the 'Sky Club' to provide an additional floor of amenity space. The proposal contains 35% affordable student accommodation in relation to the net increase in additional units. This equates to 50 rooms which would be affordable rent, subject to rent caps set out in the London Plan.

The proposal was referred to the Greater London Authority (GLA), whom responded stating, 'the extensions do not appear to trigger the requirements for referral under category 1D as they are under 1D.' The referral was therefore withdrawn.

The main aspects of the scheme include:

- Construction of a part-two, part-three storey extensions to the implemented scheme, totaling up to 16-storeys on site
- 144 additional student accommodation units on site, totalling when combined with the implemented scheme. Of the 144 additional units, 35% are to be affordable units.
- Use of the previously approved ancillary student facilities including study areas and education facilities, roof terrace, cycle parking, plant, and basement/ground floor retail/café/restaurant and gymnasium
- Retain the previously approved vehicular access on west side of gyratory serving a single on-site service lay-by only;
- Provision of affordable student accommodation on-site via Section 106;
- A raft of S.106 measures and contributions to mitigate the impact of the development.

Comparisons between the extant permission on the site vs. proposed extra storeys:



Cumulative Implemented Scheme



Cumulative Proposed Scheme

Images 1 and 2: View from North Circular Road, cumulative implemented scheme vs. cumulative proposed scheme.



Cumulative Implemented Scheme



Cumulative Proposed Scheme

Images 3 and 4: View from Norbreck Parade, cumulative implemented scheme vs. cumulative proposed scheme

EXISTING GIA			
Level	Student Accommodation (sui generis)	Use Class E	Subtotal
B2	1244	1368	2612
B1	2557	56	2613
C	1366	367	1733
M	1219	381	1600
1	2159		2159
2	2159		2159
3	2159		2159
4	2159		2159
5	2011		2011
6	1677		1677
7	1318		1318
8	559		559
9	559		559
10	559		559
11	379		379
<b>TOTAL</b>	<b>22084</b>	<b>2172</b>	<b>24256</b>

PROPOSED GIA			
Level	Student Accommodation (sui generis)	Use Class E	Subtotal
B2	1244	1368	2612
B1	2557	56	2613
G	1366	367	1733
M	1219	381	1600
1	2159		2159
2	2159		2159
3	2159		2159
4	2159		2159
5	2159		2159
6	2159		2159
7	2011		2011
8	1677		1677
9	1318		1318
10	559		559
11	559		559
12	559		559
13	387		387
14	203		203
<b>TOTAL</b>	<b>26613</b>	<b>2172</b>	<b>28785</b>

Tables 1 and 2: Existing GIA vs Proposed GIA for the Hanger Lane Gyrotory Site. This demonstrates the 2-3 extra storeys equating to 4,529sqm of additional GIA through the additional student accommodation.

Level	Implemented Scheme				
	Disabled	Cluster	Studio	Double	Sub Total
GF	0	8	0	0	8
MF	3	12	14	5	34
1	9	18	37	8	72
2	9	18	37	8	72
3	9	18	37	8	72
4	9	18	37	8	72
5	8	18	40	4	70
6	6	18	26	4	70
7	4	6	42	2	54
8	1	6	9	2	18
9	1	6	9	2	18
10	1	6	9	2	18
11	-	-	-	-	-
12	-	-	-	-	-
<b>Total</b>	<b>60</b>	<b>152</b>	<b>297</b>	<b>53</b>	<b>562</b>
<b>%</b>	<b>10.7%</b>	<b>27.0%</b>	<b>52.8%</b>	<b>9.4%</b>	
Level	Implemented Scheme				
	Disabled	Cluster	Studio	Double	Sub Total
GF	0	8	0	0	8

MF	3	12	14	5	34
1	9	18	37	8	72
2	9	18	37	8	72
3	9	18	37	8	72
4	9	18	37	8	72
5	9	18	37	8	72
6	9	18	37	8	72
7	8	18	40	4	70
8	6	18	26	4	70
9	4	6	42	2	54
10	1	6	9	2	18
11	1	6	9	2	18
12	1	6	9	2	18
Total	78	188	371	69	706
%	11.0%	26.6%	52.5%	9.8%	

*Tables 3 and 4: Room Type Schedule between the implemented and proposed schemes. It is noted that as a percentage of the overall quantum, disabled units and double units increase whilst the cluster and studio units decrease. All units increase in the raw number of units.*

The key determining issues in this case are:

- Principle of development and the appropriateness of the proposed use of the site as student accommodation;
- Affordability/viability;
- Accommodation standards and quality;
- Design including scale, height, form, siting and appearance;
- Environmental protection (Noise/ Air quality);
- Energy and sustainability;
- Transport in particular access and servicing, and accessibility;
- Impact on heritage assets; and
- Planning obligations and the Mayor’s Community Infrastructure Levy.

Each of these are summarised below with further detail added within the relevant sections of the report.

Principle of development/ land use

The site has an extant permission for a part-7, 9 and 13-storey building comprising 562 rooms and ancillary student facilities, therefore the principal of a student accommodation development and a tall building has been agreed in principle for this site.

The site is in a highly accessible location and a car-free development as proposed would be appropriate subject to the transport mitigation measures in the Section 106 agreement to secure significant improvements to the pedestrian/ cycle infrastructure/ environment; acceptable servicing/ delivery arrangements and student drop off/ collection.

The proposal would make beneficial use of a site being developed as student accommodation within a sustainable location. The additional storeys make a significant contribution to student housing provision in the borough/ London for which there is a demonstrable demand, in line with policy.

Design including scale, form, siting and appearance

The form/ scale/ height of the proposed development (the additional storeys) would not be out of place in the local context. It would complement the largely `stand-alone` development being in the centre of the gyratory whilst providing an appropriate transition between the lower rise buildings to the East, and 8 storey buildings to the West. The architecture and materials are considered high quality and would result in an attractive development for this prominent Site within the A40 gyratory.

The character and appearance of the area would change but it is not considered this would result in any harm.

Accommodation standards/ quality

The development would provide a mix of student units all of which would provide a satisfactory living environment with adequate natural daylighting outlook and privacy. The additional units would have access to the previously approved teaching space facilities and proposed ancillary uses. Identification of wheelchair accessible units would be secured be condition.

Amenity space provision would meet London Plan standards and be in line with the extant permission on site.

Affordable accommodation/ Viability

Following detailed consideration, it is considered that securing 35% of the uplift of rooms (50 rooms) for students at any of the named institutions would be acceptable and in line with local policy. These would be at a rent cap set out within the Section 106 Legal Agreement. The remainder of the rooms would also be for residence by students only.

Environmental Protection

The site is exposed to noise and air pollution from traffic along the A40 and NCR and the railway. The design seeks to minimise the adverse environmental impacts and appropriate conditions are included to ensure an acceptable internal living environment would be achieved. A S106 contribution is also included towards the Councils AQMP.

Energy/ Sustainability

The Council is broadly supportive of the proposed energy strategy which is inevitably pinned to the main 2017 (174485FUL) application strategy. Section 106 contributions are sought for carbon offsetting with conditions recommended to ensure the development addresses climate change and to secure environmentally sustainable development in line with local and regional policies.

Neighbour Impact

This is a relatively isolated Site in the centre of the gyratory well separated from surrounding buildings/ sites to avoid any adverse impacts in terms of overshadowing/ overlooking, noise, or disturbance. The proposal is considered an advancement on the previously approved development and whilst it is noted that the character and appearance of the area would inexorably change, the additional storeys are considered high quality architecture and the visual impact is considered acceptable and would not harm the character or visual amenity of the area or outlook for neighbours.

Impact on Heritage Assets

The proposal is not considered to have a material impact on nearby heritage assets (Locally listed Hanger Lane Underground Station or nearby Conservation Areas).

Transport

In line with the permission on the lower floors, the development will be car-free which is considered appropriate given the context and the nature of the proposed uses.

The development would generate relatively little road traffic and thereby would have a negligible impact on the highway network; subject to the transport mitigation measures agreed and set out in the report.

Cycle parking would meet London Plan standards.

Importantly, servicing/ delivery arrangements and student arrivals/ departures would be strictly controlled and managed to mitigate any adverse highways impact – these matters are covered by conditions from the existing permission on the site.

Objections

Objections have been received from 4 local residents, West Acton Residents Association (WARA) and the Ealing Civic Society.

The main objections concern the overdevelopment of the site by virtue of its additional height, harm to the locally listed Hanger Lane Underground Station, harm to existing nearby residents by reason of loss of privacy, impact on future residents by reason of air/noise pollution, strain on existing amenities & facilities and an increase in traffic.

The representations are set out and considered in the body of the report.

Recommendation

The report recommends the grant of detailed planning permission subject to compliance with the relevant planning conditions and the completion of a satisfactory legal agreement.

In reaching this recommendation specific consideration has been given to the key determining issues identified above.

Weighing up all the material considerations, the proposed development is deemed to be acceptable and to comply with development plan policies and the national guidance; or to provide suitable justification and mitigation for areas of non-compliance.

There are no other material considerations, which would warrant a refusal of the application.

Additionally, the applicant would be liable to contribute to the Mayor's Community Infrastructure Levy.

**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 to be secured through a S106 Agreement are set out below.

- a) Payment of £43,434 for transport improvements and mitigation around the road network near the application site including:
  - o Provision of 1 disabled parking bays in vicinity of the site equipped with an active charging point for electric vehicles (£5,000)



- o Contribution to proposed Cycle Quietway between Hanger Lane Gyratory and Ealing Broadway (£38,434)

Financial Contribution Heading	Proposed Contributions
Healthcare Provision	£77,255
Active Ealing	£50,000
Transport	£43,434
Parks	£19,747
Air Quality	£14,400
CCTV and associated infrastructure	£10,000
Carbon Dioxide Offsetting	£142,785*
<b>TOTAL CONTRIBUTIONS</b>	<b>£214,836 + Carbon Offsetting if required</b>

\*The Developer Covenants that where prior to Occupation of the Development the assessment carried out as required by the Energy Assessment Condition shows that the Carbon Dioxide Emission Target cannot be met on site, there shall be no occupation of development unless and until such time as the carbon dioxide offsetting sum of £142,785 has been paid to the Council.

- On-site provision of 35% affordable student accommodation (50 rooms), with the remainder of the rooms for residence by students only. Affordable student accommodation shall incorporate rent caps, as set out in the London Plan and in line with the implemented permission on the site.
- 50% of the units for occupation by students during the academic year to be affiliated with one or more Third level (higher) education institutions as specified in the S106
- Requirement to enter into a separate agreement with HS2
- Detailed Travel Plan and Implementation of Travel Plan – including cycle and road safety education training (funded through the Travel Plan) for all students occupying the development
- All contributions indexed linked
- Payment of the legal and profession fees incurred by the Council during the preparation of the Section 106 Agreement
- Payment of the Council’s reasonable costs for Section 106 monitoring

**AND**

That the grant of planning permission be subject to the following conditions:

**Conditions/Reasons and Informatives: refer to Annexe 1**

**Site Description**

The site is a roughly rectangular shaped plot of land (circa 0.4ha) located in the centre of the Hanger Lane roundabout, at the junction of the A40 Western Avenue and A406 Hanger Lane (North Circular Road). It is brownfield land currently in use as storage and is comprised of hard standing with a small single storey structure. There is one vehicular entrance to the east of the Site opposite Twyford Abbey Road. The remaining land within the gyratory is currently owned by Railtrack, TfL and LBE.

The site is generally screened by trees and vegetation from all directions. To the south there is a steep embankment down to a railway line (Central Line tube).

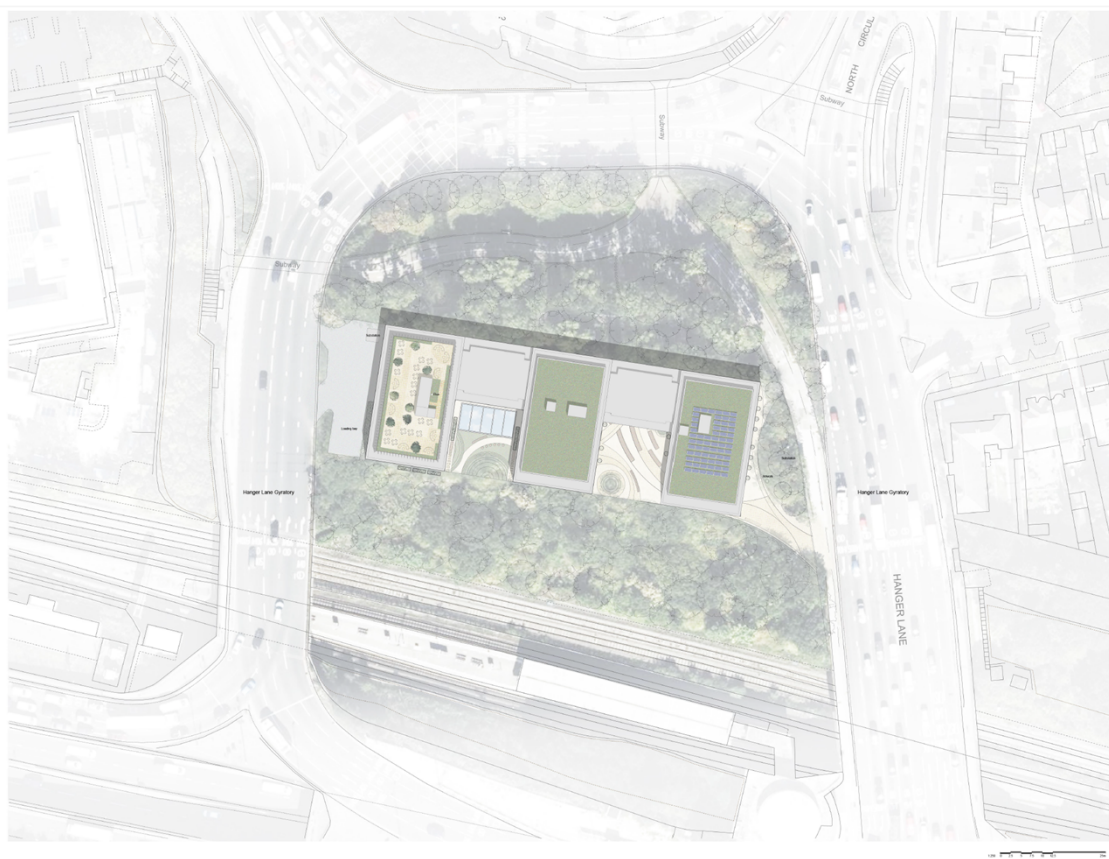
The Site is within a designated Green Corridor and is a Site of Importance for Nature Conservation (SINC). Hanger Lane Station to the South, is a locally listed building. The gyratory lies at the junction of the A40 Western Avenue and the A406 /Hanger Lane to the

south and the North Circular Road to the northeast. As the gyratory is a Strategic Route, the Highway Authority is Transport for London (TfL). The Site is to the north of the railway line servicing national and London Underground services. It is also within the High Speed 2 safeguarding area.

There are a number of trees within the site, along its boundary, which are protected by Tree Protection Orders (TPO/2008/0823 – A2 – Mixed Group).

The Site is located within Flood Zone 1. It is not located in a Conservation Area and does not contain any heritage assets.

The Site is well served by public transport via pedestrian underpasses below the carriageway. Hanger Lane and Park Royal London Underground stations are 100m and 800m from the Site respectively. Six bus routes stop nearby with services to a variety of destinations. The Site has a PTAL (Public Transport Access Level) of between 4 and 5, 'good' to 'very good', on a scale of 1 to 6, where 6 is 'Excellent'.



*Image 5 – Site Location, shown within the centre of Hanger Lane Gyratory.*

#### Surrounding area

There are a variety of building uses around the Hanger Lane Gyratory. These range from transport, to commercial and residential.

Hanger Lane station is accessed by a network of footpaths and subways that run within and around the gyratory, which also provide external landscaped areas. To the north of the Site is a grassed landscaped area and maintained embankment that slopes down to a foot and cycle path with an embankment of landscaping beyond. This path provides access to the subways under the road carriageway to the east, north and west of the Site. On the south side of the Site is an embankment with trees leading down to the railway line.

To the north of the Gyratory are two storey semi-detached hipped-roof, inter-war, houses from Hanger Lane / Priory Gardens and two-storey terrace of shops and commercial units, at Norbreck Parade. A slip road serves the front of all of these properties. Opposite, on the east side of the North Circular Road, are similar two storey semi-detached hipped roof houses that extend to a three storey flat roofed terrace of retail and commercial units and residential units on the upper floors at Abbey Parade, set behind a slip road between the North Circular Road and Twyford Abbey Road. Either side of Twyford Abbey Road are two storey semi-detached houses. On the south side of Twyford Abbey Road is a three storey flat roofed block of flats,(Fernlea House), abutting the Gyratory.

On the western side of the Gyratory is an 8 storey 1980s built office building, (Westgate House), and a four storey 1980s office building within a designated Strategic Industrial Location (SIL). This site has a recent approval for an upwards extension of two floors which is currently under construction.

South of the railway and A40 slip road on the east side of Hanger Lane is a three-storey hipped roof 1930s terrace of properties comprising retail and commercial units with residential accommodation above at Ashbourne Parade. At the eastern end is a more recent 4/ 5 storey office building (Orbit House). There is an access road to the front of these properties. To the rear is the Haymills Estate, an inter-war development of mainly two storey detached houses, which together with Ashbourne Parade, forms the Hanger Hill (Haymills) Conservation Area.

On the south side of the railway, west of Hanger Lane is a three storey inter-war terrace with retail and commercial uses on the ground floor and residential accommodation above at Royal Parade served by a front service road. At the western end of the Royal Parade, fronting the A40 slip road, is the 5 storey Crowne Plaza Hotel, beyond which are four storey 1930s mansion blocks. To the rear is mainly two-storey, Inter-War semi-detached housing that forms the Brunswick Conservation Area

Hanger Lane Underground Station, to the south, and The Fox and Goose Public House to the north are locally listed buildings. There are a number of Conservation Areas to the south of the Site, including those of the Brunswick and Hanger Hill Estates.



*Image 6 – Location of the Hanger Lane Gyratory site in its local context. Note, that work is currently in progress implemented the previously consented scheme.*

**Details of Proposal**

Planning permission is sought for the construction of a three-storey roof extension with roof terrace to the 13-storey building and alterations and two-storey extension to the 7-storey and 9-storey buildings and linking blocks, to accommodate additional residential amenity and additional student accommodation rooms (144 rooms) and associated internal alterations.

The 13-storey building on the western side of the development is to be extended by three-storeys to provide one floor of additional student accommodation rooms and two-storeys a communal amenity lounge. Cumulatively, this building is to increase in height to be 16-storeys. A roof terrace is proposed at the upper most floor.

The consent 7-storey and 9-storey buildings to the central and eastern sides of the development are to be extended by two-storey extensions to deliver additional student accommodation rooms. Cumulatively, these buildings are to increase in height to 9-storeys and 11-storeys respectively.

The link blocks between the three main buildings are to each have two-storey extensions to provide additional student accommodation.

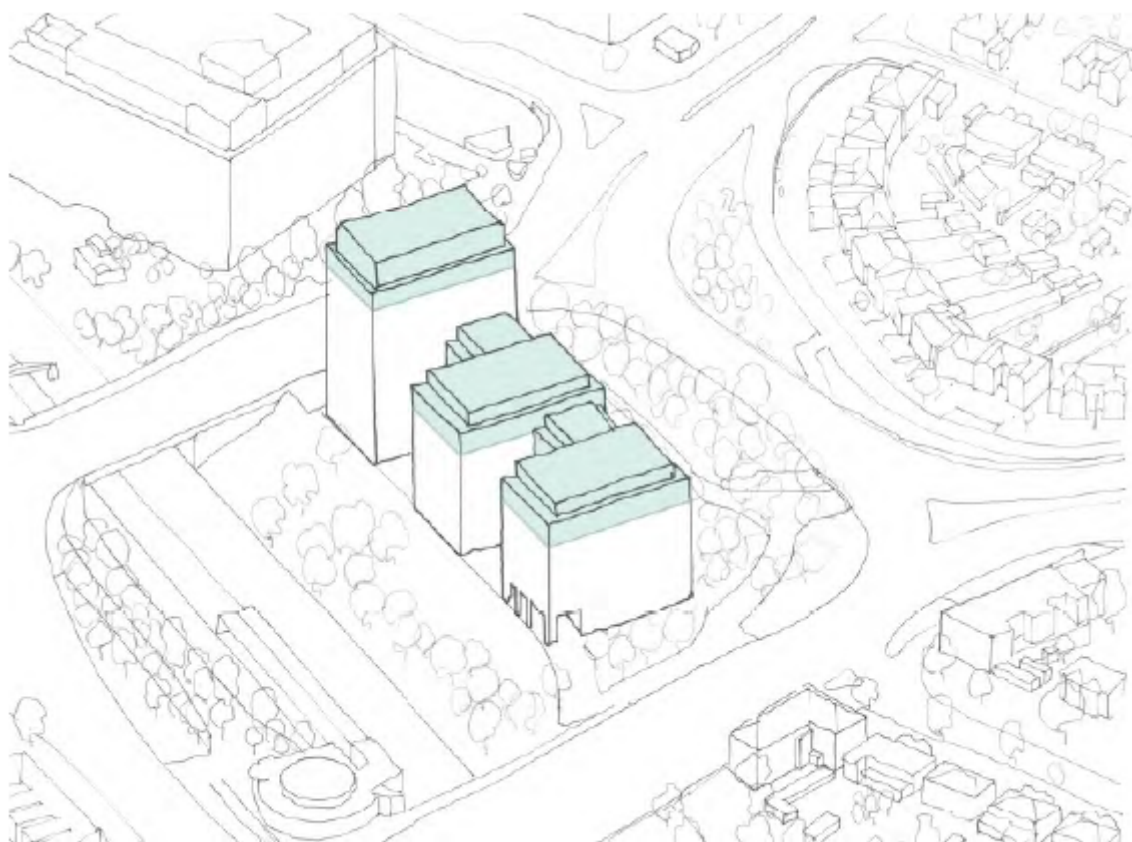
As part of the proposal, the layouts are altered internally, with the fifth and sixth floors extending out to bring the façade in line with the first to fourth floors, the proposed seventh floor would then match the consented fifth floor and so forth.

Both the proposed additional and consented accommodation would be able to use the existing facilities on the lower floors and basements including the commercial and communal uses, in addition to the proposed Sky Club on the roof of the tallest building.

No changes to the accessways, entrance points, landscaping, public realm or car parking are proposed as part of the application compared to the previously approved applications and amendments on the site.

The facility would be occupied by the `Stay Club`, a student accommodation provider that operates sites in Camden, Willesden and Colindale. The facilities provided are high quality and individually designed to provide an attractive and comfortable space.

The development comprises an additional 4,529sqm of gross internal floor area (GIA), of which relates to an increase in student accommodation. The proposal includes an increase of 922sqm of amenity by reason of increase in social space (685sqm) and lobby seating area (237sqm).



**Implemented scheme with proposals**

*Image 6 – Implemented scheme with the additional proposals shown in green (facing south-east).*



*Image 7 - Day time view approaching site from Hanger Lane Station*



*Image 8 - Proposed scheme view from Hanger Lane South*



*Image 9 - Proposed scheme view from Norbeck Parade*

Relevant Planning History:

Application Site

Ref:	Decision Date	Proposal	Decision
172881SCE	21/07/2017	Screening Opinion	Not EIA Development
174485FUL	26/11/2019	Demolition of existing structure and erection of part 7, 9 and 13 storey building with double basement for use as student accommodation (use class sui generis) comprising up to 650 bed spaces, ground floor ancillary student facilities and study areas, cycle parking, plant, access and servicing, landscaping and public realm, and basement/ground floor retail/café/restaurant (class A1/A3) and gymnasium (class D2) commercial units.	Granted with S106 Conditions
195106NMA	07/01/2020	Application for a Non-Material Amendment (under Section 96a) to planning permission ref: 174485FUL dated 26/11/2019 for: "Demolition of existing structure and erection of part 7, 9 and 13 storey building with double basement for use as student accommodation (use class sui generis) comprising up to 650 bed spaces, ground floor ancillary student facilities and study areas, cycle parking, plant, access and servicing, landscaping and public realm, and basement/ground floor retail/café/restaurant (class A1/A3) and gymnasium (class D2) commercial units." Amendment seeking to rationalise room types and marginally increase the narrowest of room windows.	Approved
195092VAR	11/11/2020	Application for a Minor Material Amendment	Granted with S106 Conditions



		<p>(S73a) to vary condition 2 (Approved Plans) of planning permission ref: 174485FUL dated 26/11/2019 for: Demolition of existing structure and erection of part 7, 9 and 13 storey building with double basement for use as student accommodation (use class sui generis) comprising up to 650 bed spaces, ground floor ancillary student facilities and study areas, cycle parking, plant, access and servicing, landscaping and public realm, and basement/ground floor retail/café/restaurant (class A1/A3) and gymnasium (class D2) commercial units. Variation seeks to rationalise room types and building facade based on modular construction, and to increase the height of the ground floor by 0.5 metres.</p>	
<p>217214NMA</p>	<p>10/01/2022</p>	<p>Application for a Non-Material Amendment in (S96a) seeking to amend the internal layout of the lower and upper basement floors to reconfigure the communal/educational amenities, increase cycle provision and the installation of two substations to the ground floor in relation to 174485FUL dated 26.11.2019 as amended by 195092VAR dated 11.11.2020 for: 'Demolition of existing structure and erection of part 7, 9 and 13 storey building with double basement for use as student accommodation (use class sui generis) comprising up to 650 bed spaces, ground floor ancillary student facilities</p>	<p>Granted with Conditions</p>

		<p>and study areas, cycle parking, plant, access and servicing, landscaping and public realm, and basement/ground floor retail/café/restaurant (class A1/A3) and gymnasium (class D2) commercial units'</p>	
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**Other Student developments in the wider area**

There have been a number of recent proposals for student accommodation in the wider area, including:

- Holbrook House, North Acton - Permission granted February 2017 for redevelopment to provide 424 student bed spaces (ref: 161133OPDS subsequently increased to 498 bed spaces (ref: 171246OPDC).
- 140 Wales Farm Road - Permission granted May 2017 for a mixed use development including 736 student bed spaces (ref: 172682FUL).

**PUBLIC CONSULTATION BY THE LOCAL PLANNING AUTHORITY**

Neighbour Notification:

The application has been advertised within the Ealing Gazette and 50 site notices displayed on lampposts in the surrounding area between 2 March 2022 and 23 March 2022, with consultation remaining open until the date of a decision.

Four public representations received during the planning process.

Issue/Comments	Planning Officer's response
<ul style="list-style-type: none"> <li>• Out of character with the existing housing stock</li> <li>• Poor design</li> <li>• Overdevelopment of the site</li> <li>• Exacerbate the development's visibility</li> <li>• Potential privacy problem to surrounding residential houses and gardens</li> <li>• Air and noise pollution from surrounding traffic</li> <li>• Stress on transport and local services including access to parking and delivery</li> </ul>	<p><u>Planning Officer's response:</u>  <i>These issues are addressed in the Planning Assessment below.</i></p>

External Consultations	Representations and Planning Officer's response
<p>GLA Stage 1</p>	<p><b>GLA Stage 1 - Comments:</b>                      Whilst it is at the discretion of the local planning authority whether an application should be referred, it is my opinion that the extensions do not appear to trigger the requirements for referral under category 1D as they are under 15m.</p> <p><u>Planning Officer's response:</u>                      Based on these comments, the referral was withdrawn in line with the GLA advice.</p>
<p>Transport for London (TfL)</p>	<p><b>TfL – Comments:</b></p> <ul style="list-style-type: none"> <li>• It is understood that the proposed development comprises of extending the current student accommodation scheme to provide 144 additional bedrooms, and associated student facilities. The works will increase the height of the consented scheme and include internal changes, with no changes proposed to the access arrangements.</li> <li>• As stated in the Transport Assessment the s106 for the consented scheme is expected to apply to the development proposals which is welcomed. In addition, should any of the proposed works fall within TfL's highway boundary a s278 agreement may be required with TfL.</li> <li>• In terms of the internal changes to the scheme, the cycle parking should meet Policy T5 of the London Plan, expecting cycle parking to be designed and laid out in accordance the London Cycling Design Standards. Cycle parking facilities should be provided for larger cycles, including adapted cycles for disabled people. A total of 108 additional long-stay cycle</li> </ul>

	<p>parking spaces and 4 additional short-stay additional spaces are proposed to be created at basement level via a separate S96 application, which meets Policy T5.</p> <ul style="list-style-type: none"> <li>• The site has a PTAL rating of 4/5, on a scale of 0 to 6b, where 6 is highest. London Plan Policy T6 states that car-free developments should be the starting point for all development proposals in high PTAL locations. Vehicular and pedestrian access to the site will remain the same as the consented scheme. The site currently has 10 existing car parking spaces. 2 of the parking spaces closest to the ramp will be converted to disabled spaces. All operational parking must provide infrastructure for electric vehicles in line with Table 10.6 of the London Plan.</li> <li>• The net trip generation for the proposed development indicates a total of 135 trips in the AM peak and 218 in the PM peak with a total of 2,104 daily trips across all modes. The increase in number of person trips can be accommodated on the strategic highway and public transport network given the high mode share of trips to be made by sustainable modes.</li> <li>• All deliveries and servicing will remain as per the existing approved development, with off-site consolidation and delivery to the site by sustainable modes which meets Policy T7.</li> <li>• A Construction Logistics Plan should be provided in line with Policy T7.</li> </ul> <p><i>Planning Officer's response:</i>  <i>TfL advice has been fully taken into account and a condition regarding the Constructions Logistics Plan has been recommended in line with TfL's comments.</i></p>
<p>London Borough Of Brent (Planning)</p>	<p>No Objection.</p>
<p>London Borough Of Hammersmith &amp; Fulham</p>	<p>No Objection.</p>
<p>Environment Agency</p>	<p>No reply.</p>
<p>Thames Water Utilities Ltd</p>	<p>Thames Water recommends one condition regarding foul water network infrastructure and an informative regarding water network infrastructure capacity.</p> <p><i>Planning Officer's response:</i>  <i>Appropriate conditions are included.</i></p>

<p>London Fire and Emergency Planning Authority</p>	<p>No reply.</p>
<p>NHS Property Services (CCG)</p>	<p>No reply.</p>
<p>London Underground Infrastructure Protection</p>	<p>Though we have no objection in principle to the above planning application there are a number of potential constraints on the redevelopment of a site situated close to London Underground infrastructure.</p> <p>Therefore, we request that the grant of planning permission be subject to conditions to secure the following:</p> <p>The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which provide details on the use of tall plant with slew and collapse radius of London Underground assets</p> <p><i>This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.</i></p> <p><u>Planning Officer Response:</u> Comments noted and condition recommended as noted in Annexe 1.</p>
<p>Design Out Crime</p>	<p>As the lower floors did not include a Secure by Design Accreditation, no condition is recommended as part of the additional storeys.</p>
<p>HS2 Ltd</p>	<p>Confirm that the Application Site is subject to formal safeguarding interests. Given the proposed additional 3 storeys will increase loads on the consented development foundations, HS2 Ltd requested the re-confirmation that any additional loads imposed upon the HS2 tunnels in that location will remain within the specified limits and an updated loading schedule/analysis in order for HS2 designers to undertake their own review.</p> <p>Additional information was then sent between HS2 and the applicant with HS2 responding stating, "The team has now completed their assessment and I can confirm HS2 have no further comments from a construction or engineering perspective. As such there are no objections and the Council can proceed to determine the application."</p> <p><u>Planning Officer's Response:</u> Comments noted and the information submitted is included within the conditions.</p>

<p>Ward Councillors - Hanger Lane/ East Acton/ Acton Central</p>	<p>No responses.</p> <p>It is noted that wards had changed prior to the election, however, all consultations were done correctly at the time of the submission.</p>
<p>Ealing Civic Society</p>	<p>Raises the following objections/ comments (summarised):</p> <ul style="list-style-type: none"> <li>• Excessive height of the development</li> <li>• Harm to views from neighbouring Conservation Areas</li> <li>• Dominate the locally listed Hanger Lane Underground Station and openness of existing setting</li> </ul> <p><i>Planning Officer's response:</i>  <i>These issues are addressed in the Planning Assessment below.</i></p>
<p>West Twyford Residents Association</p>	<p>A summary of the objections/ comments raised are as follows:</p> <ul style="list-style-type: none"> <li>• A third application to increase the height/mass of the site</li> <li>• Overdevelopment of the site</li> <li>• Uninspiring piece of architecture on entering Ealing from the North or West</li> <li>• D&amp;A examples of surrounding developments not relevant for this development</li> <li>• Disingenuous view on wheelchair users' facilities and accessibility</li> <li>• Loss of amenity (trees) within the Gyratory and corresponding S106</li> <li>• Lack of community benefit</li> <li>• Affect local ecology - Development cuts site in half, with no wildlife access across the site.</li> </ul> <p><i>Planning Officer's response:</i>  The objections/ concerns about the height/ scale of the development/ the design treatment and landscape quality are covered in the Reasoned Justification section below, however, it is noted that access arrangements and tree planting are in line with the previous permission on the site.</p>
<p>West Acton Residents Association (WARA)</p>	<p>No Reply.</p>

East Acton Residents Association	No reply.
Acton Alliance	No reply.
Acton Community Forum	No reply.
Acton Town Residents Association	No reply.
Hanger Hill (HAYMILLS) Conservation Area Advisory Panel	No reply.
Hanger Hill Garden Estate Conservation Area Advisory Panel	No reply.
Brunswick Conservation Area Advisory Panel	No reply.
Network Rail Infrastructure Ltd	<p>Network Rail advises the council and the developer that the proposal area is subject to a demarcation agreement (DA0179/RT) and therefore in addition to any planning consent the applicant will require consent for the works from Network Rail.</p> <p>The applicant will abide by all terms/covenants and conditions – they will submit details to <a href="mailto:PropertyServicesLNW@networkrail.co.uk">PropertyServicesLNW@networkrail.co.uk</a></p> <p>The applicant will also be required to agree all asset protection measure including agreement to:</p> <ul style="list-style-type: none"> <li>• RAMS</li> <li>• Excavation earthworks</li> <li>• Drainage</li> <li>• Scaffolding</li> </ul> <p>There must be no structures within 3m of the railway boundary.</p> <p><i><u>Planning Officer's response: Comments noted.</u></i></p>
Civil Aviation Authority	No response.
National Air Traffic Services	No safeguarding objections to proposed development.
Heathrow Airport Limited	No safeguarding objections to proposed development and makes one general observation:

	<p><b>Obstacle Lighting</b>                  Although it isn't anticipated that the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or Radar. We would like to advise the developer that if a crane is required for construction purposes, then red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib if a tower crane, as per the requirements set out by CAP1096.  <a href="https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&amp;mode=detail&amp;id=5705">https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&amp;mode=detail&amp;id=5705</a></p>
<p><b>Internal Consultations</b></p>	
<p>Transport Services:</p>	<p>Transport Services (TS) has carefully assessed the transport and traffic impacts of the proposal with S106 contributions requested regarding CPZ consultation and review, off site disabled parking bays, contribution to proposed cycle Quietway, traffic calming and travel plan monitoring. Contributions sought in relation to the 706 rooms on site and therefore these are taken as a pro rata for the uplift of 144 rooms.</p> <p>Conditions to be recommended in line with the previously approved and subsequently implemented development.</p> <p><i>Planning Officer's Response: Section 106 contributions are noted in the Heads of Terms in line with the balance between different departments wants and needs and what can be reasonable be requested for this development. In this instance, a contribution towards one disabled parking space (based on London Plan's 3% policy) and a pro-rata increase in contributions towards a cycle Quietway between Hanger Lane Gyratory &amp; Ealing Broadway is considered acceptable in this instance. Contributions for traffic calming and CPZ review are not considered necessary given they were secured in the consented scheme and the proposal would not lead to a greater impact on these resources.</i></p>
<p>Energy &amp; Sustainability Officer</p>	<p>No objection subject to S.106 obligations and conditions to ensure the energy strategy complies with the latest Building Regulations and London Plan requirements. Information was provided regarding planning policies and confirmation on how the development conforms to planning policy.</p> <p><i>Planning Officer's response: Appropriate S.106 contributions/ obligations, and planning conditions are included as recommended by the Energy &amp; Sustainability Officer.</i></p>
<p>Regulatory Services (Pollution Technical Team)</p>	<p><b>Noise/ Vibration</b>                  Concerns regarding traffic noise and air pollution due to the constantly high volume of traffic and 6 major roads linking to it, as well as being under the Heathrow flightpath. 4 conditions and 5 informatives are therefore recommended.</p> <p><b>Air Quality</b></p>



	<p>Conditions and S106 contributions to be in line with the previous permission on site.</p> <p><u>Contamination</u>                  Recommends conditions in line with the previous permission on the site, with Condition 5 split up.</p> <p><i><u>Planning Officer's response:</u> Advice noted and conditions recommended where appropriate.</i></p>
<p>Parks and Leisure</p>	<p>Parks requests S106 contribution for offsite facilities due to the shortage of onsite amenity space.</p> <p><i><u>Planning Officer's Response:</u> Section 106 contributions are noted in the Heads of Terms in line with the balance between different departments wants and needs and what can be reasonable be requested for this development. In this instance, a contribution of £19,747 is considered acceptable based upon the proposed floor area of 4,529sqm.</i></p>
<p>Active Ealing</p>	<p>Active Ealing requests S106 contribution towards projects to improve both indoor and outdoor sports facility infrastructure in the local area. One informative also recommended advising the applicant to incorporate Sport England's 'Active Design' (October 2015), throughout the proposed development.</p> <p><i><u>Planning Officer's Response:</u> Section 106 contributions are noted in the Heads of Terms in line with the balance between different departments wants and needs and what can be reasonable be requested for this development. In this instance, a contribution of £50,000 is considered acceptable based upon the proposed floor area of 4,529sqm and that the site contains an on-site gym.</i></p>
<p>Tree Services</p>	<p>Requests a S106 for tree planting on a pro rata increase compared to the extant permission on the site reflecting an increase in the number of properties on site.                  No objection subject to conditions and S.106 contribution towards tree planting.</p> <p><i><u>Planning Officer's Response:</u> Section 106 contributions are noted in the Heads of Terms in line with the balance between different departments wants and needs and what can be reasonable be requested for this development. In this instance, a contribution is not deemed reasonable for this application given the proposal is for an upwards extension and does not involve any changes to the previously approved landscaping or trees.</i></p>
<p>CCTV Services</p>	<p>CCTV seek £10,000 for a new CCTV camera as the development will increase footfall and may increase anti-social behaviour in the area.</p> <p><i><u>Planning Officer's Response:</u> Section 106 contributions are noted in the Heads of Terms in line with the balance between different departments wants and needs and what can be reasonable be</i></p>

	<i>requested for this development. In this instance, a contribution of £10,000 is considered acceptable.</i>
Waste & Street Services	Requested a waste strategy and refuse disposal plan which was received during the planning process. These were considered acceptable by the Waste & Street Services team with nothing further to add.  <i>Planning Officer's response:</i> Comments noted.
Housing	35% affordable is acceptable in this application with a corresponding S106.  <i>Planning Officer's response:</i> Comments noted.

**Plan Designations and Allocations**

The Site is within a Green Corridor and designated as a Site of Importance of Nature Conservation (SINC). The Site falls within the HS2 safeguarding area for subsurface works. The Site is located within Flood Zone 1 and has a PTAL score of 4/5. Hanger Lane Station to the south, is a locally listed building. The Site is not within a Conservation Area or an Archaeological Interest Area.

**Reasoned Justification/Planning Assessment/ Remarks**

The main issues for consideration are:

- Principle of development and proposed uses (Student accommodation)
- Affordable accommodation
- Urban Design & Architecture
- Neighbouring impact
- Transport
- Accessibility
- Energy & sustainability
- Environmental considerations (Noise/ air quality/ contamination etc.)
- Other matters

**Principle of development including the proposed uses**

The principle of student accommodation on this site has been established based on previous permissions on the site, together with appropriate ancillary commercial uses is considered acceptable and would be policy compliant.

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

Policy H15 of the London Plan states Boroughs should seek to ensure that local and strategic need for purpose-built student accommodation is addressed provided that it meets certain conditions including contributing to a mixed and inclusive neighbourhood among affordability criteria. There is no specific standards however regarding the quality of student housing development.

Paragraph 74 of the NPPF advises that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five

years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

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

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

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

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

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

The Committee will note the Court of Appeal judgment in *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government* (2021) that in the planned Planning System the decision-maker (i.e. the Council) is entitled when determining the application to take into account and weigh other development plan policies relevant and applicable to the application, such as for example design, scale, amenity, contribution towards meeting affordable housing need, as well as the non-exhaustive list of matters noted in 1 above.

The proposed development is for 144 additional student rooms on the site. In order to accommodate the different needs of students, there are 20 room types. They all vary slightly in size and proportions (ranging from 16sqm to 46sqm), all have the following facilities:

- En-Suite bathrooms
- Kitchenette with fridge/freezer
- Hob & microwave
- Linen, towels & kitchen utensils provided
- Utilities provided
- Single or double bed

Wheelchair accessible rooms would be provided in accordance with Part M of the Building Regulations.

The Application Site is not considered appropriate for traditional residential accommodation due to its position within a busy gyratory; however, student accommodation, with its short-term tenancies, is supported in principle, subject to the provision of affordable accommodation and compliance with other strategic issues. The development is considered in line with local policies regarding purpose-built student accommodation with the wheelchair accessible rooms considered acceptable and in line with both local planning policies and building regulations.

### **Affordable accommodation and Use as Student Accommodation**

Affordability is a key issue in student housing provision in London, particularly for purpose-built accommodation; developers are encouraged to develop models which minimise rental costs, through layout and location for example, to bring rents more in line with what is affordable. Policy H15 of the London Plan states the affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.

In this case, the applicant does not have an undertaking with a specific institution, therefore the scheme must provide an element of affordable student accommodation on site. As set out in the Housing SPG, affordability is determined through considering the average student income in London and the percentage that is reasonable to spend on accommodation. Affordable student room rates would be secured at 55% of the average student income. It is accepted that the affordable accommodation would be over the academic year (38 weeks) with summer lets at market rates. Review mechanism to be discussed with the GLA.

The average student income is updated annually within the Annual Monitoring Report (AMR).

The application proposed 35% (50 rooms) of the uplift of the 144 rooms to be affordable (rent caps), in line with London Plan (2021) policy H15 which has been accepted by Ealing Council's Housing Departments.

### **Urban Design & Architecture**

The National Planning Policy Framework (NPPF) (paragraph 80) indicates planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of the good architecture, layout and appropriate and effective landscaping.

The design policies within chapter 3 and elsewhere in the London Plan (2021) include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and public realm. Policy D3 also requires that new development has regard to its context and makes a positive contribution to local character.

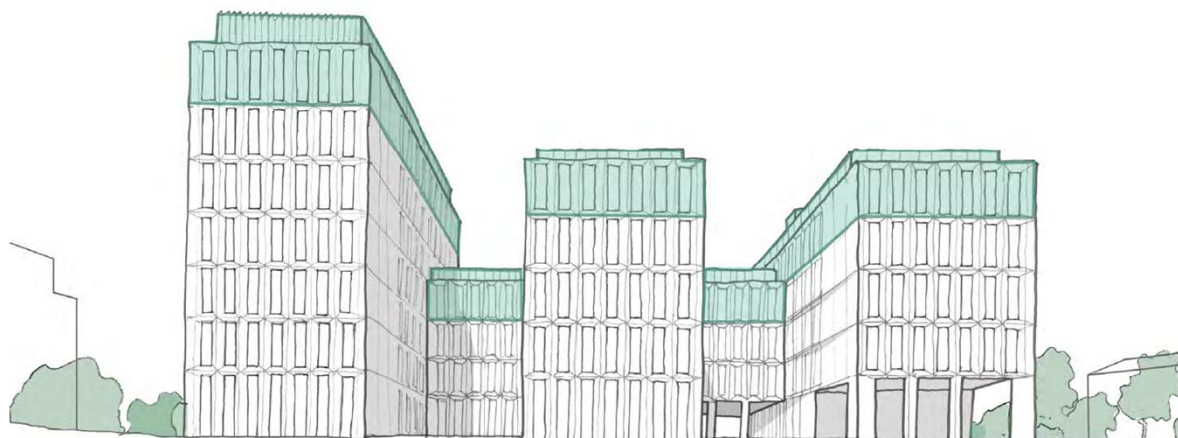
The gyratory is surrounded mostly of low density residential and retail buildings of around 2 to 3 storeys. To the Northwest, there are industrial and business buildings constructed up to 8-storeys high (in development to be 10-storeys). The Design and Access Statement (DAS) provides a detailed analysis of the site context, development constraints and opportunities. It also sets out the evolution of the design principles from initial options for a tall tower through to the current proposal.

The proposed building would cumulatively read as part 16, part 11 and part 9 storeys.

The proposal is formed of three tower elements which are linked by (2) infill blocks. The tallest element is proposed to be 16-storeys and is located to the West of the Site where it more appropriately responds to the height and scale of the adjoining commercial buildings adjacent. The remaining two tower elements are 11-storeys whilst the infill blocks are 9-storeys. The layout of the site is in line with the implemented building regarding footprint of the buildings, siting of entrances, accessways and public realm. The application relates to additional storeys only and does not impact the implemented scheme and its subsequent layout.

*Table 2: Building height dimensions – From West to East (approximate values)*

	16 storey tower	9 storey link	11 storey tower	9 storey link	11 storey tower
Height	50.28m	27.32m	33.51m	27.32m	33.51m



Implemented scheme with proposals

*Image 10 – Implemented scheme with additional storeys (green) shown.*

The design seeks to expand on the consented scheme as a distinctive landmark for the area that responds to its heritage by emphasising the evolving modern development within the local area. The proposed extensions to the implemented building maintain the same design approach, rationale and materiality with upper levels of the central and eastern block having a perforated copper panel finish, whilst the extension of the western block reflects the approved design approach in principle, but the copper panels are modified to take the form of vertical sculptural copper fins, which span the top two-storeys of the extension. This design approach ensures this element is distinct and is reflective of this element being the tallest part of the Development, giving the façade a scale and grandeur similar to prominent buildings near to the site including Locally Listed Hanger Lane station and the Hoover Building.

The external appearance of the proposed extension is considered complementary to the implemented building which was inspired by both the immediate context and buildings further afield. The proposed façade is considered to be complementary to the implemented scheme incorporating unitized reconstituted stone cladding system which presents rhythmic façade. The high quality of stone material would be maintained, while an improvement in the tooling of the copper elements are proposed which will result in a more organic quality to the metal. This allows for less construction waste and present a calmer, more civic urban form.

The overall design would remain similar to that of the previously approved under Planning Permissions (174485FUL dated 26/11/2019 and 195092VAR dated 11/11/2020). The scale of the design is considered both complementary to the existing and in keeping with the evolving nature of buildings along Hanger Lane and within the wider area. The development is of a height which is considered acceptable given its isolated location within the Gyrotory and is considered to create a landmark building for the location, whilst not harming the overall character of the local area.

**Neighbour Impact**

The potential impact of the proposal on the living conditions and general amenity of local residents has been assessed.

The Application Site is well-separated from surrounding development by the Hanger Lane gyrotory. It is noted that the nearest residential buildings are located approximately 33.8m away, which is considered significant and sufficient to avoid any harm to amenity in terms of loss of light or privacy.

It is also considered that the large separation distance (of at least 33.8m) and the `barrier` formed by the gyrotory itself would avoid any overbearing or dominating impacts on neighbouring land uses. Locating the tallest building element on the West side and the lower element on the East side of the Site is expressly designed to minimise the visual/ townscape impact on the residential areas to the North and East.

Additionally, a daylight, sunlight and overshadowing report provided with the application has assessed the impact of the development on the light receivable by the neighbouring properties at 8-9 and 10-12 Abbey Parade, 56-62 Priory Gardens, Fernlea House and the implemented student accommodation building at the site. All windows with a requirement for daylight pass the Vertical Sky Component test with the exception of 87 windows at the implemented building. Of the 1,181 windows, 87 windows (c. 7%) fall short of the BRE recommendations, however, where windows do not meet the minimum VSC target, the majority of the results are marginal, with before/after ratios of 0.70m and above against the BRE target of 0.8. Additionally, all rooms with a requirement for daylight pass the Daylight Distribution test with the exception of the 60 of the 791 rooms tested at the implemented building. The windows that fall short at the implemented building serve student accommodation which currently have consent only for short term occupation, thus given the transient nature of the student occupants, any loss of daylight is less likely to be noticeable. Furthermore, the BRE guide is intended to be used flexibly, particularly in urban locations, and in this instance it is considered acceptable.



*Image 11 – Daylight/Sunlight Report, windows that fail to comply are located within the host scheme, located on the immediate floors below the upwards proposal.*

All windows that face 90-degrees of due south have been tested for direct sunlight, with all windows passing both the total annual sunlight hours and the winter sunlight hours with the exception of one window at the consented scheme. However, in urban locations, it is often not possible to achieve recommended levels of daylight, particularly during the winter months, therefore, the proposal is not considered detrimentally harmful regarding sunlight to windows.

All gardens and open spaces tested for overshadowing meet the BRE recommendations.

The design of the scheme also demonstrates that good levels of daylight, sunlight and privacy is achievable within the development itself and in terms of ensuring there is no detrimental impact on neighbouring development.

The development would be visually prominent, however, the design, in terms of its architecture and the proposed materials pallet, is considered high quality and would have a positive visual impact on this part of the A40 and complementary to the extant permission on the site.

Overall, it is considered the impact of the proposal on surrounding occupiers/ land uses would be acceptable; given the siting and orientation of the proposed development relative to adjoining properties and the significant separation distances between the proposed building(s) and adjoining properties: in terms of *daylight and sunlight, privacy, and outlook (visual intrusion)*. Therefore, the proposed development is considered to be acceptable regarding the impacts on neighbouring residents, in accordance with policy D6 of the London Plan (2021) and policy 7B of the Ealing Development Management DPD (2013).

## Transport

London Plan Policies T1-9 deal with transport issues. They require development to, inter alia:

- Ensure that impacts on transport capacity and the transport network are fully assessed. Development should not adversely affect safety on the transport network.
- Provide secure, integrated and accessible car, cycle parking facilities in line with minimum standards.
- Ensure high quality pedestrian environments and emphasize the quality of the pedestrian and street space.
- Apply maximum parking standards:
  - (a) Ensure that one in five spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles.
  - (b) Provide parking for disabled people.
  - (c) Provide for needs of businesses for delivery and servicing.

### Transport characteristics of the Site

- There is an existing vehicular access to the Site on the East side of the gyratory opposite Twyford Abbey Road. This access is rarely used at present.
- The Public Transport Accessibility Level (PTAL) score for the Site is 4-5 `Good`/ `very Good`;
- The Site is not within a Controlled Parking Zone (CPZ) but there are CPZs adjacent;
- There is evidence of traffic congestion on the Hanger Lane Gyratory during peak periods;
- The Gyratory connects the North Circular Road (A406), Western Avenue (A40), Hanger Lane (A4005) and Twyford Abbey Road. The Gyratory operates one-way in a clockwise direction and is subject to a speed limit of 40 mph.
- There are pedestrian and cycle accesses all around the Hanger Lane Gyratory.
- Hanger Lane Underground Station is located within the gyratory – Southern edge.

### Main transport issues

The main transport issues concern the servicing of the development, road safety and vehicle delays at the Hanger Lane Gyratory and potential traffic/ highways impact on surrounding residential roads. Pedestrian/ cycle access is also a key issue given the scheme would be car-free.

### Delivery and servicing

Policy T7 of the London Plan (2021) states, “Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments. Developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or night time. Appropriate facilities are required to minimise additional freight trips arising from missed deliveries and thus facilitate efficient online retailing. At large developments, facilities to enable micro-consolidation should be provided, with management arrangements set out in Delivery and Servicing Plans”



Delivery and servicing activity will operate via a new on-site layby as approved by Transport for London, via the new access on the west side of the gyratory, as per the approval of the implemented building. It is noted that no additional accessways or changes to road layouts are proposed as part of this application.

A Delivery and Servicing Plan is to be secured by condition to ensure satisfactory deliveries/servicing arrangements when operational. The Plan is to include measures to ensure that service vehicles enter the site as per the agreed arrangement. Service vehicles and deliveries would be scheduled during daytime hours, with no vehicles scheduled to arrive at peak hours. A security officer would manage the layby to ensure that vehicles enter quickly and do not block back onto the highway, and no vehicle would be permitted to reverse onto the highway at any time. The layby would additionally be gated to prevent other vehicles from entering the layby.

Deliveries would be offloaded at the layby (located on the western side of the site), and refuse loaded directly from the building's basement refuse and delivery area via a lift system. Students and visitors will have no access to this area at any time, as per the consented permission on the site.

On-site, a goods lift at ground floor, serving the two levels of basements, would provide access to the plantrooms, refuse store and other back of house areas.

It is agreed that approval of the final Delivery and Servicing Plan - detailing the location of the remote holding area and method of operation - is secured by condition. This would ensure satisfactory deliveries/servicing arrangements in line with Policy T7 of the London Plan (2021) and is considered acceptable in this instance.

#### Traffic impact/ Trip Generation

The net trip generation for the proposed development indicates a total of 135 trips in the AM peak and 218 in the PM peak with a total of 2,104 daily trips across all modes. The increase in number of person trips can be accommodated on the strategic highway and public transport network given the high mode share of trips to be made by sustainable modes. This is confirmed by Transport for London. Furthermore, it is accepted that the number of movements assumed to be made by pedestrians is high given the location of the site. Therefore, the proposal is considered not to cause undue stress on the highway or public transport network and is considered acceptable in this regard.

#### Vehicular Access

The development would be car-free. A single `service-only` lay-by served by a vehicular access on the West side of the Site directly off the Hanger Lane Gyratory is approved in the implemented building with no additional vehicular access points proposed as part of this application. As no additional access or onsite parking spaces are proposed as part of this application, it is not considered to impact vehicular access, in line with local planning policies.



*Image 12 – Location of the Lay-By located to the west of the scheme*

### Student drop-off and pick up

The nature of the accommodation is such that a number of students would arrive at different times of the year for shorter study courses and only a proportion of students would be staying on site for a traditional academic year. Given that the accommodation is not affiliated to any university course start and end times would be staggered meaning there would be no mass arrival or departure profiles that may be more expected of a typical student accommodation.

In addition, the rooms would be fully equipped with kitchenware, laundry etc and students would therefore not be arriving with bulky goods to unload. Based on other Stay Clubs in London, the majority of students arrive from overseas and travel to the accommodation by public transport or taxi. Given the above, it is not considered that student arrival and departures would cause any safety or congestion issues. In line with the implemented scheme, no coach facility would be required for this development. Details of taxi drop off arrangements for students and visitors would form an important part of the Student Management Plan.

Subject to a pre-occupation approval of the final Student Management and Drop-Off Strategy (following the guidelines set out the in the TA and Technical Note 13), the proposal is not considered to lead to harm to the highway network or the local transport network as a result of the student drop-off and pick up arrangements.

### Student Deliveries

On arrival, all students would be given the details of the accommodation delivery address. This would be a holding area remote from the gyrotory where student and postal deliveries can be consolidated, in line with the consented scheme on the site. The Delivery & Servicing Management Plan will operate as per the approved development and the associated Section 278 agreement. An off-site delivery holding area has been secured and postal/courier deliveries will be consolidated and brought to site once daily, which will be delivered to the site on-foot using a trolley, in line with the implemented building and in accordance with Policy T7 of the London Plan (2021).

### Travel Plan

The submitted Framework Travel Plan outlines a strategy for encouraging reduced dependency on travelling by private car in favour of more sustainable modes such as public transport, walking, cycling and utilising car clubs for all journey purposes. Approval of the

final Travel Plan is secured in the S.106 agreement in order to reduce the reliance of the private car, in line with Policy T6 of the London Plan (2021).

#### Car Parking

LP Policy T6 requests that there is an appropriate balance should be sought between promoting Development and preventing excessive car parking provision which could undermine cycling, walking or public transport use. In addition, the policy also states that all Developments in London should:

- Ensure that 1 in 5 parking spaces provides an electrical charging point to encourage the uptake of electric vehicles;
- Provide the appropriate number of parking spaces for disabled people;
- Meet the minimum cycle parking spaces; and
- Provide for the needs of businesses for delivery and servicing.

In line with the approved scheme, the development would be car-free; as a result there would be no parking for staff, students or visitors. Disabled parking would be provided off-site nearby - this is secured in the S.106. Priory Gardens would be the most appropriate location and the subway adjacent would be improved to ensure it is DDA compliant. These bays would also be provided with electrical charging points.

#### Pedestrian/ Cycle Access

Pedestrian access to the Site connects via under passes to the commercial parades on the South and North sides of the gyratory. Pedestrian and Cycle Access would be via the existing shared pavements on the Hanger Lane gyratory. There would be new landscaping connecting the proposed building to these pavement routes. A pedestrian link from the public piazza to the gyratory underpasses is consistent with the previously approved scheme and corresponding implemented building.

The development provides an opportunity to improve the pedestrian experience and public realm through the site. A PERS audit and CERS audit undertaken as part of the original Transport Assessment and contained in this application, identified the need to improve the underpasses leading to the Site to accommodate the increased number of pedestrian/ cycle trips generated by the proposed development. Funding of improvements - including ensuring the underpasses remain safe at all times, ensuring the proposed link through the Site is publicly accessible at all times, and improving legibility with a cohesive wayfinding scheme are secured in the S.106, in line with Policy T4 of the London Plan (2021).

#### Cycle Parking

LP Policy T5 requires Developments to provide secure, integrated and accessible cycle parking facilities. C2 student accommodation should provide cycle parking at the rate of 1 long-stay space per 2 beds plus 1 short-stay space per 40 beds for visitors.

The proposed cycle parking spaces meets the London Plan requirements for Long-stay student accommodation.

Student cycle parking would be provided at basement level in a secure store accessed via lift.

The Stay Club cater to primarily international students who stay for short periods of 3 to 6 months. The majority of students will also be studying in the facilities provided on-site. Therefore residents are unlikely to have their own bicycle, especially given the site's proximity to an Underground station and to various bus routes. The provision of up to an additional 108 spaces is therefore considered to be appropriate.

Overall, the proposal is considered to safeguard the existing road network in compliance with LP Policy T5.

The proposal would be `car free` and TfL and LBE Transport Services Department are satisfied that the additional traffic generated by the development would not exacerbate the existing congestion on surrounding roads. The basic transport concept of this development is to improve pedestrian and cycle accesses and promote sustainable travel for students.

The Application Site has potential to increase usage of sustainable modes of transport such as walking, cycling and public transport and these are secured in the design and S.106.

Transport mitigation measures to address potential adverse traffic/ transport impacts would be secured in the Section 106 agreement. When combined with the implemented scheme, these measures include:

- Provision of 6 disabled parking bays in the vicinity of the site as this cannot be provided on-site;
- Contribution to fund the proposed Cycle Quietway between Hanger Lane Gyratory and Ealing Broadway to improve sustainable modes of travel and reduce accident risks to cyclists;
- Improvements to Underpasses within the Gyratory necessary to accommodate the significant number of pedestrian/ cycle trips generated by the proposed development;
- Traffic Calming and Traffic Management measures in surrounding residential roads to mitigate potential conflicts between pedestrians/vehicles in otherwise quiet residential roads;
- An Accident Remedial Scheme on Ealing Road between the Gyratory and Borough boundary to create safer/ facilities for pedestrians/ cyclists;
- Improvements to Local Bus Stops including signage, improved access for people with impaired mobility etc; and
- Travel Plan Monitoring.

The trip generation data has been acceptably clarified to understand how the accommodation and the teaching facilities would be linked. Taken into account the transport mitigation measures included within Section 106 and subject to the relevant conditions, the proposal is considered to have an acceptable impact regarding transport and is not considered to lead to undue traffic or parking stress within the local area, in accordance with Policies T4, T5, T6 and T7 of the London Plan (2021).

### **Accessibility**

#### *Inclusive design*

Policy GG1 of the London Plan (2021) regards good growth as inclusive growth, with Policy D5 expanding on this to state, development proposal should achieve the highest standards of accessible and inclusive design.

The Accessible London SPG requires that accommodation for disabled students should be fully integrated into developments. Building Regulations Approved Document M states that 5% of rooms should be wheelchair accessible; however, policy D7 of the London Plan require that 10% of accommodation is accessible, with the Design & Access statement

demonstrating the location of the wheelchair accessible units which are considered acceptable regarding inclusivity.

The proposed development would provide a safe, legible, high quality environment for all users and visitors. This is developed in the context of relevant legislation and guidance, including:

- Equality Act 2010
- The Building Regulations 2000, Approved Document M 2013 access and use in buildings
- BS8300: 2009 Design of Buildings and their Approach to meet the needs of Disabled People.

#### *Approaches to Buildings*

The student accommodation would have a level pedestrian entrance off the ground floor public piazzas and provide access to the lift cores and staircases, in line with the consented and implemented building below.

There is a gradient within the landscape along the new route to deal with the level difference across the site. This would comply with the building regulations approved document M.

#### *Access Within the Building*

In line with the consented permission on the site, access to vertical circulation is directly from the ground floor entrances, with all routes being compliant with Part M. The lift doors would be colour contrasted and each lift designed to BS standards in relation to size, hand rail, finishes and controls. Each level would be clearly identifiable via voice annunciation and LED display.

Horizontal accesses on all floors would be level, with level thresholds.

All service corridors would have a minimum width of 1200mm.

Refuse stores and ancillary spaces would be provided with flush thresholds. The building management staff would control the refuse from the basement floor to the ground floor for collection by waste management services.

Based on the above measures, the proposal is considered to achieve high standards of accessibility and inclusivity in line with Policy GG1 of the London Plan (2021) and the Accessible London SPG.

#### **Energy and Sustainability**

The broad ambitions of policies G5, G6, G9, SI 1, SI 2, SI 3, SI 4 and SI 7 of the London Plan (2021) and policies 1.1(k) and 1.2(f) of the Ealing Development Core Strategy (2012) are to ensure that developments are designed to be energy efficient and to minimise carbon dioxide emissions.

Policy SI 2 of the London Plan 2021 requires that major developments should be net zero-carbon, and should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. In addition, this policy requires that development proposals which are referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

The Council is broadly supportive of the proposed energy strategy which is inevitably pinned to the main 2017 (174485FUL) application strategy but has been updated in line with the current permission. The Strategy has been assessed against the draft SAP10 benchmark

and follows the standard energy hierarchy of “Lean, Clean, Green” as required by London Plan policy SI2 & SI3, and Ealing Council’s Development Management DPD.

At the current design stage the overall site-wide CO<sub>2</sub> emissions will be cut by at least 57.7%, with 11.57% carbon reduction through “Lean” efficiency measures and 46.1% “Clean” reduction through connection to the existing site-wide heat network. There is a shortfall of 1,503 tonnes CO<sub>2</sub> (over 30 years) in the zero-carbon that will be mitigated through an “offset” S106 payment at £95 per tonne to the Council of £142,785. For information, the carbon offset amount saved through the Clean/Green energy equipment is £155,610. If after three years of in-situ monitoring the combined renewable energy systems for the whole development do not deliver, within a reasonable margin of error, the carbon reductions predicted in the Energy Strategy then the Developer will need to pay an additional Carbon Offset contribution to mitigate some or all of the shortfall.

In line with this, Ealing Council will require the monitoring of the development’s PV arrays and communal Air Source Heat Pump 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. The proposed extension will not need any additional monitoring equipment as it is using the same energy system as the main part of the development, therefore the proposal is considered compliant with London Plan and Ealing Core Strategy policies subject to the relevant conditions.

### **Environmental Considerations**

#### **Noise**

Policy D13 of the London Plan states, ‘new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.

The noise assessment demonstrated that acceptable internal noise levels can be provided within the proposed residential accommodation, with the appropriate specification and design of the building facade elements and ventilation systems. It includes recommendations for the acoustic performance of the glazing and non-glazed facades, and alternative means of ventilation, to ensure that internal noise levels would comply with noise standards to provide acceptable living conditions. Noise within habitable rooms, due to transportation sources, would comply with maximum internal levels of 35 dB LAeq during the daytime and 30 dB LAeq at night, and would also not regularly exceed 45 dB L<sub>Amax</sub>, f at night.

Based on the vibration levels, taking account also of HS2, it is concluded that vibration would not be expected within the proposed development.

It is concluded that the design has taken reasonable account of the local environment and subject to the mitigation secured by conditions the development would provide an acceptable environment for the intended uses, in accordance with Policy D13 of the London Plan (2021).

#### **Air Quality**

The proposed development is within an Air Quality Management Area (AQMA) and as such an Air Quality Assessment has been undertaken to demonstrate the likely effects of the proposed development during both the construction and operational phases of the development.

Construction works would give rise to a Medium Risk of dust impacts, but these can be successfully mitigated through management measures to minimise dust emissions resulting in an acceptable impact. This would be covered in the Construction Management Plan; secured by condition and informatives.

As noted in the implemented building, emissions from the proposed CHP and boiler plant within the building would not be significant - they would result in negligible increases in nitrogen dioxide concentrations locally.

The assessment for the consented scheme (Report No. J2855/A/F1) showed that the proposed energy strategy would have negligible impacts on 1-hour and annual mean concentrations of nitrogen dioxide at all receptors. Although concentrations of PM10 and PM2.5 were shown to be below the relevant objectives at all locations within the development, exceedances of the annual mean nitrogen dioxide objective were predicted up to the fifth-floor level. It was therefore proposed to install nitrogen oxides filters on the air handling units up to one floor above the highest level at which exceedances were predicted, i.e. up to the sixth floor. With such mitigation in place, and provided that filters are appropriately maintained and regularly changed, air quality was considered to be acceptable for future residents.

The assessment has demonstrated that future residents below the second floor of the proposed development will be exposed to annual mean nitrogen dioxide concentrations above the objective in the year of opening. It is recommended that a mechanical ventilation system is installed, with NOx filtration, which will provide adequate air to all habitable rooms up to and including the first floor without recourse to opening the windows. This ventilation system must be capable of providing all the required air to the habitable rooms, without any residual reliance on natural ventilation. Such a system will also be required to meet the requirements of Part F of the Building Regulations (Ministry of Housing, Communities & Local Government, 2020) (see Paragraph 2.37). With this mitigation in place all future residents of the proposed development will experience acceptable air quality.

Air quality conditions for future residents of the proposed development have been shown to be poor without mitigation, with concentrations exceeding the annual mean nitrogen dioxide objective up to and including first floor level. With the inclusion of the mitigation set out below, air quality conditions will be acceptable throughout the proposed development and impacts will be 'not significant'. The assessment has demonstrated that the proposed development will have a negligible impact on air quality conditions along the local road network. Mitigation is to be applied in the form of mechanical ventilation, with NOx filtration, to provide adequate air to all habitable rooms up to and including the first floor without recourse to opening the windows. With this mitigation in place, it is concluded that road traffic emissions do not provide any constraints to the proposed development.

The development would nevertheless benefit from measures to be brought forward within the Council's Air Quality Action Plan (AQAP), and a reasonable and appropriate S.106 contribution towards the AQAP has been secured, in line with local planning policies.

#### Flood Risk and Drainage

The Application Site is located within Flood Zone 1 and therefore has a low risk of flooding - a Flood Risk Assessment (FRA) is accordingly not required. The permission for the implemented building required a drainage strategy, however, as this permission only relates to additional storeys, it is not deemed to be required for this application.

#### Water Use

London Plan Policy SI5 promotes the efficient use of water and seeks to protect and conserve water supplies and resources. Measures include incorporating water saving

systems and equipment within proposals. In line with the implemented permission, conditions are included to ensure the development achieves efficient use of water resources in line with the implemented permissions on the site, in line with London Plan policies.

Wind/ Micro-climate

Policy D8 of the London Plan seeks to ensure that appropriate shade, shelter, seating and, where possible, areas of direct sunlight are provided, with other microclimatic considerations, including temperature and wind, taken into account in order to encourage people to spend time in a place. As noted with the implemented permission, the wind conditions around the proposed development would be largely suitable for the intended pedestrian activities.

A potential area of concern - the building entrance on the west end of the development - would be used infrequently and would not be used by the occupants or members of the public.

Overall, it is considered the wind conditions post-construction would be acceptable and that no mitigation measures/ design changes are required. The proposal thereby would comply with Policy D8 of the London Plan (2021).

Land Contamination

DMD Policy 5.21 states that contaminated land must be treated in a manner appropriate for its proposed use. Evidence of the appropriateness of the measures to be taken must be submitted as part of the planning application.

No specific potentially contaminative activities have been associated with the site itself. The site was undeveloped open land/fields up until 1935, since when several buildings of unknown use were located on the site up until the early 1980s when the site was cleared as part of the Hanger Lane Gyratory system development. As noted with the implemented scheme, the Site has a low risk of contamination.

In line with the implemented building, conditions regarding contamination and land remediation have been recommended following discussions with Ealing Council's Contaminated Land officer. Safeguards are accordingly secured by conditions in line with local planning policies.

**Other matters**

Refuse/ Recycling and Waste

London Plan (2021) policies S17 and S18 seeks to minimise waste and encourage the re-use of and reduction in the use of materials. Suitable waste and recycling storage facilities should be provided in all new Developments.

In line with the implemented scheme, the refuse stores would be provided in the lower basement served by a goods lift to ensure convenient access to the servicing entrance. The new loading bay would be fully accessible to waste servicing vehicles. A waste strategy was provided through the planning process and accepted by Ealing Council's Waste and Street Services department in line with policies S17 and S18 of the London Plan (2021)

Urban Greening Factor (UGF)

London Plan Policy G5 requires '*Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage*'.



The proposal is for an extension to an existing building rather than a new development and does not involve changes at ground level. However, through the planning process, further information has been provided regarding the Urban Greening Factor score based as a whole, including the maximization of greening at upper levels through green roofs and planting as part of the proposed extensions. The 0.41 score is considered compliant with Policy G5 of the London Plan (2021).

#### Effects of HS2 on proposed development

The HS2 safeguarding zone runs under the South portion of the Application Site and continues beyond. The proposed HS2 tunnels would run under the existing railway lines approximately 25m away from the basement structure of the proposed development.

Allowing for the exclusion and adjustment zone, the nearest structural element of the proposal would be over 10m away.

The effects on the proposed development should therefore be minimal.

Information was submitted during the planning process, with HS2 raising no further comments from a construction or engineering perspective, with no objections raised.

#### **Section 106 Planning Obligations**

In accordance with policies DF1 and M1 of the London Plan, appropriate mitigation measures and financial contributions are being sought through a legal agreement as detailed in the recommendation.

The measures and contributions specified are considered necessary to mitigate the potential adverse impacts of the development.

#### **Community Infrastructure Levy**

Mayoral Community Infrastructure Levy (MCIL2): 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 will be calculated by the CIL Officer who can be contacted at [cilcollections@ealing.gov.uk](mailto:cilcollections@ealing.gov.uk).

#### **Summary and Conclusions**

The Site being under construction for the implemented student accommodation building has allowed the principal of development and principal of student accommodation on the site to be established, which this application expands upon.

The proposed development would provide student accommodation and associated ancillary for which there is a demonstrable need and expand on the undergoing regeneration of the formally underused brownfield site in a highly accessible location. The S.106 includes safeguards to ensure the accommodation is secured for students of higher education establishments in London.

The proposal includes on-site affordable student accommodation (35%), in line with London Plan policies and accepted by Ealing Council's Housing Team. The impact on local services, including health care is acceptably mitigated by S.106 contributions.

It is acknowledged the local environment is compromised by poor air quality and road noise, which would likely preclude residential development, but the applicant has shown that these impacts can be acceptably mitigated, and this is secured by conditions, as shown in both the implemented and proposed applications. A contribution is also included towards the Councils AQMPan.

The height, scale and massing of the proposed development would be appropriate for the site and location; having evolved from the extant permission based on the evolving pattern of development within the local area. The development would provide an appropriate transition between the lower rise development to the East and the taller buildings to the West.

The development has been carefully designed to respond to the local character and context and would result in high quality architecture and materials, to provide a high-quality local landmark building.

The planning application has carefully considered a range of technical issues to ensure a suitable environment for both new residents and that adjoining neighbours are not adversely impacted. In addition, key technical considerations in relation to transport impact have also been satisfied. These include key issues of servicing/ delivery, and student arrivals/ departures, although final approval of these matters is secured by conditions and a S106.

The proposal is car-free, which is considered acceptable given the accessible location, the Site constraints (centre of the gyratory) and the nature of the proposed use(s).

The Development includes strong environmental and sustainable credentials, addressing both regional and local policy objectives. The development would be energy-efficient and meet carbon emissions targets.

Overall, the Development is considered to meet strategic planning policy objectives and is in conformity with other policies and other material considerations. Planning approval is therefore recommended.

### **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 will be or could be, provided to the Council, or any sum that has been received, or will 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.

### **Equality Act 2010**

Section 149 of the above Act imposes a duty on the Council, in the exercise of its functions, to have due regard to: eliminating discrimination, harassment, victimisation and other conduct that is prohibited by or under the Act; advancing equality of opportunity between persons who share protected characteristics under the Act and those who do not; and fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics under the act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, sex and sexual orientation.

The duty is to have due regard to these matters, and accordingly this needs to be taken into account by members in making their determinations on these applications.

The planning issues set out above do not include any factors that relate specifically to any of the equalities categorisations set out in the Act. It is considered that there are no adverse impacts on equality by virtue of the grant of a planning permission for these proposals.

**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.

**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.

**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 dis-charging 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.

**ANNEXE 1:  
Conditions/Reasons**

**1 Time Limit – Full Permission**

The development hereby permitted shall be begun before the expiration of five 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). A 5 year implementation period would be appropriate as commencement of the development could be delayed whilst the detailed design of HS2 is finalised.

**2 Approved Plans/Documents**

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

**Drawings/ Plans:**

**Existing Drawings:**

A(SO)150 Existing Fifth Floor Plan; A(SO)160 Existing Sixth Floor Plan; A(SO)170 Existing Seventh Floor Plan; A(SO)180 Existing Eighth to Tenth Floor Plans; A(SO)210 Existing Eleventh Floor Plan; A(SO)250 Existing Roof Plan; A(SO)401 Existing East Elevation; A(SO)402 Existing North Elevation; A(SO)403 Existing South Elevation; A(SO)404 Existing West Elevation.

**Proposed Drawings:**

**Site Plans**

A(GA)290 Proposed Site Plan; A(94)290 Proposed Landscape Plan.

**Proposed Floor Plans:**

A(GA)150 Proposed Fifth Floor Plan; A(GA)160 Proposed Sixth Floor Plan; A(GA)170 Proposed Seventh Floor Plan; A(GA)180 Proposed Eighth Floor Plan; A(GA)190 Proposed Ninth Floor Plan; A(GA)200 Proposed Tenth Floor Plan; A(GA)210 Proposed Eleventh Floor Plan; A(GA)220 Proposed Twelfth Floor Plan; A(GA)230 Proposed Thirteenth Floor Plan; A(GA)240 Proposed Fourteenth Floor Plan; A(GA)250 Proposed Roof Plan.

**Proposed Elevations:**

A(GA)401 Proposed East Elevation; A(GA)402 Proposed North Elevation; A(GA)403 Proposed South Elevation; A(GA)404 Proposed West Elevation.

**Proposed Sections:**

A(GA)300 Proposed Section AA.

**Other Proposed Drawings:**

A(G1)700 Proposed Penthouse Fin Detail.

**Reports/ Documents:**

Air Quality Assessment prepared by Air Quality consultants dated December 2021; Daylight and Sunlight prepared by Right of Light Consultancy Chartered Surveyors dated 10 December 2021; Design and Access Statement (Revision A) prepared by Contemporary Design Solutions LLP dated December 2021; Energy Statement prepared by Hodkinson Consultancy dated December 2021; Fire Statement Form; PBSA Demand Report prepared by Savills dated 6 October 2021; Planning Statement prepared by DP9; Sustainability Statement prepared by Hodkinson Consultancy dated December 2021; Townscape and Visual Impact Assessment prepared by Bridges Associates dated December 2021; Transport Assessment prepared by Markides Associated dated 15 November 2021.

**Additional/ post submission documents:**

Assessment of Impact on High Speed 2 Tunnels Revision 1 prepared by Geotechnical Consulting Group dated May 2022; CGI Viewpoints prepared by Contemporary Design Solutions LLP dated April 2022; Refuse and Recycling Statement Version 6 prepared by Hodkinson Consultancy dated 23 February 2022; A(58)101 Rev A Stormwater/Foul Water Connections; A(58)101 Refuse Disposal;

Reason: For the avoidance of doubt and in the interests of proper planning to ensure that the development is implemented in accordance with the approved plans, which have been, assessed against the Council's Development Plan.

**3 Construction Management and Logistics Plan**

Prior to the commencement of development, a Construction Management and Logistics Plan shall be submitted to the Local Planning Authority for written approval. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

More specifically, the Plan shall include the following information:

- a) Details of the exclusion areas for the protection of priority and other notable species and other ecological features (based on the recommendations contained within the approved ecological surveys);
- b) Details of all Non-Road Mobile Machinery (NRMM) to be used on the development site.
- c) anticipated route, anticipated number, frequency and size of construction vehicles entering/exiting the site per day;
- d) delivery times and booking system;
- e) management of consolidated or re-timed trips;
- f) details of noise/vibration mitigation measures and monitoring arrangements for noise, vibration and dust by suitably qualified noise and air quality specialists. Noise/vibration and dust mitigation measures must accord with the Mayor's SPG 'The control of dust and emissions from construction and demolition ' (2014); BS 5228 Parts 1 & 2; the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction';
- g) details of site security and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) secure, off-street loading and drop-off facilities;
- i) vehicle manoeuvring and turning, including swept path diagrams to demonstrate how construction vehicles will access the site and be able to turn into and emerge from the site in forward gear and including details of any temporary vehicle access points;
- j) procedures for on-site contractors to deal with complaints from members of the public;
- k) measures to consult cyclists, disabled people and the local schools with regard to delivery times and necessary diversions;
- l) details of all pedestrian and cyclist diversions;
- m) a commitment to be part of Considerate Constructors Scheme; and
- n) confirmation of use of TfL's Freight Operator Recognition Scheme (FORS) or similar.

The Construction Management and Logistics 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 demolition and construction.

Reason: To protect the amenity of local residents and to ensure adequate highway and site safety in accordance with policies D3, D6, D14, SI1, T6 and T7 of the London Plan (2021), policies 1.1(f),(j) of the Ealing Development (or Core) Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), the Council's interim guidance contained in Supplementary Planning Guidance note 10: 'Noise and Vibration' and the Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006), BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open sites-Part 1: Noise'.

#### **4 London Underground**

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which provide details on the use of tall plant with slew and collapse radius of London Underground assets

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

#### **5 Samples of Materials**

Details and samples of all facing materials for the buildings and external surfaces shall be submitted to the Local Planning Authority for written approval prior to the commencement of the relevant part of the development. The development shall be carried out strictly in accordance with the details so approved.

Reason: In the interest of securing sustainable development and to ensure that the resulting appearance of the development is of a high standard in accordance with policies D3 and D4 of the London Plan (2021); policies 1.1(h), 1.1(k), 1.2(f), 1.2(h) and 2.9 of Ealing's Development Strategy 2026 (2012), and policy 7B of Ealing's adopted Development Management DPD (2013).

#### **6 DC\_CON EALING CCON 2 Contaminated Land – Desktop Study / Approved Site Investigation**

No development approved by this planning permission shall be commenced until:

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information, a Conceptual Site Model (CSM) for the site identifying all potential contaminant sources, pathways and receptors shall be produced and assessment of risk to identified receptors undertaken. The desk study will be submitted for approval in writing by the Local Planning Authority prior to any development work (except demolition and site clearance) commencing.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to future occupants of the site and to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

Reason: In the interests of public and environmental health, in accordance with the National Planning Policy Framework (2021), policies SD1 and SI10 of the London Plan (2021), policy 1.1 of the Ealing Development Strategy (2012) and policy 5.21 of the Ealing Development Management DPD (2013).

**7 DC\_CON ENVH10 Site Investigation**

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

Reason: To ensure the land contamination issues are addressed, in accordance with the National Planning Policy Framework (2021), policies SD1 and SI10 of the London Plan (2021), policy 1.1 of the Ealing Development Strategy (2012) and policy 5.21 of the Ealing Development Management DPD (2013).

**8 DC\_CON ENVH11 Remediation Scheme**

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

Reason: To ensure the land contamination issues are addressed, in accordance with the National Planning Policy Framework (2021), policies SD1 and SI10 of the London Plan (2021), policy 1.1 of the Ealing Development Strategy (2012) and policy 5.21 of the Ealing Development Management DPD (2013).

**9 DC\_CON ENVH12 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 the National Planning Policy Framework (2021), policies SD1 and SI10 of the London Plan (2021), policy 1.1 of the Ealing Development Strategy (2012) and policy 5.21 of the Ealing Development Management DPD (2013).

**10 Scheme for Fresh Air Ventilation**

Details shall be submitted to and approved in writing by the Local Planning Authority for a ventilation system to provide fresh air to habitable rooms of the development, in accordance with the recommendations of the Air Quality Assessment prepared by Air Quality Consultants Ltd ref. J10/12814A/10 dated 13 December 2021. The scheme shall include measures to maintain the performance of the system for the life of the development. The details as approved shall be implemented prior to the first occupation of the residential units and thereafter permanently retained.



Reason: To safeguard the amenities for future occupiers of the development in accordance with policies D6 and SI1 of the London Plan (2021), policies 1.1(j) & 1.2(f) of the Ealing Development (or Core) Strategy (2012) and with policy 7.3 of the Ealing Development Management Development Plan Document (2013).

**11 Non-Road Mobile Machinery**

All Non Road Mobile Machinery (NRMM) used in demolition and construction works shall meet as a minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments.

Reason: To safeguard adjoining occupiers from unacceptable noise, in accordance with policies D6 and D14 of the London Plan (2021), policies 1.1(j) of the Ealing Development (or Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of the Ealing Development Management Development Plan Document (2013).

**12 Separation of commercial/transport and noise sensitive premises**

Prior to the commencement of the development, a noise assessment shall be submitted to the Council for approval in writing, of external noise levels from transport and commercial/industrial/cultural sources, having regard to the assessment standards of the Council's SPG10 including aircraft noise (worse mode aircraft 1-day noise contour predicted for 2016 (57db) as per Section 6 of SPG10). Details shall include the sound insulation of the building envelope including glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise) to achieve internal noise limits specified in SPG10. Details of best practicable mitigation measures for external amenity spaces shall also be provided and implemented, as necessary. Details shall confirm that noise limits specified in BS8233:2014 will not be exceeded. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the future occupiers of the development against unacceptable noise and disturbance, in accordance with policies D6 and D14 of the London Plan (2021), policies 1.1(j) of the Ealing Development (or Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing Development Management Development Plan Document (2013).

**13 Separation of communal facilities/plant etc. noise from noise sensitive premises**

Prior to occupation of the student bedrooms adjacent; a minimum airborne sound insulation value of 55 dB DnT,w, shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the future occupiers of the development against unacceptable noise and disturbance, in accordance with policies D6 and D14 of the London Plan (2021), policies 1.1(j) of the Ealing Development (or Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing Development Management Development Plan Document (2013).

**14 External noise from machinery, extract/ ventilation ducting/ mechanical gates**

The individual and combined external sound level emitted from plant, machinery or equipment at the development site shall be lower than the lowest existing background sound level by at least 10dBA, as measured at/ calculated to the nearest and most affected noise sensitive premises at the development site and at surrounding premises. The assessment shall be made in accordance with BS4142:2014, with all machinery operating together at maximum capacity.

Reason: To safeguard the future occupiers of the development and surrounding occupiers against unacceptable noise and disturbance, in accordance with policies D6 and D14 of the London Plan (2021), policies 1.1(j) of the Ealing Development (or Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing Development Management Development Plan Document (2013).

**15 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 safeguard the future occupiers of the development and surrounding occupiers against unacceptable noise and disturbance, in accordance with policies D6 and D14 of the London Plan (2021), policies 1.1(j) of the Ealing Development (or Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing Development Management Development Plan Document (2013).

**16 Music and Loud Voices**

Neither music nor amplified loud voices emitted from the commercial/industrial part of the development shall cause disturbance within any residential/ noise sensitive premises.

Reason: To safeguard the future occupiers of the development and surrounding occupiers against unacceptable noise and disturbance, in accordance with policies D6 and D14 of the London Plan (2016), policies 1.1(j) of the Ealing Development (or Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing Development Management Development Plan Document (2013).

**17 Extraction and Odour Control system for non-domestic kitchens**

Prior to the commencement of the relevant part of the development, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet at least 1m above the eaves of the main building, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To safeguard the amenities for future occupiers of the development in accordance with policy D6 of the London Plan (2021), policies 1.1(j) & 1.2(f) of the Ealing Development (or Core) Strategy (2012) and with policy 7.3 of the Ealing Development Management Development Plan Document (2013).

**18 No Masts/Satellite Dishes or External Equipment**

No microwave masts, antennae or satellite dishes or any other plant or equipment shall be installed on any of the building(s) hereby permitted unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the buildings in the interests of visual amenity in accordance with policy 1.1(h) of the Ealing Development (or Core) Strategy (2012), Local Variation policies 3.5 and 7.4 and policies 7B and 7C of the Development Management Development Plan Document (2013).

**19 Water Use**

The approved student accommodation shall be designed and constructed to achieve a water use target that complies with Paragraph 36(2) of Approved Document G2 (water efficiency) of the Building Regulations 2015.

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

**20 Cycle storage**

The cycle storage facilities shown on the approved plans shall be provided and be ready for use upon the first occupation of the development and retained thereafter.

Reason: To ensure adequate cycle parking is provided within the development in pursuance of the objectives of sustainability and encouraging the use of modes of transport other than private motor vehicles in accordance with policy T5 of the London Plan (2016), policies 1.1(k) and (g) of Ealing's adopted Development Strategy 2026 (2012), Ealing's Sustainable Transport for New Development SPG and the London Cycling Design Standards.

**21 Accessible and adaptable dwellings**

The lettable student bedrooms that are to be adaptable wheelchair user rooms shall be designed and constructed to meet Approved Document M (Volume 1: Dwellings), Part M4(2)(Accessible and adaptable dwellings) of Building Regulations 2015. These rooms shall be identified on a plan to be submitted and approved in writing by the Local Planning Authority.

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, D6 and D7 of the London Plan (2021); and policy 1.1(h) of Ealing's Development (or Core) Strategy (2012).

**22 Delivery and Servicing Management Plan**

Prior to the commencement of the superstructure works, a Delivery and Servicing Management Plan, relating to all phases of the development identifying the location of the remote holding unit and the mechanisms for consolidating deliveries shall be submitted to and approved by the Local Planning Authority. The approved Plan shall be implemented upon occupation of any part of the development and thereafter deliveries to and servicing of the development shall operate only in accordance with the approved Plan.

Reason: To ensure that the development can be adequately serviced in the interests of pedestrian and highway safety and the amenity of surrounding residents, in accordance with policy D6 and T7 of the London Plan (2021) and Local Variation policies 6.13, 7A and 7B of the Development Management Development Plan Document (2013).

**23 Student Management and Drop-Off Plan (SMP)**

Prior to the commencement of the superstructure works, a Student Management and Drop-Off Plan detailing the student management and drop off strategy; following the guidelines set out in the Transport Assessment shall be submitted to and approved by the Local Planning Authority. The approved Plan implemented upon occupation of any part of the student accommodation and thereafter the development shall operate only in accordance with the approved Plan.

Reason: To ensure that the operational impact of the development can be adequately managed in the interests of pedestrian and highway safety and the amenity of surrounding residents, in accordance with policy D6, T4, T6 and T7 of the London Plan (2021) and Local Variation policies 6.13, 7A and 7B of the Development Management Development Plan Document (2013).

**24 Details of Refuse/ recycling facilities**

Refuse and recycling facilities and associated management arrangements shall be implemented in accordance with the Refuse and Recycling Statement Version 6 prepared by Hodkison dated 23 February 2023 and A(58) 101 prior to occupation of the development and be retained thereafter.

Reason: To secure the necessary recycling and waste enclosures to support the development and to ensure that responsible waste management practices are adhered to in the interests of the environmental and amenity of the area in accordance with policy 1.1 (J) of the Ealing Development (or Core) Strategy (2012), and policy SI8 of the London Plan (2016).

## **25 Green Roof**

Prior to first occupation of the development a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted for written approval by the local planning authority. The green roof shall be provided in accordance with the approved details prior to occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure the green roof is suitably designed and maintained in accordance Policies G1 and G5 of the London Plan (2021).

## **26 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 CO<sub>2</sub> emissions against SAP10 standards of at least 57.7% (equating to 68.3 tonnes of CO<sub>2</sub> per year) beyond Building Regulations Part L 2013. These CO<sub>2</sub> savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by Hodkinson December 2021 (v3) including:

- i. Lean, passive design measures to achieve an annual reduction of at least 11.57% equating to at least 13.7 tonnes in regulated carbon dioxide (CO<sub>2</sub>) emissions over BR Part L 2013.
- ii. Clean, energy generation through connection to the existing site-wide ASHP/gas-boiler heat network to achieve an annual reduction of at least 46.1%, equating to 54.6 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) emissions over Part L 2013.

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 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 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 Hodkinson in August 2017 (v2) or any later 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 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).

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.

## **27 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 CO<sub>2</sub> Condition(s).

b) Upon final construction of the development, or relevant phases of the development, and prior to occupation, the agreed suitable devices for monitoring the performance/efficiency of the renewable/low-carbon energy equipment shall be installed. The monitored data shall be automatically submitted to the Council at daily intervals for a period of four years from occupation and full operation of the energy equipment. The installation of the monitoring devices and the submission and format of the data shall be carried out in accordance with the Council’s approved specifications as indicated in the Automated Energy Monitoring Platform (AEMP) information document. The developer must contact the Council’s chosen AEMP supplier (Emergence Ltd) on commencement of construction to facilitate the monitoring process.

c) Upon final completion of the development and prior to occupation, the developer must submit to the Council proof of a contractual arrangement with a certified contractor that provides for the ongoing, commissioning, maintenance, and repair of the renewable/low-carbon energy equipment for a period of four years from the point that the building is occupied and the equipment fully operational. Any repair or maintenance of the energy equipment must be carried out within one month of a performance problem being identified.

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

## **28 Photovoltaic panels**

Details showing the location and extent of the photovoltaic panels to be installed on the roof of the development shall be submitted for written approval by the local planning authority prior to the commencement of the relevant part of the development. The panels shall be installed in accordance with the approved plan(s) prior to first occupation of the student accommodation.

Reason: In order to secure appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies SI1 and SI3 of the London Plan (2021)

**29 Maximum occupancy**

The total number of residents of the student accommodation hereby approved shall not exceed 1,135 occupants at any one time within the accommodation as a whole.

Reason: In order to prevent the over-occupancy of the premises which would have a detrimental impact on the amenities of occupiers of the premises and the neighbouring area, in accordance with policy D6 of the London Plan (2021) and policy 7B of the Ealing Development Management DPD (2013).

**30 Passenger lifts**

The passenger lifts located within the communal and residential cores shall be installed and operational prior to the first occupation of the relevant part of the apartment block to which the lift serves.

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 Strategy 2026 (2012); policy 7B of the Ealing Development Management DPD (2013); and interim Ealing SPG 'Accessible Ealing' (2012).

**Informatives**

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

National Planning Policy Framework (2021)

London Plan (2021)

- Policy SD1 Opportunity Areas
- Policy GG1 Building Strong and Inclusive Communities
- Policy D3 Optimizing Site Capacity Through the Design-Led Approach
- Policy D4 Delivering Good Design
- Policy D5 Inclusive Design
- Policy D6 Housing Quality and Standards
- Policy D7 Accessible Housing
- Policy D11 Safety, Security and Resilience in an Emergency
- Policy D12 Fire Safety
- Policy D14 Noise
- Policy H1 Increasing Housing Supply
- Policy H2 Small Sites
- Policy H4 Delivering Affordable Housing
- Policy H6 Affordable Housing Tenure
- Policy H7 Monitoring of Affordable Housing
- Policy H9 Ensuring the Best Use of Stock
- Policy S4 Play and Informal Recreation
- Policy HC1 Heritage, Conservation and Growth
- Policy HC3 Strategic and Local Views
- Policy G5 Urban Greening
- Policy G7 Trees and Woodlands
- Policy S11 Improving Air Quality
- Policy S15 Water Infrastructure
- Policy S18 Waste Capacity and Net Waste Self-Sufficiency

Policy S112	Flood Risk Management
Policy S113	Sustainable Drainage
Policy T4	Assessing and Mitigating Transport Impacts
Policy T5	Cycling
Policy T6	Car Parking
Policy T6.1	Residential Parking
Policy DF1	Delivery of the Plan and Planning Obligations

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

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

Ealing's Development Management Development Plan Document (2013):

Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing developments
Policy 3A	Affordable Housing
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environment
Policy 5.12	Flood risk management
Policy 5.21	Contaminated Land
Policy 6.13	Parking
Policy 7A	Operational amenity
Policy 7.3	Designing out crime
Policy 7.4	Local character
Policy 7B	Design amenity
Policy 7C	Heritage
Policy 7D	Open space

Interim 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

Other Material Considerations

BRE	Site layout planning for daylight and sunlight (2011)
Greater London Authority	Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006)
BS 5228-1:2009	- Code of practice for noise & vibration control on construction & open sites- Part 1: Noise
DEFRA and the Environment Agency's	'Model Procedures for the Management of Land Contamination, CLR 11'.
Environment Agency guidance	'Verification of Remediation of Land Contamination', Report: SC030114/R1'.
Housing - Supplementary Planning Guidance	Homes for Londoners' Affordable Housing SPG

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, and the provision of adequate living conditions for occupiers. The proposal is considered acceptable on these grounds, and it is not considered that there are any other material considerations in this case that would warrant a refusal of the application.

- 2 Construction and demolition works, audible beyond the boundary of the site shall only be carried on between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Bank Holidays.
- 3 Prior to the commencement of any site works and as works progress, all sensitive properties surrounding the development shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.
- 4 No bonfires shall be lit on site.
- 5 Calculation of building envelope insulation - Interim SPG10 advises:
  - a) A precise sound insulation calculation under the method given at BS EN12354-3: 2000, for the various building envelopes, including the use of the worst case one hour data (octave band linear noise spectra from 63 Hz - 4k Hz) by night and day, to arrive at the minimum sound reductions necessary to meet the SPG10 internal data.
  - b) Approved laboratory sound insulation test certificates for the chosen windows, including frames and seals and also for ventilators, in accordance with BS EN ISO 140-3: 1995 & BS EN ISO 10140-2:2010, to verify the minimum sound reductions calculated.
  - c) The SPG10 internal and external criteria to be achieved.  
Aircraft noise affecting the site is at a contour level of worst mode one day equal to LAeq,16hr 60 dB and LAeq,1hr 67dB by 2016. In calculating the insulation required the LLeq,1hr aircraft noise spectrum, shown at SPG10, shall be used, along with the spectrum for any other dominant noise sources. Under SPG10, the predicted LLeq,1hr aircraft noise exposure for the site at 2016 has to be used and combined with any other noise exposures.
- 6 This permission does not grant consent for the display of external advertisements at this site which are subject to the Town & Country Planning Control of Advertisements (England) Regulations 2007, and which may need to obtain a separate advertisement consent from the local planning authority under those regulations.
- 7 Prior to commencement of construction and demolition works, involving materials containing asbestos, details of mitigation measures to control the release of asbestos fibres shall be submitted for the approval of the relevant Health and Safety Enforcement Officer.
- 8 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a



public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Recent legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required, You can contact Thames Water on 0845 850 2777 or for more information please visit our website.

9 Land contamination:

a) Reference should be made at all stages to appropriate current guidance and codes of practice this would include:

i. Model Procedures for the Management of Land Contamination, CLR 11, Environment Agency, 2004

ii. Updated technical background to the CLEA model, Science Report: SC050021/SR3, Environment Agency, 2009

iii. LQM/CIEH Generic Assessment criteria for Human Health Risk Assessment (2nd Edition), 2009

iv. BS10175:2011 Investigation of potentially contaminated sites - Code of Practice

v. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination; Environment Agency, 2001

vi. Verification of Remediation of Land Contamination', Report: SC030114/R1, Environment Agency, 2010

vii. Planning Policy Statement 23: Planning and Pollution Control;

viii. PPS23 Annex 2: Development on Land Affected By Contamination;

ix. Guidance for the safe development of housing on land affected by contamination, NHBC & Environment Agency, 2008

o Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.

o All raw data should be provided in a form that can be easily audited and assessed by the council. (e.g. trial pit logs and complete laboratory analysis reports)

o on-site monitoring for ground gases with any relevant laboratory gas analysis;

o Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made must be included. (e.g. the reasons for the choice of sampling locations and depths).

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

10 The applicant is advised that external lighting scheme should be designed to reduce light pollution to nearby residents, and road users and where applicable the recommendations of the following guidance should be met:

o ILP Guidance Notes for the reduction of Obtrusive Lighting 2011.

- o Institution of Lighting Professionals Technical Report PLG05, Brightness of Illuminated advertisements, 2015.
  - o CIE Technical Report- Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations - CIE 150: 2003.
  - o Statutory Nuisance from Insects and Artificial Light by Department of Environment Food. Guidance on sections 101, 102 and 103 of the Clean Neighbourhoods and Environment Act 2005, Defra
- 11 The applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuant to the application.
  - 12 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.
  - 13 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.
  - 14 No waste materials should be burnt on site of the development hereby approved.
  - 15 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.
  - 16 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
  - 17 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.
  - 18 The applicant is advised to incorporate Sport England's 'Active Design' (October 2015), throughout the proposed development. This guidance, produced in conjunction with Public Health England, is a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport

and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. More information can be found at <http://www.sportengland.org/activedesign>