

**Ref:** 240012FUL

**Address:** 99-113 Broadway, West Ealing, London, W13 9YP

**Ward:** Walpole

**Proposal:** Demolition of existing buildings and erection of a mixed-use development comprising flexible commercial floorspace at ground and mezzanine floors (Class E) and 144 new homes (Class C3) on the upper floors; associated landscaping and public realm works including along St James's Avenue and other works incidental to the proposed development.

**Drawing numbers:** Existing Drawings: 625-PTA-MP-00-DR-A-2000 Rev PL1, 625-PTA-MP-00-DR-A-2001 Rev PL1, 625-PTA-MP-00-DR-A-2002 Rev PL1, 625-PTA-MP-00-DR-A-2003 Rev PL1, 625-PTA-MP-00-DR-A-2004 Rev PL1, 625-PTA-MP-00-DR-A-2005 Rev PL1, 625-PTA-MP-00-DR-A-2006 Rev PL1, 625-PTA-MP-00-DR-A-2007 Rev PL1

Proposed Drawings: 625-PTA-MP-00-DR-A-2200 Rev PL2, 625-PTA-MP-01-DR-A-2202 Rev PL2, 625-PTA-MP-02-DR-A-2203 Rev PL2, 625-PTA-MP-03-DR-A-2204 Rev PL2, 625-PTA-MP-04-DR-A-2205 Rev PL2, 625-PTA-MP-05-DR-A-2206 Rev PL2, 625-PTA-MP-06-DR-A-2207 Rev PL2, 625-PTA-MP-07-DR-A-2208 Rev PL2, 625-PTA-MP-08-DR-A-2209 Rev PL2, 625-PTA-MP-09-DR-A-2210 Rev PL2, 625-PTA-MP-10-DR-A-2211 Rev PL2, 625-PTA-MP-11-DR-A-2212 Rev PL2, 625-PTA-MP-12-DR-A-2213 Rev PL2, 625-PTA-MP-13-DR-A-2214 Rev PL2, 625-PTA-MP-14-DR-A-2215 Rev PL2, 625-PTA-MP-MZ-DR-A-2201 Rev PL2, 625-PTA-MP-MZ-DR-A-2700 Rev PL2, 625-PTA-MP-MZ-DR-A-2701 Rev PL2, 625-PTA-MP-MZ-DR-A-2702 Rev PL2, 625-PTA-MP-MZ-DR-A-2708 Rev PL2, Schedule of Accommodation - 625-PTA-ZZ-ZZ-SH-A-7100-S4 Rev PL2

**Reports**

Daylight and Sunlight Report – prepared by Shroeders Begg (UK) LLP dated December 2023 ref 2113/X Rev 01, Heritage Townscape and Visual Impact prepared by Icení dated December 2023, Landscape and Public Realm Strategy Ref TOWN769(02) 2001 R02 DAS prepared by Townshend Landscape Architects dated December 2023, Framework Site Travel Plan Rev D prepared by Markides Associate dated 18 December 2023, Framework delivery and Servicing Management Plan Rev D prepared by Markides Associates dated 18 December 2023, Transport Assessment Rev D prepared by Markides Associates dated 18 December 2023, Stage 1 Response – Addendum to TA prepared by Markides Associates Rev B dated 26 March 2024, Noise Assessment Report prepared by Auricl Acoustic Consulting dated 15 December 2023, 99-113 Broadway – response to Consultee comments note dated 12 March 2024, Health Impact Assessment (HIA) and Socio-Economic Assessment prepared by Savills dated December 2023, Planning Statement Prepared by Savills dated January 2024, Air Quality Assessment Version 2 Rev A prepared by SRE dated March 2024, Thermal Comfort Assessment Version 1 Rev A

prepared by SRE, Gateway One – Fire Statement, London Plan Fire Statement ref 22051-R-01-A prepared by Lawrence Webster Forrest Issue A dated December 2023, Flood Risk Assessment & SuDS Strategy ref R79-FRA-02.0 4475 prepared by Lustre Consulting dated December 2023, Circular Economy Statement RIBA Stages 2-3 Version 1 Rev B prepared by SRE, Whole Life Carbon Assessment Version 1 ev A prepared by SRE dated December 2023, Microclimate Analysis – Pedestrian Wind Comfort version 1 Rev A prepared by SRE dated December 2023, Energy and Sustainability Statement Version 1 Rev A prepared by SRE dated December 2023, 20240312\_Part L GLA Carbon Emissions Reporting spreadsheet\_ Broadway (99-113), Biodiversity Gain Plan version 2 prepared by MKA ecology dated March 2024, Preliminary Ecological Appraisal and Preliminary Roost Assessment version 2.0 prepared by MKA Ecology dated 13 December 2023, Arboricultural Planning Report Re 2023/047/APR prepared by AD Tree Consulting dated December 2023, Phase 1 Environmental Report prepared by Contaminated Land Solutions dated December 2023, Painter’s Corner Statement of Community Involvement prepared by London Communications Agency dated December 2023, Design and Access Statement Rev P01 prepared by Patel Taylor dated December 2023

**Type of Application:** Full Planning Application

**Application Received:** 21 December 2023 **Revised:** 3 April 2024

**Report by:** Olivier Nelson and Chenhao Liu

**Recommendation:** Grant Permission, subject to conditions, s106 legal agreement and Stage II GLA referral.

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**1 Executive Summary:**

The planning applications seeks permission for the residential led development of the site to provide 144 homes and ground floor commercial space. The proposal would comprise of three buildings, two taller elements with a link in between with through access to public open space.

There have been 35 representations to the proposal, objecting to the proposal. The predominant concerns raised are to the height of the proposed development, design, access to affordable housing, amenity space proposed, traffic impacts, residential amenity impacts on neighbouring properties. These objections have been reviewed and acknowledged within this report; however, it is not considered that the matters raised outweigh the recommendation to grant permission.

The proposed development would provide 911sqm flexible commercial floorspace (Use Class E) at ground and mezzanine floors and 144 residential units (Use Class C3) on upper floors, including 1 to 3-bedroom flats. The principle of residential-led mixed-use development is supported in this highly accessible town centre location. Whilst there would be a loss of existing office floorspaces, the proposed uses are in line with the existing and emerging site allocations. Overall, this loss is considered acceptable, especially given that the proposals would provide commercial active frontages on three elevations, qualitatively enhance the existing retail offers, and significantly intensify residential use of the site.

The proposed development would provide a total of 46 affordable homes or 139 affordable habitable rooms, equating to 32% by homes or 35% by habitable rooms, comprising 12 social rent homes (32% by habitable rooms) and 34 shared ownership homes (68% by habitable rooms). It is acknowledged that the proposed tenure split is below the objectives of Policy HOU of the Reg19 Draft Ealing Local Plan, which seeks a tenure split of 70/30 in favour of low rent housing products. However, the Financial Viability Assessment for a similar 141-unit scheme conducted at the pre-application stage (prior to Reg 19) indicated that were the proportion of social rent to be increased, the scheme would only be able to deliver a significantly lower level of affordable housing to circa below 20%. This would not have been an acceptable offer for the council to review, as such with additional work and an agreement of more intermediate products than policy usually dictates it was possible to have a scheme which could afford to deliver 35% affordable housing. Given the viability considerations with the aim of prioritising the total affordable housing units, it is considered that the proposed tenure split represents a reasonable offer and complies with policy H6 of the London Plan.

The scheme comprises two tall buildings of 14 and 16 storeys, with a 9-storey linking block over St James' Avenue. Whilst the proposed height exceeds the indicative height under the Reg 19 Local Plan site allocation, it is considered that the proposal would generally be commensurate with the proposed massing suggested by the Draft Local Plan tall buildings strategy for the wider area. The proposed development would respond to the heights of adjacent buildings and demonstrate an appropriate articulation of height variation in the skyline. Overall, it is considered that the proposed height is justified given viability considerations and the other benefits of the scheme.

The design of the development is considered to be of high quality with material palette drawn from local contexts. The proposal would not have a significant impact of the heritage assets assessed within the HTVIA. The scheme would have either no harm or less than substantial harm and the public benefits proposed would outweigh the harm identified to these heritage assets.

The scheme would not have undue adverse daylight and sunlight impact on the existing or emerging neighbouring properties. Of the nearby habitable rooms analysed, most of them would meet the BRE Guidance in terms of any applicable reductions. For those reductions not meeting the default target, many of them have inherent sensitivities such as windows beneath balcony soffits or in close proximity to boundaries but are still considered reasonable for an urban context.

The proposed residential homes would comply with the requirements of Policy D6 of the London Plan. Future residents would be afforded good quality living conditions, with compliant floor spaces, access to daylight and sunlight and appropriate conditions have been recommended with respect to noise and air quality. 90% of the units would have window openings facing at least two different orientations or have an enhance single aspect with a shallow recess facing a balcony. The daylight and sunlight conditions for the proposed units are considered reasonable, given the linear site perimeter and the quantum of residential flats proposed.

The Council’s Energy Consultant is supportive of the proposed development and the development would achieve good amounts of carbon dioxide reduction (70%), which follows the hierarchy as set out within the London Plan. Carbon Offsetting contributions have been secured for the shortfall and energy monitoring would occur through a financial contribution.

The site location has a very good public transport accessibility level (PTAL 5 with the rear of each building falling in PTAL 3) and is located adjacent to West Ealing Town Centre controlled parking zones (CPZ) with extensive hours of restriction. Given these factors, the provision of low car housing is supported, subject to the prohibition of residents obtaining parking permits for the CPZs, a financial contribution for consultation on CPZ extensions, and compliance with a robust green travel plan to be secured through condition. This approach to low car housing is supported by the Council’s transport services and Transport for London (TfL). Four disabled parking spaces are provided on site and a financial contribution will be secured to implement blue badge parking on adjacent streets for the remaining 10 spaces which would be required.

Overall, the proposed scheme would provide quality residential accommodation within a development that has been sensitively designed to minimise impact on neighbouring properties. It has sought to architecturally reference the historic streetscape as well as contributing to the evolving character of the West Ealing Town Centre. The proposal would regenerate a part of the Town Centre by way of delivering much needed housing supply and more usable commercial floor space.

It is considered that the proposal is consistent with the aims of the relevant policies of the Ealing Development Management Development Plan Document (2013), Ealing Council Local Plan Reg 19 (2024) the Ealing Development Strategy 2026 (2012), The London Plan (2021), relevant Supplementary Planning Guidance, the National Planning Policy Framework (2023) and emerging planning policy documents. It is therefore recommended that planning permission should be approved with conditions, subject to a legal agreement, and Stage II referral to the Mayor of London.

**2 Recommendation:**

That planning permission is **granted** subject to Stage II referral to the Mayor of London, the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

**Heads of Terms**

The proposed financial contributions and heads of terms to be secured by the S106 agreement are set out below:

Financial contribution heading	Contributions
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CCTV	CCTV improvements	£20,000
Air quality	Air quality monitoring	£23,510
Parks and leisure	Leisure Facilities – Active Ealing	£80,000
	Allotment Gardens	£15,000
	Children’s play space	£25,000
	Open Space	£40,000
Energy	Post construction energy monitoring	£10,711
	Carbon offset payment	£112,290
Education	Educational facilities improvement	£231,264
Transport	Improvements, cycle parking	£128,000
Trees	Tree planting	£35,000
NHS	Local health services improvements	£234,288
Employment, training, and skills	monitoring costs and local employment/ apprenticeship projects provision	£56,000
<b>Total contributions</b>		<b>£1,033,458</b>

- Provision of 35% by habitable room of affordable housing comprising of a total of 46 homes including 12 homes (26%) social rent and 34 home (74%) shared ownership.
- An Early-Stage Viability Review if the development is not commenced in 2 years after the planning permission being granted.
- Participation in an Apprentice and Placement Scheme, providing 7 full apprenticeships. Details of the Apprentice and Placement Scheme including the number of placements details shall be agreed with the Council. 25% local labour must be employed, as a minimum. A £49,395 penalty for each obligation that is not met.
- Developer to enter into a S278 agreement with the London Borough of Ealing and/or Transport for London, as necessary to ensure the delivery of any necessary highways related works.
- Restriction of Parking Permits - all the units shall be precluded from obtaining a parking permit and visitor parking vouchers to park within the surrounding Controlled Parking Zones and future CPZ’s in the area.
- Implementation of the travel plan.
- Free car club membership for 1 year for all residents
- Payment of the above contributions, which are to be index-linked.
- Restoration of roads and footways damaged by construction and restoration of the kerb where necessary.
- Payment of Council’s reasonable legal and other professional costs incurred in preparing the s106 agreement.
- Administration and professional costs for monitoring the legal agreement.

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

**3 Site Description:**

**Site location**

The approx. 0.2 ha site is located in West Ealing and bounded by Broadway (A4020) to the north, Canberra Road to the south and some three-storey mixed-use Victorian-style buildings immediately to the east and west. St James’ Avenue separates the site, forming a pedestrian thoroughfare within the site and providing access to Broadway from the south.

The site currently comprises two three-storey buildings with retail and commercial uses at ground floor, including a jewellery shop, a fast-food takeaway, a hair salon, and a paint shop. 99 Broadway contains the Welshore Community Hub. It should be noted, however, that several of these properties

are currently vacant. The upper floors are in office use by the West London School of Management and Technology and Catalyst Gateway.

The surrounding area predominantly comprises mixed-use (commercial and residential) three-storey terraced buildings, with shorter and taller buildings in the medium range context. Opposite the site is a three-storey detached building containing a pub on the ground floor level. The design of buildings in the area varies.

The site is within Ealing Metropolitan Centre (town centre designation) and the shops facing Broadway are designated as secondary shop frontage. The site is recognised as an area deficient in access to Local Park, Heathrow Safeguarding Area and Crossrail Stations 1 Mile Buffer Zone. It is also a registered brownfield land and development site. The site allocation details are provided in the following paragraphs.

The site itself is not within a Conservation Area nor contains any listed buildings. There are a number of locally listed buildings in the vicinity, including 147 Broadway approx. 150m to the south, 144 Halfway House 80m to the northwest, 122-126 The Broadway and 116-120 The Broadway immediately opposite the site, and 25-41 The Broadway further to the east. The Grade II listed Westminster Cemetery Conservation Area and Kensington and Chelsea Cemetery Conservation Area are also within the wider context.

The site has a PTAL rating of 5 (with its rear falling within PTL 3), on a scale of 0 to 6b where 0 is the worst and 6b is the best. Broadway, St James' Avenue and Canberra Road are all adopted roads. The site is within 15min walking distance to West Ealing Station, which provides access to the Elizabeth Line and National Rail services. The site is well-served by bus services, with bus lanes in both directions along the Uxbridge Road in this location. To the rear of the site on Canberra Road is the West Ealing Town Centre Controlled Parking Zone (CPZ) which runs Monday – Friday (9am -10 am and 2pm -3pm).

### **Site allocation**

The site falls within site allocation EAL16 in the adopted Development Site DPD 2013 and 13EA in the Draft Local Plan (Reg19). The Reg19 site allocation identifies the site suitable for residential-led mixed-use development with typical town centre uses on the ground floor, and an indicative maximum height of 12 storeys (42 metres). The design principles set out under the Reg19 site allocation are summarised as follows:

- Co-ordinate with other development to produce a cohesive whole.
- Ensure building height, massing and layout are in accordance with the Tall Buildings Strategy.
- Reinforce and add to the retail and service provision within the town centre.
- Provide active retail frontage on the ground floor and residential access via pedestrian-focussed side streets.
- Ensure appropriate height transition to the surrounding lower-rise blocks and terraces.
- Provide greenspace within blocks possibly on podium decks.
- Establish a new shoulder height on the Broadway with taller elements set back behind this.
- Contribute to the public realm.

**EAL16 59-119 Broadway and New Ealing House  
West Ealing W13**



**Site area:** 1.39ha  
**Ownership:** Private  
**Current uses:** Retail, commercial, residential, West Ealing Library, and multistorey car park  
**Development Strategy Policies:** 2.5, particularly 2.5(b) and 2.5(e)  
**Setting:** Urban  
**PTAL:** 3-5  
**Planning Designations:** Metropolitan Centre  
**Relevant Planning Applications:** P/2012/5230

**Allocation:** Mixed use development appropriate to the town centre including retail, commercial, residential, and reprovision of community uses and car park.

**Justification:** The layout of this prime site at the heart of West Ealing would benefit from a more legible layout featuring key town centre uses organised around a functional, welcoming and pedestrian friendly network of public spaces.

**Indicative Delivery Timetable:** 2021-2026

**Site context:** The site is at the heart of West Ealing, in a highly accessible town centre location. Its key feature is the large supermarket to the rear of the site, which includes residential along the western and southern facades as well as a multistorey car park. The supermarket is attached to O'Grady's Court, a seven storey supported housing development which arches over Melbourne Avenue, and to the West

Ealing Library. Uses along the Broadway include offices, residential and retail.

Buildings along the Broadway are an eclectic mix of two to four storey buildings of various styles and massing which fail to create a consistent frontage. Within that context, the Victorian parade at 85 to 97 The Broadway is a notable heritage asset which makes a significant positive contribution to the character of the town centre, as do the buildings at 117-119 the Broadway. The supermarket however is overbearing in relation to the setting of St James's Church.

Melbourne Avenue is a very busy and successful landscaped thoroughfare that provides a key link between the Broadway and the supermarket, library and residential area to the south. The perpendicular Canberra Road however is burdened by the blind wall of the adjacent supermarket and informal car parking and loading bays, and provides a poor pedestrian link to the largely disused landscaped

Figure 1: Adopted Ealing Development site EAL16 - 59-119 Broadway and New Ealing House

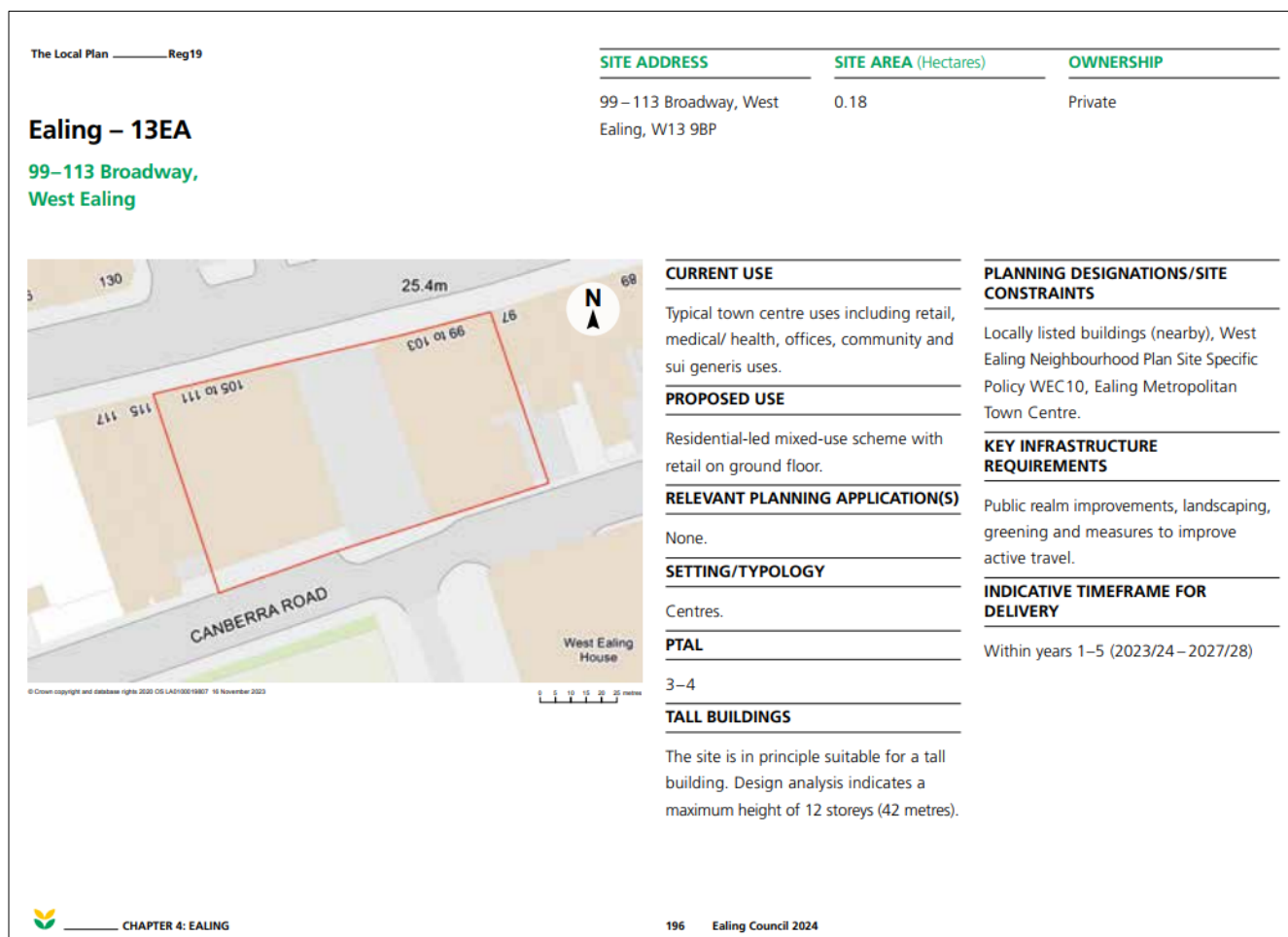


Figure 2: Emerging Ealing Development site 13EA – 99-113 Broadway, West Ealing

**Planning history**

No planning history on the site is relevant to this application.

**4 The Proposal:**

The current description of proposal reads: ‘Demolition of existing buildings and erection of a mixed-use development comprising flexible commercial floorspace at ground and mezzanine floors (Class E) and 144 new homes (Class C3) on the upper floors; associated landscaping and public realm works including along St James’s Avenue and other works incidental to the proposed development.’

The proposal involves a residential-led mixed-use redevelopment of the site. The proposals subject of this application include:

- Demolition of the existing buildings and erection of two buildings of 14 and 16 storeys (circa 50.55 metres and 54.68 metres at maximum; 46m and 52.67m at roofs), with a 9-storey linking block over St James’ Avenue.
- Each building would be served by one core with two staircases.
- 911sqm (GIA) flexible commercial floorspace (Use Class E) at ground and mezzanine floors.
- 144 residential unit, including 1–3-bedroom apartments (Use Class C3) on upper floors.
- Communal amenity and children’s play spaces on rooftop areas
- Public realm improvement along St James’ Avenue thoroughfare.
- 261 long stay cycle spaces and 9 short stay cycle spaces.
- Associated refuse storage and hard/soft landscaping.





Figure 3: Proposed north elevation (view from Broadway)



Figure 4: Proposed CGI viewing from the south (St James Avenue)

**5 Consultation:**

**Pre- application engagement**

In accordance with paragraph 39 of the NPPF, a pre-application meeting was held with the Council on 8 December 2021. A Planning Performance Agreement (PPA) was subsequently agreed between the project team and the Council. During the process and in response to the comments raised, the

proposed height has been reduced and the massing, material, the architectural treatment, and the canopy have been further refined.

A pre-application meeting was also held with the GLA officers on 1 November 2022. The principle of residential-led mixed-use redevelopment was supported but the applicant was strongly encouraged to pursue a 35% Fast Track Route. The overall layout approach and materiality acceptable; however, concerns were raised over the two-storey canopy, acceptability of the proposed height and massing of the linking block.

The applicant also undertook their own consultation with neighbours and residents prior to the submission of this application, which is detailed within the submitted Statement of Community Involvement. This is in line with Paragraph 39 of the NPPF and Council's own Statement of Community Involvement, which encourages early engagement with stakeholders in the planning process. Methods of consultation included publicity through leaflet distribution within a defined boundary, social media advertising, public exhibitions and a website.

### **Design Review Panel**

In accordance with Policy D4 of the London Plan 2021, the scheme was presented to the Design Review Panel on 25<sup>th</sup> October 2022. Ealing's DRP is run by Frame and comprises experts in their relevant disciplines, the purpose of convening a review is to ensure the emerging design is fully scrutinised and to ensure that the proposals are of the highest quality.

The key points raised by the panel as summarised as below:

- The initial three storeys of the design read well within the context of the high street but, overall, the proposed heights are not yet justified, and the massing is overbearing.
- The panel suggested reducing the height of the linking block and a podium-level design, pulling back the buildings after the first three storeys.
- The panel recommended a detailed review of the sun-path to mitigate overshadowing to the properties on the north.
- The canopy and landscape design on St James' Avenue could be simplified to encourage more pedestrian footfall and natural light during the year.
- The panel feels that the façade has an overly-complicated visual impact, due to the stepped form and contrasting brickwork.

**Officer response:** The scheme has been subsequently revised following the meeting, with the originally height being reduced and the massing, material and canopy etc refined. Other complementary documents including wind micro-climate assessment, energy strategy, thermal comfort report, daylight and sunlight assessment etc have been carried out to assess the impact on the surrounding environment. The proposed building height and mass are assessed in the below sections, following the statutory external and internal consultations and the GLA stage I referral, as well as taking into account the affordable housing offer, viability constraints and other relevant material considerations.

### **Public consultation**

Public consultation was undertaken by way of site notices erected around the application site. A notification was also placed within the Ealing Gazette. Consultation commenced on 31.01.2024 and concluded on 21.02.2024.

Thirty-Four (34) representations were received during the statutory consultation period, with Thirty-Four (34) representations objecting to the proposed development. The comments are summarised below and also the location of respondents is shown in the map.

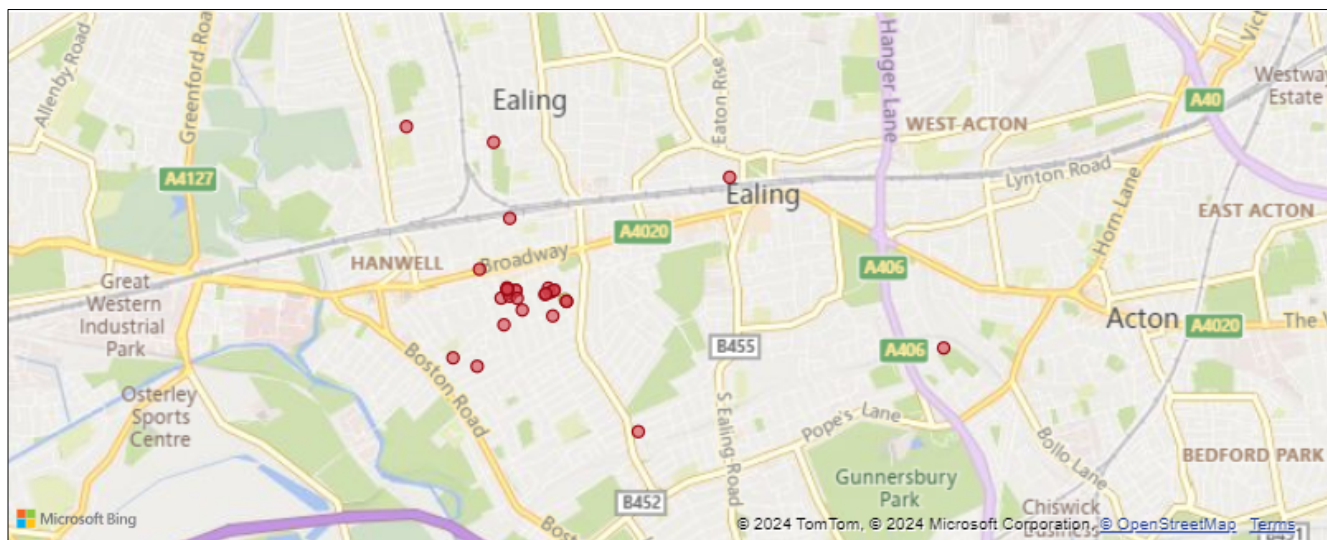


Figure 5: Public consultation responses map

Comment	Officer Response
<p>The proposal would have a height which exceeds 12 storeys as per the draft local plan. This would conflict with the current plan. Loss of these art deco buildings.</p>	<p>Loss of art deco buildings and impact on heritage is assessed within the body of the report.</p>
<p>Height and Massing only refers to developments North of the site. Development would be incongruous towering over the Edwardian Terraces to the south and parades along the Broadway.</p>	<p>The height of the development has been considered extensively, it is considered a tall building and does have a site allocation for such. The draft Local Plan would allow for tall buildings in the location.</p>
<p>Concern raised with regard to the consultation period and it is considered that longer should have been given. Older site notices should be taken down as its distracting from what is current.</p>	<p>The consultation period was for longer than most applications with it being a major application. The consultation period has been longer than 13 weeks.</p> <p>Noted about the concern with regard to site notices. Developers are always asked to take these down once the development is determined.</p>
<p>The proposal would dwarf existing buildings and proposed walkway over St James Avenue.</p>	<p>The site has been detailed for allocation as a tall building, regard has been made as to why the development could be taller than its neighbours within the local plan. Further reasoning as to why in his instance the increased height is detailed later within the report.</p>
<p>The two towers are too high and the local area may suffer a loss of light and loss of privacy to neighbouring buildings</p>	<p>This is discussed in detail below with regard to a tall building as well as loss of privacy.</p>

<p>The development does not meet the housing need in the borough, as it provides too few family-sized homes and too many one and two bedroom flats.</p>	<p>The proposal provides affordable housing and meets the fast track route within the GLA. The scheme does offer both 2 and 3 bed affordable homes and would provide no 1 bed affordable homes which is welcomed.</p>
<p>Concerned about the developments affordable housing, and the at it is not aimed at locals and Londoners and genuinely accessible.</p>	<p>The proposed affordable housing would be targeted at locals and people who meet the threshold as per the requirements within the London Plan.</p>
<p>There is deficiency of open space in the area, and the proposed roof top garden is not considered to provide acceptable space for recreation. Dean Gardens is a neighbouring as existing outdoor amenity but is too small and overused by other developments, and other parks and cemeteries are too far or unsuitable for recreation.</p>	<p>Open space is proposed within this constrained site, as well as this the creation of public realm further allows for a development which is for everyone.</p>
<p>Where will everyone park their cars? Is there a car park planned?</p>	<p>As per the London Plan, the development would be car-free. No car park is planned. 4 disabled parking spaces are proposed and these would have electric changing vehicle points.</p>
<p>West Ealing does not feel like a safe place for women, and this may increase the perceived lack of safety at night.</p>	<p>The proposal has been designed to increase natural surveillance by way of its design and openings at ground floor level. Increased CCTV network would also aid the proposal in creating a safe environment.</p>
<p>Concerned that the covered area would provide a place for rough sleeping, and anti-social behaviour.</p>	<p>This area would have natural surveillance and its not expected to encourage anti-social behaviour. Rather it would deter it.</p>
<p>As a result of the development Ealing may need to adopt a no public drink policy</p>	<p>This would not be a material planning consideration but is something which could be explored with Designing out crime initiatives.</p>
<p>Will Artists be able to use the premises to paint? As there is not much space for Artists and the development is to be called Painters Corner.</p>	<p>Potentially provisions can be made for this. This will be clearer once the commercial elements are taken on.</p>

Subsequent Amendments to the Scheme

Amendments were sought with regard to meeting the 35% affordable housing provision. Minor changes in areas to amend cycle store configuration, changes to internal access to refuse, amendments to residential layout/balconies, beds in studios changed from double beds to single beds. Also sought was amendments to access to balconies with regard to fire escape.

Paragraph 26 of Government Guidance “Consultation and pre-decision matters” states the following:



*Where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.*

Given the context of the minor amendments to the scheme, it is not considered that any local residents would have been unduly prejudiced by the changed plans, and re-consultation was not considered to be necessary. A full 21-day period of consultation has been carried out previously and Council Officers would have, in any case, accepted representations beyond the date mentioned on the site notice with responses being able to be received up until the Committee Date.

**External Consultation**

<b>Consultee</b>	<b>Comments</b>
NHS Property Services	Provide comments that the development would impact Gordon House Surgery and Argyle Surgery as well as have impact on provision of care homes in the borough for the vulnerable. A S106 contribution is requested.
Design Out Crime	<p>We have not received any contact via the design team, prior to this application being submitted, the proposed plans have the potential to achieve secure by design accreditation, but we strongly recommend the applicant/architect keep in regular contact with our office in order they meet SBD compliance. This should help to remove any potential issues further along the design and construction process.</p> <p>The levels of ASB, violence, and burglary in the area dictate the need for single leaf communal door sets and entry systems that will afford protection to residents, prevent misuse of communal areas, and secure buildings against unauthorised entry and burglary. The inclusion of secure lobbied entrances assists in achieving this by reducing the risk of tailgating and controlling access further into the building.</p> <p>The number of units within this development dictates the need for compartmentation for security to be included. The layout proposed for the upper floors means that this will be best achieved through the use of destination control lifts and a comprehensive access control strategy. This can be discussed further with ourselves as the project progresses and contact is made with our office.</p> <p>Sheltered areas where seating is provided are frequently subject to misuse by those involved in street drinking, drugs use/dealing and ASB. As such issues are experienced in the local area it is important to ensure that the design and layout does not facilitate such behaviour. Seating should be securely fixed in place to prevent its movement, and large areas of seating together should be avoided to prevent the gathering of groups that can become intimidating. Seating should not be positioned near communal entrances/exits as this increases the risk of unauthorised access being gained to the building through tailgating.</p> <p>Communal Entrances doors must be brought to the building lines, should be flush to allow natural surveillance, any recesses should not exceed 600mm. Both communal Entrances should include a primary</p>

	<p>and secondary secure line and be developed in conjunction with any access control system and strategy.</p> <p>Conditions and informatives requested.</p>
London Fire and Emergency Planning Authority	No comments were received.
Cadent Gas Ltd	No objection but requested an informative regarding gas infrastructure protection.
Health And Safety Executive (HSE)	<p>Means of escape form balconies would need to be addressed in revised drawings</p> <p>Also other issues such open plan apartments, and fire service access issues were raised.</p> <p><i>Officer comment: The design changes have been done with regard to means of escape from balconies.</i></p> <p><i>It was noted by the HSE that the other issues raised would not affect decision making and could be addressed by later regulatory stages.</i></p>
Highways England Company Ltd	No objection. Satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in the Circular, and MHCLG NPPF 2023) in this location and its vicinity.
Thames Water Utilities Ltd	<p>Waste comments</p> <ul style="list-style-type: none"> <li>• Surface water drainage – No objection if the developer follows the sequential approach.</li> <li>• Foul water sewerage network infrastructure capacity - no objection based on the information provided.</li> <li>• Recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</li> <li>• There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way.</li> </ul> <p>water comments</p> <ul style="list-style-type: none"> <li>• Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.</li> <li>• Request a condition be added due to development being within 15m of underground wastewater assets</li> </ul>

	<ul style="list-style-type: none"> <li>Request other informatives in relation to water mains and water pressure.</li> </ul>
Greater London Authority (GLA)	<p>Land use principles: The principle of a comprehensive residential-led mixed use redevelopment and intensification of this town centre site is supported in strategic planning terms.</p> <p>Affordable housing: The applicant is strongly encouraged to follow the Fast Track Route by: reconfiguring the residential schedule to ensure that the scheme would achieve at least 35% affordable housing on a habitable rooms basis at a Local Plan compliant affordable housing tenure split of 60% low cost rent and 40% intermediate housing.</p> <p>Urban design: The general design and layout of the scheme is supported; however, the proposal would slightly exceed the specified height within the emerging Local Plan. A preliminary assessment of impacts does not raise strategic concern; however, the Council will consider local impacts, along with recommendations on architecture and children's place space prior to Stage 2.</p> <p>Transport: Further thought on the submitted ATZ assessment is required, as well as further information on the delivery and servicing strategy and how the proposed development is ensuring safety in the public realm. Amendments to the cycle parking are also required.</p> <p>Other issues relating to inclusive access, climate change, energy, and air quality should be addressed as detailed in this report.</p>
TFL - Spatial Planning	London Underground/DLR Infrastructure Protection has no comment to make on this planning application.
TFL - Borough Planner	Requested amendments to cycle parking layout. Welcomed the car-free development and sought for clarification on disabled person parking. Encourage all parking provision to have active electric vehicle charging provision.
National Air Traffic Services (NATS)	The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.
Heathrow Airport	<p>No objection provided standard conditions in relation to Bird Hazard Management Plan are applied to any planning permission.</p> <p>Officer comment – This conditions have been added</p>
Ealing BID Company Ltd	No comments received.
West Ealing Central Neighbour Forum	No comments received.

**Internal Consultation**

Consultee	Comments
Energy Officer	<p>Supports the energy strategy. Recommended conditions in relation to:</p> <ul style="list-style-type: none"> <li>Energy and CO2</li> <li>Overheating and cooling</li> </ul>

	<ul style="list-style-type: none"> <li>• Post-construction renewable/low-carbon energy equipment monitoring</li> <li>• Post-construction energy use monitoring</li> </ul> <p>Requests financial contributions of £112,290 towards carbon offset and £10,771 towards post construction energy monitoring.</p>
Flood Risk Officer	No response received.
Regeneration	No response received.
CCTV Systems Manager	Request a contribution of £20,000 towards CCTV, in order to assist with the maintenance of public safety through CCTV monitoring in the area.
Building Control	No response received.
Education Services	<p>Applying the unit mix from the schedule of accommodation to the Council's published method generates a child yield of 16.07 at primary and 11.48 at secondary, generating a contribution of £393,886.84.</p> <p>This would be applied to Drayton Green Primary School, with a reserve of Oaklands Primary School or other local education provision at primary phase, and Elthorne Park High, with a reserve of The Ellen Wilkinson School for Girls or other secondary education provision at secondary phase.</p>
Estate and Development	No response received.
Head of Housing Development	<p>This development is providing 46 affordable homes on a unit basis. The affordable element of the scheme comprises 12 x London Affordable homes and 34 x intermediate which will be in the form of Shared Ownership.</p> <p>The borough asks for 60% rent/ 40% intermediate (70% rented in the draft Ealing Local Plan 2024) and as such, this application does not meet the required tenure split. The applicant is required to provide a financial viability appraisal to demonstrate why it cannot provide the required mix of tenures.</p> <p>With respect to the rented homes that are currently being offered as part of this application, we welcome the offer of 9 x 3b5p and 3 x 2b4p homes as we have a severe shortage of family sized accommodation in the borough.</p> <p>As this scheme will include a number of homes for shared ownership, we would ask that the affordable provider should aim to make these affordable to a range of incomes and that they should not all be pitched at the top end of the shared ownership eligible income (£90K).</p> <p>Early and late-stage reviews have to be secured in S106 agreement should the applicant do not follow fast track route.</p>
Landscaping	No response received.
Legal Planning	No response received.
Pollution Technical (Air Quality)	Conditions proposed and mitigation for Air Quality contribution
Pollution Technical (Noise)	Conditions proposed

Pollution Technical (Contaminated Land)	There will be pile works due to the height of the buildings plus ground works. A condition is recommended in case anything is unearthed during these works.
Tree Officer	There are 6 trees to be removed as part of this development. 5 of these are category C trees and replacement of these are sought. The proposed trees in the roof gardens are not drought tolerant and would need to be changed to something more in keeping with its environment. A S106 contribution is proposed to mitigate the proposed works. Conditions proposed and s106 contribution of £35,000
Parks and leisure	No response received.
Waste and Street Services	No response received.
Transport Services	<p>No objection – with conditions and S106 sought.</p> <p>Currently Highways are modelling junction Uxbridge Road junction with Northfield Avenue (B452). There were many pedestrian accidents reported on Uxbridge Road between Northfield Avenue and Eccleston Road.</p> <p>Because of the traffic congestion and vulnerable user accidents on Uxbridge Road, Highways would like to eliminate traffic congestion and vulnerable road user accidents on Uxbridge Road.</p> <p>The Council are currently planning to introduce junction improvements and accident remedial scheme on Uxbridge Road.</p> <p>This development is expected to increase number of walking trips and contributing to traffic congestion. As a mitigation measure, the applicant will contribute to mitigation measures.</p>
Highways Management	<p>The applicant has submitted a Framework DSMP and CLP. The scope of each is agreed in principle but approval will be subject to receipt of the detailed submissions.</p> <p>Para 3.7.1 of the CLP: details of access arrangements for abnormal loads from the Broadway, including any widening and strengthening of the existing dropped kerb access, and removal/relocation of streetlighting are required.</p> <p>For the s106: the landscaping and paving works will require a s278 agreement, so this needs to be stipulated in the s106 agreement.</p>
Employment And Skills	<p>The developer needs to secure an employment, skills, and training delivery strategy, which needs to be signed off by the Employment and skills S106 team. The developer will engage directly with the partnerships and procurement manager and will be required to submit quarterly monitoring no later than one week after quarter end. (S106ELS@ealing.gov.uk).</p> <p>The developer must deliver 7 full apprenticeships, and there will be a charge of £49,395 per apprenticeship obligation that is not met. 25% local labour must be employed, as a minimum. 7 weeks of Work Experience must be completed throughout the length of the project.</p>

	<p>There will also be a financial obligation of £56,000, which will contribute to monitoring costs and local employment/apprenticeship projects within the borough of Ealing.</p> <p>Penalties for not meeting quarterly monitoring deadlines can be implemented if the data is not returned to the partnerships and procurement manager in a timely manner, within a week of quarter end.</p> <p>All site apprenticeships and jobs are to be advertised via Ealing brokerage service and all vacancies have to be advertised to local people only for the first 72hrs. Entry-level jobs should be offered to prior apprentices first.</p> <p>The employment, skills and training programme should include as many community engagement events as possible. Please see below for some examples:</p> <ul style="list-style-type: none"> <li>• Developers to visit local schools, youth groups, and colleges to speak about their job and sector helping to demystify and encourage interest in construction professions.</li> <li>• Developers to offer mentoring to local people interested in construction.</li> <li>• Site Open Days for local people.</li> <li>• Attending Job fairs run by Ealing Council/ local schools.</li> </ul> <p>*Based on the average cost of a level 3 apprenticeship + 10%. We will only charge this if there have been no reasonable endeavours to fulfil the obligations. Reasonable endeavours include, but are not limited to, the number of vacancies sent through work Ealing, the number of apprenticeship vacancies created, the number of candidates and the number of candidates starting but not finishing apprenticeships.</p>
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**6 Planning Policies:**

Please see informative section in Appendix A for a full list of relevant policies.

**7 Planning Appraisal**

The proposal is assessed in terms of its potential impact on the area, on the amenities of the occupiers of neighbouring development, taking into account the relevant development plan policies for the area and considerations of the localised impacts of the development, and all other material considerations. The main issues are:

- Principle of development
- Housing and affordable housing
- Urban design
- Heritage
- Neighbouring amenity
- Quality of residential accommodation
- Transport
- Environmental issues and sustainability

7.1 Principle of Development

Town centre uses

Section 7 of the NPPF and Policy SD7 of the London Plan requires planning policies to support the role that town centres play at the heart of local communities, ensure their vitality and viability, and support and enhance the competitiveness, quality and diversity of town centre retail, leisure and other services. Policy SD7 further requires development proposals to ensure that commercial floorspace relates to the size and the role and function of a town centre and its catchment and is fit for purpose.

Ealing Core Strategy Policy 2.5(b) seeks to define and reinforce the distinctive character and roles of the Ealing Metropolitan Town Centre and identifies West Ealing as a designation for value and convenience goods and a wide range of eating-places. Part (c) of the policy seeks to strengthen and extend the core of the town centre leading to an increase in the quantum, quality and diversity of the existing retail, café and restaurant offer and sustain the town centre’s position in the retail hierarchy.

Policy 4B of the Ealing Development DPD 2013 states that development in any designated frontage should not result in a net loss of active frontage and A1 retail uses should constitute no less than 40% of the secondary shop frontages. Policy 4C requires main town centres uses to relate well to their surroundings and have high quality façade design.

The shops at nos. 105-113 facing Broadway are designated as secondary shop frontages. However, it should be noted that Use Class A1 no longer exist under the revised Use Class Orders in 2020. The previous A1 retail use has now been consolidated into Use Class E under which one could change the use of a shop within the same Class without expression of planning permission. As the proposed development would retain the existing shop frontages facing Broadway and St James’ Avenue, it is not considered that it would represent a direct departure from policy 4B of the Ealing Development DPD 2013.

The existing and proposed land uses are compared in the below table. The proposed development would provide active frontages on three elevations. Flexible use units (Use Class E) would occupy all shopfronts facing Broadway, extending to those along St James’ Avenue where residential entrances are introduced on both sides. The rear of the buildings facing Canberra Road would be primarily used for ancillary refuse and cycles accesses, with some retail frontages on the corners.

<b>Existing and proposed land uses</b>			
	Existing sqm (GIA)	Proposed sqm (GIA)	Net change +/- (sqm)
Commercial/community uses (Class E/F2/Sui generis)	3,506	911	-2,595
Residential (Class C3)	0	13,766	+13,766
Total	3,506	14,677	+11,171

Table 1: Existing and proposed land uses

The site forms part of the wider site allocation EAL16 ‘59-119 Broadway and New Ealing House’ under the adopted Development Site DPD 2013, which sets out an overarching mixed-use including retail, commercial, residential, community uses and car park. It is noted that the site is afforded a separate site allocation 13EA in the Draft Local Plan (Reg19) for residential-led mixed-use development with typical town centre uses on the ground floor. Notwithstanding that the weight attached to the emerging Local Plan is diminished due to its draft status, the proposed land uses would be in line with the emerging site allocation.

Whilst the proposed development would result in a loss of office floorspaces on the first and second floors, the site is not envisaged for primary office development under the existing or emerging site allocation. It is also noted that some of the existing commercial floorspaces are vacant or under-utilised. The proposed flexible Use Class E floorspaces would offer more modern and fit-for-purpose outlets, with most of them with a mezzanine level that could be tailored and subdivided for specific needs, whether that is for retail, commercial or community uses. Overall, this loss is considered acceptable, especially given that the proposals would provide commercial active frontages on three elevations, qualitatively enhance the existing retail offers, and intensify the use of the site.

### **Residential development**

Chapter 5 of the NPPF (the Framework) concerns the delivery of sufficient homes, with paragraph 60 noting the government's support in significantly boosting the supply of homes. To allow this to happen the Framework recognises that, a sufficient amount and variety of land must come forward where it is needed. Moreover, Section 11 ('Making Effective Use of Land') encourages as much use as possible of previously developed land and vacant buildings as well as optimising the use of land to meet as much of the identified need for housing as possible. Section 7 recognises the role of suitable mix of uses (including housing) in ensuring the vitality of town centres.

Policy GG2 the London Plan 2021 states that those involved in planning and development must proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

Policy H1 of the London Plan 2021 sets Ealing a housing completion target of 21,570 between 2019/20 and 2028/29, equivalent to 2,157 new homes per year, and requires Councils to optimise the potential for housing delivery on all suitable and available brownfield sites, especially within PTALs 3 to 6 or within 800 metres of a station or town centre.

Policy H2 of the London Plan 2021 states Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.

Policy SD6 of the London Plan 2021 recognises the role of mixed-use or housing-led intensification to optimise residential growth potential and encourages change of use and intensification of identified surplus office spaces to other uses.

The site is within Ealing Metropolitan Centre (town centre), with a PTAL rating of 5 and 15-minute walking distance to West Ealing Station. Policy E2 of the Ealing's Reg19 Draft Local Plan indicates that the social and economic role of the Metropolitan Town Centre should be refreshed and strengthened through significant levels of high-density residential and employment growth. The application site is also identified suitable for residential intensification under both the Development Site DPD 2013 and the Reg19 Draft Local Plan. The proposed development would provide 144 residential flats and contribute to the Borough's housing need. Therefore, the principle of residential-led mixed-use redevelopment within a town centre location and good public transport accessibility is in line with the policy expectations and generally supported.

Therefore overall, the proposed residential-led mixed-use development is considered acceptable in land use terms. Whilst local policies also seek quantitative increases in retail floorspace, the proposal both increases active frontages and would deliver qualitative improvements to this part of the Town Centre. As such it is considered that the proposal complies with London Plan Policies GG2, H1, H2, SD6 and SD7, as well as local policies 2.5, 4B, 4C and EAL16.



**7.2 Housing and Affordable Housing**

**Fast Track Route and Affordable Housing**

Policy H4 of the London Plan seeks to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be genuinely affordable. Policy H5 of the London Plan and the Mayor’s Affordable Housing and Viability SPG set out the ‘threshold approach’, whereby schemes meeting or exceeding 35% affordable housing by habitable room for non-public sector land or non-industrial land, and other criteria such as tenure mix are eligible for the Fast Track Route (FTR). The threshold level of affordable housing on gross residential development is initially set at a minimum of 35%.

In addition to this, the Draft Ealing Local Plan (Reg19) states a minimum threshold of 40% for eligibility for the fast-track route with a desired tenure split of 70/30 in favour of affordable rent products to intermediate provision. Given the status of the current Draft Local Plan, this policy would not hold as much weight as the existing London Plan and Ealing Development Management DPD, which together require a minimum of 35% affordable housing calculated by Habitable Room and a tenure split of 60/40.

The GLA stage response detailed the following with regard to the Fast Track Route:

*“To be eligible for the Mayor’s Fast Track Route (‘FTR’), applications must meet the applicable affordable housing threshold (by habitable room) in line with the required tenure mix, without public subsidy. An early-stage review mechanism would also need to be secured via Section 106 Agreement. Applications which do not meet these requirements should follow the Viability Tested Route, with a Financial Viability Appraisal (‘FVA’) submitted and schemes subject to both early and late-stage review mechanisms, with mid stage reviews required on larger multi-phased schemes”.*

The proposed development would provide a total of 46 affordable homes or 139 affordable habitable rooms, equating to 32% by unit or 35% by habitable rooms, comprising 12 social rent homes (32% by habitable rooms) and 34 shared ownership homes (68% by habitable rooms). The following sub-sections detail the housing mix, tenure split and details that the scheme in this instance would be an acceptable version which meets the majority of the criteria set out by the London Plan for the Fast Track Route (FTR). The applicant has agreed to the early-stage review mechanism.

**Housing Mix**

Policy H10 of the London Plan requires schemes to consist of a range of unit sizes having regard to housing need assessment, the requirement to deliver mixed and inclusive neighbourhoods, the need to deliver a range of unit types, the mix of uses and the range of tenures. It further states that the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

The following residential breakdown is proposed:

<b>Housing mix breakdown (by homes)</b>				
unit type	affordable units	market sales	total	% of total development
one-bed	13	35	48	33.33%
two-bed	19	54	73	50.69%
three-bed	14	9	23	15.97%
total	46	98	144	100.00%

% of total development	31.94%	68.06%	100.00%
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Housing mix breakdown (by habitable rooms)				
unit type	affordable units	market sales	total	% of total development
one-bed	26	60	86	21.66%
two-bed	57	162	219	55.16%
three-bed	56	36	92	23.17%
total	139	268	397	100.00%
% of total development	35.01%	64.99%	100.00%	

Table 2: Housing mix breakdowns

The application site possesses a very good PTAL rating of 5 and is in Ealing Metropolitan centre. There is a range of commercial offers and bus routes operating in the proximity of the site and West Ealing station is approx. 15 minutes' walk to the northeast. The proposed development generally demonstrates an appropriate and diverse mix of one, two and three-bedroom units. In accordance with Policy H10 of the London Plan, a higher portion of one and two bed units is acceptable, especially considering the site's town centre location, good PTAL rating, and the surrounding characteristics and density.

**Tenure Split**

Policy H6 confirms the preferred affordable tenure arrangements across London whereas Policy 3A of the Council's Development Management DPD defines the Council's preferred affordable tenure split as 60% social/affordable rented accommodation and 40% intermediate tenure homes.

The following tenure split is proposed:

Tenure split (by unit)			
unit type	social rent	shared ownership	total
one-bed	0	13	13
two-bed	3	16	19
three-bed	9	5	14
total	12	34	46
% of total affordable housing	26.09%	73.91%	100.00%

Tenure split (by habitable rooms)			
unit type	social rent	shared ownership	total
one-bed	0	26	26
two-bed	9	48	57
three-bed	36	20	56
total	45	94	139
% of total affordable housing	32.37%	67.63%	100.00%

Table 3: Tenure split by breakdowns

A financial viability assessment (FVA) for a 141-unit scheme was conducted and discussed with the Council during the pre-application stage. The FVA was independently reviewed by a third party 'Affordable Housing Solutions Ltd (AHS)'. The interim report prepared by AHS pointed out that the initial affordable housing offer was only 18% and did not provide 3-bed accommodation or social rented units. It then concluded that the scheme would have given rise to a deficit of £4,845,045, but it was based on a number of caveats and further information was required to confirm it.

The scheme has then been revised with the affordable housing offer presented in the above tables. A 'Fast Track Compliance Note (Rev 002 – 27.09.23)' prepared by Quod was also provided. The Note concluded that the revised scheme is significantly constrained with a residual profit of approx. -£4.5 million, based on the increase in finance rates and high Existing Use Value of the site. Should the proportion of social rent be to be increased, the scheme would only be able to deliver a significantly lower level of affordable housing to circa below 20%. In addition, the provision of social rent homes in the form of 3-bedroom units are strongly supported.

Due to viability considerations and with the aim of prioritising the total affordable housing units, it is considered that the proposed tenure split represents a reasonable offer and generally complies with policy H6 of the London Plan 2021.

It is acknowledged that the proposal does not meet the Council's preferred tenure split set out under Policy 3A of the Ealing Development Management DPD 2013; however, this policy provides flexibility to negotiate an alternative tenure split taking into account financial viability considerations. Policy H6 of the London Plan requires residential development to apply a minimum of 30% low-cost rented homes (social rent in this instance), a minimum of 30% intermediate products (shared ownership in this instance) and the remaining 40% to be determined by the borough. The supporting paragraph 4.6.2 of the policy also recognises that a broader tenure mix could be appropriate because of viability constraints. The proposal would not fully meet the test of being fast track as it only provides 30% low-cost rent and the remaining 70% as an intermediate product. The preference for the council would have been 70% low-cost rented homes, 30% intermediate products. It is acknowledged that the GLA Stage 1 response sought for the proposal to meet the FTR in its entirety, however due the viability which was undertake, the offer of the affordable housing proposed and the homes which would be considered affordable would be of benefit to the borough's housing provision.

The proposal would not fully align with the councils preferred split, however the housing mix proposed is preferable with the proposal having more two and three bed homes than one bed homes. The larger homes are considered to be appropriate to meet the Council's housing mix with 9 x 3 bed five person homes in particular helping to reduce the severe shortage of family sized accommodation in the borough. The proposed homes being 70% shared ownership, we would encourage that these affordable homes would be open to a range of incomes rather than pitched at the top level. This would be secured by way of the S106 legal agreement.

In addition, in accordance with the requirement of Policy H5 of the London Plan, early-stage review mechanisms will be secured within the S106 agreement, to ensure the Council gets the best affordable housing offer based on viability and potentially an increased provision of socially rented houses subject to future market conditions and delivery timescales. The early-stage review would be triggered if the development is not commenced in 2 years.

### **Conclusion on Affordable Housing**

The proposed development would provide 35% affordable housing by habitable rooms and an agreed level of tenure split. Overall, it is considered that the proposed development would largely meet FTR due to financial viability considerations, in accordance with Policy H5, H6, and H10 of the London Plan and 3A of the Ealing Development Management DPD 2013, subject to the head of terms secured under the S106 agreement.

### **7.3 Urban Design**

Paragraph 139 of the NPPF 2023 requires development that is not well design be refused, especially where it fails to reflect local design policies. Conversely, significant weight should be given to

development which reflects local design policies or represents outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area.

London Plan Policy D3 requires the optimisation of sites by following a design-led approach, having regard to site attributes, local context, design principles, public transport accessibility, and capacity of existing and future transport services. Policy D4 requires design and access statements submitted with development proposals to demonstrate that the proposal meets the design requirements of the London Plan.

### **Tall building**

Policy D9 of the London Plan, as advised above, addresses requirements for tall buildings, which in conjunction with Policy LV7.7 of the Ealing Development Management DPD defines a tall building as those that are “substantially higher than their neighbours and/or which significantly change the skyline”. Policy D9 part b) and c) require tall buildings to be developed in identified locations in Development Plans, provided that their visual, functional, environmental and cumulative impacts are addressed.

Policy 7.7 of Ealing DPD 2013 states that tall buildings should be located within the identified development sites, offer an outstanding quality of design and make a positive and appropriate contribution to the local and wider context.

Policy D9 of the Draft Local Plan (Reg19) sets out definition for tall buildings in different parts of Ealing. The site is within area E10 under which buildings above 7 storeys (24.5m) are considered as tall buildings.

The site is within site allocation EAL16 of the adopted Development Site DPD2013, at the heart of West Ealing, which identifies the opportunities for taller elements towards the centre of the wider site. The emerging Local Plan (Reg19) subdivides the adopted site allocation into smaller plots, with the site itself falling within 13EA with an indicative maximum height of 12 storeys (42m), and the adjacent site allocation 11EA of 16 storeys (56m) (as illustrated by figure 6).

The overarching tall building strategy aims to create a building cluster that shows an appropriate level of height transition and signify the area as a gateway to West Ealing. Looking at the emerging taller buildings in the area, no.131-137 Broadway approx. 90m to the west has been granted permission for an eight-storey building, which was two-storey higher than the indicative height in the Draft Local Plan. Opposite of the site at no.130-132 Broadway, a six-storey building was granted in 2022. Buildings at nos. 96-114 facing Broadway range from 8-11 storeys. Immediately to the south of the site is a part-4 part-6 storey building comprising offices, car park and supermarket. Further to the east at the junction of Broadway and Melbourne Avenue is a six-storey hotel.

It is noted that the proposed building height would not strictly follow the Draft Local Plan, however, it would be commensurate with the indicative maximum building height in the immediate surrounding area. The proposed two buildings would be 14 and 16 storeys, or circa 50.55 metres and 54.68 metres at maximum; 46m and 52.67m at roofs. It is considered that there is scope for the site to act as a focal point of the tall buildings cluster in the area as it conveniently connects the residential areas to the north and south through Walsingham Road and St James' Avenue, together with the proposed public realm improvement. The proposed development would respond to the heights of adjacent buildings along Broadway as well as remain the opportunity for future adjacent developments to articulate the height variations in the skyline.

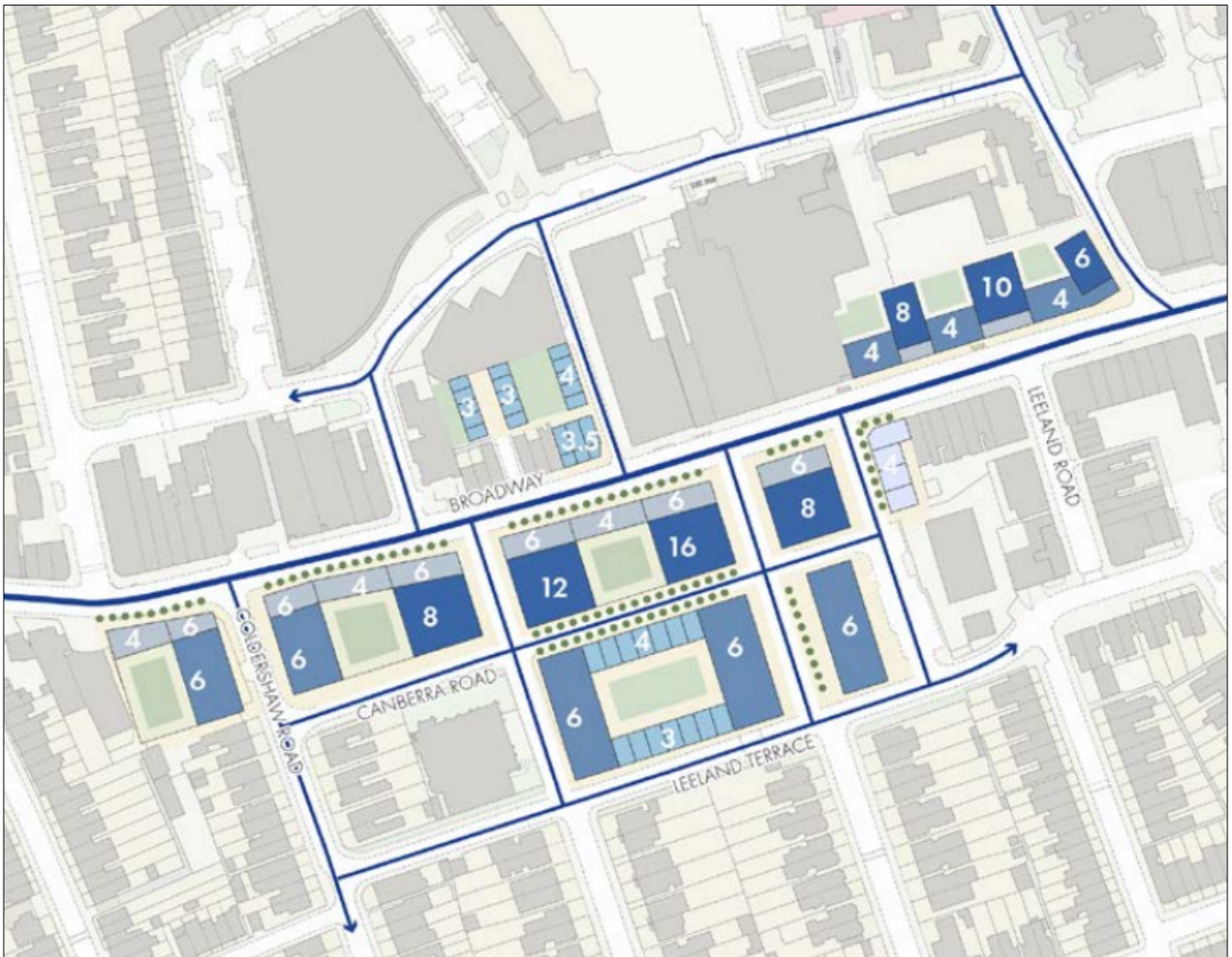


Figure 6: Indicative building height and types suggested by the draft local plan (Reg19) tall buildings strategy (Ealing Cluster B).





Figure 7: Illustrative existing and proposed massing suggested by the draft local plan (Reg19) tall buildings strategy (Ealing Cluster B).



Figure 8: Proposed building mass and height within the wider emerging tall building cluster.

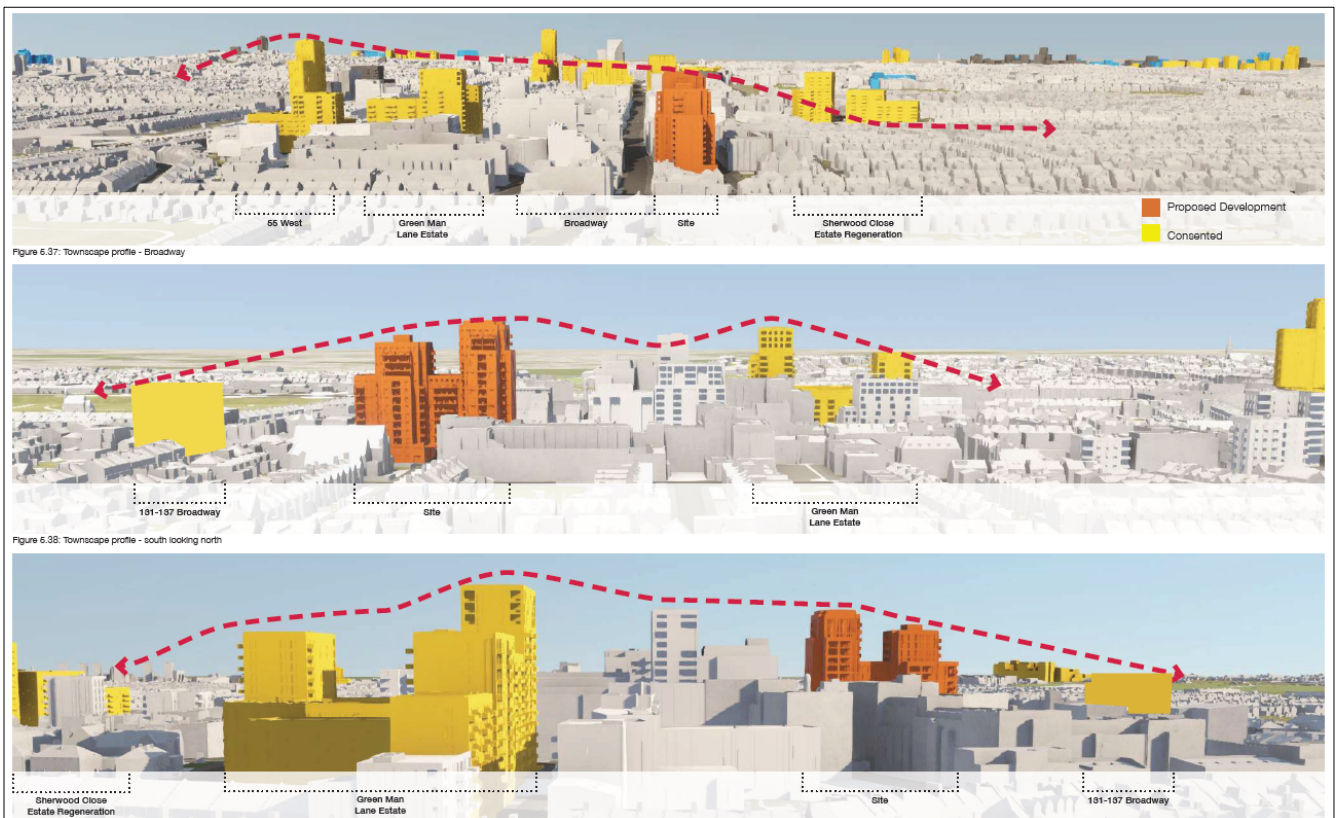


Figure 9: The building's height relationship with the existing or emerging tall buildings in the area.



In accordance with Policy D9 part c) of the London Plan, a Heritage Townscape and Visual Impact Assessment (HTVIA) prepared by Icenii dated December 2023 was submitted. The assessment selected 12 viewpoints from the nearby streets and heritage assets in the short, mid and long-range views.



*Figure 10: Immediate view of the development from Broadway.*

The proposed development would be a new feature in the view from St James' Avenue. It would be visible from the terraced residential area further to the south, terminating the views onto Broadway. Whilst increasing the massing of this view, the building would form a gateway to Broadway which enhances the area's legibility. The proposal would offer a continuation of the building lines, and with the materiality drawn from the local context, the building is not considered to detract from the street scene.





Figure 11: View from Regina Road looking north



Figure 12: St Kilda Road looking north



Viewing from the west of the site from Broadway, the proposed building would sit alongside other consented taller buildings in the area. The stepped massing and contextual material palette would offer a height transition in the skyline and soften the building's appearance to an extent. From the further west, the proposal would add more taller elements to this view but responds to the emerging height and scale in the area.

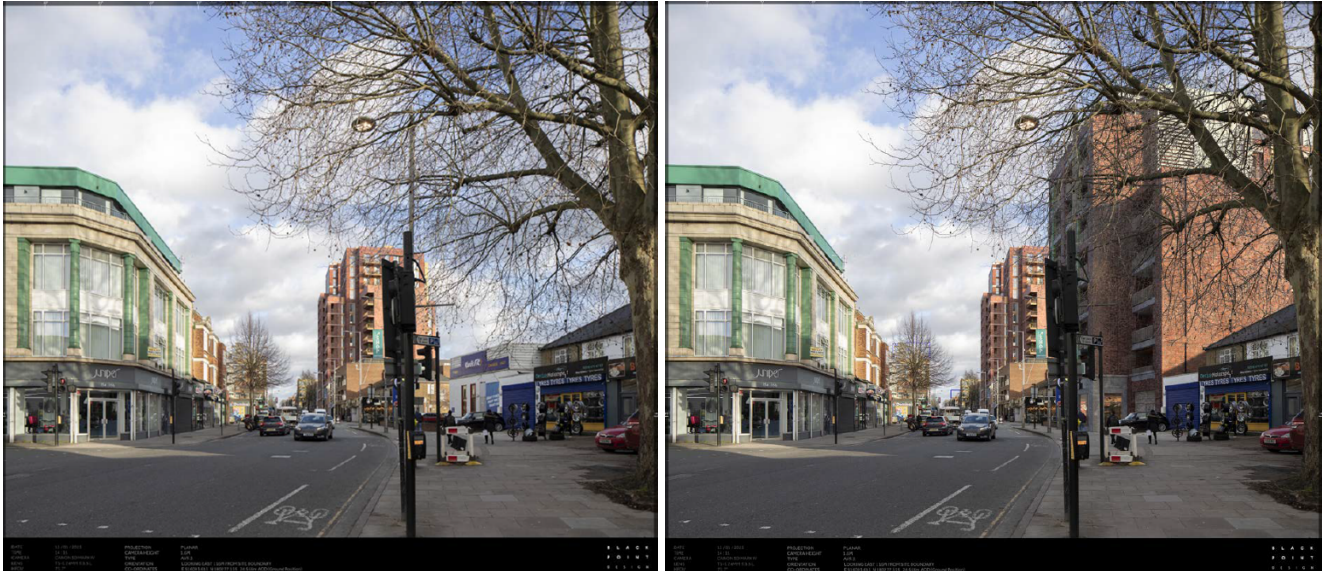


Figure 13: Broadway/ Eccleston Road looking east



Figure 14: Broadway / Entrance to RBKC Cemetery Looking East

From the east, the stepped-up massing, together with other emerging buildings, further enhance the enclosure of Broadway. The proposal would be seen alongside taller buildings on both the northern



and southern side of Broadway but is generally in keeping with the envisaged massing under the Council's draft tall building strategy. Further from the east, the buildings would be partially screened by the 8-storey Dean Gardens Development.

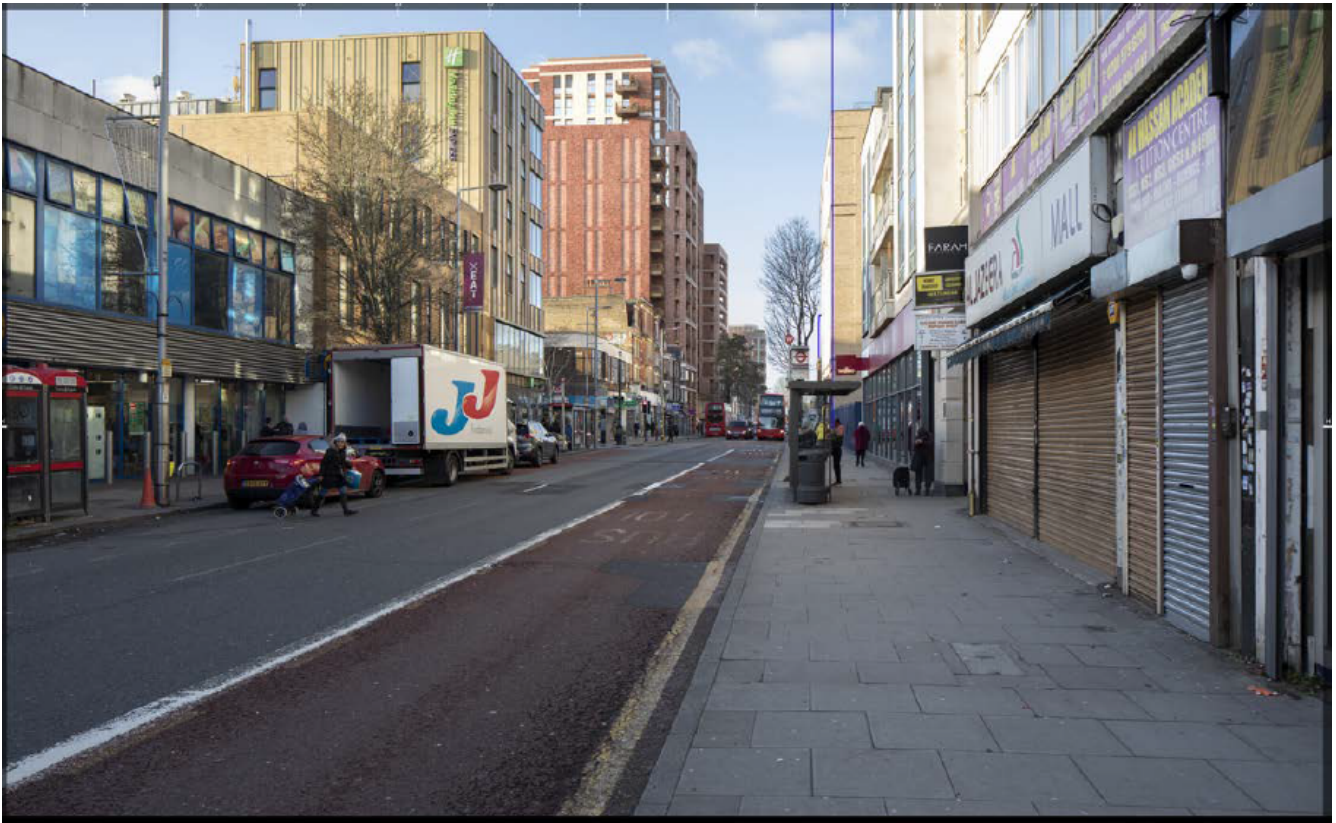


Figure 15: Broadway / East of Melbourne Avenue Looking West



Figure 16: Broadway / Green Man Passage Looking West



Figure 17: Broadway / Chapel Road Looking West



**Layout**

The allocation of the site within the Draft Local Plan Reg 19 differs to that of its predecessor. The current allocation is more prescriptive and was published some significant time after this scheme had sought pre-application advice.

The ground floors would have commercial spaces, and these would be double height spaces which further allows for animation at street level as well as increases what each space can be used for. It is noted that commercial uses would sometimes require higher floor to ceiling heights than residential and this can be for a variety of reasons some of which can include storage and or adequate ventilation. The other spaces on the ground floor would be refuse and cycle storage which would be predominately for the residential component of the scheme. Further to this additional flexible space is proposed under the canopy and this can aid in creating a variety of uses and activities in the development.

It did however set out with regard to layout of the existing site, it stated ‘...would benefit from a more legible layout featuring key town centre uses organised around a function, welcoming and pedestrian friendly network of public spaces’. The scheme aims to address the critique of the existing layout and improve the appearance and quality of the site. The main points taken from this into the development is that that the development will feature key town centre uses organised around a network of public spaces that are pedestrian friendly and welcoming, that the development will provide a high-quality form of architecture with landscaped areas of public realm that will be usable and enjoyable for the public, and that the development will create active frontages at ground floor level facing onto Broadway, St. James’ Avenue and Canberra Road, creating animated frontages and a civic presence to all visible edges to the site. The text also refers to *Figure 5*, which shows the appearance of the site and the landscaped public realm when viewed from Broadway.



*Figure 18 – Public realm entrance*

The commercial Class E units would be accessed through their separate entrances along the Broadway and also with entrances in the covered area for pedestrians on St James’ Avenue. Access

for the residential cores and cycle stores would be via this entrance with fob access for secure by design accreditation as well as safety. All refuse would be accessed to the rear of the site fronting Canberra Road.

**Architectural quality and materials**

A considered approach with regard to design was taken for this new building in particular how the buildings would sit in their respective terraces. A detailed analysis was undertaken by the architects and this drew upon how the existing Broadway buildings were shaped. The design principles of how the current high street is was informed into this design, as well as the single order of openings, white framed windows, bay windows and the coloured banding. The merging of the two buildings is considered paramount to ensure that the new buildings are align within their context and the existing building language. The use of red brick and white masonry at the base of the building is taken from the surrounding context. The proposed façade design differs and this creates a new place of interest in the St James Pedestrian Court. The opening at ground floor and high level entrance allows this opening to be clearly signposted and deliberate.

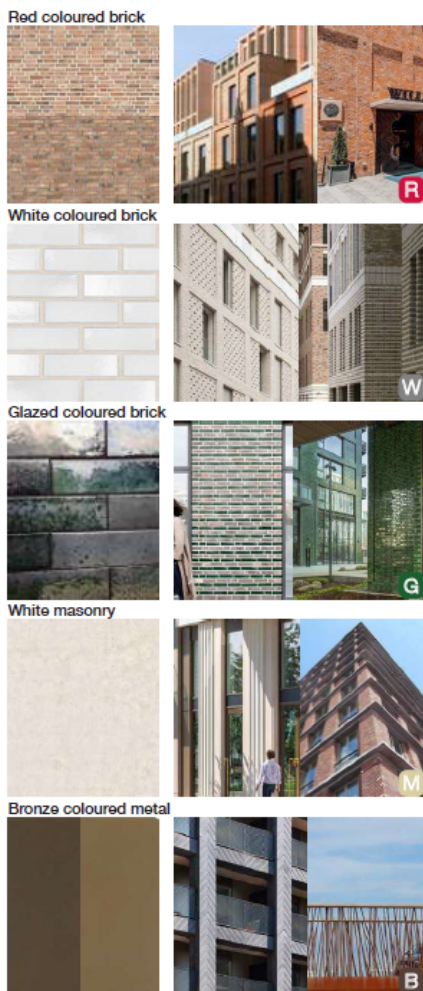


Figure 7.32: Material palette



Figure 7.30: Broadway elevation



Figure 7.31: St James Avenue elevation

Figure 19 – Proposed material palette

The design uses a material palette comprising of red and white coloured bricks, green glazed bricks (to pay homage to the locality) and white masonry with bronze coloured metalwork for fenestration and railings. In order to break up the massing, the use of different colours of bricks, and the use of the link element in predominantly green glazed brick further create this.

The materials and tonal appearance of the scheme respond to the surrounding context and would be consistent with Policy D3 of the London Plan.

### **Inclusive design**

Policy D3 seeks to ensure that new development achieves the highest standards of accessible and inclusive design (not just the minimum).

The applicant has included an access statement which lists the design principles followed to ensure the development would create an accessible and inclusive environment. The terraces proposed on 9<sup>th</sup> and 13<sup>th</sup> floor levels would be able to be accessed by wheelchair. It is encouraged that the scheme remains step-free access and allows for different users of the areas. All of the commercial units would be step-free access. The landscaping would have gradients of no more than 1:21. The public realm would provide a clear and inclusive environment due to its design it would allow for use by people with disabilities, the elderly and also pushchairs.

In line with Policy D5, the applicant has stated that 10% of the proposed residential units have been designed to be adapted to Wheelchair Accessible M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users) and all of the other new build dwellings will meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The scheme would provide 14 homes which are M4(3) and these would consist of 1 x (2B3P), 8 x (2B4P) and 5 x (3B5P). It is very encouraging that these larger homes are more accessible and can adapt to the needs of the future occupiers. The proposal has been reviewed and is considered in accordance with Policy D5.

### **Public realm, landscaping and children's Play Space**

Policy S4 states that residential developments should incorporate high quality, accessible play provision for all ages, of at least 10 sqm/ child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. Play space provision should be available to all the homes within the immediately adjacent blocks and courtyards to promote social inclusion with no segregation based on housing tenure or type.

Policy 7D of the Ealing Development Management DPD also states that new development should provide for adequate provision of communal amenity space, children's play space and allotment gardens. Total amenity space throughout the development is calculated on the basis of 15sqm per flat, with 5sqm per balcony also contributing to this total. Based off the quantum of units within the proposed development, the proposal would be required to provide a total requirement of 470 sqm. The actual amount of amenity space within the development would be 403.6sqm, leading to a shortfall of 173sqm. The scheme would deliver 291sqm of informal play space for Blocks A and B. The ground floor has playable areas, but these are not included in this calculation of dedicated play space areas.





Figure 19 – Playspace at Floor 9 (right) and Floor 13 (left) – naturalised play and seating nodes

As is permitted by Policy 7D, a financial contribution has been requested toward the shortfall of amenity space on-site, to fund off-site provision and improvement of existing parks.

The current site is constrained in terms of the child play areas and this would be difficult to provide on site to meet London Plan policy. The scheme would deliver 291sqm of informal play space at ground floor area within the landscape areas. The urban nature of this town centre location, factored in with other matters discussed such as viability, height proposed, increased housing choice reduces the ability for the development to provide all the provision on site which is understood.

Contributions toward allotment gardens have also been sought, which is a requirement of Policy 7D of the Ealing Development Management DPD. These financial contributions could be used to upgrade existing facilities at Northfields Allotments (close by) or to create new spaces within the local area.

In terms of the overall quality of the communal amenity space proposed, the scheme presents an improved outcome to what currently exists. The choice of materials and landscaping would be robust for this urban location and is considered to respond well to both the residential and retail uses proposed. The public realm would remain open to all in perpetuity, as such no mechanism is needed to secure this. Were this to change, further permissions would need to be sought. It is considered the public realm proposed and openness is a key contributor to how successful this scheme would be in the future.

**Fire Safety**

London Plan Policy D12 ‘Fire safety’ states that all major development proposals should be submitted with a Fire Statement which is an independent fire strategy, produced by a third party, suitably qualified assessor.

The application is supported by a fire safety statement prepared by a suitably qualified personnel at Lawrence Webster Forrest was submitted in support of the application. The statement details that Block A (over 30m) and Block B (over 30m) would each be provided with an evacuation and a

firefighting lift, and both lifts and a fire fighting lift. The scheme is considered to be acceptable and compliant with Policies D5 and D12 of the London Plan (2021).

#### 7.4 Heritage

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

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

Guidance in the NPPF (2023) is that substantial harm to a designated heritage asset should be exceptional. Substantial harm is a high test that is rarely encountered and in general would necessitate or involve some demolition of the asset itself. No such demolition is comprised in the scheme.

Paragraph 201 of the NPPF (2023) states that: *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Paragraph 208 of the NPPF (2023) states that: *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’*. However, this needs to be considered in the context of the section above and so it is not a simple balancing exercise given that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.

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

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

The application site does not sit within a Conservation Area and does not contain a designated heritage asset. It should be noted that the GLA, within their Stage 1 response, the heritage assets mentioned above are some distance from the site and there is dense screening around these views by way of trees. There will be some visibility from within the cemeteries, but this would be limited. It would occur during winter months and would be considered to be harmful to a very low extent. It is noted that the existing buildings at the site.

The applicant has included a Townscape and Visual Impact Assessment of the proposed development, which shows the proposed development in the context of short-, medium- and long-range views. A number of heritage assets have been identified, which include the Hanwell Cemeteries Conservation Area;



Kensington & Chelsea Cemetery, Hanwell (Grade 11 registered Park and Garden); Westminster Cemetery, Hanwell (Grade II Register Park & garden); gate Piers, Railings and Gates to City of Westminster Cemetery. The category of harm was considered to be either very low or no harm. The very low harm considered that the proposal would have a less than substantial harm of these designated heritage assets.

#### *Loss of Art Deco façade at 101 and 105 Broadway*

The art deco façade on the Broadway street frontage would be demolished. This façade is not a statutory or locally listed heritage asset. However, the West Ealing Centre Neighbourhood Plan does mention its importance within paragraph 2.20 as being emblematic of the commercial confidence that Central Ealing had in the 1920s and 1930s. It should be noted since that time Ealing Broadway has continued its dominance as the main retail destination in the borough and far exceeded the offer in West Ealing.

Policy WEC14 of the West Ealing Centre Neighbourhood Plan identifies the façade as a non-designated heritage asset, stating that "the Neighbourhood Plan is supported by a survey of non-designated heritage assets that are of particular importance to the local character of West Ealing. The detailing in the architecture has sought to take inspiration of the design before whilst not creating a pastiche development. The loss of the art deco whilst understood to change the immediate character of the area is one which is considered acceptable as the proposed design is of a standard which to respect nearby heritage assets.

The effect of a planning application on a non-designated heritage asset is also a material consideration. Albeit it must be recognised that planning policies at the national, strategic and local levels place appropriate emphasis on the presumption in favour of sustainable development, and for the design of new developments to have a positive relationship to the surrounding urban structure in form and architecture, while having regard to the public realm and making a positive contribution to the character and future development of a place. Therefore, while the demolition of the non-designated façade may be a material consideration, this needs to be considered not only proportionate to its significance but also weighted proportionately with the overall merits of the scheme and how it accords with planning policies.

The GLA noted that the site would deliver public benefits such as affordable housing and improved public realm. The scheme would secure the 35% affordable housing provided on site by way of legal agreement and the public realm proposed would increase routes through the site as well as creating a place/destination for people within West Ealing. It is considered that these public benefits would outweigh the harm identified to the setting of the heritage assets mentioned above.

### **7.5 Neighbouring Amenity**

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

#### **Natural light**

A daylight and sunlight assessment (DASA) (2113/X rev01 dated December 2023) prepared by Schroeders Begg LLP was submitted, following the BRE guidelines 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 3rd edition 2022.

In measuring the daylight to adjoining residential premises, both Vertical Sky Component (VSC) and Daylight Distribution analysis have been conducted. The VSC test quantifies the amount of available daylight received at a particular window and measured on the outer pane of the window. BRE Guidance recommends that the VSC of a window is 27%, or at least 0.8 times its former value. When a room or window does not comply with this requirement, this would effectively mean that the impact would be 'noticeable' but not necessarily 'detrimental'.

Daylight distribution relates to the area of the room that can see direct sky, at the working plane. The BRE Guide default target criteria, is if the daylight distribution to the neighbouring room under review with the new development in place is less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of daylight distribution within the room. It should be noted that BRE Guidance is advisory and non-compliance does not inherently mean that a proposed development would be unacceptable.

The DASA examined the natural light impact on 113 rooms around the application site. In terms of daylight, the report concluded that 88 rooms (78%) for VSC as considered and 101 (89%) for daylight distribution would meet the BRE Guidance in terms of any applicable reductions. For those reductions not meeting the GRE default target, many of them have inherent sensitivities such as windows beneath balcony soffits or in close proximity to boundaries, which inherently restricts daylight. Many of the non-compliant rooms would still be considered reasonable/ commensurate for an urban context.

In terms of sunlight impact, Annual Probable Sunlight Hours (APSH) and winter hours have been analysed for all habitable rooms served by windows within applicable orientation for consideration. It was concluded that all rooms analysed would meet the BRE Guide Default target for APSH and winter hours.

The potential impacts on the consented schemes within the area, including No. 112 Broadway, No. 114 Broadway, Nos. 130-132 Broadway, and Chignell Place located broadly north of site, have also been studied. Overall, the emergence of these schemes would not materially change the outcome of the effect of the proposed development. The reductions in daylight and sunlight would either meet BRE default target criteria or are considered to have 'minor adverse' reductions/ close to target.

### **Overshadowing**

In relation to the overshadowing on neighbouring amenity areas, the main concern is the rear gardens at 5-9 Coldershaw Road, the roof top communal area at 104-110 Broadway and the seating area at the Old Hat Public House, 128 Broadway.

BRE Guide recommends that for a garden or amenity to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on 21 March (Spring Equinox). Where this does not comply, a proposal is considered acceptable where it is 0.8 times its former value. The test result showed that all amenity areas reviewed, where reductions are applicable, would meet BRE Guide default target criteria.

### **Outlook and privacy**

In terms of overlooking and privacy, the site is within a dense urban context where many neighbouring windows facing Broadway are overlooked from the street and by each other. The proposed windows at lower floors would maintain the existing distance to the surrounding windows to ensure no undue additional impact compared to the current situation. The proposed upper floor windows facing the north, east and west would largely look onto the roof tops of surrounding properties. The south windows could look onto the residential back gardens to the south. However, given the adequate

separation distance, the impact would not be uncommon or undue within the dense urban context and a town centre.

**7.6 Quality of Residential Accommodation**

Policy D6 of the London Plan 2021 sets out that the space standards are minimums which applicants are encouraged to exceed. The standards apply to all new self-contained dwellings of any tenure, and consideration should be given to the elements that enable a home to become a comfortable place of retreat. The provision of additional services and spaces as part of a housing development, such as building management and communal amenity space, is not a justification for failing to deliver these minimum standards.

The Greater London Authority (GLA) published Housing Design Standards LPG in June 2023 as further explanation to Policy D6 of the London Plan 2021. The guidance is applicable to all self-contained residential applications (Use Class C3) with different standards to new build, change of use and conversions. The proposal is classified as new build under the LPG and assessed as follows.

**Internal Space Standards**

The table below provides an assessment of the proposed residential accommodation against the minimum standards of Policy D6.

Home types	No. of Homes	Required GIA (sqm)		Proposed GIA Range (sqm)
		Minimum	Best practice	
1B1P	10	39	43	39-49
1B2P	38	50	55	50-56
2B3P	39	61	67	61-77
2B4P	34	70	77	71-77
3B4P	9	74	84	76-79
3B5P	14	86	97	86-111

*Table 4: Home types and sizes*

As per the above table, all rooms would meet the minimum space and dimension requirements of Policy D6 of the London Plan, with some of them (including M43a accessible homes) exceeding the best practice space standard recommended by the Mayors Housing Design Standards LPG (June 2023). The proposed minimum ceiling height would be 2.5m, also compliant with Policy D6. The overall LKD areas and bedrooms would have rational and functional layouts, providing good quality living conditions for future residents.

**Orientation, aspect, and natural light**

The proposed building would be situated on the north-south axis, with two building cores each serving no more than 8 units per floor. The Mayor published the new Housing Design Standards LPG in 2023, which clarifies the definition of single- and dual-aspect units in Appendix 3, illustration A3.1.1. It is noted that the proposed development was designed prior to publication of this guidance, and that the site’s orientation, perimeter, and other buildings along the high street pose constraints to the provision of dual aspects for all units strictly following the definition.

According to the submitted plans, 90% (131 units) of the units would have window openings facing at least two different orientations. Of the remaining 10% (13 units) with windows only on one wall, 5 of them would be south facing and 5 be north facing, but with protruding balconies providing outlooks and sunlight from the east and are limited to 1-bedroom units. It is also noted that not all units meet the new dual-aspect definition, primary because the windows on adjacent walls are placed too close to

each other. Of the 90% units with opening windows on two external walls, 101 of them would either fully or almost comply with the required window distance for dual aspect. 30 of them would be single aspect with an enhanced aspect, typically created by a stepped frontage or shallow recesses facing a balcony.

In terms of privacy, the proposed layouts generally ensure no undue overlooking into other units. There is also scope to add privacy screens to edges of the balconies where necessary.

In terms of natural light, a daylight and sunlight assessment (2113/X rev01 dated December 2023) prepared by Schroeders Begg LLP was submitted. The assessment concluded that circa 97.5% of the habitable rooms proposed would meet the target daylighting for the given room use. The rooms below targets are primarily concentrated within the first three storeys and those at the corners. Overall, this is considered a good provision within an urban context and for the scale of the proposed development. Reasonable sunlight exposure provision would also be achieved, with circa 70% of the dwellings overall meeting or exceeding target sunlight provision. Those dwellings below target would still receive some sunlight provision. The overall sunlight provision is considered reasonable due to the linear site perimeter and north-south orientation, which mean not every living room can have a southerly or east or west aspect due to site constraints.

**Private outdoor space**

Policy 7D of the Ealing Development Management DPD (2013) provides that a minimum of 5m<sup>2</sup> of private outdoor space should be provided for 1-2 person dwellings and an extra 1m<sup>2</sup> should be provided for each additional occupant. All balconies should be at least 1.5m wide and deep to be functional.

The below table summarises the proposed outdoor amenity space for each flat:

<b>Home types</b>	<b>No. of Homes</b>	<b>Required (sqm)</b>	<b>Proposed (sqm)</b>	<b>Depth and width &gt; 1.5m?</b>
1B1P	10	5	6	Yes
1B2P	38	5	5	Yes
2B3P	39	6	6.8	Yes
2B4P	34	7	7	Yes
3B4P	9	7	8.3	Yes
3B5P	3	8	11	Yes

*Table 5: Home types and outdoor amenity*

**7.7 Transport**

The London Plan 2021 sets out transport considerations in policies T1 to T9. The general overarching objective of these policies is to create high quality, safe and accessible movement networks that reduce the need to travel and the prioritisation of sustainable transport modes.

**Active Travel Zones**

The access through the site is one of the heralding parts of the scheme and an active travel zone assessment (ATZ) has been undertaken. There were five routes reviewed Site to St John’s Primary School, Dean gardens, West Ealing Station, Strategic Cycle Network, West London Islamic Centre. This has taken into consideration venues of cultural and community significance. Due to issues with anti-social behaviour and the openness of the site, it was recommended that a night time active travel zone is undertaken. The routes noted are under consultation with regard to this within the West Ealing Liveable Neighbourhood (‘WELN’) Area. The additional work on the ATZ were considered important to ensure that the pedestrian links to the site are safe at all times. Anti-social

behaviour issues were mentioned within the consultation responses. It is encouraged that Active Travel is sought throughout the day and at night to ensure safety for all occupiers.

**Car parking and disabled parking**

Policy T6 of the London Plan supports car-free developments. However, if car parking is proposed for future schemes, the maximum parking provision needs to comply with Table 10.5 under Policy T6.3 of the London Plan 2021.

The proposal would be car-free which is welcomed. In line with Policy T6 of the London Plan 2021, future occupants would be restricted from obtaining parking permits in the adjacent and future CPZs in the area. The occupiers will also be encouraged to enter car club schemes to ensure that the scheme remains sustainable.

The GLA encourage that all parking provision has active electric vehicle charging provision. As part of the design of the proposal all these spaces would be provided with EV charging as per Building regulations.

The proposal would provide four-on street disabled person parking spaces on Canberra Road. The quantum is equivalent to three percent of the homes having access to a disabled parking space. The development would need to provide a further 10 spaces which are for disabled persons. As the site is constrained and no further space can be provided a S106 contribution is to be made to go towards provision of 10 disabled parking bays within the area.

**Cycle Parking**

Policy T5 of the London Plan 2021 requires cycle parking provision in accordance with the Guidance contained in the London Cycling Design Standards (LCDS) and Table 10.2 under the policy.

The proposed development would provide in total 261 long-stay – with 146 long stay spaces within Block A and of these 8 are adapted cycle accessible. Aisle widths are 2.5m as illustrated and the lift doors are a minimum of 1m in line with the LCDS. There would be 109 long stay spaces within Block B of which 5 are adapted cycle accessible stands. The provision of these LCDS compliant cycle stores would be secured via condition.

The proposal would provide 6 spaces which exceeds the requirement of 5 long stay spaces in the London Plan for town centre retail uses. These spaces would be in a dedicated store and would be accessible from Canberra Road.



Figure 20 – cycle parking

The cycle spaces would be generally designed and laid out in line with Chapter 8 of the London Cycle Design Standards (LCDS). The Sheffield stands would accommodate larger/adapted cycles and have step-free access from the pavement. Whilst the stackers would be positioned in the lower basement floor, it would be served by an external staircase with a cycle ramp on the side of the building.

Two short stay cycle parking spaces are proposed in front of the building served by one Sheffield stand. Overall, it is considered that the proposal complies with policy T5 of the London Plan 2021.

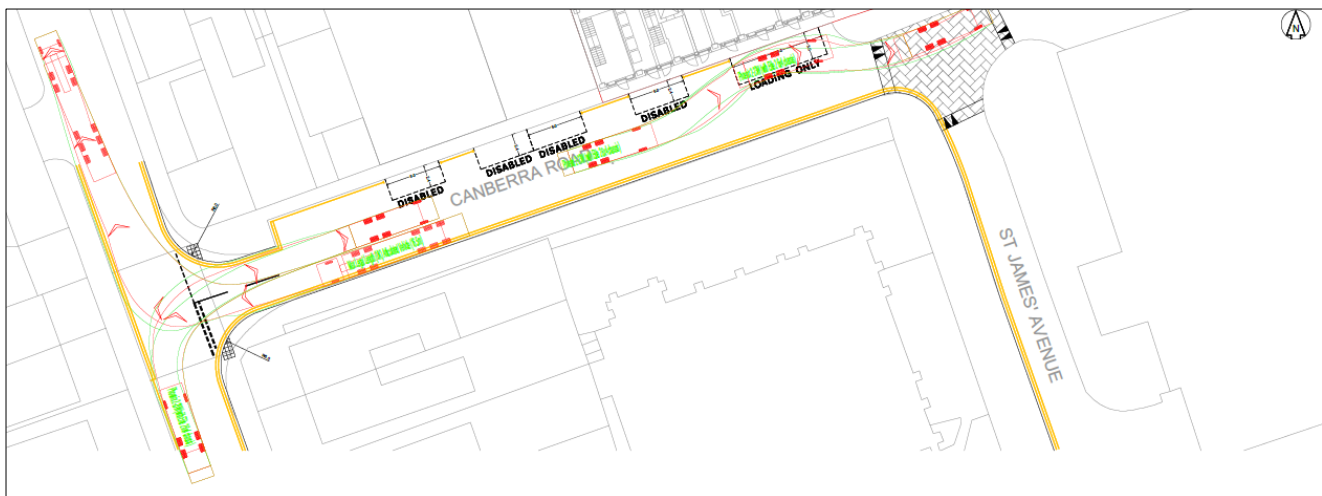
**Travel Plan**

The application is supported by a Travel Plan and this has detailed active travel to the site and how there is to be continued no vehicle access permitted along St James Avenue. The travel plan details that there is on-street cycle lane in each direction on the Broadway and this forms a sustainable way of travelling to and from the application site. The Broadway has bus routes with the closest being within 20m of the proposed building wand both Hanwell and West Ealing train stations less than 1km away. As well as the existing links there are four car club bays in close walking distance to the site. It is encouraged that occupiers of the development sign up to car clubs to reduce over reliance on private cars. The submitted travel plan details both residential and commercial trips to the site and it expected that targets are set and additional measures are implement to support achieving these targets. The Travel Plan would be monitored against agreed SMART targets with additional measures to further support sustainable travel. There would be surveys conducts years 1, 3 and 5 of the plan. This would be secured by way of an updated travel Plan condition and S106 contribution to Travel Plan monitoring.

**Delivery and Servicing**

London Plan policy T7 confirms ‘Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible’.

The application is accompanied by a Delivery and Servicing Plan (DSP). This details this would take place on Canberra Road. This details that the delivery bay and swept path analysis would be as per the drawing below. The DSP would be a live document and further details are required as to the residential site operational and commercial tenants. However, at this point the document provides information with regard to onsite operations and their delivery requirements and sets out a strategy to achieve this.



*Figure 20 – image of swept path analysis for delivery and servicing*

Refuse storage should be in accordance with Council’s Waste Management Guidelines. The submitted Circular Economy Statement details that’s refuse for households would be collected weekly and this would be alternate weeks for recycling and one for rubbish. Collection would be via the refuse stores on Canberra Road. Based on the total capacity of the building and using the Council’s standard formula for capacity requirements, the development would be required to provide 28,830L of capacity, with a 50/50 split between general waste and recycling. The development provides 28 x 1,100L Eurobins which equates to 30,800L within two stores located at ground floor level. This exceeds the minimum amount of refuse storage which is considered to be important due to changing needs and the need to boost the circular economy and reuse waste. Also provided would be 8 x 1,100L (8,800 L) Eurobins for the commercial refuse also collected on Canberra Road.

The ground floor plan shows that each core would be provided their own separate refuse storage area, with both doors leading onto Canberra Road for collections. The proposal would provide refuse storage capacity that meets Ealing Council guidance.

Swept paths have been provided demonstrating that larger refuse vehicles are able to manoeuvre within the road network and the path of the refuse vehicle passes in close proximity to the location of the refuse stores, allowing for an easy process of collection by refuse vehicles.

**Construction Management**

Policy T4 of the London Plan outlines that transport assessments should be submitted with development proposals to ensure that the impacts on the capacity of the of the transport network, at a local and strategic level are fully assessed. Regard also needs to be given to Policy T5 and T6.1 of the London Plan, which places expectations on cycle parking and private vehicle parking, to encourage a shift to more sustainable forms of transportation.

The application was submitted with Constructions Logistic Plan and this detailed that no construction access would be proposed on Broadway and this would allay concerns raised by TFL with regard to impeding use of Bus Stops. The CLP would be secured by way of condition to ensure that there are reduced impacts on the surrounding transport network.

*Conclusion*

In order to reduce the impact of the development on the existing transport network, the scheme has been mitigated to fit into the existing network. Financial contributions of £128,000 have been agreed with the applicant to be used toward local projects in relation to active travel, healthy streets and highway safety improvements. Whereby the scheme would alter how the network would run with the introduction of new travel patterns for occupiers and users of the site, this would be mitigated by way of financial contrition for road link and junction improvements, cycle instructions, travel plan monitoring and disabled parking spaces amongst other. It is considered necessary that the development mitigates potential impacts by way of increase of people in what is an accessible location within the London Borough of Ealing.

**7.8 Environmental Issues and Sustainability**

**Noise and vibration**

Policy D14 of the London Plan (2021) requires that development proposals should manage noise and ensure appropriate soundscapes for users. Policy D6 requires development proposals to adopt sound-attenuation measures to reduce the external noise experienced within the home to an acceptable level where necessary. Policy 7A of the Ealing Development Management DPD seeks to ensure that sensitive uses achieve acceptable levels of amenity “development of sensitive uses should avoid exposure to established concentrations of emissions”.

The existing acoustic environment has been robustly assessed by the applicant through monitoring. The results of this acoustic assessment will be used as a basis to determine the appropriate level of sound insulation of the external building fabric, to ensure that the internal living conditions meet relevant British Standards. The noise assessment report by Auricl ref R/NA/3/231215 Version 03 and follow up letter on 15 March 2024 detailed that the proposal would be exposed to substantial transport noise and commercial activities. The commercial class E use on the ground floor would be flexible and this could have a variety of either retail, restaurant, café, gym and all of these could cause emissions of noise, smell, smoke or fumes.

Council’s Pollution-Technical Officer has reviewed the Environmental Noise Assessment and Agent of Change Assessment and is satisfied with the conclusions of this report. Accordingly, the officer has recommended an appropriate condition to secure the details of the external building fabric prior to commencement of the superstructure.

The site is exposed to constant road traffic including buses, stopping and starting at traffic lights. A number of conditions including noise assessment, anti-vibration mount, appropriate sound insulation and other mitigation measures will be imposed. Subject to compliance with these conditions no



concerns are raised in terms of noise impacts and the proposals are considered to comply with D14 of the London Plan.

**Air quality**

Policy SI 1 of the London Plan (2021) seeks to ensure that improvements to air quality are secured. This policy states that development should not further deteriorate areas of existing poor air quality.

The site lies on the very busy Broadway (Uxbridge Road) this is a 20-mph route which goes from Hanwell to Ealing Broadway. The site is on an adopted road and in close proximity to an Air Quality Focus Area, hence future residents will be likely to be exposed to poor air quality.

An S106 financial contribution of £23,510 would be required for air quality monitoring. In addition, pre-commencement conditions in relation to ventilation strategy and air quality and dust management plan would be secured to minimise exposure to existing poor air quality.

The applicant has produced an Air Quality Assessment, which has been reviewed by Council's Pollution-Technical Officer. The assessment was considered to be of a good standard and clearly detailed acceptable mitigation measures. In line with this as part of the mitigation during the demolition an construction phase a Demolition and Construction phase management plan has been requested in order to minimise the impact of the development with regard to particulate matter associated with the construction works.

It is therefore recommended that the applicant submit information for the following requirement for an Air Quality and Dust Management Plan and a ventilation strategy, advising details of providing fresh air ventilation to habitable rooms within the development.

Based on these recommended conditions, and subject to their successful discharge, the proposal would not have a detrimental impact on local air quality and would provide good living conditions for neighbouring residents, as well as future residents of the proposed development.

**Energy strategy**

Policies SI 2, SI 3 and SI 4 of the London Plan 2021 require major development to minimise greenhouse gas emissions, establish the future energy and infrastructure requirements and minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.

The applicant should indicate the energy source that is proposing for heating and hot water. An energy statement is expected to respond to policy requirements as per details of policies SI 2, SI 3 and SI 4 of the London Plan including:

- Managing heat risk
- Be clean
- Be green
- Be seen
- Energy infrastructure

Council's Energy Consultant has reviewed the submitted Energy Strategy and is very supportive of the proposed scheme. The development is all electric with no gas infrastructure on-site. The strategy proposes a communal site-wide (air-to-water) Air Source Heat Pump distribution loop with dwelling heat exchangers (HIU) feeding underfloor heating and/or panel radiators, and domestic hot water (DHW). The flow/return temperatures TBC at a later design stage. Variable Refrigerant Volume (VRV)

Air Source Heat Pumps to provide space heating for the commercial and community areas, with DHW from direct point of use. An additional measure will be the wastewater heat recovery from all showers. Also proposed is a 26 kWp biosolar PV array on the roof of block B (30° inclination, 22° azimuth). The roofs of blocks A and C are allocated to residential amenity space.

The Council confirms that there is no available “Clean” district heat network (DHN), however, the energy plant room will be futureproofed for connection to any future DHN by ensuring sufficient space is allocated for a valve and heat exchange. The wall to glazing ratio is 60/40% for the residential element, and 75/25% for the non-residential.

A Thermal Comfort (Overheating/Cooling) assessment with proposed mitigation measures has been submitted by SRE (Dec-23 v1). The analysis assumes full mechanical ventilation and heat recovery (MVHR) with summer bypass. It is compliant with Part O (TM59/Guide A), and TM52 (non-domestic buildings), when modelling against the DSY1 average summer year (2020). The Strategy has been assessed against Part ADL 2021 using SAP 10.2 emission factors and follows the London Plan policy SI2/SI3 “Lean, Clean, Green, Seen” energy hierarchy. All main construction elements exceed current Part L limiting U-value efficiencies and thermal bridging standards.

At the current design stage, the overall site-wide CO<sub>2</sub> emissions will be cut by at least 70% against BR Part L 2021 (using SAP 10.2 emission factors), with 14.67% through “Lean” efficiency measures, and 56.4% through “Green” renewable energy.

There is a shortfall of 1,182 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 £112,290. To also comply with Policy SI2 of the London Plan, the proposal will require energy monitoring through the ‘be seen’ step of the hierarchy and the applicant will be required to contribute to the energy monitoring of the development through a s106 contribution.

In addition, the Whole Life Carbon (WLC) strategy produced by SRE in December 2023 (v1) confirms that the development is compliant with the GLA Benchmark targets and exceeds the Aspirational targets. Modules A1-A5 should achieve 391.42 KgCO<sub>2</sub>e/m<sup>2</sup>, and B1-C4 (excluding B6/B7) 189.94 KgCO<sub>2</sub>e/m<sup>2</sup>, with a total carbon emissions baseline scenario (over 60 years) of 577.75 KgCO<sub>2</sub>e/m<sup>2</sup> (including sequestration benefits).

### **Overheating**

Policy SI 4 of the London Plan requires development proposals to minimise the risk of overheating and major applications to demonstrate through an energy strategy how they will reduce the potential for internal overheating. Policy D6 of the London Plan, single aspect units must be provided with adequate passive ventilation and demonstrate strategies to avoid overheating without reliance on mechanical cooling systems.

Accompanied with the application is a Thermal Comfort Assessment undertaken by SRE dated 08.12.2023. The assessment selected flats in the southwest and southeast corners of floors 8, 12 and 14 as representative sample sizes as these units are not shaded by surrounding buildings and receive maximum solar gains. The results indicated that the bedrooms for the residential development and the commercial units all pass the assessment criteria, indicating good levels of comfort during the summer period. The combined kitchen/living spaces failed to meet the assessment. Consequently, a range of passive design measures are proposed, including the use of ‘phase-change material’ (‘PCM’) plasterboards to the ceilings of the LKD areas, engineering of the building shape, solar control glazing, internal lockable shutters, phase change materials, and openable doors and balconies.

Subject to the proposed design considerations, the proposed development would reduce the risk of internal overheating in accordance with policies D6 and SI 4 of the London Plan.

### **Circular economy**

Policy SI 7 of the London Plan (2021) 'Reducing waste and supporting the circular economy' states that applicants should promote circular economy outcomes and aim to be net zero-waste. It also requires a Circular Economy Statement to be submitted.

The submitted (Stage 2/3) Circular Economy statement produced by SRE in March 2024 (v2) confirms that the development will be compliant with the London Plan targets of diverting 95% of demolition/construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, and supporting the diversion of 65% of Operational Waste from landfill by 2030.

### **Flood risk and sustainable drainage**

Policy SI 12 of the London Plan (2021) and policy 5.12 of the Ealing Development Management DPD (2013) seek to ensure that current and expected flood risk be managed in a sustainable way. Development proposals should ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan (2021) recognise that London is at particular risk from surface water flooding, mainly due to the large extent of impermeable surfaces. Development proposals should aim to achieve greenfield run-off rates for drainage.

The site is within flood risk zone 1 with a low probability of flooding and it is considered that it can be protected from all sources of flooding through appropriate design measures. The proposed development will use sustainable drainage systems (SuDS) to reduce surface water runoff and mimic natural processes. The main SuDS features are green and blue roofs, which provide multiple benefits for water quality, biodiversity and amenity. The design aims to achieve near greenfield runoff rates, which means that the site will not contribute to increased flood risk elsewhere. The peak outflow rate from the site is estimated to be [URL] l/s, which is slightly higher than the greenfield rate of [URL] l/s. This rate could be further reduced at detailed design stage, when the green roof specifications are finalised.

A formal and detailed drainage strategy will be prepared at a later stage, and this is secured by way of condition which will include confirming the existing drainage connections, surveying the condition of the retained drainage infrastructure, and optimising the drainage system design.

In addition, Thames Water provided no objection with regard to wastewater network and sewage treatment works infrastructure capacity. A condition has been added with regard to water usage and informatives are added in relation to waste and water comments.

### **Contaminated land**

Council's Contaminated Land Officer has reviewed the Phase 1 Environment Report ref 2365-P1E-1-B prepared by Contaminated Land Solutions. The report details that there is nothing off site that is within 250m that may have impact the site. A condition is attached in the event that anything is unearthed during these works. The report recommends that no significant contamination issues are associated with the site. It would appear that no basement is planned, it is assumed that piling works will be required and some groundworks. Despite this, in the event that any unsuspected contamination is found then the developer should draw this to the council's attention. A planning condition is recommended in case any unsuspected contamination encountered during the development.

**Urban Greening**

Policy G1 of the London Plan 2021 requires development proposals to incorporate appropriate elements of green infrastructure that are integrated into London’s wider green infrastructure network. Policy G5 requires major development proposals to 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 Mayor recommends a target score of 0.4 for developments that are predominately residential. Policy G5: Urban Greening – London Plan – Ealing LPA – local variation which seeks to apply the urban greening face with a target of 0.4 for residential development and 0.3 for commercial development.

The proposed development would achieve an Urban Greening Factor (UGF) score of 0.45 through intensive green roof of vegetation, flower-rich perennial planting, tree planting, amenity grassland and permeable paving. Subject to a planning condition properly securing the implementation of the UGF, the proposed development is considered to comply with policy G5 of the London Plan.

**Biodiversity Net Gain (BNG)**

In addition to recognising the importance of designated sites, London Plan policy G6 ‘Biodiversity and Access to Nature’ requires developments to manage impacts on biodiversity and aim to secure net biodiversity gain. The Local Plan Reg 19 policy G6 seeks to further draw on this regional policy and has set an aspiration figure of achieving Biodiversity net Gain on site of 20%, this is considered in this instance to be a material consideration and is preferable to secure this to further enhance biodiversity within the borough. This will be discussed further below.

The application was received prior to Biodiversity Net Gain becoming mandatory in February 2024 for major applications. As such, the application was not required to mandatorily provide a biodiversity Net Gain on site.

The application site is approx. 0.21 hectares and comprises of commercial and office buildings with a central public hardstanding with a small number of street trees. The proposed development would include soft landscaping, with public realm works to create a new public space with access to the Broadway. The design includes green infrastructure in the form of biodiverse and intensive green roofs have been proposed. Further to this, the addition of ecological features such as bird boxes, bat boxes with deadwood features within the proposal.

Habitat	Biodiversity units (current)**	Biodiversity units (proposed) **	Biodiversity net-change**	Net percentage change
Habitats	0.11	0.84	0.72	645.59%

\* Habitat areas are calculated as biodiversity hectares; hedgerows and rivers as biodiversity metres

\*\* Figures rounded to two decimal places

Table 6: detailing BNG percentage change

Nevertheless, in line with policy G6 of the London Plan (2021) and G6 of Local Plan Reg 19 (2024) the proposal would have net gain of 0.72 biodiversity units equivalent to a 645.59% increase in ecological value. The net gain as demonstrated by the DEFRA metric would ensure an enhanced environment for biodiversity overall. This far exceeds both the Government target of 10% as well as the aspiration target set within the Local Plan Reg 19 at 20%. It is considered that the addition of ecological value at

the site would further improve the public benefit offer that this development has for the wider good in terms of its impact on the environment.

The proposed development will achieve a BNG percent rating of 645.59% (higher than the 20% prescribed in Local Plan Reg 19) which represents a monumental improvement on the current site conditions.

**Regeneration, Employment & Training**

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

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

- a financial contribution of £56,000 towards apprenticeship/employment placement;
- 7 apprenticeships over the project's lifetime;
- This should be made up of 25% of local labour – live in the borough
- 7 weeks of work experience shall be completed throughout the length of the project
- 10 job starts
- a penalty of £49,435 per apprenticeship opportunity not filled;
- schools engagement activity involving school/ college visits is recommended;

These obligations will be secured via a S106 Agreement. It is considered that the addition of the employment on site via apprenticeships would be in line with the Council's priorities of creating good jobs which in turn helps the council to build genuinely affordable homes.

**8 Conclusion:**

The proposed development would provide a total of 46 affordable homes or 139 affordable habitable rooms. The scheme delivers affordable housing at a rate of 35% by habitable room (30% by home), comprising 12 social rent units (32% by habitable rooms) and 34 shared ownership units (68% by habitable rooms). The proposed tenure split is below the objectives set out in Reg 19 Draft Local Plan which seeks a 70/30 split in favour of low rent housing products. The scheme seeks to meet the GLA fast track route of 35% and the proposal as discussed above would provide a good level of affordable housing with a preference for larger homes which is considered to be acceptable.

The proposed heights exceed the indicative height under Reg 19 Local Plan site allocation. It is considered however this would be in keeping with the proposed massing suggested by the Local Plan. The height proposed is considered justified and given viability considerations and the significant benefits of the scheme. The impact of the proposal on nearby designated heritage assets has been thoroughly scrutinised, with the conclusion that the proposal represents less than substantial harm, with any harm demonstrably outweighed by the public benefits of the proposal.

The proposal offers good quality residential accommodation, with compliant internal living spaces and private amenity spaces. Residents would have access to well landscaped grounds, providing improved pedestrian links through the site and would provide play space on site as well as contribution to play space contribution elsewhere within the borough. The socio-economic benefits of the proposed would see the provision of on-site and off-site job opportunities and this would be during the construction phases as well as the operational period. The addition of affordable housing and in

particular the 12 social rent homes would provide a wider benefit and housing choice which would be desirable and go some way to helping address a problem which the country faces. These homes would allow for lower-income individuals and families to continue their ties within the Borough which is a social benefit.

Sustainability has been taken into consideration, with an increase in the greening of the site, delivering substantial carbon reductions that follow the London Plan hierarchy and the applicant has provided a satisfactory WLC and Circular Economy Statement, with further detail to be secured through planning conditions. The scheme would ensure it exceeds both urban greening and biodiversity requirements which ensures the development is green.

The scheme would be car free and providing suitable disabled parking on site as well as compliant Cycle parking in line with the London Plan. On balance, it is considered the proposal would help drive a modal shift to more sustainable forms of transportation.

Overall, the proposal has been rigorously assessed against all relevant planning policy and the public benefits of the proposal are considered to be significant. The proposal is accordingly recommended for approval, subject to conditions, s106 legal agreement and Stage II referral to the GLA.

### **Mayor's Community Infrastructure Levy (CIL)**

Ealing is a collection authority on behalf of the Mayor of London. This is charged at £60 per sqm since 1/4/19 subject to Indexation. The exact amount of liability would be calculated by the CIL Officer who can be contacted at [cilcollections@ealing.gov.uk](mailto:cilcollections@ealing.gov.uk).

### **Human Rights Act**

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 is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### **Public Sector Equality Duty**

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

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

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 in this case would not have a disproportionately adverse impact on a protected characteristic.

**Fire Safety**

Large schemes may require several different consents before they can be built. For example, Building Control approval needs to be obtained to certify that developments and alterations meet building regulations. Highways consent will be required for alterations to roads and footpaths; and various licenses may be required for public houses, restaurants and elements of the scheme that constitute 'house in multi-occupation'.

The planning system allows assessment of several interrelated aspects of development when planning applications are submitted to the Council. The proposed materials to be used may be approved under a planning permission based on the details submitted as part of the planning application, or they may be subject to a condition that requires such details to be submitted and approved prior to the commencement of the development. Whichever the case, planning officers' appraisal of materials is focused on the visual impact of such materials in relation to the design of the overall scheme itself, the character of the local area or indeed on the amenities of residents.

The technical aspects of the materials to be used in any development, in relation to fire safety, are considered under the Building Act (1984) and specifically the Building Regulations (2010). These require minimum standards for any development, although the standards will vary between residential and commercial uses, and in relation to new build and change of use/conversions. The regulations cover a range of areas including structure and fire safety.

Any person or organisation carrying out development can appoint either the Council's Building Control Service or a Private Approved Inspector to act as the Building Control Body (BCB), to ensure that the requirements of the Building Regulations are met. The BCB would carry an examination of drawings for the proposed works, and carry out site inspection during the work to ensure that the works are carried out correctly. On completion of work the BCB will issue a Completion Certificate to confirm that the works comply with the requirements of the Building Regulations. In relation to fire safety in high rise residential developments, some of the key measures include protected escape stairways, smoke detection within flats, emergency lighting to commons areas, cavity barriers/fire stopping and the use of sprinklers and wet/dry risers where appropriate.



**Appendix A - Conditions**

1. Statutory Timeframes

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

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

2. Approved Plans and Documents

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

Existing Drawings: 625-PTA-MP-00-DR-A-2000 Rev PL1, 625-PTA-MP-00-DR-A-2001 Rev PL1, 625-PTA-MP-00-DR-A-2002 Rev PL1, 625-PTA-MP-00-DR-A-2003 Rev PL1, 625-PTA-MP-00-DR-A-2004 Rev PL1, 625-PTA-MP-00-DR-A-2005 Rev PL1, 625-PTA-MP-00-DR-A-2006 Rev PL1, 625-PTA-MP-00-DR-A-2007 Rev PL1

Proposed Drawings: 625-PTA-MP-00-DR-A-2200 Rev PL2, 625-PTA-MP-01-DR-A-2202 Rev PL2, 625-PTA-MP-02-DR-A-2203 Rev PL2, 625-PTA-MP-03-DR-A-2204 Rev PL2, 625-PTA-MP-04-DR-A-2205 Rev PL2, 625-PTA-MP-05-DR-A-2206 Rev PL2, 625-PTA-MP-06-DR-A-2207 Rev PL2, 625-PTA-MP-07-DR-A-2208 Rev PL2, 625-PTA-MP-08-DR-A-2209 Rev PL2, 625-PTA-MP-09-DR-A-2210 Rev PL2, 625-PTA-MP-10-DR-A-2211 Rev PL2, 625-PTA-MP-11-DR-A-2212 Rev PL2, 625-PTA-MP-12-DR-A-2213 Rev PL2, 625-PTA-MP-13-DR-A-2214 Rev PL2, 625-PTA-MP-14-DR-A-2215 Rev PL2, 625-PTA-MP-MZ-DR-A-2201 Rev PL2, 625-PTA-MP-MZ-DR-A-2700 Rev PL2, 625-PTA-MP-MZ-DR-A-2701 Rev PL2, 625-PTA-MP-MZ-DR-A-2702 Rev PL2, 625-PTA-MP-MZ-DR-A-2708 Rev PL2, Schedule of Accommodation - 625-PTA-ZZ-ZZ-SH-A-7100-S4 Rev PL2

Reports

Daylight and Sunlight Report – prepared by Shroeders Begg (UK) LLP dated December 2023 ref 2113/X Rev 01, Heritage Townscape and Visual Impact prepared by Icenii dated December 2023, Landscape and Public Realm Strategy Ref TOWN769(02) 2001 R02 DAS prepared by Townshend Landscape Architects dated December 2023, Framework Site Travel Plan Rev D prepared by Markides Associate dated 18 December 2023, Framework delivery and Servicing Management Plan Rev D prepared by Markides Associates dated 18 December 2023, Transport Assessment Rev D prepared by Markides Associates dated 18 December 2023, Stage 1 Response – Addendum to TA prepared by Markides Associates Rev B dated 26 March 2024, Noise Assessment Report prepared by Auricl Acoustic Consulting dated 15 December 2023, 99-113 Broadway – response to Consultee comments note dated 12 March 2024, Health Impact Assessment (HIA) and Socio-Economic Assessment prepared by Savills dated December 2023, Planning Statement Prepared by Savills dated January 2024, Air Quality Assessment Version 2 Rev A prepared by SRE dated March 2024, Thermal Comfort Assessment Version 1 Rev A prepared by SRE, Gateway One – Fire Statement, London Plan Fire Statement ref 22051-R-01-A prepared by Lawrence Webster Forrest Issue A dated December 2023, Flood Risk Assessment & SuDS Strategy ref R79-FRA-02.0 4475 prepared by Lustre Consulting dated December 2023, Circular Economy Statement RIBA Stages 2-3 Version 1 Rev B prepared by SRE, Whole Life Carbon Assessment Version 1 Rev A prepared by SRE dated December 2023, Microclimate Analysis – Pedestrian Wind Comfort version 1 Rev A prepared by SRE dated December 2023, Energy and Sustainability Statement Version 1 Rev A prepared by SRE dated December 2023, 20240312\_Part L GLA Carbon Emissions Reporting spreadsheet\_ Broadway (99-113), Biodiversity Gain Plan version 2 prepared by MKA ecology dated March 2024, Preliminary Ecological Appraisal and Preliminary Roost Assessment version 2.0 prepared by MKA Ecology dated

13 December 2023, Arboricultural Planning Report Re 2023/047/APR prepared by AD Tree Consulting dated December 2023, Phase 1 Environmental Report prepared by Contaminated Land Solutions dated December 2023, Painter's Corner Statement of Community Involvement prepared by London Communications Agency dated December 2023, Design and Access Statement Rev P01 prepared by Patel Taylor dated December 2023.

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

### 3. External noise from machinery/equipment/extract/ventilation ducting/mechanical

Prior to the commencement of the development (excluding site clearance, demolition and site setup), details shall be submitted to the Local Planning Authority for approval in writing, of plant/ machinery/ equipment/ducting/air in- and outlets/ mechanical installations and their external rating noise level (L<sub>Ar</sub>,Tr), together with mitigation measures as appropriate. The measures shall ensure that the emitted external rating noise level will be lower than the lowest existing background sound level LA<sub>90</sub> by 10dBA at the most noise sensitive receiver locations at the development site and at surrounding premises. The assessment shall be made in accordance with BS4142:2014 +A1 2019, with all plant/equipment operating together at maximum capacity. Approved details shall be implemented prior to occupation/ use of plant/ machinery/ equipment and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies D14 of the London Plan and Policy 7A of the Ealing Development Management DPD.

### 4. Anti-Vibration Mounts and Silencing of Machinery

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

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies D14 of the London Plan and Policy 7A of the Ealing Development Management DPD.

### 5. Non-Road Mobile Machinery

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

Reason: To safeguard adjoining occupiers of the development against unacceptable noise, disturbance and emissions, policies 1.1(j) of the Ealing Development (Core) Strategy (2012), Local Variation policy 3.5 and policy 7A of Ealing's Development Management DPD (2013) and policy SI1 of the London Plan (2021); and National Planning Policy Framework (2023).

### 6. Cycle Parking

Notwithstanding the submitted documents, details shall be submitted prior to the first occupation of the development to demonstrate how the cycle parking as shown on the approved plans will be implemented according to the specifications and adopted standards of the London Plan, the London Cycle Design Standards, and the Local Planning Authority.

The approved details shall be brought into first use prior to occupation and retained permanently.

Reason: To ensure adequate cycle parking is provided within the development in pursuance of the objectives of sustainability and encouraging the use of modes of transport other than private motor vehicles in accordance with policy T5 of the London Plan (2021), policies 1.1(k) and (g) of Ealing's adopted Development (or Core) Strategy (2012), and Ealing's Sustainable Transport for New Development SPG.

**7. Refuse Storage**

Each of the refuse and recycling storage facilities hereby approved for the residential development shall be implemented and operational before the first occupation of the relevant residential section they would serve, and permanently retained thereafter.

Reason: In the interests of the adequate disposal, storage and collection of waste and recycling, to protect the living conditions of occupiers of the area and in the interests of highway and pedestrian safety all in accordance with policies policies 1.1 (e) and 6.1 of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy SI8 of the London Plan (2021) and the National Planning Policy Framework (2023).

**8. Secure By Design**

The development hereby approved shall achieve Secure by Design Accreditation, in consultation with the Metropolitan Police Crime Prevention Design Advisor.

Reason: To ensure that opportunities to commit crime are reduced, particularly in relation to the approved apartment buildings that contain shared core entrances that serve more a number of dwellings; and in order that the new buildings incorporate appropriately designed security features, in accordance with policies D11 of the London Plan (2021).

**9. Accessible housing**

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

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

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

**10. Passenger Lifts**

Prior to commencement of the superstructure, details shall be submitted to the Council for approval in writing, of enhanced sound insulation of lifts and lift shafts, in accordance with noise limits specified in Table 5 BS8233:2014. Details shall include mitigation measures and the resulting sound insulation value and internal sound/rating level. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan (2021).

#### 11. No masts/satellite dishes or external equipment

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

Reason: To safeguard the appearance of the buildings and the locality in the interests of visual amenity policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4, 7B and 7C of the Ealing Development Management Development Plan Document (2013), policies 7.4, 7.6 and 7.8 of the London Plan (2021), section 7 and 12 of the National Planning Policy Framework (2023).

### **PRE-COMMENCEMENT CONDITIONS**

#### 12. Extraction and Odour Control

Prior to commencement of the superstructure, details shall be submitted to the Council for approval in writing, of an odour risk assessment (according to 2018 EMAQ Guidance) and of odour abatement equipment and extract system, including operational details and maintenance schedule, the height of the extract duct, with vertical discharge outlet, without cowl, at least 1m above the eaves of the main building. Details shall be provided of a reasonable distance of the extract outlet approximately 20.0meters from any openable window. Approved details shall be implemented prior to use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and vibration, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D3, D13 and D14 of the London Plan (2021).

#### 13. Demolition Method Statement and Construction Management Plan

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

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

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the site, in accordance with Policies D14 of the London Plan and Policy 7A of the Ealing Development Management DPD.

#### 14. Construction Logistics Plan

Prior to the commencement of development, a site Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The submission shall take into account other major infrastructure and development projects in the area and shall include the following:

- a) The number of on-site construction workers and details of the transport options and parking facilities for them;
- b) Details of construction hours;
- c) Anticipated route, number, frequency and size of construction vehicles entering/exiting the site per day;
- d) Delivery times and booking system (which is to be staggered to avoid morning and afternoon school-run peak periods);
- e) Route and location of site access for construction traffic and associated signage;
- f) Management of consolidated or re-timed trips;
- g) Details of site security, temporary lighting 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) Wheel washing provisions;
- j) 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;
- k) Details as to the location(s) for storage of building materials, plant and construction debris and contractor's welfare facilities and offices;
- l) Procedures for on-site contractors to deal with complaints from members of the public;
- m) Measures to consult cyclists, disabled people and the local schools about delivery times and necessary diversions;
- n) Details of all pedestrian and cyclist diversions;
- o) A commitment to be part of Considerate Constructors Scheme; and
- p) Confirmation of use of TfL's Fleet Operator Recognition Scheme (FORS) or similar.
- q) The submission of evidence of the condition of the highway prior to-construction and a commitment to make good any damages caused during construction.
- r) Details of parking restrictions which may need to be implemented during construction work.

Reason: To ensure that the proposed development is carried out in an acceptable manner to not compromise the surrounding road and pedestrian network and to protect the amenity of surrounding residents, in accordance with Policy 7A of the Ealing Development Management DPD and Policy T7 of the London Plan.

#### 15. Submission of a Bird Hazard Management Plan

Development (excluding site clearance, demolition and site setup) shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.



Reason: It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

**16. Information of Bird Hazard Management Plan**

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airside Operations staff. In some instances, it may be necessary to contact Heathrow Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

Reason: To avoid endangering the safe movement of aircraft and the operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

**17. Details of Materials**

Prior to the commencement of the superstructure, details of the materials and finishes to be used for all external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. The development shall be implemented only in accordance with these approved details.

Reason: To ensure that the materials and finishes are of high quality and contribute positively to the visual amenity of the locality in accordance with policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013), policies D1 and D4 of the London Plan (2021) and the National Planning Policy Framework (2023).

**18. Unsuspected contamination**

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

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the Local Planning Authority.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

In the event that no contamination is encountered, the developer shall provide written statement / photographic evidence to the Local Planning Authority confirming that this was the case, and only after written approval by the Local Planning Authority shall the development be occupied. The evidence shall include waste disposal transfer notes proving correct disposal of soil.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

#### 19. Revised Noise Assessment

Prior to commencement of the development, excluding demolition and enabling works, a noise assessment shall be submitted to the Council for approval in writing, of external noise sources such as transport and commercial/industrial/cultural uses/activities and their noise levels at proposed residential facades, having regard to the assessment standards of the Council's SPG10 including aircraft noise (worst mode aircraft 1-day noise contour predicted for 2016 (57dB) as per Section 6 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, unless otherwise agreed in writing by Council. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with Policies D14 of the London Plan (2021) and Policy 7A of the Ealing Development Management DPD.

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

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with London Plan Standard 30 of the Housing SPG, Policies D14 of the London Plan and Policy 7A of the Ealing Development Management DPD.

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

Prior to commencement of the superstructure, details shall be submitted to the Council for approval in writing, of enhanced sound insulation of at least 5/10/15dB as necessary above the Building Regulations value for residential use, of the floor/ceiling/walls separating the communal areas and mechanical installations from dwellings. Where noise emissions include characteristic features, the Noise Rating level shall not exceed NR20 Leq 5mins (octaves) inside habitable rooms. Details of mitigation measures shall include the installation method, materials of separating structures and the resulting sound insulation value and internal sound/rating level. The assessment and mitigation measures shall be based on standards and noise limits of the Council's SPG10 and BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the residential occupiers, in accordance with Policies D14 of the London Plan (2021) and Policy 7A of the Ealing Development Management DPD.

22. Lifts

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

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with Policies D14 of the London Plan (2021) and Policy 7A of the Ealing Development Management DPD.

23. Ventilation Strategy Report

Prior to the commencement of the development (excluding site clearance, demolition and site setup), a Ventilation Strategy Report to mitigate the impact of existing poor air quality for residents shall be submitted to and approved by the Local Planning Authority. The report will contain details for the installation of a filtered fresh air ventilation system capable of mitigating elevated concentrations of nitrogen oxides and particulate matter in the external air for all residential dwellings.

The report shall also include the following information:

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

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

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

24. Air Quality and Dust Management Plan

Before the development is commenced, (including demolition and site clearance) an Air Quality and Dust Management Plan (AQDMP) shall be submitted for the approval of the Local Planning Authority. The AQDMP will be based on the findings of Air Quality (Dust) Risk Assessment provided in the Air Quality Assessment report titled "UK Lux One SPV 12 Ltd" dated 22 March 2024. The AQDMP will provide a scheme for air pollution mitigation measures based on the findings of the Air quality report.

The plan shall include:

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

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

Reason: In the interests of the amenity of adjoining occupiers and to minimise particulate matter associated with construction works in accordance with policies 1.1 (e) (f) (j) of the Ealing Development (Core) Strategy 2012, policy 7A of the Ealing Development Management Development Plan (2013) and policy SI1 of the London Plan(2021);and National Planning Policy Framework (2023).

25. Emergency Diesel Generators

No emergency diesel generators will be installed onsite without prior approval from the Local Planning Authority. Any new proposed diesel generators should demonstrate compliance with a minimum NOx emissions standard of 150mg/Nm-3 (at 5% O2) and must be submitted and approved in writing by the Local Planning Authority. The details must include the results of NOx emissions testing of the diesel fuelled generator units by an accredited laboratory, emissions concentrations expressed at specific reference conditions for temperature, pressure, oxygen and moisture content under normal operating conditions. Where any combustion plant does not meet the relevant standard, it should not be operated without the fitting of suitable NOx abatement equipment or technology. Evidence of installation shall be required where secondary abatement is required to meet the NOx Emission standard 150mg/Nm-3 (at 5% O2). The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

Reason: To ensure the LPA meets its obligations to deliver air quality objectives for NO2 in accordance with London Local Air Quality Management (LLAQM), and to limit PM2.5 (fine particulates) to safeguard public health and well-being and external amenity of nearby sensitive receptors.

26. Digital Connectivity

Prior to commencement of the superstructure, details shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with Policy SI6 of the London Plan (2021).

27. Tree monitoring plan

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

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

A tree monitoring program to include:

- Confirmation of who shall be the lead arboriculturalist for the development.
- Confirmation of the Site Manager, key personnel, their key responsibilities and contact details.
- Details of induction procedures for all personnel in relation to Arboricultural matters.

A detailed timetable of events for arboricultural supervision concerning all tree protection measures within the approved Tree Protection Plan, including: Prestart meeting with an Ealing Council Tree Officer

Initial implementation/installation of the tree protection measures

Approved incursions in to construction exclusion zones

Final removal of the tree protection measures

The installation of underground services

All below ground construction within the root protection area of trees on or off site.

Procedures for dealing with non-approved incursions into the construction exclusion zones as detailed in the approved Arboricultural Method Statement.

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

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

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London's environment, air quality and adapting to and mitigating climate change in accordance with policies G6 and G7 of the London Plan (2021).

28. Tree planting and soil rooting volume condition

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

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

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

Comprehensive details of ground/tree pit preparation to include: Plans detailing adequate soil volume provision to allow the tree to grow to maturity

Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future

Staking/tying method(s).

Five year post planting maintenance and inspection schedule.

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

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

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London's environment, air quality and adapting to and mitigating climate change in accordance with policies G6 and G7 of the London Plan (2021), policy 5.10 of Ealing's Development Management DPD and Ealing's SPG 9 - Trees and Development Guidelines.

29. Existing tree/shrub/hedge retention

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans (Plan/Drawing:) shall be felled, uprooted, damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority.

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



If a tree marked on the tree report to be retained is removed without consent, or dying, or being severely damaged, or becoming seriously diseased (crown more than 50% sparse), within 5 years from the start of work on the development hereby permitted, a replacement tree shall be planted on the site or surrounding area reflecting the CAVAT value of the tree, or a proportion of its value reflecting the damage. This penalty shall be sought, unless the Local Planning Authority has given written consent to any variation. Discharge of this condition should be sought from the Local Planning Authority prior to the first use of the development hereby approved: the discharge is dependent upon compliance with all of the above and /or any additional mitigating agreement made in writing with the Local Planning Authority.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of important amenity value to the local landscape in accordance with policy G5 and G7 of the London Plan (2021), and the National Planning Policy Framework (2023).

**PRIOR TO OCCUPATION CONDITIONS**

30. Details of Children’s Play Areas, Landscaping, Boundary Treatments, Green Roof and Surface Drainage

Prior to first occupation or use of the proposed development hereby approved, the following details shall be submitted to and approved in writing by the local planning authority. The development shall be implemented only as approved and retained thereafter.

- Details of children’s play area including safety surfacing and equipment.
- Details of hard and soft landscaping scheme, including landscape design.
- Details of boundary treatments.
- Details of a Landscape Management Plan for a minimum period of 5 years from the implementation of final planting (specify only for applications with significant public aspect, important habitat qualities & opportunities or communal spaces in larger residential developments).
- Details of the green roof construction and specification, together with a maintenance schedule.
- Details of sustainable urban drainage systems to be implemented on site.

Reason: To ensure that there is suitable provision for landscaping, play facilities and drainage within the site in accordance with policies 1.1 (e), 2.1 (c) of the Ealing Core Strategy (2012), policies LV 3.5 and 7D of the Ealing Development Management Development Plan Document (2013), policies D6, S4 and G5 of the London Plan (2021), SPG on Children’s Play and Recreation, and the National Planning Policy Framework (2023).

31. Commercial Service Management Plan

Prior to occupation of the approved commercial units, a Servicing Management Plan shall be submitted to the Council for approval in writing. Details shall include hours of use, times and frequency of activities, servicing details, deliveries and collections, vehicle movements, silent reversing and loading/unloading methods, location of loading bays, etc. The assessment shall be based on standards of the Council’s SPG10. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure inclusive, safe and adequate parking is provided and retained in conjunction with the development in the interests of the general amenities of the locality, the flow of traffic and conditions of pedestrian and general highway safety within the site and on neighbouring highways, a sustainable development and where appropriate constrain local highway impact in accordance with policies T2, T3 and T4 of the London Plan (2021); policies 1.1(e), 1.1(f) 1.1(g) and 1.1(h) of the Ealing Development (Core) Strategy (2012).

**32. Floodlight, Security Lights**

Prior to their installation, details of external artificial lighting shall be submitted to the Council for approval in writing. Lighting contours shall be submitted to demonstrate that the vertical illumination of residential premises at and near the application site is in accordance with the recommendations for Environmental Zone 3 of the Institution of Lighting Professionals in the 'Guidance Note 01/20 For The Reduction Of Obtrusive Light'. Details should also be submitted for approval of measures to minimise the use/hours of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of residents in accordance with Policy 7A of the Ealing Development Management DPD and Policy D11 of the London Plan (2021).

**33. Water Efficiency**

The dwelling shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

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

**34. Energy and CO<sub>2</sub>**

- a) Prior to construction completion and occupation, the Development shall implement and maintain, and in the case of energy generation equipment confirm as operational, the approved measures to achieve an overall sitewide reduction in regulated CO<sub>2</sub> emissions of at least 70% (equating to 96.83 tonnes of CO<sub>2</sub> per year) beyond Building Regulations Part L 2021 and using SAP 10.2 emission factors. These CO<sub>2</sub> savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by SRE in December 2023 (v1) including:
  - i. Lean, energy efficiency design measures to achieve an annual reduction of at least 15% equating to approximately 19.39 tonnes in regulated carbon dioxide (CO<sub>2</sub>) emissions over BR Part L 2021 (using SAP 10.2 conversion factors) for the residential space, and 9.52% equating to approximately 0.6 tonnes of regulated CO<sub>2</sub> emissions (over Part L 2021) for the non-residential space.
  - ii. Green, renewable energy equipment including the incorporation of photovoltaic panels with a combined total capacity of at least 26 kWp, and Air Source Heat Pumps to achieve an annual reduction of at least 56.54%, equating to 76.99 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) emissions over Part L 2021 (using SAP 10.2 emission factors).
  - iii. Seen, heat and electric meters installed to monitor the performance of the PV and the carbon efficiency (SCOP) of the heat pump system (including the heat generation and

the electrical parasitic loads of the heat pumps), in line with the Council’s monitoring requirements.

- b) Prior to Installation, details of the proposed renewable energy equipment, and associated monitoring devices required to identify their performance, shall be submitted to the Council for approval. The details shall include the communal heat distribution network schematics, the exact number of heat pumps, the heat pump thermal kilowatt output, heat output pipe diameter(s), parasitic load supply schematics, monthly energy demand profile, the kWp capacity of the PV array, the orientation, pitch and mounting of the panels, and the make and model of the panels. The name and contact details of the renewable energy installation contractor(s), and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.
- c) On completion of the installation of the renewable energy equipment copies of the MCS certificates and all relevant commissioning documentation shall be submitted to the Council.
- d) The development shall incorporate the (stage 3) overheating mitigation measures detailed in the dynamic Overheating Analysis by SRE (v1) in December 2023. Any later stage version shall be compliant with CIBSE guidance Part O (TM59/Guide A), and/or TM52, and modelled against the TM49 DSY1 (average summer) weather data files, and the more extreme weather DSY2 (2003) and DYS3 (1976) files for TM59 criteria (a) and (b).
- e) Within three months of the occupation/first-use of the development a two-page summary report prepared by a professionally accredited person comparing the “as built stage” TER to BER/DER figures against those in the final energy strategy along with the relevant Energy Performance Certificate(s) (EPC) and/or the Display Energy Certificate(s) (DEC's) shall be submitted to the Council for approval.

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

**35. Circular Economy**

- a) Prior to completion of construction of the permitted development a Circular Economy Statement Post Completion Report should be completed accurately and in its entirety in line with the GLA's Circular Economy Statement Guidance (or equivalent alternative Guidance as may be adopted). This should be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.
- b) Specific commitments detailed in the Circular Economy statement produced by SRE in March 2024 (v2), or any later approved version, and accompanying Logistic Plans, should be implemented including; diverting 95% of construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, and supporting the London Plan target of diverting 65% of Operational Waste from landfill by 2030.

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

**ONGOING CONDITIONS**

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

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

**37. Post-construction energy use monitoring (“be Seen”)**

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

- a) Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate and verified estimates of the ‘be seen’ energy performance indicators, as outlined in Chapter 3 ‘Planning stage’ of the GLA ‘Be seen’ energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the ‘Be seen’ energy monitoring guidance.



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

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan (2021).

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

Prior to the Commencement of Construction (excluding demolition, site clearance, site investigation and site remediation) a Whole Life Carbon Assessment shall be submitted to the Council for approval. The Assessment shall be compliant with policy SI2(F) of the London Plan and in line with the GLA (March 2022) guidance. The Development shall meet the GLA benchmark targets and seek to achieve the aspirational target.

Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new owner, if applicable), the legal owner(s) of the development should submit the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk). The owner should use the post construction tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA's WLC Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion, unless otherwise agreed.

The Development shall implement the measures identified in the WLC Assessment prepared by SRE in March 2024 (v1 Rev. B). Modules A1-A5 should achieve 391.42 KgCO<sub>2</sub>e/m<sup>2</sup>, and B1-C4 (excluding

B6/B7) 189.94 KgCO<sub>2</sub>e/m<sup>2</sup>, with a total carbon emissions baseline scenario (over 60 years) of 577.75 KgCO<sub>2</sub>e/m<sup>2</sup> (including sequestration benefits).

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

39. Sustainable Design and Construction

Prior to completion the sustainability measures detailed in the final approved Sustainability Statement produced by SRE in December 2023 (v1), and any other relevant supporting documents, shall be implemented and maintained. The measures shall meet the requirements of local and regional planning policies and be in line with the Mayor's Sustainable Design and Construction SPG. The development shall be constructed in line with the approved energy and sustainability measures.

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

40. Permitted hours of commercial use/activity

The use of the premises shall not be permitted outside of the hours of 08:00 to 23:00 on Mondays to Saturdays and 10:00 to 20:00 Sundays, and Public/Bank Holidays.

Reason: To safeguard residential amenity in accordance with policies 7A & 7B of the Ealing Development Management DPD (2013), policies D6 and D14 of the London Plan (2021) and the National Planning Policy Framework (2023).

41. Commercial External doors

Commercial use shall not commence until all external doors to the premises have been fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows be fixed in an open position during the emission of noise, smell, smoke or fumes.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise /odour /smoke /fumes, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

42. Fire Statement

Prior to the commencement of the superstructure works of the development, the Fire Statement REPORT REFERENCE: 22051-R-01-A prepared by Lawrence Webster Forest dated December 2023 shall be submitted to and approved by the local planning authority in writing. The Fire Statement shall include details of:

- The building's construction: methods, products and materials,
- Appropriate features which reduce the risk to life in the event of a fire,
- Appropriate way to minimise the risk of fire spread,
- A robust strategy for evacuation, including a convenient means of escape for all building users,
- How access will be achieved for fire service personnel and equipment in an evacuation situation, including water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, and

- Any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of those.

Reason: In the interests of fire safety and to ensure the safety of all building users, in accordance with policy D12 of the London Plan (2021).

**43. Gym sound insulation and anti-vibration measures**

In the event of any of the approved commercial units being used as a gym, prior to the internal fitout of the gym, an acoustic report shall be submitted to the Council for approval in writing, detailing the following:

- the sound insulation performance of the floor, ceiling and walls separating the gym from adjoining commercial and/or residential premises or parts of the development;
  - anti-vibration fittings and/or other mitigation measures required for the isolation of exercise equipment, loudspeakers and floors for use by group exercise classes, weights, machines;
  - details to demonstrate that noise from the use of the gym including music, instructor's voices, group exercise classes, activities and use of equipment does not exceed
    - NR25 L<sub>max</sub>(fast) from structure borne / impact noise
    - NR20 Leq,5min from general airborne activity noise (including music)
- within adjoining or nearby premises. The assessment and mitigation measures shall be based on standards of the Council's SPG10. Approved details shall be implemented prior to use of the gym and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and vibration, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan (2021).

**44. Biodiversity Net gain**

The development shall be completed in strict accordance with the recommendations in the Biodiversity Gain Plan prepared by MKA ecology dated (March 2024) (unless varied by a European Protected Species (EPS) licence issued by Natural England). All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: To enhance biodiversity in accordance paragraphs 185 and 186 of the National Planning Policy Framework (2023), Policy G6 of the London Plan (2021) and Policy G6 of Draft Ealing Local Plan Reg 19 (2024).

**Informatives**

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

NPPF - National Planning Policy Framework (2023)

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

London Plan (2021)

- SD6 Town centres and high streets
- SD7 Town centres: development principles and Development Plan Documents
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D9 Tall buildings
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Nosie
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- HC1 Heritage Conservation and Growth
- G1 Green infrastructure
- G4 Open space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodland
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Manage heat risk
- SI 5 Water infrastructure
- SI 6 Digital connectivity infrastructure
- SI 7 Circular economy
- SI 8 Waste capacity and net waste self-sufficiency

- SI 13 Sustainable drainage
- T1 Strategy approach to transport
- T2 Healthy Street
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, serving and construction
- DF1 Delivery of the Plan and Planning Obligations

Local Development Framework (Core) Strategy (2012)

- 1.1 Spatial Vision for Ealing
- 1.2 Delivery of the Vision for Ealing 2026
- 2.1 Development in the Uxbridge Road/Cross corridor
- 6.4 Planning Obligations and Legal Agreements

Ealing Development Management DPD (2013)

- 2.18 Green infrastructure: the network of open and green spaces
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3A Affordable housing
- 5.2 Minimising carbon dioxide emissions
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 6.13 Parking
- 7A Amenity
- 7.3 Designing out crime
- 7.4 Local character
- 7B design amenity
- 7C Heritage
- 7.7 Location and design of tall and large buildings
- EA Presumption in favour of sustainable development

Ealing's draft Local Plan 2024 (Reg 19)

- DAA Design and Amenity -Ealing LPA – local policy
- D9 Tall Buildings London Plan – Ealing LPA – local variation
- HOU Affordable housing: Ealing LPA - local policy
- G4 Open space - London Plan: Ealing LPA - local variation
- G5 Urban greening - London Plan: Ealing LPA - local variation
- G6 Biodiversity and Access to Nature London Plan: Ealing LPA - local variation
- OEP Operational Energy Performance: Ealing LPA – local policy
- ECP Embodied Carbon – Ealing LPA – local policy
- WLC Whole Life Cycle Carbon Approach – Ealing LPA – local policy
- SI 7 Reducing Waste and Supporting the Circular Economy – Ealing LPA – local variation
- FLP Funding - the Local Plan: Ealing LPA - local Policy
- ENA Enabling Development: Ealing LPA - local policy

Other Relevant Planning Documents

- BRE Site layout planning for daylight and sunlight 2022
- Technical housing standards - nationally described space standard 2015
- Housing design standards LPG 2023



- Ealing Housing Design Guidance 2022
- Mayor's Sustainable Design & Construction SPG
- London Borough of Ealing Strategic Housing Market Assessment Update (2022)
- Ealing Council Waste management guidelines for architects and developers
- West Ealing Centre Neighbourhood Plan (2018)

In reaching this decision, specific consideration was given to the information contained in the applicant's submission including detailed plans, supporting statements and technical reports submitted with the application. Consideration was also given to the principle of development on this site, its impact on the amenities of neighbouring residential properties, its appropriateness in terms of its form, scale, layout and appearance and contribution that it makes to place making and the quality of the proposed residential environment and the amenity of future residents. Access, traffic, parking and servicing implications have all been assessed and found to be acceptable as has the provision of quality hard and soft landscaping and public and private amenity spaces.

- 2 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

- 3 Construction and demolition works and associated activities at the development including deliveries, collections and staff arrivals audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays.
- 4 At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of persons responsible for the site works should be signposted at the site and made available for enquiries and complaints for the entire duration of the works. Updates of work should be provided regularly to affected neighbours. A considerate complaints procedure should address all complaints promptly.
- 5 Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition.
- 6 No waste materials should be burnt on site of the development hereby approved.
- 7 Best Practicable Means (BPM) should be used during construction and demolition works, including low vibration methods and silenced equipment and machinery, control and monitoring measures of noise, vibration, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary, in accordance with the Approved Codes of

Practice of BS 5228-1 and -2:2009+A1:2014 Codes of practice for noise and vibration control on construction and open sites.

- 8 Where a crane is 100m or higher, crane operators are advised to notify the CAA (arops@caa.co.uk) and Defence Geographic Centre (dvof@mod.gov.uk) via Crane notification | Civil Aviation Authority (caa.co.uk) <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

The following details should be provided before the crane is erected:

- the crane's precise location
- an accurate maximum height
- start and completion dates

- 9 The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.nw@met.police.uk or 0208 7333703.
- 10 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.
- 11 There are water mains crossing or close to the development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>
- 12 Calculation of building envelope insulation – Interim SPG10 advises:
  - a) A precise sound insulation calculation under the method given at BS EN12354-3: 2000, for the various building envelopes, including the use of the worst case one hour data (octave band linear noise spectra from 63 Hz – 4k Hz) by night and day, to arrive at the minimum sound reductions necessary to meet the SPG10 internal data.
  - b) Approved laboratory sound insulation test certificates for the chosen windows, including frames and seals and also for ventilators, in accordance with BS EN ISO 140-3: 1995 & BS EN ISO 10140-2:2010, to verify the minimum sound reductions calculated.
  - c) The SPG10 internal and external criteria to be achieved.

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

Octave band centre frequency Hz	dB Linear - $L_{eq,1hr}$	
	60 dB contour	57 dB contour
63	73	70

125	72	69
250	69	66
500	67	64
1000	62	59
2000	57	54
4000	45	42
<b>Total L<sub>Aeq,1hr</sub> for spectrum 16 – 8K Hz</b>	<b>67</b>	<b>64</b>

- 13 Prior to commencement of the superstructure of the development a fire statement, produced by a third party suitably qualified assessor, should be submitted to and agreed with the London Fire Brigade.
- 14 The developer will be liable for the cost of repairing any damage to the footway around the perimeter of the site resulting from the construction work.
- 15 The applicant is advised that the Council is the street naming and numbering authority, and you will need to apply for addresses. This can be done by contacting the Street Naming and Numbering officer, prior to construction commencing. You will need to complete the relevant application form and supply supporting documentation e.g. site layout and floor plans so that official street naming and numbering can be allocated as appropriate. If no application is received the council has the authority to allocate an address. This also applies to replacement buildings and dwellings. Full details of how to apply along with guidance can be found [https://www.ealing.gov.uk/info/201152/roads\\_highways\\_and\\_pavements/247/street\\_naming\\_and\\_numbering](https://www.ealing.gov.uk/info/201152/roads_highways_and_pavements/247/street_naming_and_numbering)