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<b>Ref :</b>	<b>223130LBC</b>
<b>Address:</b>	<b>Ealing Town Hall, New Broadway, Uxbridge Road, Ealing</b>
<b>Ward:</b>	<b>Ealing Broadway</b>
<b>Proposal:</b>	<b>Partial demolition, conversion, alterations and extensions of Ealing Town Hall to provide a new hotel and retain community, publicly available facilities and Democratic Services, with associated development.</b>
<b>Drawing numbers/ plans Reports:</b>	<b>See Appendix 1, Condition 2</b>
<b>Type of Application:</b>	<b>Listed Building Consent</b>
<b>Application Received:</b>	<b>15.06.22</b>

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**Report by: Gregory Gray**

**Recommendation: Grant Listed Building Consent with conditions following notification to the Secretary of State under the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction, 2021.**

**Executive Summary:**

This application relates to the change of use of the Ealing Town Hall (ETH) to form a 120 guest room hotel, health and fitness club, bars and bistro, together with LBE Democratic Retained Services (DRP), committee rooms, community and publicly-available uses and meeting rooms, with internal and external demolition works with associated internal and external alterations, erection of part 6-, part 8-storey extensions, rooftop plant, disability access, platform and alterations to wall and railings, replacement fire escape stairs, substation and refuse store.

Planning permission (190181FUL) and listed building consent (LBC) (190182LBC) for the above development was granted in November 2019 and May 2019 respectively. Due to the restrictions imposed by Pandemic regulations and to the tribunal inquiry into the Victoria Hall/Princes' Hall Trust, it was not possible to clear the pre-commencement conditions so implementation could not be carried out.

The LBC therefore expired on 21<sup>st</sup> May 2022 and requires to be 'renewed' to enable the lawful implementation. The purpose of this application is to grant a new LBC that will thereby facilitate implementation in conjunction with the planning permission, which remains extant until 11<sup>th</sup> November 2022. This permission is a material consideration in assessing the planning merits of the present LBC application.

Since the above permissions were granted in 2019, the new London Plan was published in March 2021. The provisions of a development plan are relevant to the assessment of an application for LBC. In this regard, the inclusion of extensions of 6-8 storeys (a maximum of 23.2m high) in the scheme render this application to include a 'tall buildings' as defined by London Plan Policy D9. The application is not referrable under the 2008 Mayoral Direction.

In applying D9, it should be noted that ETH is not an Identified Development site in the development plan i.e. Core Strategy or Neighbourhood Plan. It is nonetheless within the defined Metropolitan Town Centre, which has the Core Strategy objective to: *'...regenerate Ealing Town Centre and develop a vibrant and diverse range of new homes, shops, offices, sport and leisure and other public facilities...'*

Policy D9 sets out that Local Plans should use a Character Study form of evidence to specify the locations of tall buildings within the Borough. Locations for tall buildings would be defined in the adopted Local Plan. LBE has a Character Study. One of its key recommendations is that tall buildings be allocated to broad locations not specific sites, so that their impacts be subject to detailed analysis rather than conceded in advance by the Plan, having regard to the following considerations:

- This approach comes specifically from the Character Study and accords with London Plan Policy D9.
- Prior to formal adoption, the Secretary of State (SoS) made clear that his directed changes to Policy D9 that they are designed to prevent: *'isolated tall buildings outside designated areas for tall buildings'*. This does not apply to Ealing Metropolitan Town Centre or the Office Corridor.
- Ealing Metropolitan Town Centre is a location that any future Local Plan would identify. Proposals within these areas would then be subject to an impact assessment.
- It is considered that the application meets the criteria-based impact assessments set out in the development plan including the Core Strategy, London Plan, and CENP.
- CENP Policy HBE3 specifically diverges from the Local Plan by applying criteria-based assessment to the location of tall buildings rather than specifying sites.
- There is an extant planning permission for change of use and extensions to ETH for hotel use.

In summary, whilst the application site is not identified as being suitable for a tall building, it would meet the locational criteria of Policy D9 and as shown in the analysis in this Report, complies with the development management criteria of that Policy and the objectives and Policies of the development plan taken as a whole.

The conversion of ETH, a Grade II listed Landmark building in the Ealing Town Centre Conservation Area, Civic Quarter and Metropolitan Town Centre, to provide a hotel with shared community facilities and Democratic Services is supported on its merits and supported by development plan policy.

The Town Hall is an Asset of Community Value (ACV). The status of Victoria Hall as a Charitable Trust is currently before the Charity Commissioners. Neither of these matters is determinative of the planning merits of the application for listed building consent.

The new use, works of demolition, alteration and extension were the subject of extensive consultation in 2018 and 2019 in connection with the previous LBC and current planning permission. The application scheme comprises the same as its predecessor and has again been subject to consultation, including with Historic England (HE) which has raised no objections to the application.

There have been no material changes to the Town Hall building itself since 2019 that would interfere with or prevent implementation of a new LBC for the same development.

Consideration has also had regard to whether there have been any other developments, implemented or approved, in the vicinity of the ETH in the intervening period since 2019 that individually or cumulatively with this application, may be likely to give rise to a new or different

harm to the heritage significance of ETH. Although not yet begun, the permission for redevelopment of the Civic Offices granted in December 2021, is the only scheme that would be visible in the context of new works to ETH, in particular the rear extension.

The conclusion nevertheless is that the Civic Offices re-development will give rise to less than substantial harm to ETH. Alan Baxter Ltd. the Council's independent heritage adviser, agrees with this conclusion. The Civic Offices scheme provides the opportunity to enhance the appreciation of ETH and its setting.

The harm to heritage assets, comprising the listed Town Hall building, the Conservation Area and locally designated heritage assets, was deemed by HE in 2019 to be less than substantial. HE has not changed its position on harms. It recommends the re-imposition of conditions to be attached to an LBC. The conditions form part of the recommendation in respect of this application. Alan Baxter Ltd., who advised on the previous planning and listed building applications, likewise raises no objections and consider the harms still to be less than substantial.

In accordance with statute, policy and case law, the public benefits of the development concerning repair, restoration and maintenance of ETH along with continued community access and new jobs, training and apprenticeships, are considered to outweigh the harm.

In heritage impact terms the design ethos of the new development comprised mainly in the rear extension and internal works to enable the shared hotel and LBE Democratic Retained Services, including its' scale, height, massing and design are all still considered to be sympathetic and appropriate to the site and location.

Representations from the National Amenity Societies, residents, residents' associations, CAAP and community groups, other statutory consultees and LBE departments are reviewed and addressed. Overall, the objections/representations do not raise material concerns or points sufficient to outweigh the recommendation.

Considering all relevant national and local planning policy and advice, it is recommended that listed building consent be granted with conditions that are agreed by HE. In light of the Council for British Archaeology and Victorian Society objections, if it is the decision of this Committee to grant LBC then the application must be notified to the Secretary of State.

**Recommendation: Grant Listed Building Consent with conditions set out in Appendix 1 to this Report, following prior notification to the Secretary of State under the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021, as a result of the Council for British Archaeology and Victorian Society objections.**

### **1. Site Description**

The site is located at the junction of Uxbridge Road/New Broadway flanked by Longfield Avenue, Victoria Walk and Dickens Walk on Dickens Yard. It lies within and next to the western boundary of the Ealing Town Centre Conservation Area. It adjoins or is close to a number of locally-listed/non-statutory buildings including 18-36, New Broadway to the east and the Filmworks opposite. Beyond, to the east is the Grade II\* listed Parish Church of Christ the Saviour and to the south is Walpole Park a Grade II Registered Park and Gardens.

The site area is 0.33ha. It contains Ealing Town Hall (ETH), Victoria Hall and Princes Hall and its immediate periphery, within the freehold ownership of LBE. ETH provides for a range of community, civic and leisure uses and is a Designated Landmark within the Civic Quarter and Metropolitan Centre with a range of retail, commercial, leisure uses.

The locality has a Public Transport Accessibility Level (PTAL) of 6A and adjoins a controlled parking zone (CPZ). There is no existing on-site car parking. Cycle and motorcycle parking is on the north and south sides of the building. Servicing/refuse collection is from Longfield Road adjacent to the north flank of Victoria Hall.

To the north and north-east across Victoria Walk are Apsley House and Belgravia House 4-9 storeys residential blocks above ground floor commercial space, separated at first floor level by a podium resident's amenity space. Fitzroy Apartments to the east is 8-storeys.

Perceval House, on the opposite side of Longfield Avenue, at 5 storeys has planning permission granted in December 2021 (ref.203275FULR3) to be re-developed as new Civic Offices, library and community, office and commercial uses and a significant expansion of residential land use that will collectively add to the civic, cultural and commercial vibrancy of Ealing centre.

ETH is a Grade II listed building facing Uxbridge Road with an imposing façade principally in the neo-Gothic style. It was built between 1886 and 1888 for the purposes of a town hall, library and memorial hall and extended on the east side (the civic wing) in 1930. It includes the Victoria Hall and Princes Hall, built in 1887, for use by local groups and societies. It was acknowledged in the May 2019 Committee report considering the previous and current permissions to require extensive repair and on-going maintenance. Its condition has not improved in the intervening period.

The Statutory List Entry states:

*'Ealing Town Hall. 1888 by C Jones in neo-Gothic style. Asymmetrical, faced in ragstone under a slate roof. Generally 2 storeys with 3 storey gabled entrance and a 3 storey hipped centre bay. Off-centre tower with lancet windows setting back and terminating in a spirelet. Heavy octagonally towered entrance right added in 1930. Both sections of the building have good stairhalls with contemporary decoration.'*

The morphology of ETH is reflected in the visual qualities and heritage value of its principal elevations to Uxbridge Road, Longfield Avenue and to the modern development comprised in Victoria Walk/Dickens Walk. The northern flank of Victoria Hall and 1930 Civic Wing between them 'sandwich' elements of lesser heritage and historic value visible from Dickens Yard, comprising the infill dating 1945-1956 and the more recent 2013 fire staircase and store extension.

**2. The Proposal:**

The proposals comprising those contained in the extant planning permission also cover those in this listed building application, so far as they relate to external and internal physical alterations, demolition, new-build and external works that may be likely to affect the character of the listed Town Hall building, other locally-listed buildings and the character and setting of the Conservation Area, in accordance with the relevant legal duties in the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the 1990 Act).

By way of background, the extant planning permission and LBC were prepared following a process of formal pre-application consultation between Mastcraft, the then applicant, HE and Alan Baxter Ltd. the Council's appointed independent heritage consultant. Development of that application scheme at the pre-application stage involved examining the internal and external works required to accommodate the hotel in combination with retained DRP uses in the ETH. Both elements went through a design development process involving HE.

As they relate to the external works, the extension was deliberately placed within and to the rear of the building where later and contemporary extensions had been built that were of lesser heritage and historic value away from the prominent and more significant front elevation facing

The Broadway, or where they could reasonably be incorporated. By this iterative design process, it was found that the development, in particular the rear extension, would minimise the less than substantial harm to the heritage assets and their settings.

In conjunction with this, the extension was reduced in height by 1.5 and 2.5 storeys in order to avoid or minimise impacts on the principal elevation. Working within these constraints and the ambit of the existing ETH building and the heritage advice received from HE and Alan Baxter Ltd., there was no reasonable or practicable scope for the consideration of alternative ways of delivering the development that may result in even less, or no, harm to the listed building or other heritage assets in the area likely to be affected by the scheme.

The proposal struck a reasonable balance between the interests of minimising the identified harm to the assets, whilst securing an appropriate scale of development, such as by reason of associated demolition works or harm to other heritage assets or to key heritage components of the ETH incorporated into the scheme. Clear and convincing heritage and public benefits of the scheme were identified as were positive design components that outweighed the heritage harm. The works in this application comprise exactly the same as those granted LBC in 2019. As such the positive design elements and benefits will also still be delivered.

The scheme details are:

- Conversion of ETH and Victoria Hall into a 120-bedroom hotel with community access space and retention of the civic wing for Democratic Retained Property (DRP),
- demolition of the central rear parts of the building and construction in its place of a 6 to 8-storey hotel extension, which will be integrated into the existing building with associated internal alterations,
- overall, 2036sqm of floorspace is to be demolished to accommodate the new development in extensions totalling 5244sqm, a net increase of 3208sqm.
- areas of demolition comprise:
  - a secondary internal staircase,
  - certain room partitions,
  - part of the 1888 building phase, including the former organ room/ changing room and wcs and Rose window at the rear of Victoria Hall to be relocated internally,
  - later phases of extension and alteration dating from 1902-11 to 1945 and
  - the 2013 fire escape, refuse store and switch room,
- incursion into part of the ETH 4<sup>th</sup> floor roof space to form guest rooms and roof top bar. No change to existing ridge or roof heights,
- health and fitness club, including a lap pool in the Princes Hall and Victoria Hall, for hotel users and private membership,
- bistro facing Victoria Walk, conference and meeting rooms,
- two light-wells, landscaped courtyards between the existing building and proposed extension,
- New fire escape stair, substation and hotel/DRP bin store on the north flank of Victoria Hall,
- Equality Act compliant accessible entrance and disability lift to the Civic Wing elevation facing Dickens Walk.

Heritage advice has again been taken from Alan Baxter Ltd. Their advice letter is contained in **Appendix 2** to this Report.

Servicing to the hotel and DRP will be from the existing service area on Longfield Avenue flanking the Victoria Hall. The hotel has refuse collection from a commercial contractor. More frequent collection minimises the storage space required. There is no existing on-site car parking and none is proposed. 24 new cycle parking spaces in 12 racks will be provided at the front of ETH to cater for the hotel, fitness club, community and the DRP. These will supplement

the existing 6 racks (12 spaces). A store for 24 staff cycles will be provided in the Princes Hall, making a grand total of 48 new cycle spaces.

The Public and hotel guests will enter ETH from the existing Grand Entrance. Hotel guests will also be able to enter from a re-opened entrance door facing Uxbridge Road. To accommodate this a secondary staircase will be demolished. The existing DRP/Civic entrance will remain. The health and fitness club (and service) access will use the existing, level, entrance from Longfield Avenue.

Public access to ETH will be significantly improved. Internally it will be possible to access hotel community use, health club and DRP facilities and rooms as well as north-south from Victoria Walk, through the bistro and hotel, to Uxbridge Road and east-west to the DRP. Existing ground floor and lower ground floor rooms in ETH currently used by the Council as meeting rooms, administration or storage will be converted into lounge sitting rooms and hospitality areas for guests and the general public. The plan below explains how the space will be utilised (N.B. Floors 2 and 4 - 6 are omitted as they are hotel rooms only):



The retained Council areas (DRP) comprise Queens Hall and Council Chamber, Committee rooms, weddings and community groups, wcs and new refuse store,

The Hotel Areas and Areas Available for the community comprise guest rooms, restaurant, bistro, bars, lounges, health and fitness club (available to hotel and non-hotel patrons),

The Community accessible space (other than Princes Hall as the health and fitness club) of the 9 existing community accessible rooms/halls, the following will continue to be available for hire:

- Victoria Hall,
- Nelson Room,
- Telfer Room,
- Walpole Room.

Comprised in the extant s106 agreement appended to planning permission 190181FUL in summary are:

1. to hire 8 rooms/hall in the hotel in accordance with the approved Community Benefits Statement submitted with the application,
2. ETH Restoration Plan for the whole of the building in accordance with the approved Building Condition Survey and Restoration Strategy and Method Statement and Heritage Schedule.

New external works are illustrated in the images below. Consistent with its context with Dickens Yard, the architecture of the new extensions is intentionally contemporary in form, style and materials. Except in the case of the new fire stair and bin store and disability lift platform it is not intended to be a copy of the buildings it replaces in architectural style or materials.

In pre-application preparation for and in consideration of the 2019 planning permission and LBC, 14 key viewpoints to assess the visual impact of the development in the surrounding area were agreed with HE, with the input of the Council's heritage consultants Alan Baxter Ltd. A further view, from within Dickens Yard was added as a result of pre-application consultation with the community.



View of extension, bistro and store from Victoria Walk facing Apsley House and Belgravia House



View from Uxbridge Road (New extension in light grey colour with Apsley House and Belgravia House behind)

The rear extension does not breach the established building line facing Dickens Yard but matches the existing civic wing forward projection. This is shown in the east and west elevations below:



West elevation from Longfield Avenue – proposed extension in light grey in the background. Belgravia House/Apsley House profile at left





East elevation Civic Wing from Dickens Walk - showing proposed extension in the background and new disability lift platform to DRP. Belgravia House profile at right.

Below are computer generated images (CGIs) of the development prepared by the applicant:



Oblique aerial CGI from south east over Uxbridge Road. Perceval House to left. Dickens Yard to the rear.



Oblique aerial CGI looking from north east over Dickens Yard

### **3. External materials**

- New extensions facings: Grey and Beige Nature Porcelain cladding,
- New windows: Anodised aluminium framed clear double glazing with 'Uni-blind' Fine Venetian blinds with locked angle for privacy,
- New Doors: Anodised aluminium frames with clear and obscure glazing,
- Rainwater goods: To match existing in retained areas and internal UPVC in new areas,
- Replacement of binstore and fire escape stair: Brickwork to match existing, terracotta tile panels to match existing,
- Disability access lift: decorative wrought iron to match existing where not re-used,
- Roof: Green Roof
- Services, Ducting, Air Handling and Ventilation: Designed and located so as not to project above or be visible in or from publicly accessible places.

### **4.Relevant Planning History:**

P/2008/0156 Dickens Yard mixed use residential (up to 698dw) and commercial/retail development (A1, A3, B1, D1 and D2) granted in November 2009, that has brought about a new setting to ETH and the Conservation Area in which it is situated.

As it relates to the present LBC application, this permission is especially pertinent in relation to the laying out of Dickens Yard generally and to Dickens Walk and the erection of the 8-10 storey blocks comprising Aspley House, Belgravia House and Fitzroy Apartments opposite to the north and east (rear) elevation of ETH. Both blocks lie in and contribute to the character of the Town Centre Conservation Area and ETH as a listed building.

P/2012/2157-ET Replacement of external fire escape staircase and door to the rear of ETH (following removal of existing external staircases); repair and restoration of the rear elevation windows, doors and brickwork and bin store enclosure (Deemed Consent) granted 17/10/12. The permission was completed and is to be replaced in the application scheme.

Cabinet resolved on 12th July 2016 to approve the selection of Mastcraft as the preferred bidder for the development and refurbishment of ETH and disposal by way of a lease for up to 250 years in accordance with the following objectives:

*'3.1 Ealing Council is seeking to redevelop Ealing Town Hall. This will help transform the town centre and save millions of pounds over the coming years. The redevelopment will ensure the Town Hall continues to be accessible to the public, offers affordably priced and improved space to hire and retains its civic functions including council meetings and marriage rooms. It will allow a more efficient use of space for civic use in an improved building which is old and in need of costly repair and improvement. This will help protect this important Council building's heritage and future.*

*'3.2 The Council has four strategic objectives for the project, namely–*

- 1. To ensure the successful and beneficial use of all parts of Ealing Town Hall, compatible with its iconic status within the borough.*
- 2. To secure commercially successful uses for those parts of the Town Hall no longer required for continuing council use, on attractive financial terms that are sustainable in the long term.*
- 3. To secure, at no cost to the council, the future repair, maintenance and upkeep of the exterior of the Town Hall and those part of the interior which are no longer required by the council.*
- 4. To secure suitable long-term accommodation for the ongoing democratic requirements of the council within the Town Hall, on attractive terms for the council.'*

In considering the merits of Mastcraft's proposals the Report noted:

*'Mastcraft:*

- It designated a greater range of commercial uses at ground and basement levels. These uses include a hospitality area, three meeting rooms, a health& fitness centre to include a pool, a restaurant with private dining area, cocktail bar and bistro which activates the frontage to Dickens Yard.*
- The commercial uses proposed will draw additional people to the area and will aid the town centre regeneration.*
- The hotel would be similar in design and style to the Courthouse Hotel in Old Street, Shoreditch. This is a luxury, boutique hotel and the proposed development would bring regenerative benefits to Ealing.*
- The uses are generally available to the public, restaurant, bar and space for hire.*
- Mastcraft identify eight rooms in addition to the Victoria Hall that would be available for hire for public and community use. These eight rooms extend to 10,248 sq.ft (including the Victoria Hall).*
- Mastcraft's link to the DRP is considered a good design feature.'*

Although not all are expressly material planning considerations these objectives form the basis of the Council's approach to the delivery of a successful scheme and are relevant to assessment of the merits of the proposals.

The proposed community hire floorspace quoted above was calculated prior to the current applications. The area actually proposed is 10,803sqft (1004sqm), albeit this excludes the gym/leisure suite area of 2270sqft (211sqm), which will be available for membership from the community, as well as hotel guests.

By comparison 34,580sqft (3214sqm) of ETH space is currently available for community hire/use. However, on average some 35% (about 12,100sqft – 1100sqm) of that space is

hired/used, due in part to avoid circumstances of conflicting noisy activities occurring in adjacent rooms (Victoria Hall and Princes Hall is a particular example) or in cases where rooms are being used for Council purposes and not available for public use. The offer therefore in both the protocol and the extant s106 agreement reasonably compares with the existing usage.

190181FUL Internal and external demolition works with associated internal and external alterations, erection of part 6-, part 8-storey extensions, rooftop plant, disability access, platform and alterations to wall and railings, replacement fire escape stairs, substation and refuse store in connection with change of use to 120 guestroom hotel, health and fitness club, bars and bistro, together with retained Council Democratic Services, committee rooms, community and publicly available uses and meeting rooms and in conjunction with a s106 agreement of the same date, was granted on 11<sup>th</sup> November 2019. This permission is extant as is the legal agreement and relates the same development comprised in this application.

190182LBC for partial demolition, conversion, alterations and extensions of Ealing Town Hall to provide a new hotel and retain community, publicly available facilities and Democratic Services, with associated development It mirrored the development granted by the planning permission above.

The comments and recommendation in summary of HE in consideration of the above applications was:

- HE commented on proposals at pre-application stage.
- Pleased to see that the scheme now seeks to retain, refurbish and bring into use many of the principal spaces within the Town Hall. However, still involve the loss of the front secondary staircase, removal of Victoria Hall rear stage area and Rose Window and the introduction of a large and prominent new extension at the rear of the building that would be visible in key views of the Town Hall looking from the east and west along New Broadway.
- As such the proposals cause a degree of harm to the significance of the historic town hall complex and the surrounding Conservation Area, but it is considered to be less than substantial.
- In accordance with NPPF policies, LBE is required to ensure that there is clear and convincing justification for any harm to the setting or significance of heritage assets and weigh this harm in the balance against any proposed public benefits arising from the proposals.

These conclusions were shared by the Council's independent heritage consultants, Alan Baxter Ltd., who like HE, found less than substantial harm to ETH, as well as finding less than substantial, or no, harm to the character and appearance of the CA, alongside the other statutory, or locally designated, heritage assets and their settings. Both consultees agreed the proposals will enable retention, refurbishment and restoration of ETH and bring into use many spaces and rooms of higher significance and enhancing public access.

HE thereafter Directed (as agreed by the Planning Casework Unit on behalf of the Secretary of State): *'If your authority is minded to grant listed building consent for the application referred to in the schedule above, you are hereby directed to attach the condition(s) set out below, in addition to any which your Council is minded to impose.*

*Your Council is also directed not to approve the matters of detail to be submitted in pursuance of Condition(s) No 8 without first submitting these to and obtaining the approval in writing of Historic England.'* LBE resolved accordingly to grant LBC, which was issued on 21<sup>st</sup> May 2019. It expired on 21<sup>st</sup> May 2022.

**5.Asset of Community Value, Council Ownership and Victoria Hall Trust**

ETH was designated an Asset of Community Value (ACV) on 10<sup>th</sup> August 2016. In consideration of this and evaluation of the status of the Victoria Hall as a Charitable Trust by the Charity Commissioners, Cabinet resolved on 12<sup>th</sup> February 2019:

*'i) notes the current position with regard to the proposed redevelopment of Ealing Town Hall and the proposals recently received from Ealing Voice and CEPAC in particular through the Asset of Community Value (ACV) process and the recommendations approved by General Purposes Committee on 15th January 2019.*

*ii) agrees that neither of the proposals received warrant the running of a new procurement process...*

*and that the Council as landowner continue to seek Charity Commission (CC) consent for disposal to Mastcraft of the property held by the Trust.*

*iii) agrees that subject to CC consent being obtained it is appropriate for the Council as landowner to enter into the agreement for lease with Mastcraft subject to any such amendments to the agreement for lease as may be necessary, depending on the terms of the CC consent.*

*iv) notes letters received from Mr French and Mr Miller.'*

The status of ETH as an ACV does not impede the ability of the Council to determine this application on its individual planning merits. With regard to the Charitable Trust, the Council is the owner of ETH, which includes the Victoria Hall. The determination of a planning or listed building application is not concerned with matters of land ownership provided the correct Notice has been served on all parties defined as a 'land owner'.

As was advised to the Committee in consideration of the 2019 LBC and planning applications and as still pertains, the Trust does not fulfil the land interest requirements of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 i.e. it does not have a freehold interest, a lease of unexpired term of not less than 7 years, nor as an agricultural tenant. There is therefore no requirement for the applicant to serve a separate Certificate B Notice on the Trust. Accordingly, the correct Certificate A has again been served with this application.

## **6.Consultation:**

### **6.1 Community Groups and Neighbour Notification:**

At the time of preparing this report 18 representations have been received, 16 of which are objections and 2 neutral (from statutory consultees).

- **CENF (Central Ealing Neighbourhood Forum)** – Welcomes refurbishment of ETH and no objection in principle to insertion of a new central block. However contrary to Neighbourhood Plan Policies HBE1 and HBE2 and paras.5.2.9 and 5.2.19. Building is mundane, does not complement Grade II design, uncomfortable juxtaposition. Little or no articulation of the characterless façade. No suggestion it should be a pastiche but actively detracts. Blocks view of clock tower from the north. Strongly object to loss of eastern section of Victoria Hall which should be retained in situ; formerly housed the organ and organ chambers and forms part of the original construction of the Hall. The eastern elevation contains an important external feature in the form of a rose window which should be revealed in situ in any restoration rather than, as proposed, obliterated by it. Possible reinstatement of the window as an interior feature does not compensate for this loss as it would not be openly visible and no longer set in its context. *(Officer Note. These concerns were addressed in considering the previous application. There are no views of the clock tower from the north/Dickens Yard that are 'protected' or designated as key or significant views or vistas in the development plan or the Conservation Area Appraisal).*
- **SEC (Save Ealing's Centre)** - SEC is concerned that the application is for listed building consent and as such it is subject to the requirements of the Planning (Listed Buildings

and Conservation Areas) Act 1990. Such applications require a design and access statement and heritage assessment, but this does not seem to have been provided. Furthermore, it seems that there have may have been some changes to the scheme whose consent has now expired, but there is no description of these changes and what their impact will be on the heritage asset that are the Town Hall and the separate but adjoining building that is the Victoria Hall.

With this information lacking it is impossible to comment sensibly on this proposal. The application should therefore be withdrawn and resubmitted only when the information required is made available.

This is further to my objection of 2 August expressing SEC's concern that required information supporting this proposal was not available on the application webpage. I requested that the application be withdrawn and resubmitted. Since that objection I see the requisite information has now appeared on the webpage, dated 15 July. I consider this to be misleading and deceitful and a very poor reflection of the Council's (which is also the applicant) standards. The public has a right to view the full details of the scheme and up until at least 2 August this was not possible. Some of those who may have tried to study the proposals will have since gone away on holiday and will never see them.

(SEC Further Comments received 25<sup>th</sup> August 2022)

Further, I note that the application form includes a Certificate A which states that the Council owns all the land subject to the application. This is not true. It is established by the Charity Commission that the land on which the Victoria Hall stands is owned by the Victoria Hall Trust of which the Council is only the Trustee. As was pointed out repeatedly at the time of the original application, including at the Planning Committee, it is a requirement for the Trustee body to be consulted about it. The NPPG states that 'an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000.' One might at least expect that the Council would not do anything, whether knowingly or recklessly, that would lay itself open to such a charge. In light of these two points above I suggest that this application must be withdrawn and resubmitted correctly. *(Officer Note: All relevant documents for this application, including a Design and Access Statement are posted on the Public Viewing on the Council website. No documentation has been redacted from the public viewing. Statutory, community groups and public consultees have been given sufficient time beyond the 9<sup>th</sup> August standard consultation expiry date to make representations. Indeed, Members will be aware that Officers are willing to take representations up to the publication of any Briefing Note on the day of Committee. Accordingly, it is not considered that there has been any prejudice to the public or consultees.*

*The submitted documentation meets the Council's current (and would meet the draft proposed guidelines) requirements for a valid application.*

*As stated in the application documentation and set out here, the proposals are for the same development as granted in the now expired LBC, with the addition of a Supplemental Statement addressing the impact of Tall Buildings Policy D9, which was not applicable at the time of the consideration of the 2019 application. The Certification matter is addressed in Section 5 above.)*

- GRASS (Gordon Road and Surrounding Streets) Residents Association - Objects strongly to this application which has been submitted because the previous application has lapsed.

Fundamental flaw in the application as the Certificate A states that the Council is the sole owner. As the property belongs to a Charitable Trust this statement is false and would seem to invalidate the application.

Object as the change to the internal structure would result in irrevocable damage to the Grade II listed building. The proposed new building is higher than the existing building

and the proposed cladding is out of keeping with the original building. The Charitable Trust has owned this part of the Town Hall since 1893 for the benefit of the community and many residents continue to enjoy the use of the facilities. We can see no justification for the proposed changes. *(Officer Note. These matters were addressed in consideration of extant planning permission 190181FUL and previous LBC application. This application is for the same development. Council ownership is addressed in Section 5 above. The correct Certificate was served).*

- ECS (Ealing Civic Society) – Maintain objections to demolition of parts of the Grade II Listed Town Hall and insertion of inappropriate infill extension. Fail to preserve or enhance the Town Hall building and setting.
- Do not object in principle to new central block or a new central entrance provided it respects the façade. Object to bulk and height of addition. Will be visible in medium and long views from the south.

Object strongly to the loss of the eastern section of the Victoria Hall which formerly housed the organ and organ chambers - this section forms part of the original construction of the Victoria Hall and contains an important rose window feature, which should be revealed in situ in any restoration. In the absence of any specialised conservation expertise within the Council, we do not consider that the impact of such demolition upon the Grade II listed designated heritage asset has been properly and truly independently assessed.

Dickens Yard buildings behind are irrelevant as a justification. Should be no higher than existing and not project beyond rear building line.

Note that the elevational treatment of the central addition is ceramic, rather than metal, cladding in an attempt to deal with criticisms expressed by ourselves and many others at the earlier consultation stage. As previously commented, we do not consider these changes to be sufficient to address our previous concerns about the design being out of keeping with the remainder of the existing listed building.

Will block view of St Saviour Church spire. Object strongly to loss of eastern section to Victoria Hall

Note that the submitted Certificate A states that the Council is the sole owner of the property. As the Council is aware, it has been put forward that the Council does not in fact own parts of the Town Hall including the Victoria Hall, these in fact being in the ownership of the Victoria Hall Trust. This matter forms part of the proceedings of the upcoming Charity Tribunal case, the outcome of which may invalidate this application. *(Officer Note. These matters were addressed in consideration of extant planning permission and previous LBC, hence reference in the representation to an 'earlier consultation stage.' The central 'entrance' on Uxbridge Road, between the main entrance and the DRP wing entrance already exists but will be reopened. Visual assessment does not show views of the Church spire are obstructed).*

- CAAP (Ealing Green and Town Centre Conservation Area Advisory Panel)  
Objects most strongly to this application. Understand that this is submitted as the previous application for these works has lapsed.  
Astounded that the Council has ignored National Planning Guidance and its own Conservation Area Guidelines. Key documents missing from this application, even after we have requested their publication.  
Our original objection still stands:  
1: Failure to preserve or enhance the Grade II listed Town Hall:  
Proposed works do not preserve or enhance the Town Hall building in its own right. There is significant change to the internal structure including Victoria Hall. Although there has been some work done on identifying heritage assets in the detailed documentation, there is still considerable harm caused e.g. to the east end of Victoria Hall. This is one example of where the internal destruction is unnecessarily caused by the remarkably poor design of the additional inserted modern structure.

The loss of conservation expertise in the planning department requires external and independent expert advice on these internal changes to the original construction. This is not evident.

2: Failure to improve the setting of the Town Hall and other heritage assets:

The proposed setting is unacceptable on several grounds. The inserted building to the rear is higher than the existing building and projects beyond the existing rear building line. The argument made for additional height is based on the presence of the Dickens Yard towers behind. However, these are further back and to some extent now act as a symmetrical backdrop to the front view of the Town Hall. The inserted building simply thrusts above the Town Hall, detracts from the setting of the Dickens Yard development and upsets the balance of the Town Hall with its extension. It detracts from existing heritage assets.

If the proposed new building itself were a creative response to the setting then it might pass the test of good, modern design, but it is a poor-quality design. Although there have been some cosmetic changes as the proposal developed e.g. cladding, the new building is out of keeping with the Town Hall. As well as harming views of heritage assets, its visual impact is poor for residents of Dickens Yard and servicing the development is likely to be detrimental to the amenity of Dickens Yard residents.

3: Failure to continue or improve the community use of the Town Hall and its perpetual charitable use:

Much of the justification of the proposal is that it is a commercial development that continues public uses. The rationale is that the harm to the heritage and the Conservation Area caused by the commercial development is somehow necessary to continue the public use of the Town Hall.

However, the reasoning is false. The continuing public use comes from the Charitable Trust which is documented in a letter from the leading charity law firm Bates Wells & Braithwaite to the Charity Commission for England and Wales (BWB letter) dated 29 January 2019. The Victoria Hall and other associated rooms have been held in a Charitable Trust since 1893 for the benefit of the community.

This is directly relevant to planning because "the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs" (NPPF (February 2019) para 7).

One of the three overarching objectives of the planning system is a "social objective - to support strong, vibrant and healthy communities....and support communities' health, social and cultural well-being." (NPPF para 8).

Turning to the detail on promoting healthy and safe communities, para 92 of the NPPF makes clear that to "provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities.....and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;"

However, this proposal is hugely detrimental to these fundamentals of planning. Ealing Town Hall has been central to Ealing's historic development and generations of residents of all ages have attended events of all kinds. Its central location and its design by Ealing's first borough architect and engineer Charles Jones mark a strong sense of place.

(Further CAAP Comments received 8<sup>th</sup> August 2022)

Confirming all documents are now uploaded. Concerned that the dates shown do not reflect the dates of the actual documents when publicly available.



The fact that this application is “the same as the predecessor” does not automatically mean that it should be approved. Much has changed over the intervening years. In particular, we have a new Management Plan for the Conservation Area which gives us all far clearer guidance.

Have severe concerns about the nature of these works and the harm that will be inflicted on the CA. Much has changed over the intervening years.

(Further CAAP Comments received 11<sup>th</sup> August 2022)

CAAP wishes to add to earlier objection. Told that this application has been submitted as the previous application for these works (190182LBC) has lapsed. The Council’s own guidance for Conservation Areas has changed in the intervening time. This application needs to be assessed against the new Management Plan.

In this new Plan, there are new guidelines (section 4.4) for the handling of demolition: "... an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required" ... and ... "For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required. In the case of a building adjacent to a listed building, proposals should indicate the profile of that building, both in plan and section."

CAAP sees no evidence of these required assessments in relation to the new guidance. The setting of the Town Hall, itself a Listed Building, will be materially damaged by the proposed demolition and extension works. Loss of part of the Victoria Hall is also unacceptable. Proposed additional building at the rear of the Town Hall will also be a materially negative influence on the whole area. Application must therefore be refused. *(Officer Note: These matters were addressed in consideration of extant planning permission 190181FUL and previous LBC. This application is for the same development. As noted in relation to SEC comments, all relevant documents, including a Design and Access Statement and drawing information form part of the application and are posted on the Public Viewing on the Council website. The Council has taken appropriate specialist advice from Alan Baxter Ltd. in considering this application in association with HE consultation.)*

6.2 Neighbour Comments:

- Object to harm to LB and CA. Conflicts with ethos and aims of the Victorian crowd funding scheme. Total disregard for the public views expressed in the earlier application.
- Inadequate information as to how this differs from a previous application. Proposes changes which would degrade the building's Grade II listing status. Functionality and character of Victoria Hall would be seriously damaged. The size of Victoria Hall would be significantly reduced.
- Much more acceptable than the previous proposal mostly because of the lower height of the proposed building: it is much more discrete as viewed from the New Broadway, thereby preserving the appearance of ETH. Seem to remember that the finish quality/appearance of the north facing (Dickens Yard) aspect was particularly mediocre. Find any improvement on this element difficult to assess based on the documents provided; not particularly impressive - the quality and durability of the finish is key to this. Hope that Victoria Hall will remain a community asset, in line with the arrangements under which it was created.
- Object as the proposed demolition and the development that will replace it will harm a historic Listed Building and the character of the Conservation Area.

- Strongly object to the proposals to turn Ealing Town hall into yet another hotel. We have enough hotels. The town hall is a unique building and could be put to good community use. The Victoria Hall within it was gifted in perpetuity to the people of Ealing for community use, and the Council must respect this. Just another example of the Council riding roughshod over the wishes and interests of the people it represents.
- There has been a huge amount of over development in Ealing and this is another case of spoiling a local amenity. It will greatly affect the character of a listed building.
- The case against the council's plans for Ealing town hall - including the Victoria Hall - is

The Victoria Hall accounts for some 20% of Ealing Town Hall and is the largest community space in the centre of a large multicultural Borough with a population the size of a small country. Paid for by Victorian crowdfunding and governed by a charitable Trust set up in 1893, the Victoria Hall and Prince's Hall below it have served the community for 126 years, hosting countless meetings, entertainments, protests, celebrations, examinations, exhibitions and more.

Since July 2016, Ealing Council has spent £2m trying to dispose of the Victoria Hall and the Prince's Hall to hotel developers. Their facilities will be as good as lost to the people for whom they were created. Not only that, but part of this Grade II-listed building would be destroyed to accommodate the hotel.

The Friends of the Victoria Hall (HMRC charity reference number is ZD04507) was set up in November 2019 to stop Ealing Council 'gifting' Victoria Hall to a hotel company and to campaign to save the building for the community as a performing arts, exhibition and meeting space; the Victoria Hall is not the property of Ealing Council. Since 1893 it has belonged to the Victoria Hall Trust and as such should not have been included in the 2016 hotel development deal. The Council was obliged to apply to the Charity Commission to be allowed to take control of the Trust and to expropriate its property.

On 22 March 2021 the Charity Commission published what it ruled would be the final draft of a 'Scheme' for the Victoria Hall Trust which would allow the Council to sell its property. Incredibly, this new Scheme ignored most of the shortcomings of previous versions, including many that had been identified in the Commission's own detailed review in April 2020.

On 23 April 2021 two local people on behalf of the Friends of the Victoria Hall launched a legal challenge through the Charity Tribunal. This has cost a significant amount of money. We decided to proceed because of the strength of feeling about how badly Ealing Council and the Charity Commission have let down the people of the Borough. The case is due to be heard in an online hearing starting on 27 September 2022.

- Appalled at Ealing Council's plans to totally change the use of 'OUR' Town Hall into a hotel. The Council have no right to destroy our heritage in this way. There are already numerous hotels and a guest house within a few minutes' walk from the Town Hall, as well as another hotel on Ealing Common and two in West Ealing. This is one is not necessary.
- Why is Town Hall not being kept. Great heritage building and a great amount of available space should and can be used for the community. Against the proposal for all the reasons given by local groups, heritage and archaeology groups, neighbours and members of the local community. Would like to see Ealing focus not on selling the building. Make it self-funding. Any buyer will not be interested in the community and Ealing but only financial gain. Local residents of Ealing will have a lot to lose and nothing to gain. Developers will find other sites to develop and build into hotels, like the empty unused one Hotel Xanadu on Bond Street. *(Officer Note. These matters were addressed in consideration of extant planning permission 190181FUL. Queens Hall and all the east wing is retained in Council use the DRP. Proposals for continuing community access proposals are set out above in the Report. A Building*

*Heritage Assets Survey has been conducted to ensure features and items of significance are retained and integrated in the design).*

6.3 External Consultees:

Met Police Secured by Design

No comments received.

GLAAS

No archaeological requirement.

Society for the Protection of Ancient Buildings

No comments received.

The Victorian Society (TVS)

Reiterate their 2019 objection. TVS understands the requirement for new uses to be found for the Town Hall and a development scheme to facilitate new uses that is sensitive and responsive to the extant historic building and townscape may have a positive impact on the significance and setting of the designated heritage assets.

However, strongly object to the imposition of an eight-storey extension for hotel use, which there appears to be no clear or convincing justification for, and which would not bring about, in our opinion, enough public benefit to outweigh the harm to a designated heritage asset. Dickens Yard development does not set a precedent for the proposal. The character of the CA has been eroded by new development since designation. Proposed extension fails to respect the height, scale and massing of its host building and the immediate townscape.

Argue that economic viability alone is not enough justification for these proposals which would have an adverse impact on the significance of a designated heritage asset.

Therefore, urge the authority to withhold consent and seek further justification for, and revisions to, these proposals. *(Officer Note: Policy and other considerations are in the Justification Section below. HE and the Council's independent heritage consultants raise no objections. TVS does not weigh the heritage harm with the heritage and public benefits, alongside the economic benefits of the scheme. It is for LBE as the decision maker to determine whether heritage and public benefits are sufficient to outweigh the harm. However, the recommendation in light of this objection and in line with the provisions of the Arrangements for Handling Heritage Applications Direction 2021, if it is the decision of this Committee to grant LBC, then the application must first be notified to the Secretary of State to enable him to decide whether he wishes to determine it).*

No comments received.

Ancient Monuments Society

The Town Hall was intended to be an imposing and dominant building within the streetscape, and despite surrounding development, its original architectural design has remained both legible and aesthetically pleasing. The proposed designs will drastically alter the roofscape of the listed building, in particular by infilling the open space which currently allows the spire to dominate on the southern

Council for British Archaeology (CBA)

elevation.

The CBA do not object to the principle of a rear extension and note that the elements proposed for demolition are later and less architecturally considered elements. However, we do not consider that this application has adequately addressed the concerns previously raised by the Victorian Society. It would cause harm to the architectural, aesthetic, and evidential value of the Town Hall, by rendering illegible its original dominant position within the streetscape. The scale and massing of the proposed extension would also have a negative impact on the character and appearance of the Ealing Town Centre Conservation Area. We do not consider that this application meets the requirements of NPPF paras.199 and 200, which require that 'great weight should be given to the asset's conservation' and that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Although we recognise the need for an economically viable future use for the building, we do not consider that the scale, height and aesthetic dominance of the proposed extension have been adequately justified. Given the negative impact the proposals would have on the Town Centre Conservation Area, we also do not believe that the proposal meets the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Recommendations

The CBA strongly recommend that the proposals be revised to reduce the height and visibility of the proposed extension and thereby reduce the impact these proposals would have on the listed building and the wider conservation area. If these revisions are not made, we recommend that the application be refused. *(Officer Note: Policy and other considerations are in the Justification Section below. The CBA does not weigh the heritage harm. It is for LBE as the decision maker to determine whether heritage and public benefits are sufficient to outweigh the harm. However, the recommendation in light of this objection and in line with the provisions of the Arrangements for Handling Heritage Applications Direction 2021, if it is the decision of this Committee to grant listed building consent, then, in light of this objection, the application must first be notified to the Secretary of State to enable him to decide whether he wishes to determine the application).*

No comments received.

No comments received.

Twentieth Century Society

Georgian Group

Historic England (HE)	Understand that this application reflects the approved listed building consent reference 190182LBC. Recommend that if the authority is minded to grant consent, that you attach conditions as recommended in our letter of response to the previously approved application. Suggest that this application should be determined in accordance with national and local policy guidance and that LBE seek the views of your specialist conservation adviser. <i>(Officer Note. Conditions reflecting those in the previous consent are included in the recommendation. They all comprise those requested in the HE 2019 advice letter, updated to take account of inadvertent numbering errors in the previous decision notice, addition of text to condition 3 to allow trench digging in locations relative to the existing building that away from, or unaffected by any works of prior demolition or construction, or by the re-naming of updated documents comprised in this application. HE has agreed the conditions revisions. The application has been considered in accordance with national and local policy and appropriate specialist conservation advice has been taken).</i>
Transport for London (TfL)	No comments received.
Network Rail	No objections.
Crossrail	No objections.
London Underground	No objections.
National Highways	No objections.

6.4 Internal Consultees:

Alan Baxter Ltd	Retained by LBE as independent Heritage Consultants to advise on the application. Advised LBE on the previous LBC and planning application as well as the application for redevelopment of the Civic Offices. Conclusions remain the same as previous. Judge the proposals to cause less than substantial harm to the listed Town Hall, Ealing Town Centre Conservation Area and no harm to the setting of the nearby locally listed buildings. Demolition largely confined to later-phase fabric or fabric of lesser significance; areas identified as of higher significance will in general be preserved and better revealed through sensitive refurbishment and access arrangements. <i>(Officer Note. The full text of the advice is attached in Appendix 2).</i>
The Victoria Hall Trust	No comments received.
Transport	No comments received.
Environmental Services (Refuse)	No comments received.

Energy & Sustainability No comments received.

Pollution Technical No air quality comments.

Tree/Landscape No comments received.

Regeneration No comments received.

Leisure Services No comments received.

**7.Reasoned Justification:**

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

- General Policy
- Tall Buildings Policy
- Heritage Impacts
- Urban Design and Views
- Public Benefits of the Development
- Impact on Amenity
- Highways and transport
- Energy and sustainability
- Environmental Health
- Fire safety
- Planning Balance.

**7.1 General Policy**

ETH lies within the:

- Metropolitan Town Centre,
- Central Ealing Neighbourhood Plan (Ealing Broadway and Cultural Quarter Character Areas),
- Town Centre Conservation Area,
- ETH is a designated Landmark.
- A Grade II listed building and
- adjoins an Archaeological Interest Area.

At the heart of the NPPF lies the principle of sustainable development. Para.8 states:

*'8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future*

generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

NPPF para.11 sets out what is meant by the presumption in favour of sustainable development in relation to decision-taking. Para.11d provides that the presumption means '*approving development proposals that accord with an up-to-date development plan without delay*'.

The policy relationship between development plans applicable to this application is discussed later. The Framework sets out the following considerations:

*'12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making....Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'* This ties in with the statutory presumption in s38(6) of the Planning and Compulsory Purchase Act, 2004.

With regard to town centres, the Framework states:

*'86. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies and decisions should:*

*'...'*

*c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

*d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;*

*e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*

*f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'*

Framework para.86 states that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Hotels are included in the Framework Glossary definition of Main Town Centre uses.

The Framework continues: *'92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

*b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*

*c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'

Germane to the positive role that local authorities can play in facilitating development:

*121. Local planning authorities, ... should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly..., where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.'*

In seeking to optimise the potential contribution of sites the Framework sets out criteria that are applicable to this application:

*'124. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) *local market conditions and viability;*
- c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *the desirability of maintaining an area's prevailing character and setting (...), or of promoting regeneration and change; and*
- e) *the importance of securing well-designed, attractive and healthy places.'*

In the same context, the Government's advice on design was significantly expanded in the National Design Guide 2019 (NDG) and more recently in the NPPG 2021.

London Plan Policy SD6G supports tourist infrastructure, attractions and hotels in town centre locations, especially in outer London, and states that they should be enhanced and promoted. Sub-para. H supports the delivery of a barrier-free and inclusive town centre environment that meets the needs of all Londoners, including disabled and older Londoners and families with young children. The inclusion of a new disability access in the scheme will help promote this.

LBE Core Strategy Policy 2.5 seeks to Revitalise Ealing Metropolitan Town Centre with two criteria (e) and (g) relevant to ETH:

*'...(e) To protect and enhance the quality of the existing townscape and historic character including:*

*to enhance historic buildings and frontages that contributes to the character and appearance of the town centre including removing/mitigating aspects of the built form that have a negative impact;*

*to introduce new town squares and public spaces; ...*

*to use the form and height of new development to create a coherent townscape across the different quarters of the town centre, but recognise that taller elements that respond to surrounding scales and features are possible in defined key locations;*

*to introduce high quality buildings that are well designed, environmentally sustainable and which meet the needs of modern occupiers, in particular, to provide landmark buildings in gateway locations...'*

(g): *'To provide a comprehensive range of cultural, heritage, social, sport and leisure facilities, including:*

*'...to refurbish Ealing Town Hall... to provide a new landmark focus for civic, community and cultural activities;*



- *to provide for a boutique hotel...*

A boutique hotel is defined in the Core Strategy Glossary as: 'A term with a generally acknowledged meaning in the hotel industry. It refers to a smaller, more upmarket hotel often with a more distinctive character than hotels run by the larger and more middle market chains.' The definition is applicable to the planning application.

Taking account of the strategic aims in London Plan Policies SD6G and SD7 emphasising a 'town centre first' approach, Core Strategy Policy 1.1 and 2.5, DMD DPD Policy 4.5 directs Hotels towards, inter alia, Ealing Town Centre and other locations with good public transport accessibility, read in conjunction with Policy 4C and with Central Ealing Neighbourhood Plan Policy CC2 Community and Cultural Facilities aimed at supporting provision of new facilities for community and related uses. London Plan Policies HC5 and HC6, in positively supporting London's culture and the night-time economy add further weight to supporting the hotel development within ETH.

In consideration of the three objectives of sustainable development it is concluded in respect of the application proposal that:

- a. the economic objective is satisfied in the support the hotel will bring helping to vitalise to the local economy in new jobs and training in construction and hospitality and a long-term re-use of ETH,
- b. the social objective is satisfied in this well-designed development as a main town centre hotel use that contributes to the vitality of the centre and maintains community and public access along with retained civic functions,
- c. the environmental objective is satisfied in providing for the long-term maintenance and upkeep of ETH as an important civic, cultural and heritage asset.

The issue of whether a proposal amounts to '*sustainable development*' is a matter of planning judgement for the Council. Conflict with one component in para.11 of the NPPF does not automatically mean that the proposal is not sustainable development. When compliance with the other components is also considered a proposal can still be a sustainable development.

The hotel use complies with spatial policy objectives of the development plan and mutually supportive benefits to deliver a sustainable development.

## **7.2 Heritage Assets**

No World Heritage Sites, Scheduled Monuments, Registered Parks and Gardens, Historic Battlefields or Historic Wreck sites are recorded within the site. The site adjoins or is visible from statutory and local heritage assets as follows: Ealing Town Hall (ETH) is a Grade II listed building within the Ealing Town Centre Conservation Area.

There are other heritage assets in the local vicinity, namely: the Church of Christ the Saviour (Grade II\*). The former Ealing Fire Station, Nos. 14-36 and Nos. 15-31 New Broadway and the façade of the former Empire Cinema are all locally listed.

### **A. Statutory Designated Heritage Assets**

The Council has a statutory duty in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Whilst there is no statutory protection for the setting of Conservation Areas the NPPF requires

that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting. With regard to a listed building, HE guidance is clear that change within a heritage asset's setting need not be harmful. Development can be positive, negative or neutral.

The Court of Appeal in *Barnwell vs East Northamptonshire DC* 2014 held that in enacting s66(1) of the LBCA Act, Parliament's intention was that '*decision makers should give "considerable importance and weight to the desirability of preserving the setting of listed buildings"*' when carrying out the balancing exercise that must be undertaken in this application. Preservation means not harming the interest in the building, as opposed to keeping it entirely unchanged. 'Harm' is deemed by the NPPF to be either '*substantial*' or '*less than substantial*.'

Where considering potential impacts on a heritage asset the NPPF states:

*'199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*'200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification:*

- a) grade II listed buildings .... should be exceptional;*
- b) ...'*

*'201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'*

*'202. 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.'*

In consideration of the previous LBC, the above conclusions were shared by the Council's heritage consultants, Alan Baxter Ltd. who, like HE, found less than substantial harm to ETH, as well as finding less than substantial, or no, harm to the character and appearance of the CA, alongside the other statutory, or locally designated, heritage assets and their settings.

Both consultees agreed the proposals will enable retention, refurbishment and restoration of ETH and bring into use many spaces and rooms of higher significance and enhancing public access.

In the above context of the above, HE has advised on the present application: '*We understand that this application reflects the approved listed building consent reference 190182LBC submitted by Mastcraft Limited in 2019. We would recommend that if your authority is minded to grant listed building consent, that you attach conditions as recommended in our letter of response (dated 7 March 2019) to the previously approved application.*

*'We suggest that this application should be determined in accordance with national and local policy guidance and that you seek the views of your specialist conservation adviser.'*

As already noted, the Council has taken specialist conservation advice from Alan Baxter. In light of HE acceptance of the previous proposals that the harms would be less than substantial, Framework para.202 is engaged, in terms of whether there are clear public, as well as heritage,

benefits of the proposals that would outweigh the less than substantial harm to the significance of designated heritage assets. The Court in *Barnwell Manor* further explained that if the harm to the listed building is 'less than substantial' this does not remove the presumption against the grant of planning permission, but it will '*plainly lessen the strength of the presumption against the grant of planning permission*'.

This is relevant to the present case. As less than substantial harm is still found, the decision maker still needs to give considerable weight to the desirability of preserving the asset or in terms of its setting, appearance and/or character as appropriate depending on whether it is a listed building or a Conservation Area.

London Plan Policy HC1, Development Plan DPD Policies 7C, 7.12 and Neighbourhood Plan (NP) Policies HBE1 and HBE2 apply. Subtext in NP paras. 5.2.9 and 5.2.19 recognise ETH as a significant heritage asset and Landmark and the challenge to recognise the essential characteristics of Central Ealing and the inseparable nature of these assets, from those special qualities. Further any redevelopment taller than their immediate surroundings must respect those qualities of heritage assets.

A Strategic Review of Ealing's Conservation Areas Public & Stakeholder Consultation was carried out from February to March 2022. The suite of consultation documents comprises:

- A Strategic Review of Ealing's Conservation Areas: Key Issues and Recommendations
- Addendum Reports for each Conservation Area, July 2020 (in the case of this application that concerns the Ealing Town Centre update addendum),
- Draft Generic Management Plan,
- Reports and Key Consultation Questions for each Conservation Area in Ealing.

The responses are being processed at present and no recommendations have been made or presented to Committee for decision. This early in the process towards adoption the above documents, they do not comprise part of the Development Plan and at the present time attract no significant weight as a material planning consideration.

For the present application the current Management Plans, read together with current national policy advice and guidance contained in the NPPF, NPPG, NDG and HE Advice and Guidance Notes, constitute up to date planning policy and best practice on heritage and conservation matters, which are addressed through this report. No proposals are put forward in the above mentioned LBE consultation documents that contain new policy or guidance for development likely to affect ETH or the approach towards decision-making in this case. Furthermore and in any event, even if it were now Council policy the application documentation as submitted and posted on the public viewing on the Council website would have complied with the emerging Management Plan.

In response therefore to representations by the CAAP and SEC, it would be incorrect to state that there is a new Management Plan that gives far clearer guidance that indicates, in consideration of the contents of this and other policy documents and advice, that LBC should not be granted for the proposed extension and other internal and external works to the building described in this report, in the same terms as the 2019 LBC.

Turning therefore to the Development Plan, the provisions of Tall Buildings Policy D9.C1)d) are relevant to this application and state: '*...proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area.*'

This process has been intrinsic in assessing the planning merits of the application proposal, including in assessing the development from the key viewpoints agreed with HE in consideration of the extant 2019 planning permission and previous LBC, details of the design development are set out in Section 3 of this Report. As already noted, there have been no changes locally, nor to the key viewpoints since 2019.

The following conclusions remain applicable and can still therefore be made in respect of this application:

- i. The special character and design interest of ETH – how it achieves its prominence - resides in the main frontage of the building, its clock tower, the western and eastern elevations and the internal spaces of civic or design interest. The Victorian Society and of The Council for British Archaeology raise objections. HE has not indicated that it has changed its stance from the 2019 LBC application i.e. that the harm caused by removal of the acknowledged piecemeal, or ad hoc, accumulation of poorly resolved service buildings typifying the rear (north) elevation causes other than less than substantial harm and recommends that the Council re-impose the same conditions as previously. The Victoria Hall elevation on the other hand, is a unified component so particular consideration has been given the removal of the rear wing containing the Rose Window (and its relocation internally). Likewise, the Civic Wing on the other side retains its essential character and identity. Neither are harmfully compromised by the extension.
- ii. The scale and character of the scheme have been guided precisely by their impact on the special character and design interest of the asset as set out above, and are either largely invisible, obscured or barely visible in key views of the building. Where they are from Uxbridge Road and Longfield Avenue, the context is provided by contemporary development at Dickens Yard and to a lesser extent, Perceval House, in scale, design and appearance. In this context ETH retains its prominence.
- iii. The rear ETH elevation, particularly at the point of intervention by the extension, displays little of the historic grain, scale and character that makes the asset significant either as an independent entity or to Central Ealing as a whole. The central objective of the scheme is to limit impacts upon the striking public frontages of ETH and resolve the secondary and service uses that compromise the rear of the building, with a particular emphasis on the realising the benefits created by the new public space on Dicken's Yard.
- iv. The whole scheme is driven by a clear understanding of ETH's special interest, the Landmark nature of its main façade and clock tower and improvements to its surroundings. The new development has very limited visibility either above the roofline of ETH, upon its main façade, or upon either the east or west approached along Uxbridge Road. Visibility from The Broadway or, as previously observed by one of the representations, from the upper deck of a passing bus, could only be regarded as transitory and fleeting where possible, with Dickens Yard inevitably forming the backdrop. It is not accepted that the Dickens Yard buildings are irrelevant to that assessment simply because they sit behind the Town Hall. They are highly relevant, reflecting the present character of the CA. The roof top bar sits 7m behind the ridge of ETH, the taller extension a further 11m behind, making 18m in total, with (9 storey) Dickens Yard blocks a further 11m beyond that. The key views assessment shows the buildings behind have a significant skyline impact. Their impact on and relationship to the setting of ETH and the other heritage assets is not obviated or rendered irrelevant simply because of they are set back. Instead, they inform the observer's perception of the setting of ETH. The contemporary style, scale, massing and materials of Belgravia House and Apsley

House define that townscape character and cannot be divorced from it. It is worth also noting in this context that the overall height of the extension was reduced by 2 storeys during pre- application consultation with HE to a height that was acknowledged to be visible in key views from the east and west but not to an overriding or significant harmful effect.

- v. With regard to the application of London Plan Policy D9.C1)d) in terms of heritage impacts, taking account of and avoiding harms, providing a clear and convincing justification for the development, consideration of alternatives, balancing harms with benefits and positive design contribution, as set out earlier in this Report in Section 3, these criteria were effectively anticipated in the preparation and assessment of the 2019 permission and LBC and the scheme was found to be acceptable on its merit by HE and Alan Baxter Ltd. and ultimately by the Planning Committee. None of the harms are found to be so harmful as to justify withholding LBC.
- vi. Height and scale of the development are clearly guided by the scale and height of the asset and its setting, which are components of the Conservation Area. There is very limited impact on its special interest and none sufficient to conclude it is so harmful on its own as to withhold LBC.

The character of this part of the Conservation Area context at the rear of the building is defined by Dicken's Yard and is clearly contemporary, making a pastiche approach to new development unnecessary. Where employed in the replacement staircase and refuse store flanking Victoria Hall and the new disability access lift next to the Civic Wing, these are deliberately subordinate, small in scale and a form mimicking the prevailing building style is justified.

The extension does not harmfully dominate or compete with ETH or the clock tower in townscape terms. That which it replaces, in the form of the later infill between the Victoria Hall and the Civic Wing, is not regarded as having an over-riding significance in heritage or architectural terms. The extension introduces a design code unique to the site but responsive to its setting, design, materials and context to Dickens Yard. This is considered appropriate, taking account of the special character of the Conservation Area. Overall therefore, the hotel use and associated alterations and extensions represent an optimal use of the heritage asset.

HE previously found less than substantial, or no, harm to the character and appearance of the CA, alongside the other heritage assets and their settings and has not stated otherwise in connection with this application. The proposals therefore comply with national and development policies. Where (less than substantial) harm has been found, it is necessary to consider whether this harm outweighs the public benefits of the proposals.

The harm previously found by the HE analysis comprised:

1. removal of the secondary staircase above the re-opened door to Uxbridge Road,
2. removal of the rear bay/stage area to Victoria Hall and repositioning of the Rose Window,
3. Impacts of the new extension on key views from Uxbridge Road and Dickens Yard.

HE did not indicate that these heritage impacts were sufficient individually or collectively to justify withholding LBC. As previously, HE again recommends instead the imposition of conditions.

On the other side of the harms balance, the proposals will enable retention, refurbishment and restoration of ETH and bring into use many spaces and rooms of higher significance and enhancing public access. In this context, the objections raised by the Council for British Archaeology and The Victorian Society are not considered sufficient to overrule the recommendation to grant LBC.

As noted by Alan Baxter Ltd., consideration has also had regard to whether there have been any other developments, implemented or approved, in the vicinity of the ETH in the intervening period since 2019 that individually or cumulatively with this application, may be likely to give rise to a new or different harm to the heritage significance of ETH.

Although not yet begun, the permission for redevelopment and replacement of the Civic Offices building, granted in December 2021, is the only scheme that would be visible in the context of ETH and the proposed works in this application. The three components of the Civic Offices scheme are:

- 1.Civic Offices and Community facilities
- 2.Residential and Commercial space
- 3.Permeable Public Realm

as illustrated by the proposed aerial image below (Perceval House in white):



Below is an image of the new Civic Offices and residential from The Broadway in relation to the from elevation of ETH prepared previously by the Civic Offices applicant:



In relation to the proposed rear extension to ETH, the rear extension, below the images again produced by the Civic Offices applicant showing the new works in relation to ETH, in views from Dickens Walk and Longfield Avenue:



The overall conclusion is that in heritage impact terms, the Civic Offices re-development will not give rise to any more than less than substantial harm to ETH than currently occurs. Alan Baxter Ltd the Council’s independent heritage adviser agrees with this conclusion. Indeed, it was their conclusion in considering the Civic Office proposals, on which they also advised the Council, the scheme would provide opportunities to enhance the appreciation of ETH and its setting.

**B. Non statutory (Locally Listed) Heritage Assets**

Locally listed buildings do not share the same legal protection as statutory ones, NPPF para.203 states: *‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’* DMD DPD Policy 7C and NP Policies HBE1 and HBE2 set the same requirements.

It is considered there will be no direct harm to the assets themselves. Any harm would be in relation to their settings. Given the 200-250m separation between the assets, along with intervening buildings and the proposed scheme and the oblique middle distant views between them, then the harm is also considered to be less than substantial. The harms and the benefits balance is addressed in Section 8 below.

**7.3 Tall Building Policy**

The provisions of a development plan are relevant to the assessment of an application for LBC. Since the previous planning permission and LBC were granted the London Plan has. The key policy to address is D9, Tall Buildings. The Council has also published Local Planning Policy Guidance (LPPG) on Tall Buildings.

#### **A. Definition**

A 'tall building' is defined by London Plan Policy D9A as: *'Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.'* The inclusion of extensions of 6-8 storeys (a maximum of 23.2m high) in this application renders it a 'tall building'.

#### **B. Locations**

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

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

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

In applying this Policy it is important to emphasise that the up to date, location-based policy in D9 should be distinguished from the earlier, site-based allocation Core Strategy Policy 1.2(h) that informed the spatial strategy in the Core Strategy.

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

One of the Council's Character Study key recommendations is that consistent with Policy D9B, tall buildings be allocated to broad locations not specific sites, so that their impacts be subject to detailed analysis, rather than conceded in advance by the Plan, based on the following considerations applying in this case:

- The Character Study approach accords with London Plan Policy D9.
- Prior to formal adoption, the Secretary of State (SoS) made clear that his directed changes to Policy D9 that they are designed to prevent: *'isolated tall buildings outside designated areas for tall buildings'*. This does not apply to Ealing Metropolitan Town Centre or the Office Corridor.
- Ealing Metropolitan Town Centre is a location that a future Local Plan would identify as suitable for tall buildings. Proposals within these areas would then be subject to an impact assessment.
- It is considered that the application meets the criteria-based impact assessments set out in the development plan including the Core Strategy, London Plan, and CENP.
- CENP Policy HBE3 specifically diverges from the Local Plan by applying criteria-based assessment to the location of tall buildings rather than specifying sites.
- There is an extant planning permission for change of use and a tall building extension to ETH for hotel use, which is a material consideration.



The Council's approach therefore, as set out in the LPPG for the management of applications for tall buildings is:

*'Ealing will apply the following principles in planning for tall buildings pending the development of the new local plan:*

- *Tall buildings in Ealing should be plan-led and speculative schemes will generally be resisted.*
- *Ealing's adopted Core Strategy directs tall buildings to specified sites within Acton, Ealing and Southall town centres, gateways to Park Royal and identified development sites only.*
- *The locations of tall buildings need to be tested against the sensitivity indicators identified in the Council's evidence base as set out below.'*

**'How will detailed impact tests be applied to tall buildings?**

*The Ealing Character Study and Housing Design Guide provide ... generic design principles that will be applied to the consideration of tall buildings and future development in general. These include responding to character, context and identity, scrutinising the built form in terms of scale, massing, density, plot coverage, building heights and rooflines and ensuring that developments are well connected with their surroundings. For tall buildings, the visual impact on views, the integration with neighbourhoods, the effects on the microclimate and the sustainability of the buildings will also be of particular importance. These design principles will be used to assess planning applications as they come forward. '*

*'The location of tall buildings will be particularly sensitive within or close to areas in Ealing that contain the following assets:*

- ***Statutory listed buildings:*** *Special regard needs to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses*
- ***Designated Conservation Areas:*** *Proposals for tall buildings need to ensure that Ealing's 29 conservation areas and continue to be preserved and enhanced*
- ***Designated Heritage Land:*** *The impact on the setting of an open land of historic value, including sites listed on the on the Register of Historic Parks and Gardens of special historic interest in England needs to be carefully assessed*
- ***Landmarks:*** *Structures of Borough level importance that are notable for their visual prominence, character and architectural value are considered sensitive to the impact of new tall buildings.*
- ***Topography:*** *Taller buildings on higher, more prominent positions will be seen more widely and will have a greater impact on the surrounding area, therefore increasing their sensitivity'*

The relationship to heritage and other assets is considered in this Report as it was in relation to the extant planning permission and previous LBC.

The overall conclusion of that analysis is that none of the above considerations, taken individually or cumulatively, is likely to be substantially harmed when applying the appropriate legal tests.

**C. Ealing Character Study**

In the Character Study, the ETH site (yellow star) is located within the Town Centre Borough typology (red), below:



The Design Guide states in relation to Town Centres:

*'Ealing's network of town centres plays an important role in the social, civic, cultural and economic lives of residents. As outlined in Ealing Council's Greenprint for Economic Recovery and Renewal, in the context of Covid-19, there is an opportunity to reimagine and repurpose these centres to provide more employment, cultural and leisure opportunities, enabling a more inclusive and sustainable local economy. These areas also present an opportunity to provide new homes in sustainable locations that are close to shops, services and transport links...'*

It continues: *'...Town centres could be appropriate for higher density proposals owing to the concentration of necessary infrastructure and services'*

ETH is also identified in the Character Study as a Landmark, within an Area of Intensification (AI):



- KEY**
- Station
  - Landmark
  - Railway line
  - ⋯ Sub-area boundary
  - Open space
  - Green Belt
  - Conservation Area
  - Station intensification
  - Town Centre or Neighbourhood Centre
  - ▤ Local Parade
  - Strategic Industrial Location
  - Opportunity Area
  - Strategic Area for Regeneration (SAR)
  - Area of Intensification (AI)
  - SAR + AI
  - Green corridor
  - Blue ribbon
  - Strategic Regeneration Priority

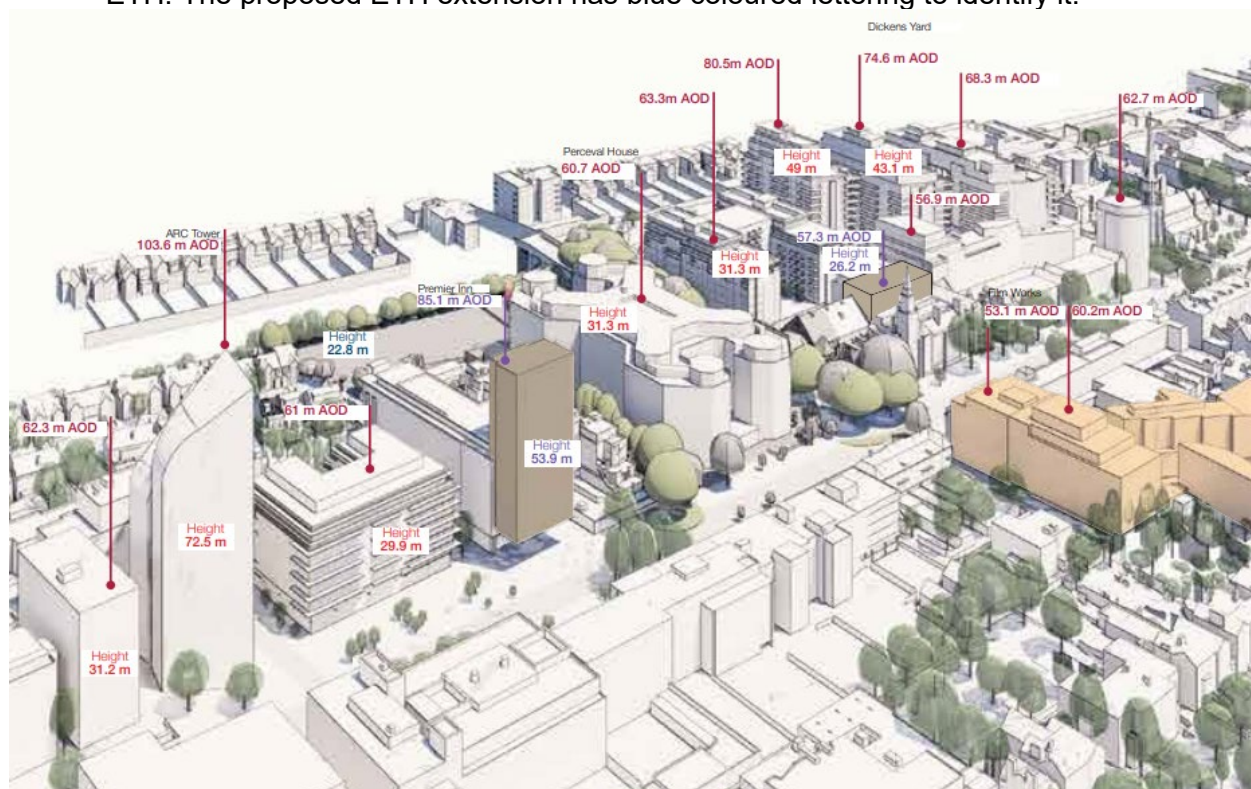
In this context, National Design Guide (NDG) para. 69 gives further advice on appropriateness of tall buildings typologies. It states: *'well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline'*.

NDG Para.70 adds that: *'proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character'*.

The individual merits of the arrangement and location of a tall building on the application site in heritage and development management terms was tested in consultation with HE and by the Planning Committee in granting permission in consideration of the extant permission.

Whilst therefore, for the purposes of Policy D9B, ETH is not an Identified Development Site, or for a tall building, in the development plan i.e. Core Strategy or Neighbourhood Plan, it is nonetheless:

- a. located within the defined Metropolitan Town Centre, which has the Core Strategy objective to: *'...regenerate Ealing Town Centre and develop a vibrant and diverse range of new homes, shops, offices, sport and leisure and other public facilities...'* and
- b. in a location characterised by tall buildings typologies, amongst other buildings height and styles. This is illustrated by the image below (N.B. This image was prepared by the Civic Offices redevelopment applicant for consideration of that application) showing existing and approved schemes (with the exception of the Perceval House permission, which include new block heights of 6-8 storeys for the new civic offices and residential blocks of 3-18 storeys and a 26-storey tower) in the immediate and wider locality around ETH. The proposed ETH extension has blue coloured lettering to identify it:



As illustrated, facing Dickens Yard, the north elevation of the new hotel block will be 8 storeys or 26.2m high, which is lower than the 10 storey (31.2m high) blocks of Apsley House and Belgravia House immediately opposite. This graphically demonstrates that tall buildings typologies are determined by the Borough to be an appropriate form of development in this Town Centre location.

Core Strategy Policy 1.2(h) and DMD Policy 7.7 and London Plan Policy D9 also state that tall buildings are acceptable where they contribute positively to the local context and do not cause harm to heritage assets. CENP Policy HBE3 on building heights states that tall buildings (i.e. those substantially taller than their immediate surroundings and/or which significantly change the skyline) will only be permitted if they are of the highest architectural and sustainable urban design and do not have an adverse impact on Conservation Areas and their setting or on other designated heritage assets.

The quality of the design, especially in relation to context and accessibility are the overriding considerations. As further illustrated by the image above, tall building typologies are also deemed acceptable in relation to the setting, character and/or appearance of heritage assets.

In conjunction with the design quality, this was appraised in the consideration by the Council of the extant planning permission. It was also assessed by HE, who raise no objections and consider the harm to assets to be less than substantial, the same conclusion reached by Alan Baxter Ltd. independent heritage consultants, previously appointed to assess the application on the Council's behalf.

Furthermore, it is still the case that in development plan terms and on its merits, the conversion of ETH, a Grade II listed Landmark building in the Ealing Town Centre Conservation Area, Civic Quarter and Metropolitan Town Centre, to provide a hotel with shared community facilities and Democratic Services is supported.

In the context of a LBC application amenity would need to be considered in terms of the impacts such development might have on the appearance, appreciation or enjoyment of a listed building, rather than normal development control issues for example of sunlight, daylight or outlook.

The assessment of the specific impacts of a tall building on this site according to the detailed criteria-based policies of the development plan (in this case the criteria in D9C) is a matter for development management consideration. They were tested in consideration of the extant planning permission.

In overall conclusion therefore, whilst a tall building on ETH does not meet the locational requirements of London Plan Policy D9B, it is established that the presence of existing and permitted tall buildings in the immediate vicinity of and as a back-drop and setting to ETH, in consideration of the Character Study and the Ealing Metropolitan Town Centre notation all indicate that it is reasonable to conclude that this is a location where a future Local Plan would identify as suitable for a tall building.

Further, in applying the Core Strategy, it contributes positively to the local context in design quality and appearance and does not cause substantial harm to heritage assets.

Aside therefore from Policy D9B, a cogent, location-based case can therefore be made for a tall building on the site of ETH subject to assessing, as follows below, the applicable development management impacts criteria of Policy D9, namely visual, functional, environmental and cumulative impacts and public access, having regard to all the material considerations and taking due account of the public benefits in weighing the planning balance.

## D. Policy D9C Impacts

### Visual Impacts

Tall buildings therefore are appropriate to the locality of the site and can enhance townscape provided they are exemplars of outstanding quality of design. Each scheme must be assessed on its merits having regard to locational constraints, such as neighbouring development and will not result in a significant harmful worsening of the residential amenities of neighbours opposite the site or the area generally.

As already noted, the Government's advice on design was significantly expanded in the National Design Guide 2019 (NDG) and more recently in the NPPG 2021. However, the fundamental principle at para.130(c) of requiring new development *to be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities)* remains consistent. (NPPF guidance in relation to heritage assets is addressed later in this Report).

In the absence of any changes to circumstances in relation to the existing ETH building, its status in heritage and Landmark terms, nor its relationship to the Town Centre or other town buildings and uses since the planning permission and LBC were granted in 2019, an extension in the form proposed to provide the majority of the hotel guest rooms remains the optimal approach to incorporate this component with the protection of heritage assets. The replacement of a large recent fire escape stair, sub-station and store with a new stair and refuse enclosure for the hotel and DRP is also supported in design terms.

DMD para. E7.7.1 requires therefore the primary consideration for any scheme is that it makes a positive contribution to the urban environment. Within this analysis is the assessment of impacts on ETH as a designated Landmark, in accordance with DMD Policy 7.12, CENP Policy HBE1 and following the ethos set out in London Plan Policy D4 on Delivering Good Design. Design intent and analysis was addressed by Alan Baxter Ltd. (in the previous application), to have been satisfactorily carried out with minimal harm and the development was held not to be significantly harmful in identified key views where these were possible in relation to the impact of Dickens Yard upon setting for example. HE did not disagree and the Council granted permission.

Heritage and Townscape views overlap. Key to assessment of the impact of development on views is that the proposal has two extensions elements stepping back from Uxbridge Road.

The first extension element includes the rooftop bar; it reaches 5 storeys above ground and sits back 7m behind the ETH roof ridge. Framed by the projecting gable roof of the Civic Wing on one side and the clock tower on the other, along with the main roof ridge, only the top of the rooftop bar will be visible in limited street level viewpoints. These views would be filtered by the tree canopies in Winter and virtually invisible in Spring and Summer, whether at street level or from a passing vehicle, such as the upper deck of a bus.

The second extension element faces Dickens Yard. It reaches 7 storeys above ground (excluding the 1.5m high roof plant enclosure) and lies 18m behind the ETH main roof ridge. Although taller than ETH, this element is lower than the 8-10 storey Dickens Yard blocks behind, which continue to form the backdrop to publicly accessible views from Uxbridge Road, Longfield Avenue/Uxbridge Road and Dickens Walk/Uxbridge Road) as well as within Dickens Yard.

In short range views on Victoria Walk the extension will be taller than the Victoria Hall and Civic Wing but the rear building line is still maintained so that the flanking structures of heritage value will still predominate, even without the Rose Window wing to Victoria Hall.

The proposal does not harmfully interrupt or impact on the ETH Landmark status in views from Uxbridge Road or in mid-range views. The new Filmworks building obscures views from Barnes Pickle for example. Tree cover on Ealing Green gives filtered, or no, views of ETH and the Dickens Yard backdrop, with the extent of cover increasing or decreasing according to the season when trees are in leaf.

Longer-range views in the area to and from Conservation Areas, statutory listed and locally listed buildings and the Registered Walpole Park have been assessed. From the south, where possible from Ealing Green CA, views are read against the backdrop of the upper floors of Belgravia House and Apsley House behind the prominent ETH clock tower. From the north around Haven Green CA, existing Dickens Yard blocks obstruct views of ETH and the proposal. Therefore, the extension will not interrupt or dominate views, or impose an unresponsive massing in these locations.

Glimpses of the clock tower are no more than that. It is not apparent that this was designed to be an intentional view. Views from Dickens Yard are not Landmark views and it is not a key view in the CA Appraisal 2007. No overriding concerns about closing this view were raised by HE or the previous Alan Baxter report. Nothing has changed in relation to views in the meantime. As such it is not considered to be harmful or significant in heritage or townscape terms.

Turning to design, the modern extension uses light-coloured shades of beige and grey facing tiles elevations relieving large areas of glass. Alan Baxter still supports this approach and there is no criticism from HE. No reason is seen to disagree with their conclusions. The massing, scale and design of the extension is evocative of the Conservation Area and modern townscape now distinguished by Dickens Yard, to which the northern elevation is directed.

The provision of an additional disability-compliant accessibility entrance giving access to the retained DRP from the east side of the Civic Wing facing Dickens Walk is a welcome addition to improved public access and complies with Inclusive Design Policy D5 in the London Plan. Providing active frontages to Dickens Yard and Uxbridge Road helps to better integrate the hotel use in the town. No objections are raised to this, or the replacement shared refuse store.

The proposals overall contribute to a sense of place. The design respects its context, helping to reinforce and enhance the town centre and civic character. The development is considered to be of a high-quality design of the type contemplated by London Plan Policy D4, that can positively contribute to the amenities of the locality. Overall, it is considered the location, scale and massing of the proposed tall buildings is successfully incorporated into the locality. The visual impact therefore, is generally positive, neutral or invisible.

Therefore, the new building form secures a high quality, exemplary design that responds well to its location, including in the Town Centre CA, enabling the scheme to achieve the level of quality and contributing to a sustainable development required by the NPPF and development plan.

#### Cumulative Impacts

The variety of massing and heights have been developed by the applicant in response to townscape considerations and to give good levels of amenity into the residential accommodation and for neighbours. The tower blocks arrangement is the tallest component and is positioned on the south side of the site where it is read in the context of other built development, particularly the taller blocks on the north side in Dickens Yard.

Taken together, the development proposal is considered to be suitable for a tall building, in the form of the rear extensions proposed, subject to heritage impacts and satisfying design policies in the development plan and national policy guidance.

Where visible, the taller element on the northside of ETH would generally appear either out of view at ground level on The Broadway or in the background, in the distance or middle distance framed by the existing tall and large-scale buildings of Dickens Yard behind. No local or strategic views have been identified as being harmfully affected by the development. There are no significant negative townscape impacts on views from publicly accessible places. When viewed locally from locations individually and cumulatively, the development will not have an overriding significant harmful impact but will contribute positively to the skyline in conjunction with other new development in the area. Overall, therefore the scale and massing of the new extensions is successfully incorporated into the locality.

#### Siting, Design and Materiality

DM DPD Policies 7.4 and 7B relate to local character and design amenity and require, amongst other things, that development should complement scale and detailing, display high quality architecture, make a positive visual impact, with external treatment and materials that complement new buildings and context and must not impair the visual amenity of surrounding uses. London Plan Policy D4 states that, inter alia, tall buildings proposals should be subject to a process of design scrutiny and appraisal, including by reference to a DRP where the application is referable under the 2008 Mayoral Direction. This LBC application does fall into the relevant categories of the Direction.

The present application was nevertheless thoroughly scrutinised in 2019 by Officers, HE and Alan Baxter Ltd. the heritage consultant, by the Planning Committee in relation to its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping. It should be noted also that the 2019 application was notified to the Secretary of State (SoS) but it was not called-in. Instead, having first referred the LBC application to the SoS/CLG (former Ministry of Housing, Communities and Local Government) HE Directed only that conditions be imposed if LBC was granted. If the Committee resolves in accordance with the recommendation, the application will be referred to the SoS/CLG.

The proposal is unchanged from then and is still considered to be of an exemplary quality design that successfully responds to the scale and character of the existing surrounding context and Town Centre and other tall buildings typologies, using varied but attractively coloured range of facing materials and high-quality detailing. Planning conditions will ensure the use of high-quality materials throughout the scheme that are sympathetic to heritage assets.

In response to the views of The Victorian Society, it is not considered that the character of the Town Centre CA has been eroded by new developments since it was designated. Nor was it the case that the typologies and architectural styling of buildings in Dickens Yard have been slavishly repeated in the design of the application scheme. Instead, it is the case that Dickens Yard was and is determined by the Council to be a high-quality development in the CA and its positive aspects that can be reflected in the ETH extension, without appearing to be simply a replica.

Overall, the alterations and extensions will positively contribute to the skyline without causing substantial harm to the settings of heritage assets. HE has examined the scheme in relation to heritage assets and considers the harm to be less than substantial as defined in the NPPF and NPPG.

Collectively the building form and typology throughout the scheme secure an exemplary design that respond positively to their location and positively contribute to the character of the area, enabling the scheme to achieve the potential of a high level of quality and outstanding quality

and meet sustainable development objectives, on its merits and having regard to the NPPF and development plan policies.

Balancing the policy considerations therefore, this scheme would be development plan policy compliant in terms of urban design (sense of place, public realm and active frontages) and sympathetically optimises development potential. In its wider context no significant adverse harmful impacts are identified. Cumulative impacts will not harmfully lessen the sense of open sky between existing and new buildings so the impacts would not give rise to significant adverse harm to amenity.

In conclusion, in terms of the development plan and on its merits therefore, in heritage, townscape and visual terms the scheme would be of an outstanding quality development.

#### Highways/Transport

The London Plan requires that new development ensures highway safety and is designed to maximise the use of public transport and other non-car methods of travel and requires that development provides adequate servicing capability and does not subject surrounding streets to parking stress or compromise traffic safety. Cycle parking and off-street access for refuse collection, are satisfactorily provided in accordance with LBE and GLA standards.

In consideration of the fact that the DRP and community access are existing and common to the proposals, in terms of transport impacts the new development is focussed on impacts on heritage assets from the hotel and health and fitness club.

There is no scope for car parking on site. In connection with the extant planning permission, there was submitted a Framework Travel Plan and Access Strategy. Conditions were imposed to control off-street servicing access from Longfield Avenue for refuse servicing and deliveries. Due to the high level of existing available public car parking provision within proximity of the site, as well as extended travel options by train, bus, cycle or on foot.

Long-stay cycle parking for staff is in a store in Princes Hall with 12 additional hoops fronting Uxbridge Road. The extant s106 agreement provides contributions for pedestrian and disabled parking near the site, CPZ reviews in the area and Travel Plan monitoring. No highways or pedestrian safety issues are raised by the application.

The applicant has prepared a Construction Management Plan (CMP) that provides a strategy for the management of site-based works and proposals for the mitigation of wider reaching impacts of the implementation of the development in the extant permission. The same applies to site servicing.

#### Impact on Amenity

Those residential properties most likely to be affected by the proposed extensions facing Dickens Yard lie to the north, at Belgravia House. Apsley House 15m away is unlikely to be materially affected owing to the oblique angle. The separation distance including from the adjacent podium amenity space is 11m. Fitzroy Apartments being 30m away from the extension is less affected still.

DMD Policy 7B seeks that new development must achieve a high standard of amenity for users and for adjacent uses. Development plan policies and guidelines promote high standards of design that minimise loss of privacy mainly in relation to opposing flats. Although the outlook will be from and to hotel rooms, no reason is seen to apply any lesser standards of amenity.

As part of the community consultation on the extant permission, the applicant amended the design of hotel room windows facing Belgravia House to incorporate:



- a. Double glazed units with encapsulated blinds pre-fixed during installation at specific angles to prevent vision from and into the rooms but still allow sufficient daylight, and
- b. Blinds or curtains in the rooms.

These measures will provide a reasonable standard of privacy and a condition was imposed to secure the provision and retention of fixed blinds.

Dickens Yard residents had concerns regarding noise and disturbance associated with the bistro on Victoria Walk and serving/deliveries. This separation is like other residential blocks on Dickens Yard also with ground floor commercial and café/restaurant uses and is considered acceptable in this town centre location. Conditions were imposed regarding hours of use and noise emissions matching those imposed in the Dickens Yard permission.

Concerns regarding the scale, massing and design of the extension, including loss of views of the clocktower are noted but do not of themselves amount to clear cut reasons to withhold LBC. There is no 'right to a view' in Planning terms. Views of the ETH or the clocktower from Dickens Yard are not key views in the CA Appraisal 2007, nor were they in the HE and Alan Baxter assessments. The hotel extension is considered to be of an attractive design.

Overall, it is considered the hotel extension will not give rise to an unacceptable loss, or the perception of loss, of privacy or visual amenity.

#### Daylight and Sunlight

The Daylight, Sunlight and Shadow assessment of the impacts on flats and the podium amenity space, taking account of this urban location and the aspect and orientation of windows and rooms in the flats of neighbouring blocks, concludes that BRE guidelines for sunlight and daylight do not suffer a material harmful impact. Those windows affected are generally already experiencing some obstruction, such as from balcony overhangs.

The amenity space will also achieve, according to the Report: '*excellent sunlight penetration*'. The assessments confirm substantial compliance with the BRE recommendations.

#### Noise

Neighbour concerns about the risk of noise and disturbance can be managed by planning conditions concerning hours of use or deliveries, as well as through Environmental Health legislation. There will be the need for adequate amenity controls during the construction process, such as weekend working. Conditions are proposed to this effect, mirroring those applied in the Dickens Yard permission to commercial café and restaurant uses.

#### Air Quality

LBE is an Air Quality Management Area (AQMA). The applicant has carried out an Air Quality Assessment (AQA) in accordance with Policy 1.1. Pollution Technical is satisfied with the submission. A s106 contribution to the Council's Air Quality Action Plan is requested. The contribution offered for the hotel development is considered reasonable and proportionate in this case given the highly accessible location and scope for extended travel modes other than by car. With regard to noise, the EHO requests conditions and Informatives.

Taking all the above into account, it is concluded that residential separation distances are within the normal allowances consistent with the town centre and equivalent areas of Dickens Yard and not likely to give rise to a significant adverse impact, cumulatively or individually. These effects are not considered sufficiently harmful to amount to a sound and clear-cut reasons to withhold LBC.

#### Functional and Environmental Impacts

These have been assessed above. Either no, or no significant, adverse impacts or objections are received from consultees. The overall conclusion is that these impacts have been satisfactorily addressed either in the scheme design or by conditions and obligations as appropriate contained in the extant planning permission and recommended in respect of this application for LBC. The relevant criteria of Policy D9C are considered to be satisfied.

**E. D9D Public Access**

With regard to Policy D9D, whilst there would be no generally available access to the roof of the tallest (8 storey) part of the proposed extension, the wider proposals as already permitted and comprised in this application, include the provision of a rooftop bar and terrace that will be accessible to the general public, as well as hotel guests.

Whilst it is set down so as not to harmfully impact on the appearance of this listed building by breaching the ridgeline of the main ETH roof, this will still enable some views of the locality, rather than London-wide, consistent with the need to provide a sympathetic, not over-dominant, tower design.

**F. Overall conclusion on Tall Building Policy**

In conclusion on the overall policy objectives and considerations, as set out in the NPPF, balancing the performance of the scheme against Policies of the London Plan, Core Strategy, CENP and DPD as a whole, the main Policies that support the development are:

London Plan

- GG1 – building strong and inclusive communities
- GG2 – making best use of land
- GG3 – Creating a Healthy City
- GG5 – Growing a Good Economy
- SD6G – Town Centres and High Streets
- SD7 – Town Centres
- E10 – Visitor Infrastructure
- D1 - London’s form, character and capacity for growth
- D4 – Delivering Good Design
- D5 – Inclusive Design
- D8 – Public Realm
- HC1 – Heritage conservation and growth
- HC5 – Supporting London’s Culture and Creative industries
- HC6 – Supporting the night time economy

LBE Core Strategy

- 1.1(h) - Spatial Vision for Ealing 2026
- 1.2(h) – Delivery of the Vision for Ealing 2026
- 2.5(a-e), (g) - Revitalise Ealing Metropolitan Town Centre

DMD DPD

- 4.5D - EALING LOCAL VARIATION - LONDON’S VISITOR INFRASTRUCTURE
- 7.7 - EALING LOCAL VARIATION - LOCATION AND DESIGN OF TALL AND LARGE BUILDINGS
- 7C - EALING LOCAL POLICY - HERITAGE
- EA - EALING LOCAL POLICY - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CENP

- HBE1 - Quality of design
- HBE2 - Protecting the townscape
- HBE3 - Building heights

The benefits of the development are therefore supportable in functional, environmental and cumulative impacts, access provisions of Policy D9 and related Policies terms taking the development plan as a whole.

### **8. Public and Heritage Benefits of the Development**

The NPPG (para 020 Ref ID:18a-020-20190723) provides guidance on what is meant by 'public benefits':

*'The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.*

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.*

*Examples of heritage benefits may include:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long-term conservation'*

The extant planning permission and s106 agreement identifies heritage and public benefits along with economic benefits of the proposal summarised as:

1. Refurbishment and restoration of the entire ETH building,
2. Fully developed and revitalised ETH will cater for a wide range of activities and public access making it a 'community hub',
3. ETH will continue to accommodate all the civic functions in a newly refurbished eastern wing, new DDA access and community-related functions in the public areas,
4. High quality hotel that will assure the long-term future of ETH and accords with spatial policies in the development plan,
5. Enhanced public access to ETH including rooms and spaces of higher heritage significance,
6. New employment/apprenticeship opportunities,
7. Ground floor re-planned to make it more permeable, with access front-to-rear to a bistro fronting Dickens Yard,
8. Victoria Hall to become a health and fitness club available to the community, hotel guests, business or social functions. Nelson Room available as a restaurant for hotel or visiting customers. Telfer Room as a function room,
9. Provision of a bistro,
10. Cocktail bar in the hotel for guest and visitor use,
11. Conservatory and roof terrace bar for hire,
12. Hotel extension to replace haphazard low-level buildings to the rear,
13. Public areas to incorporate state of the art technology.

The Applicant's Community Benefits Statement and Building Condition/Restoration Strategy are contained in the s106 agreement attached to the extant permission. These are key components to the protection and enhancement of ETH, helping to maintain its Landmark status in the long-term and its contribution to the Conservation Area and other assets locally.

It is for the Planning Authority as decision-maker to determine whether the public benefits of the proposal outweigh the acknowledged less than substantial harm to the significance of designated

heritage assets affected by this LBE application. This includes, where relevant, views of the site and development from or within adjacent Conservation Areas or other heritage assets.

It considered that collectively including in consideration of the provisions of the development plan taken as a whole, the above public benefits of the proposal outweigh the less than substantial harm to the significance of the designated and locally listed heritage assets in this optimal mixed hotel, DRP and community access land use.

### **9. s106 Contributions**

There are no planning obligations or contributions relevant to this application for listed building consent. All relevant obligations and undertakings are contained in the s106 agreement made in conjunction with extant planning permission 190181FUL.

### **10. Fire Safety**

Large schemes may require a number of different consents before they can be built. Building Control approval needs to be obtained so that certified developments and alterations meet building regulations. Highways consent will be required for alterations to roads and footpaths. 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 a number of interrelated aspects of development when planning applications are submitted to the Council.

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

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

Any person or organisation carrying out development can appoint either the Council's Building Control Service or a Private Approved Inspector to act as the Building Control Body (BCB), to ensure the requirements of the Building Regulations are met. The BCB would carry an examination of drawings for the proposed works and carry out site inspection during the course of the work to ensure the works are carried out correctly. On completion of work the BCB will issue a Completion Certificate to confirm that the works comply with the requirement of the Building Regulations.

In relation to fire safety in 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.

### **11. Community Infrastructure Levy (CIL)**

CIL liability does not arise in connection with an application for listed building consent.

### **12. Planning Balance**

Taking account of current national policy advice and guidance contained in the NPPF, NPPG, NDG and HE Advice and Guidance Notes, constituting up to date planning policy and best practice on heritage and conservation matters addressed through this report along with other

guidance and development plan policy, the stated public benefits are relevant considerations consistent with the Council's objectives and corporate decisions to secure an appropriate re-use of the Grade II listed Landmark ETH that retains and enhances its long-term future as a key historic and cultural landmark of Ealing Town Centre.

S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when determining planning applications, special regard must be had to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess. Preservation in this context means not harming the interest in the building, as opposed to keeping it entirely unchanged.

Having established there are substantial and decisive public benefits, it is demonstrated that taking the development plan as a whole, non-compliance with the locations part of D9B and 1.2(h) is outweighed by the other policy benefits of the development. Overall, therefore, application of the Planning Balance and NPPF sustainability criteria support this development.

Even if, as is the consensus of advice from HE and Alan Baxter in this case, less than substantial harm to the significance of a designated heritage is found, the decision maker still needs to give considerable weight to the desirability of preserving the setting of heritage assets. HE does not offer further advice on the application save in relation to the reimposition of conditions previously proposed in the LBC, Alan Baxter, the independent Heritage Assessment has found less than substantial harm to heritage assets. Clear public benefits of the development have been identified. It is considered that the harm would not be sufficient to outweigh the public benefits put forward in support of the proposals. In the same context, the objections raised by The Victorian Society and Council for British Archaeology are not considered sufficient to overrule the recommendation to grant LBC in this case.

The proposals therefore comply with London Plan Policies that support cultural development and including all other relevant development management provisions of Tall Buildings Policy D9, spatial development policies of the Core Strategy that support hotel development in the Town Centre and DMD Policy 7.12 (8) in relation to ETH as a designated Landmark and with Central Ealing Neighbourhood Plan (CENP) Policies HBE1 and Policy HBE2.

The design of this scheme would, on its merits and considering development plan policy be compliant in terms of urban design (sense of place, public realm, access and active frontages) residential amenity and respecting the setting of heritage assets in conjunction with the optimal mixed land use. Taking the development plan as a whole any breach of the locational criteria of Policy D9 are satisfactorily outweighed by compliance with other policy, as well as the public and heritage benefits of the proposal.

Other matters, including amenity and heritage impacts, affordable and market housing, transport and resident parking concerns, environmental health have been assessed and found to be acceptable. Objections have been reviewed and addressed however these are considered insufficient to outweigh the recommendation to grant listed building consent.

### **13. Conclusion**

On its individual merits it is therefore recommended that: **Following referral to the Secretary of State as a result of The Victorian Society and Council for British Archaeology objection and in the event the Secretary of State does not wish to determine the application, then Listed Building Consent be Granted with conditions set out in Appendix 1 to this Report.**

### **14. Human Rights Act:**

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority

such as the London Borough of Ealing to act in a manner, which is incompatible with the European Convention on Human Rights.

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

**15. Public Sector Equality Duty**

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

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- f) The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- g) 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.
- h) It is considered that the recommendation to grant planning permission in this case would not have a disproportionately adverse impact on a protected characteristic.

**Appendix1: Conditions and Informatives**

1. The works hereby permitted shall be begun before the expiration of 3 years from the date of this consent.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved Plans**

1. The development hereby approved shall be carried out in accordance with Drawing/Plan Nos.:

**Existing Drawings:**

- A16.130.EX00\_ Existing Topographical
- A16.130.EX01\_ Basement Plan
- A16.130.EX02\_ Ground Floor Plan
- A16.130.EX03\_ Victoria Hall Plan
- A16.130.EX04\_ First Floor Plan
- A16.130.EX05\_ Second Floor Plan
- A16.130.EX06\_ Third Floor Plan
- A16.130.EX07\_ Fourth Floor Plan
- A16.130.EX08\_ Fifth Floor Plan

A16.130.EX09\_Roof Plan  
A16.130.EX10\_Section 1\_Cross Sections A-A and B-B  
A16.130.EX11\_Section 2\_Cross Section C-C  
A16.130.EX12\_Section 3\_Cross Section D-D  
A16.130.EX13\_Elevation 1\_St.Georges South  
A16.130.EX14\_Elevation 2\_South  
A16.130.EX15\_Elevation 3\_East  
A16.130.EX16\_Elevation 4\_Dickens Yard  
A16.130.EX17\_Elevation 5\_Longfield Avenue  
A16.130.EX18\_Elevation 6\_Internal Elevations  
A16.130.EX19\_Elevation 7\_Internal Elevations  
A16.130.EX20\_Street Elevation\_New Broadway

Location Plan

A16.130.LP01\_Location Plan

Proposed Drawings

A16.130.P01\_Site Plan  
A16.130.P02A Lower Ground Floor Proposed  
A16.130.P03B\_Ground Floor Plan HATCHING  
A16.130.P04\_Mezzanine  
A16.130.P05\_First Floor Plan  
A16.130.P06\_Second Floor Plan  
A16.130.P07\_Third Floor Plan  
A16.130.P08\_Fourth Floor Plan  
A16.130.P09\_Fifth Floor Plan  
A16.130.P10B Roof Plan Proposed  
A16.130.P11A Section AA Proposed  
A16.130.P12\_Section BB  
A16.130.P13\_Section CC  
A16.130.P14A Section DD Proposed  
A16.130.P15A South Elevation Broadway  
A16.130.P16B West Elevation Longfield Avenue  
A16.130.P17C North Elevation Dickens Yard  
A16.130.P18A East Elevation  
A16.130.P19A Disabled Platform Lift East Elevation  
A16.130.P20B Disabled Platform Lift Est Elevation and Internal  
A16.130.P21A Balustrade Details First Floor Galleria Corridor  
A16.130.P22B Typical Services Proposals Proposed Queens Hall Partition and Entrance L...  
A16.130.P23B North Elevation and sections Window Bay and Junction Details  
A16.130.P24A Proposed Aerial View 01  
A16.130.P25B Proposed Aerial View 02  
A16.130.P26\_Proposed Aerial View 03  
A16.130.P27 Plans Showing Relationship to Neighbouring Buildings  
A16.130.P28 Lower Ground Floor Proposed Courtyard Details  
A16.130.P29 Hotel Proposal Plans  
A16.130.P31 Blind details  
Drawing number P30 is contained within the Heritage Design Details including Terracotta Panel and Ducting Document.

Existing and Proposed View Drawings

A16.130.STRAT  
A16.130.VIEW 01\_Existing-Proposed  
A16.130.VIEW 02\_Existing-Proposed revB

A16.130.VIEW 03\_Existing  
A16.130.VIEW 03\_Proposed revD  
A16.130.VIEW 04A\_Existing  
A16.130.VIEW 04A\_Proposed  
A16.130.VIEW 04B\_Existing  
A16.130.VIEW 04B\_Proposed  
A16.130.VIEW 05\_Existing  
A16.130.VIEW 05\_Proposed  
A16.130.VIEW 06\_Existing  
A16.130.VIEW 06\_Proposed revA  
A16.130.VIEW 07\_Existing - Proposed revA  
A16.130.VIEW 07A\_Existing-Proposed  
A16.130.VIEW 08\_Existing  
A16.130.VIEW 08\_Proposed  
A16.130.VIEW 09\_Proposed revB  
A16.130.VIEW 09\_Existing  
A16.130.VIEW 10\_Existing-Proposed  
A16.130.VIEW 11\_Existing  
A16.130.VIEW 11\_Proposed  
A16.130.VIEW 12\_Existing-Proposed  
A16.130.VIEW 13\_Existing  
A16.130.VIEW 13\_Proposed revB  
A16.130.VIEW 14\_Existing-Proposed

Demolition Drawings:

DEM.01  
DEM.02  
DEM.03  
DEM.04  
DEM.05  
DEM.06  
DEM.07  
DEM.08  
DEM.09

Supporting Documents

Supporting Statement and Appendices 1-4;  
Supporting Statement Addendum;  
Archaeological Desk-Based Assessment;  
Building Condition Survey & Restoration Strategy;  
Community Benefits Statement;  
Design and Access Statement Parts 1 and 2;  
Heritage Design Details including Terracotta Panel and Ducting;  
Heritage Impact Assessment (HIA) Parts 1 and 2;  
Method Statement and Heritage Schedule Parts 1 and 2

Reason: For the avoidance of doubt and in the interests of proper planning to ensure the development is carried out and maintained in accordance with the approved plans and documents.

3. Prior to any works of demolition or alteration to the Town Hall, evidence of contract(s) for the carrying out of the completion of the entire scheme of works to the Town Hall shall be submitted to and accepted in writing by the Council as local planning authority. For the purposes of this condition the digging of a foundations trench is not classed as a work of demolition or alteration where the internal or external fabric of the Town Hall is not affected by the said works.



Reason: In order to safeguard the special architectural or historic interest of the building.

4. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the building.

5. Any areas of new facing brickwork or stonework to the Town Hall shall match the existing brickwork adjacent in respect of colour, texture, face bond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the building.

6. Any hidden historic features which are revealed during the course of works shall be retained in situ. Works shall be immediately suspended in the relevant area of the building upon discovery and the Local Planning Authority notified. Works shall remain suspended in the relevant area until the Local Planning Authority authorise a scheme of works for either retention or removal and recording of the hidden historic features.

Reason: In order to safeguard the special architectural or historic interest of the building.

7. All redundant plumbing, mechanical and electrical services and installations shall be carefully removed from the listed building before the completion of the consented works to the Town Hall hereby approved, unless agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the building.

8. Prior to the commencement of any relevant works, details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority in consultation with Historic England before the relevant work is begun:

a. Details of all repairs and alterations to external windows, doors and associated ironmongery, including details of proposed secondary glazing and any acoustic and environmental upgrades to existing windows. Details shall include method statements;

b. Details of any proposed repairs or alterations to historic panelling, joinery, decorative finishes and metalwork within the principal staircase compartments, principle circulation routes and public rooms, including reinstatement of panelling within the Telfer Room. Details shall include method statements;

c. Details of proposed new platform lift to Civic Entrance, including details of appearance of lift, new opening in the original façade of the Town Hall and opening in the external boundary;

d. Details of proposed works to Victoria Hall, including method statement for removal, storage, reinstatement and presentation of the Rose Window;

e. Details of proposed dismantling of front secondary staircase, including methodology for salvage and reuse of existing metal balustrades;

f. Samples of junctions between the retained building and the new build elements of the scheme, including details of proposed materials and finishes;

g. Details of proposed services, including plumbing, mechanical, electrical, data services. Details should include position, type and method of installation of services, as well as any associated risers, conduits, vents and fittings;

The relevant work shall be carried out in accordance with such approved details

Reason: In order to safeguard the special architectural or historic interest of the building.

9. Prior to the moving or removal of ANY historic item from or within the Town Hall, a full schedule of ALL historic items to be moved within or removed from the building shall be submitted in writing to and for approval by the Local Planning Authority. The schedule shall be accompanied by a Salvage Strategy, which is to include a methodology for removal, storage, reuse and disposal of historic items.

The handling of historic items shall be in accordance with the approved schedule and Salvage Strategy thereafter unless agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the building.

10. Before any masonry cleaning commences, details of a masonry cleaning program and methodology shall be submitted in writing to and for approval by the Local Planning Authority. The program shall demonstrate protection of internal and external surfaces. The cleaning program shall be undertaken in accordance with approved details.

Reason: In order to safeguard the special architectural or historic interest of the building.

11. No new plumbing, pipes, soil stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved or submitted to and approved by the Council.

Reason: In order to safeguard the special architectural or historic interest of the building.

12. No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved or submitted to and approved by the Council.

Reason: In order to safeguard the special architectural or historic interest of the building.

#### Restoration Works

13. Prior to the first occupation of the hotel hereby approved, measures for the implementation and completion of the Building Condition Survey and Repair/Restoration Plan in conjunction with the Method Statement and Heritage Schedule Parts 1 and 2 dated November 2018 for the whole building shall have been completed to the satisfaction of the local planning authority and approved in writing.

Reason: To ensure the satisfactory provision and completion of the Building Condition Survey and Repair/Restoration Plan in accordance with the terms and provisions of the application.

#### Informatives:

The decision to grant listed building consent has been taken having regard to the policies and proposals in the Ealing Development (Core) Strategy, the Ealing Development Management Development Plan Document, the London Plan, the National Planning Policy Framework and to all relevant material considerations including Supplementary Planning Guidance:

#### **National Planning Policy Framework 2021**

#### **National Planning Policy Guidance**

#### **National Model Design Code 2021**

#### **National Design Guide 2019**

#### **Historic England Guidance**

Managing Significance in Decision-Taking in the Historic Environment Good Practice Advice in Planning: 2, 2015

The Setting of Heritage Assets Good Practice Advice in Planning: 3, 2017

Making Changes to Heritage Assets Advice Note 2, 2016

#### **London Plan, 2021**

GG1 - Strong and inclusive communities

GG2 - Making Best use of land

GG3 - Creating a healthy city

GG5 - Growing a good economy

GG6 - Increasing efficiency and resilience

SD6 - Town Centres and High Streets

D1 - London's Form Character and Capacity for Growth

D2 - Infrastructure Requirements

D3 - Optimising Site Capacity  
D4 - Delivering Good Design  
D5 - Inclusive Design  
D8 - Public Realm  
D9 - Tall buildings  
D12 - Fire Safety  
D13 - Agent of Change  
D14 - Noise  
HC1 - Heritage Conservation  
HC3 – Strategic and Local Views  
HC5 - Supporting London's Culture and Creative industries  
HC6 - Supporting the night time economy  
SI1 - Improving Air Quality  
SI3 - Energy Infrastructure  
S15 - Water Infrastructure  
SI2 - Minimising CO2 emissions  
SI13 - Sustainable Drainage  
T2 - Healthy Streets  
T4 - Assessing and Mitigating Transport Effects  
T5 - Cycling  
T6 - Car Parking  
T6.4 – Hotel and leisure uses parking  
T7 - Deliveries Servicing and Construction  
DF1 - Delivery of the Plan and Planning Obligations

**London Tourism Strategy**

**London Tourism Action Plan 2009-13**

**London Plan Supplementary Planning Guidance**

Accessible London: achieving an inclusive environment  
Sustainable Design & Construction  
Energy Assessment Guidance

**Ealing Development (Core) Strategy 2026 (2012)**

1.1 - Spatial Vision for Ealing 2026  
1.2 - Delivery of the vision for Ealing  
2.1 - Realising the potential of the Uxbridge Road/ Crossrail Corridor  
2.5 - Revitalise Ealing Metropolitan Town Centre  
6.1 - Physical infrastructure  
6.2 - Social infrastructure  
6.3 - Green infrastructure  
6.4 - Planning obligations and legal agreements

**Ealing Development Management Development Plan Document (2013)**

*Ealing local variations to the London Plan*

4.5 – London's Visitor Infrastructure  
5.2 - Minimising carbon dioxide emissions  
5.11 - Green roofs and development site environs  
5.12 - Flood risk management  
7.3 - Designing out crime  
7.4 - Local character  
7.12 -London View Management Framework (K Ealing Town Hall)

*Local policy*

4C – Main town centre uses  
7A - Amenity  
7B - Design amenity  
7C - Heritage  
7.7 - Location and design of tall and large buildings  
EA - Presumption in favour of sustainable development

**Ealing Town Centre Conservation Area Management Plan, 2007**  
**Ealing Town Centre Conservation Area Character Appraisal, 2007**  
**Design Guide and Character Study**  
**Ealing Local Planning Policy Guidance (LPPG): Tall Buildings, 2022**  
**A Strategic Review of Ealing's Conservation Areas, Draft Generic Management Plan**  
**Public & Stakeholder Consultation, February 2022**

**Central Ealing Neighbourhood Plan (2017)**

E3 Mixed use development  
HBE1 Quality of design  
HBE2 Protecting the townscape  
CC2 Community and Cultural Facilities

**Supplementary Planning Documents**

Sustainable Transport for New Development (Adopted 2013)  
Legal Agreements, Planning Obligations and Planning Gain

**Supplementary Planning Guidance**

SPG 3 – Air Quality  
SPG 4 – Refuse and recycling facilities  
SPG 9 – Trees and development guidelines  
SPG 10 – Noise and vibration

2. The Council's Environmental Health Service has powers to control noise and disturbance during buildings works. It considers that normal and reasonable working hours for building sites are 8.00 am to 6.00 pm Monday to Friday, from 8.00 am to 1.00 pm on Saturday and not at all on Sunday or Public Holidays. If any activities take place on the site beyond these times which give rise to noise audible outside the site, the Council is likely to take action requiring these activities to cease.

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

4. 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.

5. No waste materials should be burnt on site of the development.

6. The developer will be liable for the cost of any repairs to damage to the footway directly resulting from the construction work. It is recommended that a footway/carriage way condition survey is carried out prior to the start of construction work, in conjunction with the Highways Section.

7. To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, and offers and encourages a comprehensive pre-application advice service, all of which is available on the Council's website and outlined in a 24 hour automated telephone system.

8. The scheme complied with policy and guidance. The Local Planning Authority delivered the decision proactively in accordance with requirements of the National Planning Policy Framework.

9. Ground Investigation:

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

- The report of the findings must include:
  - A timetable of works and site management procedures.
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwater and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments
- Model Procedures for the Management of Land Contamination, CLR 11, Environment Agency, 2004
- Updated technical background to the CLEA model, Science Report: SC050021/SR3, Environment Agency, 2009
- LQM/CIEH Generic Assessment criteria for Human Health Risk Assessment (2nd Edition), 2009
- BS10175:2011 Investigation of potentially contaminated sites – Code of Practice
- Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination; Environment Agency, 2001
- Verification of Remediation of Land Contamination', Report: SC030114/R1, Environment Agency, 2010
- National Planning Policy Framework (Paragraph 109, 120, 121);
- Guidance for the safe development of housing on land affected by contamination, NHBC & Environment Agency, 2008

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

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

d) on-site monitoring for ground gases with any relevant laboratory gas analysis; *'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases, (C735), CIRIA, August 2014*

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

10. Noise:

a) SPG10 requires that acoustic measurements are carried out and that precise calculations are made for the building envelope insulation. In calculating the minimum sound reductions, the following is required:

- A precise sound insulation calculation under the method given at BS EN12354-3: 2000, for the various building envelopes, using 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.
- 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.
- Compliance with the internal and external criteria set at SPG10

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

12. All Non-Road Mobile Machinery (NRMM) to be used in the development site shall meet as a minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments, unless it can be demonstrated that Stage IIIB equipment is not available. An inventory of all NRMM shall be registered on the NRMM register at <https://nrmm.london/user-nrmm/register>. All NRMM shall be regularly serviced and service logs kept on site for inspection. Records shall be kept on site detailing proof of emissions standards for all equipment.

## **Appendix 2, Alan Baxter Ltd. LBE Heritage Advice Letter**

Alan Baxter

SCANNED LETTER BY EMAIL

Our Ref: 1424/204/RHr  
Your Ref: 223130LBC

Andrew Parsons  
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6 September 2022

Dear Mr Parsons

**Re: Listed building consent application ref. 223130LBC (Partial demolition, conversion, alterations and extensions of Ealing Town Hall to provide a new hotel and retain community, publicly-available facilities and Democratic Services, with associated development)**

Thank you for inviting us to review the heritage aspects of the listed building consent application ref. 223130LBC, validated 15 July 2022.

As we understand it, the contents of this application matches the previously approved application, ref. 190182LBC, which expired 21 May 2022. To that extent, our conclusions remain unchanged from our previous heritage response dated 8 May 2019 (which is appended to this letter).

We have noted the comment by the Ealing Green and Town Centre Conservation Panel, pointing out that the application should be assessed in the light of emerging guidance in the draft Conservation Areas Management Plan. We anticipate Officers will have considered these documents and the weight to be ascribed to them so far as relevant to the application.

It should also be noted that in the updated London Plan 2021 there is a requirement to consider the cumulative impacts of incremental change from development on heritage assets and their settings (Policy HC1, paragraph C and relevant provisions of D9). This means considering, amongst other matters, the impacts of consented or under-construction developments in the vicinity of the heritage asset upon the significance and setting of the asset, and considering the degree to which these cumulative changes increase the overall level of heritage impact from development. We address this below.

Factoring in London Plan Policy regarding cumulative impact, in relation to this new application there is therefore an element of additional harm, arising from the approved Perceval House scheme (ref. 203275FULR3). This additional harm relates particularly to the impact of the proposed 26-storey tower on the setting of the Town Hall and Ealing Town Centre Conservation Area.

STRUCTURAL & CIVIL ENGINEERING    URBAN DESIGN    MASTERPLANNING    TRANSPORT & MOVEMENT    CONSERVATION    SUSTAINABILITY

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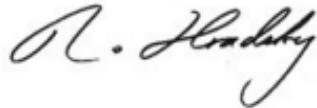
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In our view the magnitude of this additional harm in relation to the new application is very minor, in regard to both assets. This additional, very minor, harm, does not significantly affect the overall degree of heritage harm in the new application.

In summary, our conclusion is unchanged from May 2019: we judge the proposals to cause less than substantial harm to the listed Town Hall, the Ealing Town Centre Conservation Area, and no harm to the setting of the nearby locally listed buildings.

The scheme will replace an agglomeration of later buildings in the centre rear of the site with a prominent new building which will facilitate the conversion of much of the Town Hall to hotel use. Demolition is largely confined to later-phase fabric or fabric of lesser significance, while the areas identified as of higher significance will in general be preserved and better revealed through sensitive refurbishment and access arrangements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Hradsky', written in a cursive style.

Robert Hradsky  
for Alan Baxter Ltd

enc.

cc: Gregory Gray, Ealing Council