

**Ref :** 216215FUL

**Address:** 13-15 THE GREEN, SOUTHALL UB2 4AH

**Ward:** NORWOOD GREEN

**Proposal:** Application for demolition of existing buildings and construction of a part 23 storey, part 19 storey and part 14 storey building to provide 95 residential units, including the creation of a basement level, incorporating flexible amenity space, cycle parking, refuse storage and public realm improvements and landscaping.

**Drawing numbers:** D1000 Site Location Plan, D1001 Existing Site Plan, D1100 GA Plan - Existing Ground Floor, D1101 GA Plan - Existing Level 01, D1102 GA Plan - Existing Level 02, D1150 GA Plan - Existing Roof Level, D1199 GA Plan - Existing Basement, D1700 Existing Elevations - North East and South East, D18001 Proposed Site Plan Rev 03, D19100 Rev 08 Proposed Ground Floor, D19101 Rev 08 Proposed Level 01, D19102 Rev 08 - Proposed Level 02 – 05, D19106 Rev 08 Proposed Levels 06 – 07, D19108 Rev 08 Proposed Level 08-12, D19113 Rev 08 Proposed Level 13, D19114 Rev 08 Proposed Level 14, D19115 Rev 08 Proposed Level 15 – 18, D19119 Rev 03 Proposed Level 19 -21, D19122 Rev 03 Proposed Level 22, D18150 Proposed Roof Level, D19199 Rev 08 Proposed Basement Level, D19201 Rev 03 Apartment layouts level 01, D19202 Rev 03 Apartment layouts levels 2-5, D19206 Rev 03 Apartment layouts levels 6-7, D19208 Rev 03 Apartment layouts levels 8-12, D19213 Rev 03 Apartment layouts level 13, D19214 Rev 03 Apartment layouts level 14, D19215 Rev 03 Apartment layouts level 15-18, D19219 Rev 03 Apartment layouts level 19-21, D19500 Rev 03 Proposed Sections, D19700 Rev 03 Elevations NW and SW, D18701 Rev 03 Elevations SE and, NE, D18710 Rev 01 NW Elevation, D18711 Rev 01 North Elevation, D18712 Rev 01 West Elevation, D18713 Rev 01 Hortus Road Elevation, D18750 Rev 01 Window Detail, 1459-KC-XX-YTREE-TPP01 Rev B Tree Protection Plan, 1459-KC-XX-YTREE-TCP01 Rev 0 Tree Constraints Plan, ALD896\_MP001 Landscape Masterplan Public Realm Proposals, Terrace Level 01 and Level 14 Design Proposal SB903 Rev P03, Ground Floor Design SB902 Rev P04, ALD896\_MP003 Rev P04 Landscape Masterplan Terrace Level 14, ALD896\_MP002 Rev P03 Landscape Masterplan Terrace Level 1.

**Supporting Documents:** Design and Access Statement by Formation Architects (October 2021), Design and Access Statement Addendum by Formation Architects (August 2023), Planning Statement Icen Projects (October 2021), Heritage, Townscape and Visual Assessment by Icen Projects (October 2021), Heritage, Townscape and Visual Addendum by Icen Projects (August 2023), Transport Statement by Icen Projects (October 2021), Travel Plan by Icen Projects

(October 2021), Ecological Assessment by Greenlink (October 2021), Noise and Vibration Report by Arno Acoustics (October 2021), Energy Assessment by CPWP Version 4 (August 2023), Outline Modelling Overheating Analysis by CPWP (August 2023), Aviation Report by Eddowes Aviation (October 2021), Landscape Strategy by Applied Landscape (October 2021), Townscape Assessment by Icen Projects (October 2021), Verified Views Pre-Construct Viability Assessment by Icen Projects, Tree Survey by Keen Consultants (October 2021), Wind / Microclimate Study by Nova (June 2020), Daylight and Sunlight Report by Point 2 (August 2023), Scheme Internal Daylight, Report by Point 2 (October 2021), Air Quality Assessment by Stroma (October 2021), Whole Life Carbon Assessment Note by Icen Projects (October 2021), Whole Life Carbon Assessment Addendum by Icen Projects (August 2023), Circular Economy Statement by Icen Projects (March 2022), Circular Economy Addendum by Icen Projects (August 2023), Statement of Community Involvement by Kanda Consulting (October 2021), Drainage Strategy by Whitby Wood (October 2021), Ecological Impact Assessment by Greenlink Ecology Ltd. (November 2019), Tree Survey and Impact Assessment by Keen Consultants (October 2021), Carbon Dioxide Savings and Emissions Spreadsheet, Gateway One Fire Statement by OFR Fire Risk Consultants (August 2023), D12 Fire Statement Rev R04 by OFR (October 2023), Revised Urban Greening Factor Calculation RP991 Rev 01 (October 2023), Additional Heritage and Vucity Assessment by Icen (October 2023), GLA Carbon Emissions Reporting Spreadsheet.

Type of Application: Major

Application Received: 21/10/2021

Revised: 31/08/2023

Report by: John Robertson

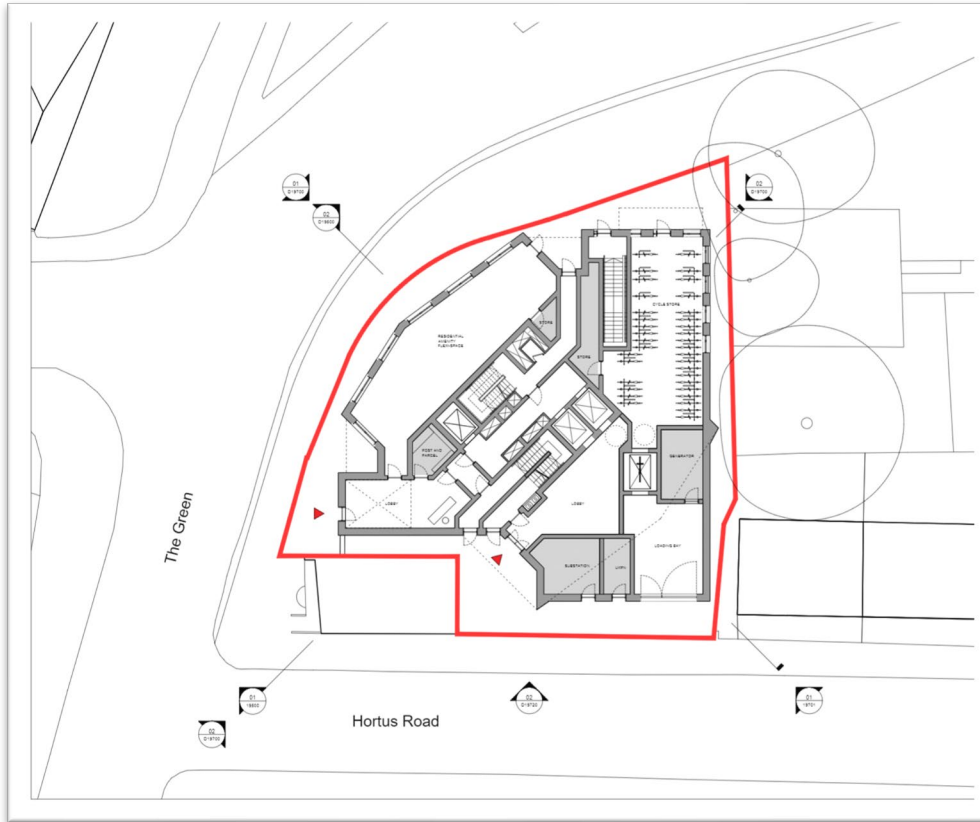
**Recommendation:** Grant with conditions subject to Stage II referral to the Mayor of London, completion of a S106 Agreement and a S278 Agreement, and subject to conditions of consent. This permission would also be subject to a Community Infrastructure Levy payment to the Greater London Authority (GLA).

**Executive Summary:**

This application seeks permission for a residential-led redevelopment of a derelict commercial site just south of Southall town centre.

This application was previously considered by the planning committee in July 2022 and approved subject to legal agreements and referral to the GLA. The current scheme has been revised to provide an additional fire escape staircase and another firefighting lift to meet fire safety requirements, with some design alterations to reflect this. However, the scale, design and components of the scheme are very similar to those considered in July 2022. In particular the number of flats, the mix of flat sizes and the affordable housing provision have not changed.

The application site is very small (0.08 ha) and lies at the junction of Hortus Road with the Green, immediately south of the Southall railway and Elizabeth Line station and Southall Town Centre. It also lies in the Southall Opportunity Area. The surrounding area has been subject to major development in recent years, with permissions for large residential-led schemes in high buildings of up to 23 storeys.



**Site Location**

This proposal is for redevelopment to provide 95 flats in a part 23, part 19 storey and part 14 storey building. A flexible community/amenity space of 92 sq m is proposed at ground floor level for use by residents and the local community. The development would be car free and have 180 cycle parking spaces. Communal outdoor amenity space is proposed in terraces at first and 14th floor levels.

The scheme would make an important contribution to meeting local housing demand and 35% of residential units by habitable rooms, comprising 33 flats, would be affordable. The proposed tenure split of 70% intermediate and 30% London Affordable Rent is not supported by the Council’s Housing section as it does not meet the Council’s preferred tenure mix. London Living Rent units instead of some Shared Ownership were sought given the oversupply of the latter in the area. However, the applicant’s viability appraisal concluded that the scheme could not viably support affordable housing, a different tenure mix or planning obligations above those already proposed and this was confirmed by the Council’s independent viability advisers. Given these confirmed viability constraints, the proposed affordable tenure mix was previously considered acceptable but with early and late stage reviews required. This tenure mix has not changed in the revised scheme.

A development of up to 22 storeys above ground can be considered as a tall building on a site not identified as appropriate for tall buildings in the Development Plan or the Development Sites DPD and it is not within a town centre. However, it does lie in the ‘Southall Gateway’ character area of the Southall  
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Opportunity Area Planning Framework (OAPF), which indicates potential for taller buildings and a number of other tall buildings have been approved nearby. The height of the taller element would be similar to that of adjoining approved buildings at Kings House and the nearby Arches site on Merrick Road. The height of the building is unchanged in the revised scheme.

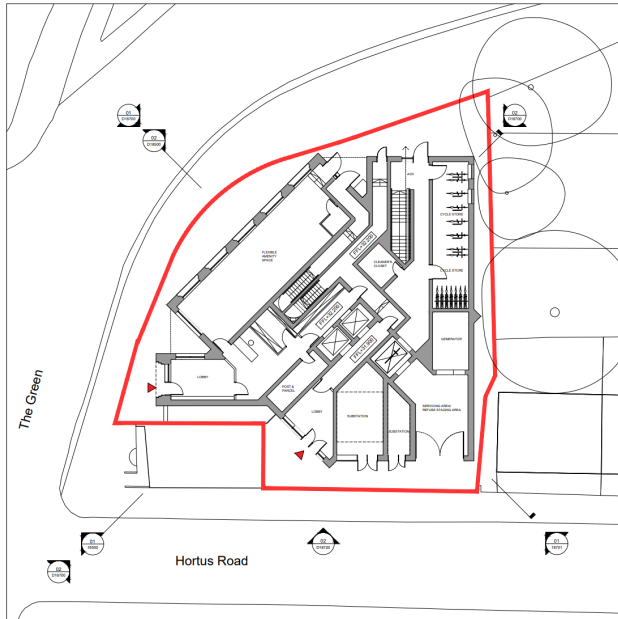
The scheme was also assessed against the London Plan Policy D9 criteria for tall buildings and the Ealing Housing Design Guidance (January 2022) which sets out various guidelines for developments including tall buildings. Overall, the proposed tall building would accord with most of the London Plan Policy D9 and Ealing design guidance criteria. On balance, a reasonable case was made for this tall building to be acceptable on this site.



**Proposed building within context of approved schemes in Southall**

The development comprises a main building of 22 storeys above a basement level with attached side elements of 14 and 19 storeys. The plan form of the building would appear as roughly a square rotated within a larger square. The main, taller element would be set at a 45 degree angle to the Hortus Road street edge, with the lower, side elements aligned to the street edges. This allows the main elevations to be set back from the edges of the site and reduce the visual impact.

The main design change in the revised scheme is an increased size of core area to accommodate an additional staircase and lift. This has resulted in changes to the north-west and south east elevations of the taller block in the form of a shallow angled protrusion (or slight bulge) on both these elevations. The figures below illustrate this change.



Ground Floor Plan - Resolution to Grant Scheme (single staircase)



Ground Floor Plan - Proposed Scheme (double staircase)

As in the previous scheme, the building would have a well-defined base, middle and crown differentiated by different colours of brick, window sizes and decorative metal panels. The varied heights of the side elements would create a stepped effect, visually reducing the overall massing. This would be reinforced by the different shades of brick used to differentiate the side elements from the main, taller element. On balance, the scale of the buildings and the revised design approach are considered to be of good quality, and to complement other developments in this area.

All the proposed flats would still be dual aspect units and would provide adequate environmental conditions and adequate living conditions in terms of floor space, layout, daylight and visual outlook.

All the flats would have private balconies that meet London Plan standards, the majority inset balconies. External communal amenity spaces on the first and 14th floors would be accessible from the shared central core and designed as children’s play space. A 1.5m brick parapet around the 14th floor amenity area would provide protection from falling and winds, with safe views through balustraded openings in the parapet wall. Given the constraints of this small site, there would be an overall shortfall in amenity space and this would be mitigated by a S106 contribution towards improved provision in Southall Manor House Grounds.

The revised scheme would not have significant impacts on the amenity and living/working conditions of adjoining occupiers due to the separation distances from nearby dwellings.

Some 19% of the site area would be provided as public realm space. This will provide widened pavements, green planting areas with new trees, a number of benches and integrated street lighting to improve the public realm area between the scheme and the raised highway. New landscaping is proposed on both The Green and Hortus Road frontages while the existing retaining wall to the Green would be retained to provide a robust buffer to traffic and associated noise. The small size of the site means that the Urban Greening Factor would be below the London Plan target but there is limited scope to improve it and the public realm improvements can be considered to offset this.

Based on the Heritage Assessment with the application, the proposal would not cause significant harm to nearby heritage assets and any harm would be less than substantial and outweighed by the benefits of the proposal including provision of 95 new flats including 33 affordable dwellings, improvements to the public realm, landscaping and pedestrian access beside the site, enhanced appearance of a prominent site adjoining the new Elizabeth Line station and a gateway to Southall town centre and provision of new community assembly/function space close to Southall town centre.

The proposed development would provide high standards in terms of sustainable design and construction including a communal ultra-low temperature Air Source Heat Pump distribution loop with dwelling Water Source Heat Pumps providing panel radiator space heating and domestic hot water, along with a range of energy efficiency measures. With these measures, the overall site-wide CO2 emissions would be cut by at least 68.8%. Potential impacts with regard to air quality, noise, wind effects and land contamination can be adequately dealt with by the conditions proposed.

This is a car free development. Transport Services and TfL have assessed its potential implications for the highway network in the locality and consider it acceptable subject to conditions and financial contributions towards the review and potential extension of existing CPZs, junction improvements, traffic calming measures, bus stop and bus capacity improvements, and works to improve local pedestrian and cycle infrastructure. S106 contributions have been agreed for such measures. The site is in an area of good public transport accessibility and, with the conditions and planning obligations agreed, including a restriction on resident parking permits and provision of car club memberships to scheme residents, any potential impacts arising from the proposal will be satisfactorily mitigated.

Overall, the scheme will provide a number of planning and regeneration benefits including a sizeable increase in the housing stock, 33 affordable units, provision of flexible community/meeting space available to the local community and in the order of £1.2 million in S106 and CIL contributions towards infrastructure, community facilities and open space improvements in the area. The revisions to the scheme have not significantly altered any of its key elements or the acceptability of its scale and design. The Health and Safety Executive is content with the revised fire safety arrangements.

On balance, it is considered that the proposed development accords with relevant policies of the adopted the Ealing Core Strategy (2012), The London Plan (2021), relevant Supplementary Planning Guidance, the National Planning Policy Framework (2023), and the Ealing Development Management Development Plan Document (2013). It is therefore recommended for conditional approval subject to S106 and S278 legal agreements.

**Recommendation:**

That the committee **GRANT** planning permission subject to Stage II referral to the Mayor of London, and the satisfactory completion of legal agreements under section 106 of the Town and Country Planning Act 1990 (as amended) and under section 278 of the Highways Act (1980) in order to secure the items set out below:

**Heads of Terms**

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

<b>Contribution Heading</b>	<b>Proposed Contributions</b>
Education infrastructure (Havelock Primary School, Villiers High School)	£121,117
Healthcare provision	£147,818

Air Quality Monitoring	£9,600
Carbon Dioxide Offsetting	£ 74,100
Renewable & Low Carbon Energy Monitoring	£ 14,616
Children’s playspace provision (Southall Manor House Grounds)	£ 13,410
Public Amenity space improvements (Southall Manor House Grounds)	£ 76,800
Allotment provision	£ 10,669
Sports provision	£124,000
Apprentice and Local Labour Scheme	£12,500
Improvements to junctions on The Green between Merrick Road (A3005) and Featherstone Road	£ 25,000
New pedestrian / cycle bridge across railway line	£ 30,000
Traffic calming and pedestrian crossing facilities on residential roads south of the development	£20,000
Footway improvements on Road adjacent to the development	£ 20,000
Cycle infrastructure improvements near the development	£ 30,000
Bus stop improvements near site	£10,000
Review existing CPZ near the development to extend to adjoining roads	£20,000
Bus service improvements	£100,000
Removal of on-street parking bay on Hortus Road to allow on-site servicing	£ 2,000
Conversion of one on-street parking bay on Hortus Road to disabled space	£ 3,000
Travel Plan Monitoring	£ 3,000
<b>Total Contributions</b>	<b>£867,630</b>

- Affordable Housing provision of 33 flats (35% of habitable rooms), the tenure as a percentage of total affordable units being London Affordable Rent (30%) and Shared Ownership (70%);
- An early stage review and a late stage review of affordable housing provision;
- Participation in an Apprentice and Placement Scheme, which shall provide opportunities across the development, including the construction, design and post construction management of the development. Details of the Apprentice and Placement Scheme including the number of placements details shall be agreed with the Council and include 7 apprenticeships during construction phase and 11 work experience opportunities; this is in addition to the £12,500 contribution towards an Apprentice and Local Labour Scheme;
- Restriction of Parking Permits - all the units shall be precluded from obtaining a parking permit and visitor parking vouchers to park within surrounding Controlled Parking Zones and any future CPZs in the area;
- Removal of one on-street parking bay on Hortus Road to allow on-site servicing at applicant’s expense;
- Conversion of one on-street parking bay on Hortus Road to a disabled parking space at applicant’s expense;
- Provision of free 3-year car club membership to residents of the scheme;

- Additional Contribution for Carbon Dioxide Offsetting (carbon shortfall calculated at current rate of £95 per tonne of carbon for 30 years in the event that the CO2 emissions of the development, including both residential and non-residential, cannot be achieved onsite) as in the table above;
- Implementation of the Travel Plan with funding for cycle and road safety education training to all scheme residents;
- An early review mechanism, to be triggered if an agreed level of progress is not made within 2 years of permission being granted, with other requirements as stated for the Fast Track Route as set out in the Mayor's Affordable Housing and Viability SPG;
- Provision of community assembly/function space at no cost to local residents and community groups;
- All contributions to be index linked;
- Payment of the Council's reasonable Legal and other professional costs in preparing and completing the agreement.

**AND**

S278 works to the public realm area adjoining the application site.

**AND**

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

**Site Description**

The application site comprises approximately 0.08 ha and contains two vacant, former commercial buildings of 2 and 3 storeys fronting The Green, with an area of hardstanding to the rear accessed off Hortus Road.

It is bounded by The Green to the west, Hortus Road to the south, Merrick Road (A3005) to the north and to the east by 2 storey dwellings along Hortus Road. To the south along the Green are 1-2 storey commercial properties with flats above. To the west, across the Green, is a 10 storey block of flats and a 3 storey office building. To the north, across Merrick Road, is Southall railway station. To the north-east is Maypole Court, a 2 storey block of flats.

This location lies immediately south of Southall Town Centre. The site has no designation in the Local Development Plan other than being within an area of park deficiency, the Southall Opportunity Area and the King Street Neighbourhood Centre. It lies in an area with a low risk of flooding (Flood Zone 1).

The site does not contain or adjoin any listed building and is not within a Conservation Area. The nearest listed buildings are The Water Tower (Grade II) some 175m to the north, Southall War Memorial (Grade II) 250m to the south and Southall Manor House (Grade II\*) 280m to the south.

The Public Transport Accessibility Level (PTAL) of the site is good (4) and this should increase once Elizabeth Line services to Southall are fully operational. The site is located in a Controlled Parking Zone (CPZ).



**The Surrounding Area**

The immediate surrounding area has been subject to major development in recent years, with permissions for major residential-led schemes in high buildings nearby including:

- a 20 storey development on the site of the Kings House building on The Green comprising 77 flats, 934 sq m of B1 commercial floorspace and 82 sq m of cafe/retail space;
- the former Esso petrol filling station site, Merrick Road, Southall - a 16-19 storey, mainly residential development including 166 flats, which is under construction;
- the former Honda Garage site - a 5-12 storey development of 170 flats on Merrick Road, which is under construction;
- Malgavita Works - a 5-23 storey mixed use development on Merrick Road including 313 flats, which is under construction;
- the Arches site, Merrick Road - a residential-led, mixed use redevelopment up to 23 storeys high for 575 dwellings (subject to completion of a S106 Agreement).

**Relevant Planning History**

There have been no recent planning decisions on the site of relevance to this proposal other than a prior approval in January 2020 for demolition of all existing buildings on the site (Ref. 195287PND).

**The Proposal**

The application seeks permission for a part 23, part 19 storey and part 14 storey building, including a basement level, to provide 96 residential units as well as flexible amenity space, cycle parking, refuse storage and public realm improvements and landscaping. The key elements of the proposed development are:

- 95 dwelling units made up of 37 x 1-bedroom / 2 person flats, 7 x 2-bedroom/ 3 person flats, and 51 x 2 bedroom / 4 person flats;
- a flexible ground floor space of 92 sq m for use by residents of the development and the local community;
- zero parking spaces and 181 cycle parking spaces;
- 245 sq m of communal amenity space at ground, first and 14<sup>th</sup> floor levels.

In terms of affordable housing, a total of 33 affordable units is proposed, equivalent to 35% of total habitable rooms on the site.

The scheme was revised in September 2023 to provide an additional fire escape staircase, along with various associated internal and external alterations. The main elements of the scheme listed above remain unchanged but there would be a 770 sq m increase in gross internal floorspace (+8.8%).

**Environmental Impact Assessment**

The applicants sought an EIA Screening Opinion to confirm that the proposed development is not one requiring an Environmental Impact Assessment. Careful consideration was given to the location, scale and nature of the proposals, which would primarily involve a residential development and take place largely on previously developed land on a 0.08 ha site within an existing urban area and which does not contain or adjoin any environmentally sensitive areas, heritage assets, or areas of high flood risk. The proposed scale of the development would also not be significantly higher than adjoining development in the area. In October 2021, the Council issued a Screening Opinion to confirm that this proposal was not one requiring an Environmental Impact Assessment.

**Consultation:**

**Public Consultation – Summary**

<p>Neighbour Notification</p>	<p>Consultation period 10/11/2021 – 1/12/2021. Major site notices posted. Two objections received from a local residents with the main issues as follows:</p> <ul style="list-style-type: none"> <li>• overdevelopment of the site;</li> <li>• proposed development would tower unsympathetically over adjacent streets of 2 storey houses;</li> <li>• loss of Old Bank House building would remove local heritage asset that contributes to historic character of the area;</li> <li>• increase in parking pressures in area;</li> <li>• increased traffic congestion from more flats.</li> </ul> <p>Further consultation was carried out on the revised scheme between 4/09/2023 and 4/10/2023 and the application advertised in the local press but no further objections were received.</p>
<p>External Consultation</p>	
<p>Thames Water Utilities</p>	<ul style="list-style-type: none"> <li>• proposed development within 15m of a strategic sewer and condition requested on piling method statement;</li> <li>• no objection on surface water drainage if the developer follows the sequential approach to the disposal of surface water;</li> <li>• no objection with regard to waste water network and sewage treatment works infrastructure capacity;</li> <li>• requested applicant incorporate protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances).</li> <li>• no comments made on revised scheme.</li> </ul>
<p>Health &amp; Safety Executive (HSE)</p>	<p>HSE content with the fire safety design to the extent it affects land use planning considerations.</p>

Affinity Water	No response.
Crossrail	No objection.
Network Rail Infrastructure	No objection in principle but request various informatives or conditions to prevent impacts on to network rail infrastructure.
Heathrow Airport	No safeguarding objections but crane operators to consult the airport before erecting a crane and any landscaping should be carefully designed to minimise its attractiveness to hazardous species of birds.
National Air Traffic Services (NATS)	No objection.
Civil Aviation Authority	No response.
National Highways	No objection as proposal would not materially affect the safety, reliability and/or operation of the strategic road network.
Environment Agency	No response.
NHS Estates	Require contribution of £147,818 towards improvement of primary care facilities in the area.
Design Out Crime	No objection but seeks planning condition so that this development must achieve Secured by Design accreditation.
London Fire and Emergency	No response.
Transport for London	<p>No objection subject to the following:</p> <ul style="list-style-type: none"> <li>• funding towards active travel improvements including improved crossing facilities on The Green to be secured via S106 or S278 agreements;</li> <li>• should demonstrate provision of 174 cycle parking spaces and these to include a combination of Sheffield stands (at least 20%) and spaces for larger cycles (at least 5%) and follow London Cycling Design Standards;</li> <li>• short-stay cycle parking for visitors should be located externally and alternative means of access to cycle store should be provided in case of a lift breakdown;</li> <li>• residents to be denied parking permits for any CPZ;</li> <li>• notes parking space to be removed from Hortus Road to provide on-site servicing which does not impact on The Green and supports contribution of £2,000 for this.</li> <li>• largest impact of the development will be on local bus services and would require a pro rata contribution of approximately £100,000 towards providing an additional peak hour bus for five years;</li> </ul>

	<ul style="list-style-type: none"> <li>• support retention of previously agreed transport related S106 contributions;</li> <li>• concerned that that deliveries and servicing are to occur on street; an off-street solution needs to be agreed with Ealing highways officers and secured through a Delivery and Servicing Plan condition;</li> <li>• concerned on impacts on The Green during construction and a Construction Logistics Plan should be secured by planning condition and show how impacts on The Green will be avoided.</li> <li>• the final Travel Plan should be secured by planning condition.</li> </ul>
<p>Greater London Authority</p>	<ul style="list-style-type: none"> <li>• application does not comply with the London Plan but could be acceptable in strategic planning terms if areas of concern addressed;</li> <li>• site not identified in the development plan as suitable for tall buildings and, as such, the proposal does not comply with London Plan Policy D9;</li> <li>• should explore making individual elevations more varied, and to reflect their different orientation and need to access/mitigate daylight and sunlight;</li> <li>• explore banding ‘groups’ of floors together, with a more clearly defined base to the building and ensure exemplary architectural and build quality;</li> <li>• Zone of Theoretical Visibility map should confirm impacts on statutory listed buildings and structures and Council’s assessment of impacts on the locally listed buildings also taken into account;</li> <li>• a minimum 20% of total cycle parking provision to be in the form of Sheffield stands with at least 5% catering for larger or adapted cycles;</li> <li>• environmental issues on energy, whole life-cycle carbon, circular economy and urban greening require resolution prior to the Mayor’s decision-making stage.</li> </ul> <p><i>Planning Officer comment: These initial comments were made in December 2021 and have now largely been addressed by revisions and further information submitted as set out in later sections of this report.</i></p> <p>Later comments on the revised scheme with a second fire staircase were:</p> <ul style="list-style-type: none"> <li>• supports unchanged affordable housing offer;</li> <li>• the proposed design changes are minor and do not to raise issues in themselves; design concerns on the tall building generally to be weighed in the planning balance at Stage 2;</li> </ul>

	<ul style="list-style-type: none"> <li>• minor alteration to the tower shape will not have significant impact on previous assessments of heritage impacts; requested views for the Water Tower and a better quality Zone of Theoretical Visibility report;</li> <li>• changes to Whole Life Carbon and Circular Economy reports are minor but amended wording sought for conditions and on digital connectivity and need additional Circular Economy condition;</li> <li>• requested additional background evidence to underpin the Energy report;</li> <li>• various queries raised on Fire Statement;</li> <li>• proposed changes would not address concern on disabled person parking provision;</li> <li>• potential non-compliance with London Cycling Design Standards and details sought of conditions and obligations to address these.</li> </ul> <p><i>Planning Officer comment: A condition is applied to require cycle spaces to comply with London Cycle Design standards. The S106 Agreement will include conversion of a Hortus Road parking bay to a disabled space; the wording of conditions has been amended to reflect GLA requirements. The applicant has submitted an amended Fire statement, Energy Statement and Zone of Theoretical Visibility note to address the GLA comments.</i></p>
National Grid Plant Protection	No response.
Metropolitan Police	<p>No objection but requires conditions on:</p> <ul style="list-style-type: none"> <li>• access control which enables a dynamic lockdown to protect all users in the event of a marauding terrorist style attack;</li> <li>• signage prohibiting use of UAV/Drones on the communal amenity spaces.</li> </ul>
Internal Consultation:	
Regulatory Services (air pollution)	No objection but raises various queries on applicant’s assessment of air quality impacts and requests conditions on filtered fresh air ventilation system, Air Quality and Dust Management Plan, diesel generators and Non-Road Mobile Machinery. S106 contribution also sought towards air quality monitoring and mitigation.
Regulatory Services (noise)	<ul style="list-style-type: none"> <li>• upper floors in line of sight of railway and exposed to direct railway noise;</li> <li>• railway vibration is not considered an issue at this location;</li> <li>• 50% of proposed bedrooms would face roads and 75% should be orientated away from roads because traffic noise exposures are high;</li> </ul>

	<ul style="list-style-type: none"> <li>• due to exposure to traffic noise and pollution, proposed amenity spaces on the roadside at ground floor, at the north-east on level 14 and on north and west facing balconies could not be considered as adequate amenity space;</li> <li>• conditions requested on noise insulation of building envelope, post completion sound assessment, insulation between different uses/rooms, enhanced sound insulation between plant and dwellings, enhanced sound insulation of lifts and lift shafts, mitigation for plant/machinery noise, anti-vibration mounts and a demolition/construction management plan.</li> <li>• no further comments made on revised scheme.</li> </ul>
<p>Environmental Services (Contaminated land)</p>	<p>No comment as no evidence of contamination from past uses.</p>
<p>Drainage/flood risk</p>	<p>No response.</p>
<p>Waste and Street Services</p>	<p>No response.</p>
<p>Tree Officer</p>	<p>No response.</p>
<p>Landscape</p>	<ul style="list-style-type: none"> <li>• raises serious concerns on large shortfall in community amenity space, almost 50% shortfall of children’s playspace, no allotment or sports provision on site, and the extremely poor Urban Greening Factor score;</li> <li>• S106 contributions required for shortfall of children’s playspace, outdoor amenity space, allotments and sports provision;</li> <li>• lacks information on biodiversity net gain to demonstrate how the development will improve local provision of greenspace and biodiversity;</li> <li>• landscape masterplan and palette proposals for the surface level urban realm are acceptable, but unclear on ‘gifting’ of spaces to public realm with landscaping of both the developer’s land and Ealing council land with no clarity on ownership and long-term maintenance etc.</li> <li>• little consideration shown for existing anti-social behaviour adjacent to the flyover with proposals showing new seating in this area, which is north facing and likely to be cold, windy and likely to attract further anti-social behaviour unless well managed and well lit.</li> <li>• no further comments on revised scheme.</li> </ul>
	<p>Initially objected on basis that:</p>

<p>Transport Services/ Highways Manager</p>	<ul style="list-style-type: none"> <li>• large developments need to have off street servicing but transport assessment indicates servicing can be undertaken on street on the Green, which is unacceptable for loading with double yellow lines on this busy road, with numerous buses at a narrow point and on a corner; this is a road safety issue and a congestion issue.</li> <li>• Highways are trying to re-design the Green/South Road/Merrick Road junction and there is an issue with levels, meaning that pedestrian accessibility cannot currently comply with DDA.</li> </ul> <p>Following revisions, this objection has been resolved. Other comments include:</p> <ul style="list-style-type: none"> <li>• parking permits to be denied by S106 agreement for any new CPZ near or in the proposed housing estate;</li> <li>• explore potential to provide car club bays accessible by the public on the application site or on Hortus Road;</li> <li>• provide free 3-year car club membership to residents of the scheme;</li> <li>• disabled parking spaces and electrical vehicle charging points to be provided to GLA standards;</li> <li>• Construction / Demolition Method Statement, and Servicing and Parking Management plans to be submitted for approval;</li> <li>• should explore potential to provide footways along the periphery of the development;</li> <li>• need details of the development in relation to the adjacent busy junction, including details of retaining wall and footway;</li> <li>• Transport Assessment should include TRICS output data for proposed residential use;</li> <li>• require plan showing size of cycle parking spaces and details of the cycle circulation area from the ground floor entrance of the building to the cycle parking area;</li> <li>• S106 contributions sought towards junction, footway and bus stop improvements, traffic calming measures, review of the existing CPZ, and improvements to pedestrian and cycle infrastructure near the development.</li> </ul>
<p>Strategic Planning</p>	<p>No response.</p>
<p>Sports Management</p>	<ul style="list-style-type: none"> <li>• requests S106 contribution of £124,000 for increased sports facilities demand generated by population of the new development;</li> </ul>

	<ul style="list-style-type: none"> <li>proposed ground floor amenity area should be as flexible to allow it to accommodate a wide range of sport and exercise activities.</li> </ul>
Housing	<ul style="list-style-type: none"> <li>does not support proposed affordable housing tenure mix of 70% intermediate and 30% London Affordable Rent;</li> <li>intermediate affordable units should not be pitched at the top of the shared ownership eligible income range;</li> <li>requests 2 bedroom units to be for 4 persons, not 3 persons;</li> <li>requests provision of some 3 bedroom units;</li> <li>requests viability assessment and early stage review mechanism.</li> </ul>
Education	<p>Requested S106 contribution of £121,117 towards improvements to Havelock Primary School with a reserve of Dairy Meadow Primary School or other local education provision at primary phase, and Villiers High School or other secondary education provision at secondary phase.</p>
Regeneration	<ul style="list-style-type: none"> <li>principle of investment supported but quality of design needs to have regard to the prominence of the location;</li> <li>site is important gateway to the wider areas of the Green and Southall East and should offer a prominent and attractive building that draws people along the high street and towards the town centre;</li> <li>site not needed to supply homes as not allocated for housing and sufficient approvals already for Southall's share of London housing need;</li> <li>solely residential use is inappropriate given the prominence of the location and scheme should allow for proper height commercial space on the ground and lower floors and activation of the ground floor frontages;</li> <li>mix of housing proposed unlikely to meet Ealing's needs for genuinely affordable housing and more social rented housing including family units sought;</li> <li>concern on residential amenity space provision given the constrained nature of the site and proposed small spaces to the south and on lowest tower seem inadequate to meet needs of families and young people;</li> <li>unclear how buildings to be serviced and given road congestion nearby it would be inappropriate for any servicing to take place on street.</li> </ul>
Employment/Training	<p>Requests developer to provide a Local Employment &amp; Training plan and:</p> <ul style="list-style-type: none"> <li>contribution of £12,500 towards apprenticeship/employment placement and monitoring;</li> <li>7 apprenticeships during construction phase;</li> <li>11 work experience opportunities;</li> <li>25% of vacancies are to be filled by Ealing residents;</li> <li>provide details of local contractors/suppliers working on the site;</li> <li>links with local schools to enable work-related activities for students;</li> <li>all vacancies to be advertised through Council's job brokerage service;</li> <li>developer to support construction training programme to enable local residents to prepare and access opportunities onsite;</li> <li>penalty of £10,000 per apprenticeship not filled.</li> </ul>



Energy officer/ Sustainability	No objections to Energy Strategy or Sustainability approaches; requires Section 106 contribution towards carbon offsetting and low-carbon/renewable energy monitoring and various conditions to be applied.
CCTV Systems Manager	No response.
Norwood Green Councillors	Former Councillors Rajinder Mann and Gurmit Mann supported the original proposal as greatly improving the area since the existing building is in very poor condition, extremely dangerous for passing residents, and used by squatters and drug users at night. No comments from any current councillors on the original or revised scheme.

It is also noted that the applicant carried out a series of pre-application discussions with Council officers and the GLA. Additional engagement included leaflet dropping, advertising and a number of (virtual) consultation events in June 2020, June 2021 and September 2021. The scheme was also presented to the Ealing Community Review Panel on 12th October.

**Relevant Planning Policies:**

The policies relevant to this application are listed in the informatives section in Appendix 1.

**Reasoned Justification:**

**Main Issues**

The main issues in assessing this proposal are the quantum of development, the design and impact on the character and appearance of the area, the scale of the proposed building and its relationship with surrounding properties/overall context, the impact on amenity of adjacent uses, the quality of internal living environment for residents, the transport impact of the development, sustainability and potential operational aspects. Other issues to be considered include housing mix and affordable housing, crime prevention, accessibility, refuse and recycling storage, and drainage.

**Principle of Development**

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

Section 11 of the National Planning Policy Framework (‘Making Effective Use of Land’) encourages as much use as possible of previously developed land and vacant buildings as well as optimising the use of land to meet as much of the identified need for housing as possible. The proposed 96 residential units would make a significant contribution to meeting housing capacity as sought by policy H1 of the London Plan.

Policy SD1 of the London Plan requires local planning authorities to fully realise the growth and regeneration potential of Opportunity Areas to meet London’s severe housing needs.

The application site is located within the Southall Gateway area defined by the Southall Opportunity Area Planning Framework DPD (July 2014), where residential is the priority use and purpose built

redevelopment is supported to uplift residential and employment capacity. Key objectives in relation to Southall Gateway are provision of 400 new homes, 5,500 sq m of retail space, 4,000 sq m of B1 managed workspace, 2,250 sq m of community space and a potential new school. The Framework notes that, given its highly accessible town centre location, there may be scope for taller buildings within the Gateway. The application site is identified as appropriate for new mixed-use development in a highly visible junction ideal for retail and with potential for a tall building.

The principle of this broad form of redevelopment has also been accepted on several nearby sites within the Southall Gateway opportunity area. A number of higher, mainly residential buildings have already been approved, including the Kings House development with 20 storeys, the Malgavita Works development with 23 storeys, the Esso site with 19 storeys, and the Middlesex Business Park development with up to 22 storeys. In this context, a development of 23 storeys is not unreasonable.

It is therefore considered that residential development on this site would be appropriate and in accordance with the aspirations of the opportunity area and development principles of the Southall OAPF. The 96 residential units would contribute in meeting the housing capacity as set out in policy H1 of the London Plan and the development is considered acceptable in principle.

The site was formerly occupied by financial and professional uses rather than the employment uses defined by policy 4A of the Ealing Development Management DPD. There is therefore no issue with loss of employment space and the site has an 'extant' permission to demolish the current buildings on the site.

The proposed provision of a flexible space on the ground floor for use by residents and community groups is supported. This space could potentially be used by both residents and the wider community for activities such as parties, cooking classes, exhibitions, or exercise classes. The applicants indicate they have been engaging with local community groups to understand the local need for this space but there has so far been limited take-up for the type of space proposed. Therefore, until a specific interest is identified by a specific use/group, it is proposed that the space would remain as a flexible amenity space for the residents of the development for a range of activities, managed by the managing agent or residents association and if an interested community group emerges later then arrangements can be put in place to allow external users. This can be secured via a S106 Agreement.

On balance, the proposal is acceptable in land use terms and consistent with sections 5 and 11 of the National Planning Policy Framework (2023); policies H1 and D3 of the London Plan (2021); policies 1.1 (a) (b) (e), 1.2 (b), 2.1 (a) (c), 2.10 of the adopted Ealing Core Strategy (2012), and policies 4A and 4B of the Ealing Development Management DPD (2013).

### **Housing Land Supply**

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

The Council is currently compiling the evidence needed to confirm its position regarding the level of deliverable supply, and once completed this will be documented in an update to the latest AMR (October 2021). For reasons outside the Council's control the completion of this exercise has been delayed awaiting the migration of missing pipeline data into the GLA's Planning London Datahub. The GLA's London Development Database (a 'live' system monitoring planning permissions and completions) was replaced in 2020 by the Planning\_London Datahub. During this transition between

databases, there was a gap in coverage where neither database was operational and this prevented permission data being captured for a significant period, which has given rise to the incomplete pipeline. This incomplete pipeline poses a significant barrier to establishing future levels of deliverable supply. Typically, most of the supply identified through a five year land supply is expected to be derived from the pipeline of permissions.

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

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

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

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

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

### **Mix of Residential Units**

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

- the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock;
- the need for additional family housing and the role of one and two bed units in freeing up existing family housing;
- the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

In this context, the proposed 95 residential units would comprise 1 and 2 bedroom units but with 54% comprising larger, family-sized 2 bedroom/4 person, as shown below. In addition, the site is close to a town centre and both rail and underground stations and has very good public transport access.

Quantum of Proposed Residential Provision	
1 bedroom / 2 persons	37 (39%)
2 bedrooms / 3 persons	7 (7%)
2 bedrooms / 4 persons	51 (54%)
<b>Total</b>	<b>95 (100%)</b>

The Council’s Housing section requested a number of 3 bedroom or larger units be included in the housing mix given the severe shortage of larger, family sized homes for affordable rent in Ealing.

The GLA Stage 1 report noted that the proposal would provide only 1 and 2 bedroom units and, considering the future high PTAL of the site, once the Elizabeth line becomes operation, this could be acceptable in strategic planning terms. However, it also indicates that Ealing Council should confirm whether the proposed mix would acceptably respond to local needs. On balance, given the nature and location of the development, the proposed mix is considered acceptable.

**Affordable Housing**

Policy H4 of the London Plan (2021) sets a strategic target of 50% of all homes to be genuinely affordable. Unless justified through detailed viability evidence, Policy H5 requires a minimum of 50% affordable housing on SIL sites appropriate for residential uses in accordance with Policy E7 where the scheme would result in a net loss of industrial capacity. The Ealing Core Strategy sets a borough-wide strategic target of 50% affordable housing.

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

The affordable housing offer on the application site is for a total of 33 affordable units and 87 habitable rooms. This equates to 35% of total habitable rooms and 35% of all units proposed. The breakdown of these units by size is indicated in the Table below. The revised scheme would have the same affordable tenure mix and unit size breakdown as the previously approved scheme.

Flat Size	Affordable Units	Market Units	Total Units
1 bedroom / 2 persons	12	25	37
2 bedrooms / 3-4 persons	21	37	58
<b>Total</b>	<b>33 (35%)</b>	<b>62 (65%)</b>	<b>95</b>

Flat Size	No. of Affordable Units	No. of Affordable Habitable rooms	Affordable rooms as % of Total Rooms
1 bedroom / 2 persons	12 (33%)	24	32.4%
2 bedrooms / 3-4 persons	21 (67%)	63	36.2%
<b>Total</b>	<b>33 (100%)</b>	<b>87</b>	<b>35.1%</b>

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

Flat Size	London Affordable Rent	Shared Ownership	Total
1B/2P	4	8	12
2B/3-4P	6	15	21
<b>Total</b>	<b>10 (30%)</b>	<b>23 (70%)</b>	<b>33</b>

The proposed tenure of these affordable units by habitable rooms is shown below.

Flat Size	London Affordable Rent	Shared Ownership	Total
1B/2P	8	16	24
2B/3-4P	18	45	63
<b>Total</b>	<b>26 (30%)</b>	<b>61 (70%)</b>	<b>87</b>

The GLA Stage 1 report noted that the development provides the minimum 30% element of low-cost rent and intermediate but the remaining 40% is weighted in favour of intermediate, in conflict with the Local Plan and contrary to the presumption set out in Paragraph 4.6.2 of the London Plan, which seeks this 40% to focus on Social Rent and London Affordable Rent. It strongly encouraged the applicant to revise the proposed tenure mix to follow the Fast Track Route.

The Council’s Housing section noted that this development is proposing 35% affordable housing on a habitable room basis but with a tenure split of 70% intermediate and 30% London Affordable Rent. This conflicts with the split of 60% London Affordable Rent /Social rent and 40% intermediate which is the Council’s preferred tenure mix. On that basis, the proposed mix was not supported. As the scheme was not providing the required tenure split, they sought a financial viability appraisal and an early stage review was also requested.

The Housing section also noted that, while 10 units for affordable rent are proposed, it needed to be confirmed that these are at London Affordable Rent or social rent levels which are genuinely affordable. The mix of units should also have 2 bedroom units which are 2 bedroom/ 4 person rather than 2 bedroom / 3 persons as these would be more useful to families awaiting affordable housing.

In addition, the proposed intermediate tenure would include 8 x 1 bedroom and 15 x 2 bedroom units. If these are to be provided as shared ownership homes, the affordable provider should aim to make these affordable to a range of incomes and not all be pitched at the top end of the shared ownership eligible income (£90,000 p. a) and information on affordability levels for the intermediate homes provided.

The applicant submitted a viability appraisal with the application which concluded that the scheme could not viably support affordable housing or planning obligations above those already proposed. A further viability assessment based on replacing shared ownership units with London Living Rent confirmed this would reduce viability further. This viability appraisal was reviewed by the Council’s financial viability advisers, DVS, who concluded that the scheme is not viable but understands the applicant is willing to proceed on this basis. They also recommended both an Early Stage Viability Review and a Late Stage Review.

The GLA has also indicated that the S106 agreement must contain an early stage viability review to be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted. A late stage review would also be required if the scheme cannot follow the Fast Track Route.

Overall, the proposed affordable tenure mix can be considered acceptable in this case given the confirmed viability constraints of the scheme.

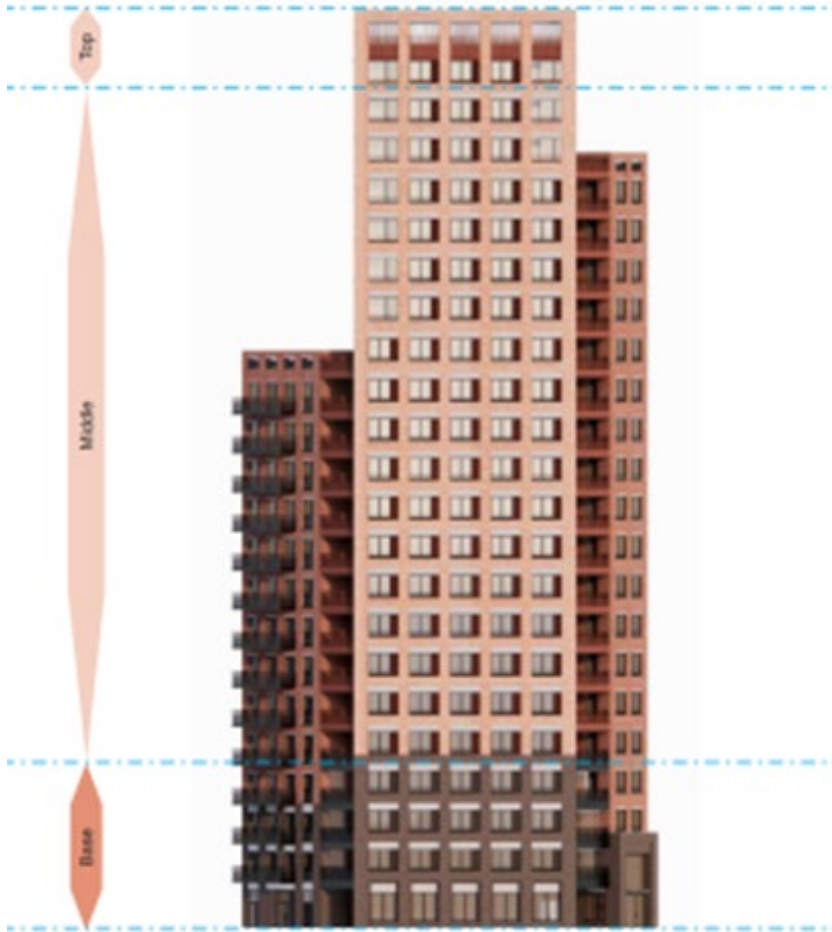
**Scale of Buildings**

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

This development of up to 23 storeys can be considered as a tall building. The site is not identified as appropriate for tall buildings in the Ealing Core Strategy or Development Management DPD, the Development Sites DPD or through any SPD or Area Action Plans and is not within a town centre. In that context, the GLA Stage 1 Report notes that the proposal would not comply with the locational requirements of Policy D9. However, it acknowledges that the site lies in the ‘Southall Gateway’ character area as defined by the Southall Opportunity Area Planning Framework (OAPF), which indicates potential for taller buildings. A number of tall buildings have also been approved nearby.

The scheme has therefore been assessed against the Policy D9 design criteria most relevant to this proposal:

- a) **avoid harm to the significance of heritage assets and their setting:** the proposed building is not in a conservation area and the Heritage Report confirms it would not significantly affect any listed buildings, the nearest being 175m away; it also concludes there would be no harmful effect on the setting of any local listed buildings nearby;
- b) **in long-range views ensure careful design of the top of the building, contribute positively to the existing and emerging skyline and not adversely affect local or strategic views:** the building would be seen in the context of other tall buildings approved nearby and would not affect any important views; the top has been designed to appear less ‘heavy’ than the base by grouping of elements, and giving the appearance of a ‘crown’ at the top of the building; this crown is similar to the top of King’s House, making the two buildings look like part of the same ‘family’;
- c) **in mid-range views from the surrounding neighbourhood make a positive contribution to the local townscape in terms of legibility, proportions and materiality:** the visual proportions of the middle of the tower would appear different from each direction; this is achieved by providing shoulder ‘flanks’ to the building, which step down to respect the context of the existing and emerging context; when viewed obliquely to the main building façade, the flanks of the building would sit within the silhouette of the main building mass, helping reduce the visual mass of the building, and making the tower appear more slender; this can be considered to make a positive contribution to the local townscape;
- d) **individually or as a group, to reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding:** the proposed scheme would complement the emerging skyline of buildings of up to 23 storeys around the roundabout and provide a marker to Southall Station and to The Green; this would improve wayfinding to the transport infrastructure, and retail, commercial and community uses along The Green.



**Proposed Elevation**

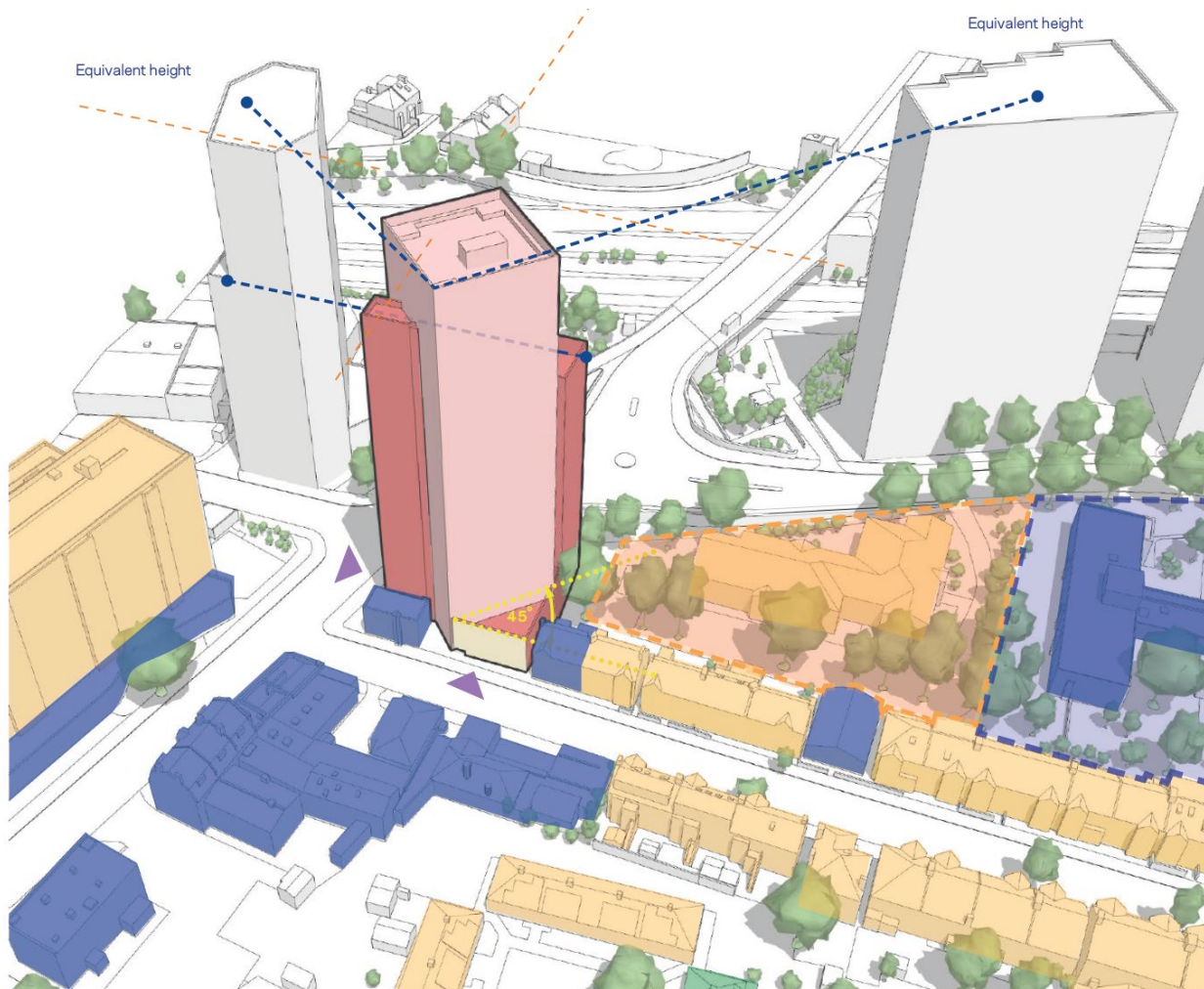
- e) **architectural quality and materials to be of an exemplary standard:** the architectural quality of the building is considered to be of a high standard and is designed with high quality and durable materials; the main cladding material would be brick, with complementary tones between its various massing elements, and the surrounding context; the elevations are designed with bespoke and well-detailed window elements to make the scheme high-quality in both far and near views;
- f) **the base of the building to have a direct relationship with the street, maintaining its pedestrian scale, character and vitality:** the base of the proposal would be defined by a dark red / purple brick, reflecting the brick of the existing building; the stepped heights of the proposed base would mimic the stepped façade of the existing building, as well as provide a stronger base to the larger/taller elements of the massing; the 2-4 storey height of the base would give a more human scale, reduce visual mass and soften the pedestrian experience; where the building meets neighbouring properties of 2.5 storeys, it would incorporate a shoulder of similar height, to tie the elevation into the existing properties; the scheme also incorporates communal / community space at ground level with glazing towards the pavement to reinforce the pedestrian scale.
- g) **not cause adverse reflected glare and minimise light pollution from internal and external lighting:** the main cladding would be brick, with restrained fenestration provided as inward opening casement windows at cill height; these elements / materials will reduce or eliminate potential glare and no objections have been raised on this point; the reduced area of glazing would also reduce internal light spill; the scheme will not incorporate any upward lighting to the main façade, nor at

roof level; lighting in the public realm would be minimised, while still adequate to ensure safety and security and lighting to the communal / community use at ground level would be designed to avoid light spill onto the public realm.

- h) **entrances, access routes, and ground floor uses should be designed to allow for peak time use and to ensure no unacceptable overcrowding or isolation in surrounding areas:** the applicants note that entrances and accesses (including to cycle stores, bin stores, and plant areas at grade) have been designed to avoid intrusions on the public realm; the main entrances would have generous lobbies with glazing towards the public realm, and provide significant hardstanding within the site boundary to ensure the development would not cause overcrowding or collisions within the adjoining public realm areas.
- i) **noise, wind, daylight, sunlight penetration and temperature conditions around the building not to compromise enjoyment of open spaces around the building:** the slender profile of the tower would not create significant overshadowing, with most overshadowing towards the public highway and roundabout, and not affecting any public open spaces; the scheme has also undergone extensive daylight/sunlight and wind testing, demonstrating that the proposal (and its cumulative impact with emerging development) does not have a detrimental effect on the environment of adjacent open spaces and public realm.
- j) **internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants:** the scheme has been designed and reviewed alongside a fire engineer; a Fire Statement accompanies the application with details of layout, emergency access and escape routes and facade/materials and a condition will ensure implementation to accord with this; in addition, brick is to be used as the cladding material because of its inherent non-combustible characteristics.
- k) **must demonstrate that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport:** the development would be car free and well connected to public transport, reflected in its good PTAL rating, which will greatly improve with full service on the Elizabeth Line; due to the high level of local bus and train services, there should be minimal traffic impacts; the site is also located within a reasonable walking and cycling distance of a wide range of facilities and amenities, including, education, health, leisure, retail and employment; the Council's transport section consider impacts on the transport network will be acceptable with the required S106 contributions to infrastructure and bus services;
- l) **jobs, services, facilities and economic activity provided by the development should inform the design so it maximises the benefits these could bring to the area:** although the proposal is a predominantly residential scheme, it includes community space on the ground floor; this has been developed in consultation with local community groups and reflects a lack of local assembly/meeting spaces for various group sizes; a steering group will lead further development of the space and its potential uses to maximise benefits to local residents and community groups; the proposed public realm improvements will also greatly improve the footpath area beside the site, improving the local environment and making the area more accessible.
- m) **free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate:** the proposal includes an element of communal / community space at ground floor level; this space will be available to community groups to book for a variety of uses, at no cost.
- n) **proposals for tall buildings should positively contribute to the character of the area:** the proposed building would provide a high quality development, a marker for Southall station,



improvements to the public realm beside the station and a new meeting/function space for the local community; this can be considered to positively contribute to the character of the area.



**Height Relationship to Adjoining Buildings**

The development should also be considered within the emerging skyline of Southall, where a procession of high-rise, high-density buildings are approved or built between the former gasworks site to the west and various developments south of the railway line to the east. This includes buildings rising to 23 stories at King's House, Merrick Place and the Malgavita Works site and the Southall Waterside development of up to 19 storeys. The proposed building would complement this developing skyline, by filling a gap in it. It would also complete a trio of towers around the roundabout beside the station, and provide a marker to the entrance to The Green and the railway station.

On this basis, the proposed tall building can be considered to accord with most of the London Plan Policy D9 design guidance criteria.

The proposals have also been considered in the context of the recently published Ealing Housing Design Guidance (January 2022) which sets out various guidelines for developments including tall buildings. Many of these mirror the criteria in London Plan Policy D9. While the evolution and submission of the application pre-dated this Guidance, the proposals accord with some of the Guidance principles, including being designed with varied heights to provide visual intricacy across the

existing skyline, aiding legibility and wayfinding, providing an active frontage, being subject to visual impact testing and 3D modeling of nearby, mid-range and long distance views. It also provides shoulder blocks to modulate the overall composition of the massing and provide a transition between the new, taller elements and the scale of existing buildings. New, publicly accessible landscaped open areas are also provided to enhance outdoor amenity. However, it does not comply with others such as being part of a larger site over 0.25 ha and not obviously considering lower/medium rise forms of development, which may however reflect viability concerns on such a small site.

Overall, the proposed tall building would accord to an acceptable degree with London Plan Policy D9 and Ealing design guidance criteria. On balance, a reasonable case can be made for this tall building to be acceptable on this site.

### **Design and Character**

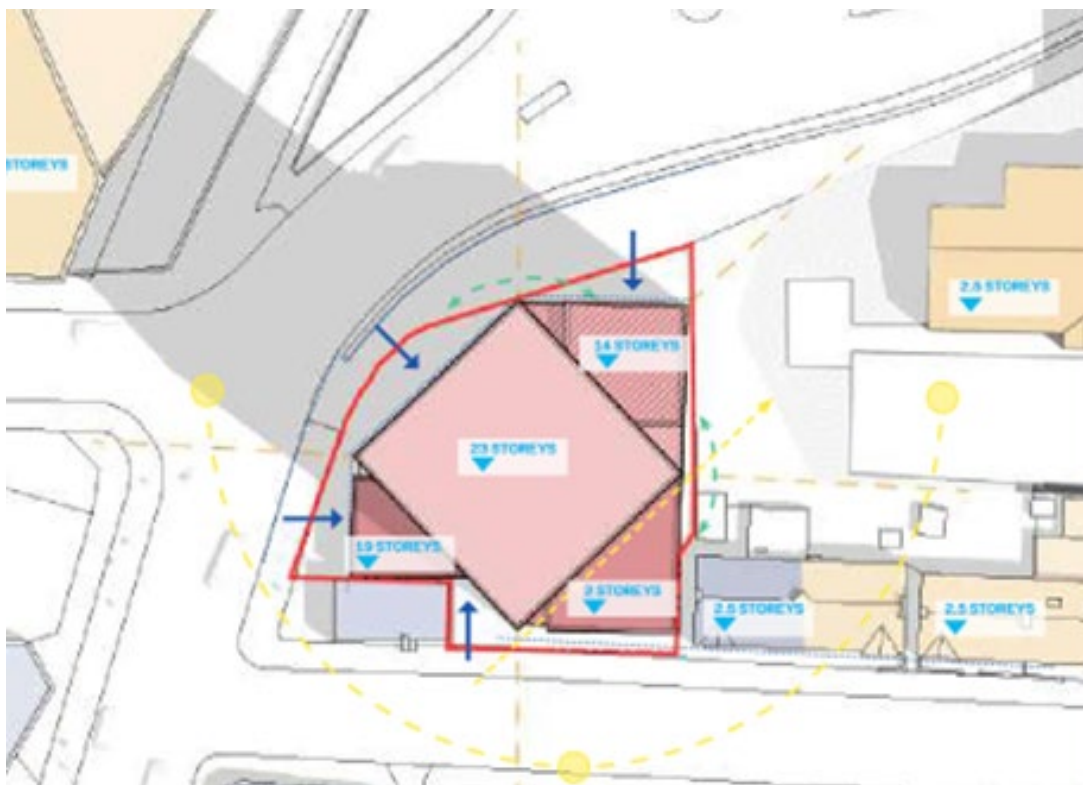
Policy D3 of the London Plan 2021 indicates housing developments should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. This is reinforced by policies 7.4 and 7B of the Ealing Development Management DPD (2013) require new buildings to consider the most important elements of the urban context in order to create a positive relationship with surrounding buildings and the public realm.

This development was not assessed by the Design Review Panel but has evolved following extensive pre-application discussions with planning officers.

The proposed development comprises a main residential building of 22 storeys above a basement level and with attached side elements of 14 and 19 storeys. The plan form of the building would appear as a square rotated within a larger square. The main, taller element would be set at a 45 degree angle to the Hortus Road street edge, with the lower, side elements aligned to the street edges. This allows the main elevations to be set back from the edges of this irregularly shaped site and reduce the visual impact, while avoiding prominent elevations facing adjacent sites.

The main design change in the revised scheme is an increased size of core area to accommodate an additional staircase and lift. This has resulted in changes to the north west and south east elevations of the taller block in the form of a shallow angled protrusion (or vertical crease) on both these elevations.

The height of the taller element would be similar to that of adjoining approved buildings at Kings House and the Arches site on Merrick Road. It would have a well defined base, middle and crown differentiated by different colors of brick, window sizes and decorative metal panels. The varied heights of the side elements would create a stepped effect, visually reducing the overall massing. This would be reinforced by the different shades of brick used to differentiate the side elements from the main, taller element. The elevations contain windows in a regular grid with both protruding and inset balconies added to the side elements to vary the built form.



Double height lobbies at ground level would provide the main entrance off the Green with a further entrance on Hortus Road. A flexible space for community/residential amenity use at ground floor level would extend along the north-western facade, with glazing on to the extended pavement. To provide active street frontages and overlooking of the street, the residential lobby would have a full width window fronting Hortus Road.

An active frontage to The Green would be provided by the entrance to the residential lobby and the flexible community/amenity space located there with four large windows onto the street which are angled so as to provide an active frontage on both external sides of the space.

Whilst some tall buildings have been approved in this area, including very close to the site, these buildings are located along the railway line at a greater distance from low-rise residential buildings. The GLA Stage 1 report notes the proposals would constitute a radical change in scale in this peripheral location with almost no transition from the suburban 2.5 storey buildings to the proposed 23 storey tower.

The applicants argue that, along Hortus Road, the scale of the building would reduce to transition to the existing, 2 storey semi-detached houses as follows;

- the height of the proposed building on this elevation would reduce to 2 storeys, to match the existing adjacent property;
- the scale of proposed ground floor windows along Hortus Road would reduce to reflect those in the adjacent houses;
- apertures to the amenity space at level 1 would provide natural surveillance to the street, provide a more active frontage, and visually lighten the massing;

- landscaping would direct pedestrians towards the building entrance, and soften the utilitarian access area.

The GLA's initial comments indicated that the development did not provide the design quality required for the site. It considered the proposed architectural treatment to be very regular and potentially overbearing at this height. The change in materials/tones was not considered sufficient to mitigate the height/scale of the proposals, which currently appear 'top heavy', with no setbacks from lower to upper floors. It required the individual elevations to be more varied, to reflect their different orientation. In addition, banding groups of floors together, with a more clearly defined base to the building, was recommended. Improvements to make the ground floor frontages more active and to the public realm and landscaping were also sought.



**View of Proposed Building from Hortus Road**

In response to the comment on the height/scale appearing 'top heavy' and overbearing, revisions made included window grouping at the crown of the building and more variation added through development of architectural details, such as addition of a dark grey brick panel above windows, of varying scale depending on their position on the elevation. These revisions aimed to achieve 'lightness' by grouping of elements, suggesting larger 'apertures' to the main brickwork of the building, and giving the appearance of a 'crown' at the top of the building. Architectural louvres grouped with the windows at the top of the building would be made of metal, with a narrow profile and their lightness in terms of colour and material would contribute to an appearance of visual 'lightness'.

With regard to making individual elevations more varied, aside from varying the architectural treatment for each massing element, the revisions vary the number, size and proportion of windows within each façade in response to their orientation, so that a façade with a northern orientation, for example, would contain a larger proportion of glazing and a portrait window design that reaches the floor level. As noted earlier, an active frontage to The Green would be provided by residential entrance and the flexible community/amenity space located there with four large windows onto the street angled to provide an active frontage on both external sides of the space.

The design changes in the revised scheme to reflect the extra fire stairs are not considered to significantly alter the appearance of the building or its acceptability in visual terms. This is accepted by the GLA.

On balance, with the amendments made, this proposal is considered acceptable in design terms and consistent with the objectives of section 12 of the National Planning Policy Framework, policy D3 of the London Plan (2021), and policy 7.B of the Ealing Development Management DPD.

### **Materials**

The primary material would be red brick reflecting that on existing buildings nearby. The north and west elevations would have a darker red brick than the north west elevation. However, the base of the tower would be clad in a darker grey brick up to fourth floor level of the main facade. Pre-cast, light grey lintels and anodised metal panel accents would be added to the windows to add colour and texture. The crown of the building would be emphasised by a decorative red metal element that would be seen in longer views.

The proposed types of materials are considered acceptable in principle. However, as requested by the GLA, a condition is applied to require approval of specific colours/materials.

### **Heritage Impacts**

The proposal involves a part 23, part 19 storey and part 14 storey building that would be seen from several viewpoints around the site. London Plan Policy D9 requires tall buildings to avoid harm to the significance of heritage assets and their setting, to contribute positively to the existing and emerging skyline in long-range views and not adversely affect local or strategic views, and to make a positive contribution to the local townscape in mid-range views in terms of legibility, proportions and materiality. A Townscape, Heritage and Visual Impact Assessment accompanies the application to assess the impact of the proposal on the surrounding townscape. A total of 12 views from different locations around the site were assessed. Its main conclusions with regard to heritage impacts were:

- the nearest listed buildings are the Grade II\* listed Southall Manor, the Grade II listed War Memorial near the historic Green, and the Grade II listed Water Tower to the north west of the site;
- no harm will arise from the proposal to these heritage assets or their setting; the buildings around The Green are some distance from the site, 175 - 280m, and the proposed development would appear in background views rather than dominate the skyline or their settings;
- with regard to nearby locally listed buildings, the Arches building has approval to be redeveloped with a 23 storey building and others such as the Banqueting Hall/Community Centre would see a significant change in their context from other tall buildings approved nearby and the proposed development would be a further addition to the skyline, enhancing their setting.

The GLA Stage 1 report indicated that a Zone of Theoretical Visibility map should be provided to confirm whether the proposal would cause any harm to the significance of the statutory listed buildings, particularly on the Water Tower, and any harm to heritage assets should be considered against the public benefits of the scheme, as required by the NPPF.

A map showing the Zone of Theoretical Visibility was submitted. Taking this into account, it is not obvious that the proposal would cause significant harm to nearby heritage assets and any harm would be less than substantial. Balanced against this, the benefits of the proposal would appear to be:

- provision of 95 new flats including 33 affordable dwellings on a derelict commercial site;
- improvement of the appearance of a prominent site adjoining the new Elizabeth Line station and a gateway to Southall town centre;



- improvements to the public realm, landscaping and pedestrian access beside the site;
- provision of new community assembly/function space close to Southall town centre.

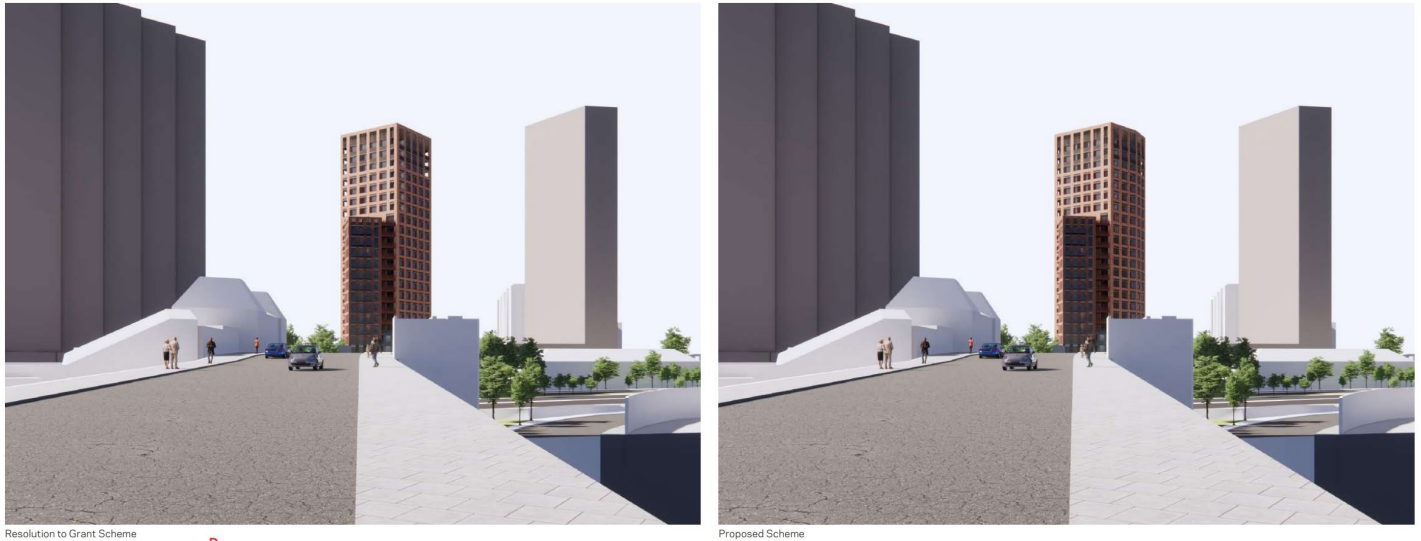
**Townscape and Visual Impacts**

In relation to the more general visual impacts of the development, the Townscape, Heritage and Visual Impact Assessment report concludes:

- the proposed height of 22 storeys above ground is an appropriate response to the cluster of tall buildings approved nearby and would bring greater coherence to this group by complementing the skyline and creating a gateway into the urban centre;
- in views from suburban streets to the east and west, the relatively simple built form would complement the suburban context and create a focal point within the townscape; from the south, away from The Green, the proposal would result in a more composed 'landmark' cluster, with the proposed developments at Margarine Place, Merrick Place and Kings House;
- from Hortus Road, the proposal would sit in front of the Kings House development and be prominent in the view; its presence will animate currently somewhat desolate and uninviting streetscape there and highlight the changing urban context at this location;
- from Southall Cemetery, the proposal will rise to a greater height than other background elements, but owing to its separation distance would remain a relatively insignificant element in this view;
- from the historic Green to the south, the proposal would rises to a height greater than the existing built form, but the two would read comfortably together, and there will be no adverse effect on the aesthetic qualities, or historic significance, of the memorial.
- from the Southall War Memorial, the proposal would appear as an elegant counterpoint to the historic Green and its mix of building forms; it would form a cluster with the Kings House and Merrick Place developments, marking the gateway into the opportunity area and improving the legibility of this part of Southall.

This assessment concludes that the siting and overall scale and massing of the building will ensure that it appears as a high quality building and positive landmark within the Southall skyline, bring greater coherence to the emerging group of tall buildings close to the railway station and, when seen alongside other developments, create a focal point in the townscape and improve the legibility of the area around Southall Station. The recent design revisions do not alter that conclusion.





**View of Proposed Building from north with adjoining approved schemes**

On balance, while this is a high, prominent building, it is considered to fit reasonably well into the townscape of a part of Southall that is already dominated by other tall buildings and to complement these as well as provide a well-designed, landmark feature beside the new railway station.

**Impacts on Residential Amenity**

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

To the north, across Merrick Road, is Southall railway station. This over 100m from the site and separated from it by the busy road and an area of surface car parking.

To the west, the site is bounded by The Green, a busy road across which lies a 10 storey block of flats (Phoenix Court) and Kings House, a 3 storey office building. The nearest windows in the existing block of flats would be over 30m from the proposed development. The Kings House offices have approval for redevelopment to a 20 storey block of flats. This development would also lie just over 30m from the western elevation of the proposed development and on the other side of a busy road. No unacceptable overlooking or overbearing effects appear likely here.

To the north east is Maypole Court, a 2 storey block of flats. The flank wall of these flats contains windows and would be some 20m from the proposed development. Some windows, balconies and communal amenity areas in the proposed development would face these windows but the separation distance and intervening trees should prevent unacceptable overlooking. On balance, no unacceptable impacts on amenity appear likely here.

Immediately to the east are 2 storey dwellings along Hortus Road. The flank wall of the nearest property would be only a few metres from the proposed development but contains no windows. This property also appears to be occupied as solicitors' offices. No unacceptable overlooking or overbearing effects on these dwellings appear likely here. Some windows, balconies and communal amenity areas in the proposed development would face the rear gardens of Nos. 5 - 9 Hortus Road

with a separation of only 13m. However, No. 5 is occupied by offices and the rear gardens of the adjoining dwellings are very small and partly screened by large trees, and there appears limited potential for overlooking.

To the south along the Green and across Hortus Road are single storey commercial properties. Beyond these are ground floor commercial properties with flats above. These flats have no windows in their facing flank wall and would be over 20m from the nearest face of the proposed development. No unacceptable overlooking or overbearing effects appear likely here.

There are also flats at Martin Court but these lie some 45m to the north west across a busy road and no significant impacts on these are considered likely.

In light of these considerations, the revised proposals raise no concerns in terms of privacy for existing dwellings nearby.

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

A Daylight/Sunlight Assessment accompanies the application and assessed the following existing nearby properties 1-18 Martin Court, Phoenix House (TRS Apartments), 1-16 Maypole Court, 7, 9 and 11 Hortus Road and 29 The Green.

The Vertical Sky Component (VSC) test was first applied. This measures the amount of sky visible at a specific point on the window, which reflects the amount of daylight received at that point. If windows achieve a VSC below 27% and have existing levels of sky visibility reduced to less than 0.8 times their former value, there would be a 'noticeable' impact to daylight.

The No-Sky Line (NSL) test calculates the distribution of daylight within the room by determining the area of the "working plane" which can receive a direct view of the sky; a 'noticeable' impact to daylight occurs when levels of NSL within rooms are reduced to less than 0.8 times their former value.

For the Maypole Court flats, 10 windows and all rooms were assessed to experience VSC and NSL reductions of less than 20% which the BRE concludes would be unnoticeable. Four other windows would have VSC reductions from 28% to 31%, which would exceed BRE Guidance and be noticeable, but this reduction is assessed as of minor significance. Each room is also served by a secondary window that remains unaffected by the proposed development. The assessment also notes that the retained VSC values for these rooms would be above 20%, which is said to be very good for an urban locality. Overall, the impact on these flats is assessed as minor and acceptable on balance.

For Nos. 7 and 9 Hortus Road, the assessment indicates that 11 of the 12 windows would experience unnoticeable VSC reductions of less than 20%, whilst all rooms would experience unnoticeable NSL reductions. The only noticeable VSC reduction (of 23%) would be to a window in 7 Hortus Road and this impact is considered by the assessment as small and commensurate with conditions in an urban area.

For No. 11 Hortus Road, the assessment indicates that 2 windows would experience borderline reductions of 28% and 29% and retain VSCs of around 19%, and a further 2 windows would experience slightly larger reductions of 39% and 44%. However, each room is served by multiple windows and the impact to daylight distribution as measured by NSL remains compliant with BRE Guidance. Overall, the daylight impact is considered acceptable.



For the mixed use property at No. 29 The Green, 4 of the 5 windows are expected to experience noticeable reductions of VSC at between 27% and 32%, but none of the rooms would experience noticeable NSL reductions as these would all remain less than 20%. The assessment notes that the retained VSC would be at least 20%, which it considers very good for an urban locality. Overall, these impacts are assessed as of minor significance and acceptable on balance in an urban area such as this.

For the 10 storey TRS Apartments across The Green, the assessment found the great majority of windows would experience compliant VSC daylight reductions of under 20%. Only 3 windows would have marginal reductions of between 20.3% to 23.7%. Since all rooms would have BRE compliant changes on the NSL test, the overall daylight impact is considered very minor in nature.

For the 2 storey 1-18 Martin Court building to the north of the site, most windows would experience BRE compliant reduction in daylight of under 20% on the VSC test. Some 17 windows would have borderline reductions of between 20.3% and 27.7%. Only one room would experience a borderline reduction of 23.3% on the NSL test. On that basis, the overall daylight impact on this property is considered minor significance and acceptable on balance.

Overall, this assessment concluded that the proposed development would be acceptable in amenity terms within this urban location.

The revisions to the scheme have not significantly changed its previous limited impacts on adjoining properties. On balance, taking account of the flexibility advised by BRE Guidance in dense urban areas, the proposals are not considered likely to have unacceptable impacts on the amenity of nearby properties.

**Quality of Residential Accommodation**

Policy D6 of the London Plan (2021) and the DCLG ‘Technical Housing Standards (March 2015) set out the minimum gross internal floor space required for different sizes/occupancy levels of residential units. For the 288 residential units proposed, the table below sets out the range of floor areas provided per unit, and compares these with the minimum size requirement:

<b>Type/Size of Units</b>	<b>Accommodation Sizes</b>	<b>Minimum Size Required</b>
1B/ 2 persons (37 units)	50 – 68 m <sup>2</sup>	50 m <sup>2</sup>
2B/ 3 persons ( 7 units)	61 – 71 m <sup>2</sup>	61 m <sup>2</sup>
2B/ 4 persons (51 units)	70 – 71 m <sup>2</sup>	70 m <sup>2</sup>

This shows that, while flat sizes in the revised scheme are up to 1-2 sq m less than in the previously approved scheme, all would still meet the minimum spatial requirements in terms of floor area. Based on a sample of flats, the proposed room sizes would also meet relevant standards.

London Plan Policy D6 indicates that developments should minimise the number of single aspect dwellings, and particularly avoid single aspect dwellings facing north, or those containing three or more bedrooms. It seeks residential units to provide dual aspect living accommodation that would ensure better daylight, a choice of views and natural cross ventilation for future occupiers. In this context, all the flats in the revised scheme would still be dual aspect units. On this basis, the development can be considered to comply to an acceptable degree with London Plan Policy D6.

The initial GLA Stage 1 report supported the proposed layout with four units per core and 100% dual aspect flats but noted it was unclear if the inset balconies would be enclosed like winter gardens and

requested the Council verify the quality of these private amenity spaces. The applicant subsequently confirmed that the inset balconies would be mostly open, with the exception of 6 winter gardens along The Green on the first, second, and third floors. The quality of these areas is considered acceptable.

A separate internal daylight/sunlight report assessed levels in the proposed flats. The Average Daylight Factor (ADF) approach was used, which BRE Guidance suggests using for new rooms. This measures the overall amount of daylight in a space. In housing, a minimum ADF value of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms is recommended.

This assessed 50 rooms which represented all of the residential first, second, third and fourth floor rooms within the proposed development. Since these are the lowest residential floors, this was indicated to reflect a worst case scenario since daylight generally improves higher within a building as since the windows will, generally, have a greater view of the sky. On that basis, all rooms assessed would meet the BRE Guidance figures.

The residential core of the building would be accessed through the entrance lobby with level access from the street via a fobbed access system. The flats would be served by stairs and two lifts with typically 4 flats per core.

The revisions to the scheme have not significantly altered the sizes, outlook or other living conditions of the proposed flats. On this basis, it is considered the proposed residential units would offer a good standard of living conditions and would therefore comply with policies 7B and 7D of Ealing's Development Management DPD and London Plan Policy D6.

### **Accessible Units**

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

In this context, the scheme would include 10 wheelchair accessible units, all 1 bedroom / 2 person flats. This equates to 10% of the total and meets the requirement of Policy D7. In response to GLA Stage 1 comments, the applicant has confirmed that these units would be distributed across all tenures, and be generously sized units with dual aspect.

### **Outdoor Amenity Space**

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

All the flats would have private amenity space. The majority of units would have inset balconies, with 14 units having projecting balconies. The projecting balconies would be located on the lowest 15 storeys on the northern side of the building. These private amenity spaces would be between 5.2 sq m and 28 sq m in area depending on the size of unit. The table below compares proposed provision with the minimum requirement by type of unit. This shows that all units in the revised scheme would still have balconies that meet or exceed the minimum requirement.

Unit Type/Size	No. of units	Minimum Required	Private Amenity Space provision
1B/ 2 persons	37	5 sq m	5.0 – 9.3 sq m
2B/ 3 persons	7	6 sq m	6.3 – 9.3 sq m
2B/ 4 persons	51	7 sq m	7.0 – 7.2 sq m
Total	95		

External communal amenity spaces would be provided on the first (78 sq m) and 14th (60 sq m) floors. Both the upper amenity areas would be accessible from the shared central core and designed to provide children’s play space. A 1.5m brick parapet around the 14th floor amenity area would provide protection from falling and winds, with safe views possible through balustraded openings at low level in the parapet wall.

An internal flexible space (92 sq m) available to residents as well as the local community is also proposed at ground level.

Based on local and London Plan planning guidelines, this development of 95 flats would require 584 sq m of private amenity space and 1,425 sq m of communal amenity space, or 2,009 sq m in total. By comparison, 803 sq m of outdoor amenity space is proposed consisting of:

- private amenity space in the form of balconies (665 sq m);
- communal amenity space in roof terraces (138 sq m).

The shortfall in amenity space reflects the constraints of this small site. However, the Council’s Landscape section raises concerns on the serious shortfall in communal amenity space, but a S106 contribution of £76,800 has been agreed towards improved provision in Southall Manor House Grounds.

No allotment and community gardening space is proposed resulting in a shortfall of 305 sq m on required provision. A S106 contribution of £10,669 has been agreed for improvements to local allotments including the Bixley Fields and Western Road allotments.

S106 contributions were also sought and agreed for the shortfall of sports provision.

On balance, with the mitigating S106 contributions, the current proposals for amenity space are considered acceptable and to meet the objectives of the National Planning Policy Framework, policy D6 of the London Plan (2021) and 7D of the adopted Development Management Development Plan Document (2013).

**Landscape & Urban Greening**

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

The public realm area adjoining the site is currently neglected, lacks public surveillance and experiences a tunnelling effect with a narrow pavement between the existing buildings and the road.

The GLA Stage 1 report indicated that the proposals appeared to include little public realm and landscaping. However, some 23% of the site area would be provided and maintained as public realm. This will widen the pavement of The Green, particularly to the north-west of the site, and help alleviate the 'tunnelling' effect between the raised highway and the existing building. Widened pavements, direct desire lines, and integrated street lighting are also proposed to improve the public realm between the scheme and the raised highway with green planting areas incorporating both new trees and existing trees on the site's northern and eastern edges. Within this new greening, a small number of benches are also proposed.

The existing retaining wall to the road would be retained to provide a robust buffer to traffic and associated noise but a sculptural screen would be added to soften the vertical face. New landscaping is proposed on both The Green and Hortus Road frontages and would include a combination of flush and raised planters along both sides of the proposed footpath. Shade tolerant evergreen planting and climbers are proposed. The proposed design changes would slightly reduce the width of part of the public realm area but not significantly change it.

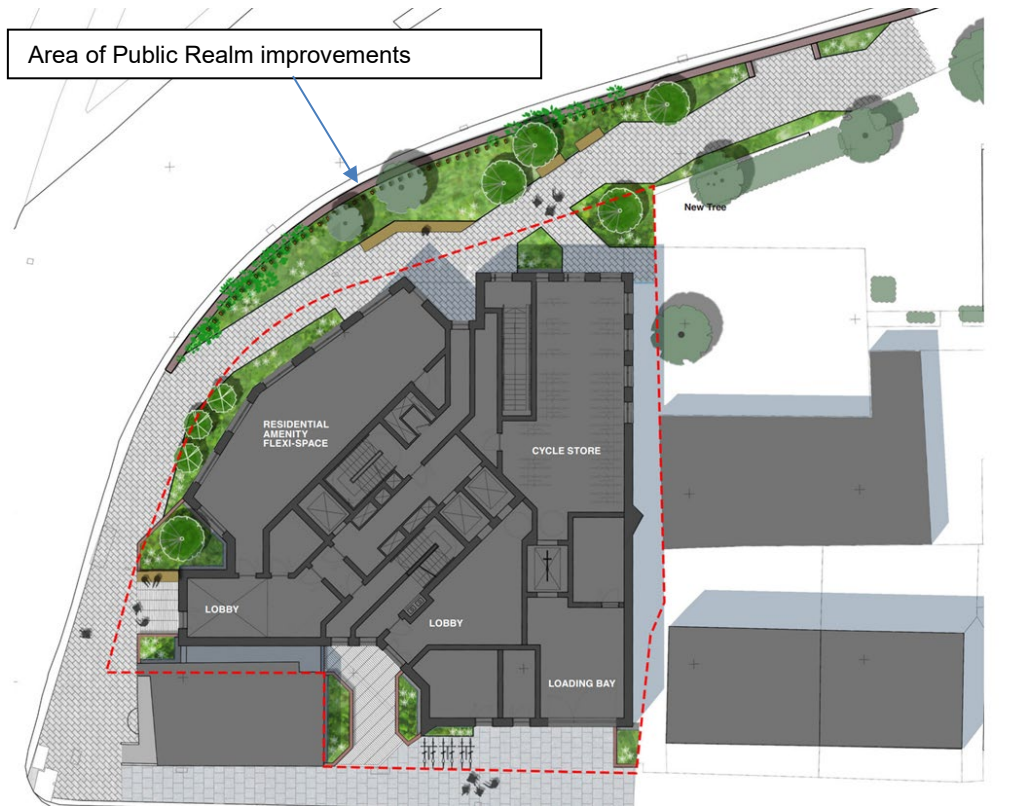


**Proposed improvements to Public Realm adjoining the site**

An Urban Greening Factor score of 0.4 is recommended for predominately residential developments. In this case, with the proposed landscaping, green roof, play areas, additional tree planting and permeable paving, the Urban Greening Factor is indicated to be 0.142. This falls well below the London Plan target and would not normally be considered acceptable. The applicant's response is that, due to the site's constraints, particularly its small size, opportunities for urban greening in addition to that proposed are limited. It is considered that this deficiency of the scheme is mitigated by the significant public realm improvements and landscaping proposed around the site.

Apart from the shortfall in amenity space, children's playspace, allotment and sports provision noted above, the Council's Landscape section raised concerns on the very low Urban Greening Factor score. It also noted the scheme lacks information on biodiversity net gain to demonstrate how the development will improve local provision of greenspace and biodiversity. While the landscape masterplan and palette proposals for the surface level urban realm are considered acceptable, there is no clarity on future ownership and long term maintenance on the land to be gifted to the public realm and landscaped, including the applicant and Ealing Council owned land. The applicants have since confirmed that all landscaping within their ownership would be managed and maintained by the

development's Managing Agent, and will be paid for via the residents' service charge. Works to the area outside of the applicant's control would be dealt with via a S278 Agreement.



**Public Realm Improvements**

In addition, the Landscape section raised concerns that the proposals did not address existing anti-social behaviour adjacent to the flyover with the new seating shown being north facing, likely to be cold and windy and to attract further anti-social behaviour unless well managed and well lit. The applicant's response is that the proposed public realm improvements would significantly improve this area, and create a much safer environment, with an active street frontage on the new building, passive surveillance from the flats above, improved lighting and security CCTV in place, and these factors should discourage potential anti-social behaviour.

Pre-commencement conditions have also been applied with regard to approval of details of:

- children's play area including safety surfacing and equipment;
- Hard and Soft Landscaping Scheme including Landscape Design and Boundary Treatment;
- a Landscape Management Plan for at least a 5 year period from implementation of final planting;
- green roof construction and specification, together with a maintenance schedule;
- sustainable urban drainage systems to be implemented on site.

A Tree Survey and Impact Assessment accompanies the application. This concludes that the proposed development would result in no tree loss and only minor impacts to retained trees and appropriate tree protection measures can be deployed to minimise harm. The proposed hard surfaces would replace

those already covering the site. New tree planting is also proposed within the new soft landscape areas of the site to complement the existing portfolio of tree cover.

In light of these responses, on balance and taking account of the constraints of this small site, the landscaping proposals are considered acceptable. This also reflects that conditions are applied requiring details to be approved of hard and soft landscaping, boundary treatment, a Landscape Management Plan, tree planting, and sustainable urban drainage systems to be implemented on site.

### **Ecology**

An Ecological Impact Assessment accompanies the application and concludes that the site is dominated by common/widespread habitat types that are not of conservation concern and no mitigation measures were considered necessary for habitats. No evidence of bats was recorded.

Mitigation measures were recommended on a precautionary basis to avoid the risks of impacts to breeding birds, in relation to parts of the building that are accessible to birds. Recommendations were also made for ecological enhancement measures to benefit local biodiversity, in particular habitats, bats and breeding birds.

A condition is applied to require implementation of the above recommendations.

### **Children's Playspace**

London Plan Policy S4 requires development proposals to provide play and informal recreation space based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG and Policy S4 expect a minimum of 10 sqm per child to be provided in new developments.

Using the GLA Population Yield calculator, the proposed mix would generate the need for 209.4 sqm of play space. The proposals would provide 120 sqm of play space for 0-5 years on site and the applicant suggests that given the site's constraints and proximity to Southall Park and Minet Country Park, an off-site contribution would be made to offset for the shortfall of 89.4 sqm of play space for older children. The GLA indicate this could be acceptable in strategic terms, if secured via a S106 Agreement. The Council's Landscape section requested a S106 contribution of £13,410 to mitigate this shortfall.

Subject to these S106 contributions and conditions, the proposal can be considered to provide acceptable private outdoor space for the flats and meet the objectives of sections 5 and 12 of the National Planning Policy Framework, policy S4 of the London Plan (2021) and 7D of the Ealing Development Management Plan Document (2013).

### **Highways**

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

The site is located in a Controlled Parking Zone (CPZ) with double yellow line restrictions on The Green near the site such that vehicles are not currently able to park on-street in the vicinity. Public transport accessibility of the site is very good. In this context, the proposed development would be car free.

In terms of cycle parking, Table T5 of the London Plan (2021) requires cycle parking at least in accordance with minimum standards set out in Table 10.2. This requires 1 space per 1 bedroom/1 person dwelling, 1.5 spaces per 1 bedroom/2 person dwelling and 2 spaces for all other dwellings. Requirements for the industrial and commercial space are based on floorspace. Overall, the proposed development would require 174 cycle spaces.

In this context, a total of 174 long stay cycle parking spaces are proposed for the flats. The majority of the cycle storage would be located within the basement but accessible from the ground floor via the staircase with wheeled ramp, and a separate lift. A further 6 cycle parking spaces for visitors would be provided within the site.

This level of provision would meet the minimum London Plan cycle parking standards and is therefore considered acceptable. However, TfL requires cycle parking to have a minimum of 20% in the form of Sheffield stands and minimum of 5% catering for larger or adapted cycles. It also wants short-stay cycle parking for visitors to be located externally and alternative means of access to cycle store to be provided in case of a lift breakdown.

In response to TfL comments, cycle parking has been amended so that 20% of total provision is in the form of Sheffield stands with a minimum of 5% catering for larger or adapted cycles. A condition is also applied requiring cycle parking provision to meet London Cycling Design standards.

The GLA Stage 1 Report indicated that the largely car free scheme would be acceptable but residents should be denied parking permits. It also sought confirmation that existing pay and display parking bays on Hortus Road could be altered to blue badge parking spaces. Concerns were raised about deliveries and servicing occurring on street with an off-street solution to be secured through a Delivery and Servicing Plan. It noted that the largest impact of the development will be on local bus services and sought a contribution of £100,000 towards providing an additional peak hour bus for five years. Conditions were requested to secure the final Travel Plan, and a Construction Logistics Plan that shows how construction traffic impacts on The Green will be avoided. Such conditions are applied.

Ealing Transport Services also initially objected to the proposal on the basis of lack of on-site servicing arrangements in a location with heavy traffic. However, following revisions, on-site servicing is now proposed with access from Hortus Road and this is considered acceptable.

Transport Services consider the proposal otherwise acceptable subject to the following:

- S106 contributions totalling £155,000 towards junction, footway and bus stop improvements, traffic calming measures, review of the existing CPZ, and improvements to pedestrian and cycle infrastructure near the development,
- an approved travel plan to be secured by S106 agreement with £3,000 contribution for monitoring;
- parking permits to be denied by S106 agreement for any new CPZ near or in the proposed housing estate;
- exploring potential to provide car club bays accessible by the public on the application site or on Hortus Road;
- free 3-year car club memberships to be provided to all residents of the development;
- disabled parking spaces and electrical vehicle charging points to be provided to GLA standards;
- conditions to be applied requiring approval of Construction / Demolition Method Statement, and Servicing and Parking Management plans;
- submission of plan with details of all cycle parking spaces, with long and short stay cycle parking spaces separated;



- submission of plan showing retaining walls and footways adjacent to the road junction and the proposed development; this plan has now been provided;
- exploring the potential to provide footways along the periphery of the development.

Given the small size of the site, it is not possible to include disabled parking within it. However, it is accepted that some on-street parking bays on Hortus Road could be converted to disabled spaces if required. Given on-street parking pressures in this area, there is limited scope to lose spaces, and as a compromise, the S106 Agreement includes provision for one parking bay on Hortus Road to be converted to a disabled space.

Transport Services also require the applicant to consult the Council's Highways Section on proposed footway works and carriageway changes proposed to The Green. Any works on the existing adopted highway will require a S278 agreement and a S38 agreement or stopping up order will be required for any adoption or stopping up of the highway.

With the recommended conditions and S106 and S278 obligations required, the proposal would be acceptable in terms of transport and highways and consistent with section 9 of the National Planning Policy Framework (2021), and policies T5, T6 and T6.1 of The London Plan 2021.

### **Environmental Pollution**

The site adjoins a busy road (The Green) and overground railway and underground railway lines run nearby to the north of the site. These factors could give rise to noise, vibration and air quality impacts for the proposed residential units.

A Noise Impact Assessment submitted with the application concludes that adverse and significant adverse noise impacts can be avoided by design of the scheme. It also notes that noise levels at the proposed outdoor amenity areas can be considered acceptable.

Regulatory Services have reviewed the submitted Noise Assessment and do not object to the proposals. However, they noted that the upper floors would be exposed to direct railway noise although railway vibration is not an issue. They also raised concerns that 50% of proposed bedrooms would face roads with high traffic noise and that amenity spaces on the roadside and upper levels as well as north and west facing balconies may not provide adequate amenity space for the same reason.

The applicant responded to these points as follows:

- noise from the railway line is included in the assessment but is not significant in the context of the existing levels of road traffic noise;
- BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings and World Health Organization Guidelines for Community Noise is a reasonable basis to assess whether road traffic noise can be adequately attenuated and significant adverse impacts from noise on health and quality of life avoided;
- existing noise levels at the site (including low frequency noise) have been assessed by extended noise monitoring over a representative period of normal traffic activity and there is no reasonable basis to indicate that modern window units will rattle as a result of low frequency noise;
- noise levels at outdoor amenity spaces on Level 1 and Level 14 have been assessed and calculated noise levels at the Level 1 outdoor amenity space would be below the BS 8233: 2014 guideline level



of 55 dB LAeq,16hour and noise levels at the Level 14 outdoor amenity space would marginally exceed the BS 8233: 2014 guideline limit of 55 dB LAeq,16hr by up to 3 dB towards the perimeter of the space.

The applicants also confirmed that, to mitigate noise levels at the Level 14 outdoor amenity area, a purpose-built, solid noise barrier could be added to the perimeter of the space with an approximate height of 2m and minimum surface mass of 10 kg/m<sup>2</sup>. A condition is applied to require this addition, which is allowed for in the submitted plans.

Various other conditions are also applied on noise insulation of building envelope, a post completion sound assessment, insulation between different uses/rooms, enhanced sound insulation between plant and dwellings, enhanced sound insulation of lifts and lift shafts, mitigation for plant/ machinery noise, anti-vibration mounts and a demolition/construction management plan.

With regard to air quality, the submitted Air Quality Assessment concludes that:

- the likely impact of dust soiling and PM10 from construction activities would be low subject to appropriate mitigation measures;
- for the operational phase, predicted NO<sub>2</sub> and PM10 concentrations at the modelled receptor locations would fall within a category where there would be no air quality grounds for refusal, but mitigation of any emissions should be considered.

Regulatory Services note the development is in an Air quality Focus Area but raise no objections subject to conditions on filtered fresh air ventilation system, Air Quality and Dust Management Plan, diesel generators and Non-Road Mobile Machinery. A S106 contribution was also sought towards air quality monitoring and mitigation.

In relation to contaminated land, Regulatory Services noted no evidence of contamination from past uses and do not require any conditions to be applied.

On this basis, the proposed development would be acceptable in terms of these environmental factors subject to appropriate conditions and S106 contributions.

### **Wind and Microclimate**

With regard to tall buildings, London Plan Policy D9 requires wind, conditions around the building not to compromise enjoyment of open spaces around the building.

The submitted Wind Microclimate Study indicates that wind conditions at the majority of locations within the site and surrounding area would be suitable for residential use in terms of pedestrian comfort and safety, with only a few minor exceedances, in terms of comfort only, particularly on the north facing balconies. In particular, the protruding balconies on the north elevation are identified as only suitable for use as viewing balconies.

With respect to the proposed balconies, it expects that wind conditions would be suitable, in terms of pedestrian comfort, for at least short-term sitting in summer and thus viewing balcony use. It notes that the balconies at the lower levels are likely to also be suitable for long-term sitting in summer, i.e. seating balcony use, but higher balconies would require additional mitigation to ensure amenable conditions e.g. solid balustrades with a minimum height of 1.5 m. A condition has been applied to secure this.

At ground level, the Study notes that wind conditions along the northern façade and away from the corners would be suitable, in terms of pedestrian comfort, for entrance use throughout the year. While the entrance to the generator on the north-west corner is indicated to be subject to windier conditions, given that this is a service entrance, the Study expects conditions here would still be considered tolerable, being suitable at least 90% of the time and otherwise suitable for leisure thoroughfare use.

### **Energy/Sustainability**

The provision of sustainable development is a key principle of the National Planning Policy Framework (2021), which requires the planning process to support the transition to a low carbon future. Policy SI2 of the London Plan (2021) requires submission of an energy demand and sustainability assessment, along with the adoption of sustainable design and construction measures and demonstration of how heating and cooling systems have been selected in accordance with the Mayor's energy hierarchy. In particular, policy SI2 requires the domestic element to meet zero carbon and the non-domestic element to meet the 35% CO<sub>2</sub> emissions reduction target beyond Building Regulations Part L 2013. For the domestic element, a minimum 35% reduction in regulated CO<sub>2</sub> emissions above Building Regulations 2013 is expected to be achieved on-site. Any shortfall will be met through a S106 carbon offset contribution.

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

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

The applicant has submitted an energy statement, setting out how the development would reduce carbon dioxide emissions. This has been reviewed by the Council's Energy & Sustainability advisor who supports the proposed energy and sustainability strategies but requires conditions as well as a S106 contribution towards low-carbon/renewable energy monitoring and a S106 carbon offsetting contribution.

It is accepted that the size and type of development is not suitable for a Combined Heat and Power system and there is no available "Clean" district heat network. The application instead proposes a communal ultra-low temperature Air Source Heat Pump distribution loop with dwelling Water Source Heat Pumps providing panel radiator space heating and domestic hot water.

With these measures, the overall site-wide CO<sub>2</sub> emissions would be cut by at least 68.82%, with a 33.69% carbon reduction through "Lean" efficiency measures, and 35.13% through "Green" renewable energy measures. This would result in a shortfall of 780 tonnes of CO<sub>2</sub> (over 30 years) in the zero-carbon target that will be mitigated through an "offset" S106 payment at £95 per tonne amounting to £74,100. If after three years of in-situ monitoring the renewable/low-carbon energy systems do not deliver the carbon reductions predicted in the approved Energy Strategy then the Developer will need to pay an additional Carbon Offset contribution to mitigate any shortfall.

An Overheating/Cooling analysis with proposed mitigation measures has been carried out. Conditions have been applied which require implementation of the recommended carbon reduction measures and require Post-construction energy monitoring. The S106 contributions noted above would also be secured.

The submitted Whole Life Carbon Addendum confirms that the measures in the original Whole Life Carbon strategy (August 2021) are retained and that the development will be sufficiently compliant with the GLA Benchmark targets.

The submitted Circular Economy addendum confirms that the original Circular Economy statements (November 2021 and March 2022) will be compliant with the London Plan targets of diverting 95% of demolition/construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, and supporting the diversion of 65% of Operational Waste from landfill by 2030.

The original GLA Stage 1 Report considered the energy strategy to be generally compliant with the London Plan energy policies but required the applicant to submit additional information. In particular further measures to minimise overheating needed to be explored and the be lean assessment updated. Further information was also sought on district heating potential and future-proofing and on the proposed heat pumps' performance while photo-voltaic energy potential should be maximised.

The GLA Stage 1 also requested the Council secure via a condition the submission of a post-construction assessment to report on the development's actual Whole Life Carbon emissions. It also requested a condition requiring submission of a post-completion report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement. These conditions have been applied.

While the GLA consider the energy report for the revised scheme to be generally acceptable, further information on the factors underpinning it were sought. The applicant has submitted updated Energy and Overheating reports that provide this information.

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

### **Crime Prevention**

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

The Metropolitan Police Design Out Crime team has assessed the proposed development and sees no reason why it could not achieve a Secured by Design Accreditation. Nevertheless, a planning condition has been requested requiring compliance with Secure by Design Standards.

The Metropolitan Police have also raised concerns on potential terrorism activity and require conditions on:

- access control to the building which enables a dynamic lockdown to protect all users in the event of a marauding terrorist style attack;
- provision of signage prohibiting use of UAV/Drones on the communal amenity spaces.

These conditions have been applied.

### **Refuse & Recycling Storage**

Policy SI 7 of the London Plan (2021) requires the design of developments to include adequate, flexible, and easily accessible storage space and collection systems. The London Housing

Supplementary Planning Guidance 2016 (standard 2.3.18) requires refuse stores to be accessible to all residents.

For the proposed 95 flats, the total refuse/recycling storage provision required would be broadly equivalent to 9,200L of refuse and 9,200L of recycling bins. By comparison, the proposed bin store would contain 18 large (1,100 ltrs) euro-bins and 2 smaller euro-bins (240 ltrs). The bin store would be located at ground level with access from Hortus Road and next to two residential lifts. It would also be within 10 metres of that road. This provision would be adequate in terms of Policy SI7.

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

### **Drainage and Flood Risk**

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

A Drainage Strategy has been submitted and concludes that the below ground foul and surface water drainage networks have been designed to convey discharge from the site to the adjacent public sewers. The surface water network has been designed to utilise above ground sustainable drainage systems and restrict the discharge rate from the site to 2 l/s.

Thames Water has raised no objections to the proposals with regard to surface water drainage if the developer follows the sequential approach to the disposal of surface water. No objections are raised with regard to waste water network and sewage treatment works infrastructure capacity. Since the proposed development is within 15m of a strategic sewer, a condition is requested requiring approval of a piling method statement. In addition, it requires the applicant to incorporate protection to the property to prevent sewage flooding, by installing a positive pumped device, or an equivalent device reflecting technological advances.

The Council's Environmental Services (Flood risk/drainage) officer has not provided comments on the proposals. However, as with similar schemes nearby, conditions are applied to require approval of detailed drainage designs for SUDS features and a drainage management plan for SUDS components.

On this basis, subject to appropriate conditions being applied, the scheme is considered acceptable in its likely impact on drainage and flooding, and so accords with the NPPF, London Plan policies SI12; SI13 and SI17 and the Sustainable Design and Construction SPG (April 2014).

### **Digital connectivity**

London Plan Policy SI6 requires development proposals to ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available to all end users. The GLA has requested a condition be applied to ensure that this is provided and secured.

### **Employment & Training**

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

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

- contribution of £12,500 towards apprenticeship/employment placement and monitoring;
- 7 apprenticeships during construction phase;
- 11 work experience opportunities;
- 25% of vacancies are to be filled by Ealing residents;
- provide details of local contractors/suppliers working on the site;
- links with local schools to enable work-related activities for students;
- all vacancies to be advertised through Council's job brokerage service;
- developer to support construction training programme to enable local residents to prepare and access opportunities onsite;
- penalty of £10,000 per apprenticeship not filled.

These commitments would be secured via the S106 Agreement.

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

The London Borough of Ealing is a Collecting Authority on behalf of the Mayor of London. Mayoral CIL is currently set at £60 per sq m, subject to the indexation in place during the calendar year that the permission becomes a chargeable development. Liability is assessed after determination and the applicant will be sent a CIL Liability Notice if appropriate.

In this case, the proposed development involves 95 residential units, with an increase of over 5,600 sq m of residential GIA floorspace excluding affordable dwellings which are exempt from CIL. This indicates a CIL payment in the order of £336,000 subject to indexation is required but the actual amount will be calculated by the CIL officer.

### **Fire Safety**

Policy D12 of the London Plan requires major applications to be accompanied by a fire statement demonstrating how the development would achieve the highest standards of fire safety. A Fire Statement prepared by a suitably qualified third-party assessor has been submitted. This was reviewed by the GLA Stage 1 Report, which indicated the information provided is in line with London Plan Policies D5 and D12 but requested a condition to secure compliance with the agreed fire statement. This condition has been applied. The applicant has submitted an updated Fire Statement to address further GLA comments on the revised scheme.

The Health and Safety Executive is now content with the fire safety arrangements in the revised scheme.

Large schemes may require a number of different consents before they can be built. Building Control approval needs to be obtained to certify that developments and alterations meet building 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.

### **Conclusion**

In assessing the overall acceptability of this scheme, it is important to consider the balance of its benefits and deficiencies.

This is another high building on a prominent site, near to 2 storey residential properties, in a location where other high buildings have been allowed. Because of the small site size, it is deficient in amenity space and children's playspace and unable to meet the London Plan target for urban greening. Although 35% affordable housing is proposed, reflecting viability factors, the tenure breakdown does not meet Ealing's preferred mix.

On the positive side, it will provide 95 flats and make an important contribution to meeting housing demand, including 33 affordable units. It complies with most London Plan criteria for tall buildings, and would complement the series of other tall buildings in this part of Southall, and not appear out of place in this context. It is not considered to have adverse impacts on nearby occupiers, nor to significantly affect heritage assets. The proposed design and appearance of the building is considered to be of good quality, with an active street frontage, and providing a landmark beside the new station. It would be car free in an area of very good public transport accessibility and not cause traffic or parking impacts. The development would provide high standards in terms of sustainable design and energy efficiency. In addition, some 23% of the site area would be provided and maintained as public realm and this will widen the pavement of The Green, add new trees, green planting areas, improved lighting and street furniture, significantly improving a neglected area. A flexible amenity/community space available to local groups would also be provided.

The current revisions do not significantly change this assessment of the acceptability of the scheme.

On balance, the benefits of the revised proposal are considered to outweigh its fairly limited deficiencies. With the range with of S106 contributions and planning obligations agreed, any potential impacts arising from the proposal will be satisfactorily mitigated. As such, it is recommended for conditional approval subject to S106 and S278 legal agreements.

**Human Rights Act**

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

**Public Sector Equality Duty**

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

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

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

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

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

**APPENDIX 1: CONDITIONS / REASONS:**

1. Time Limit 3 years - Full Permission

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

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

2. Approved Plans and Documents

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

D1000 Site Location Plan, D1001 Existing Site Plan, D1100 GA Plan - Existing Ground Floor, D1101 GA Plan - Existing Level 01, D1102 GA Plan - Existing Level 02, D1150 GA Plan - Existing Roof Level, D1199 GA Plan - Existing Basement, D1700 Existing Elevations - North East and South East, D18001 Proposed Site Plan Rev 03, D19100 Rev 08 Proposed Ground Floor, D19101 Rev 08 Proposed Level 01, D19102 Rev 08 - Proposed Level 02 – 05, D19106 Rev 08 Proposed Levels 06 – 07, D19108 Rev 08 Proposed Level 08-12, D19113 Rev 08 Proposed Level 13, D19114 Rev 08 Proposed Level 14, D19115 Rev 08 Proposed Level 15 – 18, D19119 Rev 03 Proposed Level 19 -21, D19122 Rev 03 Proposed Level 22, D18150 Proposed Roof Level, D19199 Rev 08 Proposed Basement Level, D19201 Rev 03 Apartment layouts level 01, D19202 Rev 03 Apartment layouts levels 2-5, D19206 Rev 03 Apartment layouts levels 6-7, D19208 Rev 03 Apartment layouts levels 8-12, D19213 Rev 03 Apartment layouts level 13, D19214 Rev 03 Apartment layouts level 14, D19215 Rev 03 Apartment layouts level 15-18, D19219 Rev 03 Apartment layouts level 19-21, D19500 Rev 03 Proposed Sections, D19700 Rev 03 Elevations NW and SW, D18701 Rev 03 Elevations SE and, NE, D18710 Rev 01 NW Elevation, D18711 Rev 01 North Elevation, D18712 Rev 01 West Elevation, D18713 Rev 01 Hortus Road Elevation, D18750 Rev 01 Window Detail, 1459-KC-XX-YTREE-TTP01 Rev B Tree Protection Plan, 1459-KC-XX-YTREE-TCP01 Rev 0 Tree Constraints Plan, ALD896\_MP001 Landscape Masterplan Public Realm Proposals, Terrace Level 01 and Level 14 Design Proposal SB903 Rev P03, Ground Floor Design SB902 Rev P04, ALD896\_MP003 Rev P04 Landscape Masterplan Terrace Level 14, ALD896\_MP002 Rev P03 Landscape Masterplan Terrace Level 1,

Design and Access Statement by Formation Architects (October 2021), Design and Access Statement Addendum by Formation Architects (August 2023), Planning Statement Icen Projects (October 2021), Heritage, Townscape and Visual Assessment by Icen Projects (October 2021), Heritage, Townscape and Visual Addendum by Icen Projects (August 2023), Transport Statement by Icen Projects (October 2021), Travel Plan by Icen Projects (October 2021), Ecological Assessment by Greenlink (October 2021), Noise and Vibration Report by Arno Acoustics (October 2021), Energy Assessment by CPWP Version 4 (August 2023), Outline Modelling Overheating Analysis by CPWP (August 2023), Aviation Report by Eddowes Aviation (October 2021), Landscape Strategy by Applied Landscape (October 2021), Townscape Assessment by Icen Projects (October 2021), Verified Views Pre-Construct Viability Assessment by Icen Projects, Tree Survey by Keen Consultants (October 2021), Wind / Microclimate Study by Nova (June 2020), Daylight and Sunlight Report by Point 2 (August 2023), Scheme Internal Daylight, Report by Point 2 (October 2021), Air Quality Assessment by Stroma (October 2021), Whole Life Carbon Assessment Note by Icen Projects (October 2021), Whole Life Carbon Assessment Addendum by Icen Projects (August 2023), Circular Economy Statement by Icen Projects (March 2022), Circular Economy Addendum by Icen Projects (August 2023), Statement of Community Involvement by Kanda Consulting (October 2021), Drainage Strategy by Whitby Wood



(October 2021), Ecological Impact Assessment by Greenlink Ecology Ltd. (November 2019), Tree Survey and Impact Assessment by Keen Consultants (October 2021), Carbon Dioxide Savings and Emissions Spreadsheet, Gateway One Fire Statement by OFR Fire Risk Consultants (August 2023), D12 Fire Statement Rev R04 by OFR (October 2023), Revised Urban Greening Factor Calculation RP991 Rev 01 (October 2023), Additional Heritage and Vucity Assessment by Icenii (October 2023), GLA Carbon Emissions Reporting Spreadsheet.

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

### 3. Details of Materials - Building

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

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

### 4. Hard/ Soft Landscaping and Boundary Treatment

Notwithstanding any plans submitted with the application, details of hard/soft landscape works, tree planting and boundary treatment for the site shall be submitted to and approved in writing by the local planning authority at least 9 months before first occupation of the development and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. The scheme shall include comprehensive details of the full planting specifications (size, species and numbers), the positions of all planting, ground preparation for tree planting, and staking/tying methods where applicable. The development shall be implemented only in accordance with these approved details. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

### 5. Landscape Management Plan

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

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and amenity of prospective occupiers, and in accordance with policies G5 and G7 of the London Plan (2021), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy

(2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework (2021).

6. Demolition & Construction Management and Logistics Plan

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

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

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

7. Size of servicing vehicles

The size of vehicles servicing the development shall be limited to 10m rigid lorries.

Reason: In the interests of highway/pedestrian safety and an appropriate operation of the development in accordance with policies 1.1(e) and 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy T6 of the London Plan (2021), and the National Planning Policy Framework (2021).

8. Cycle Parking

Prior to the commencement of the superstructure of the development, details of all cycle parking spaces, with long and short stay cycle parking spaces separated, shall be submitted to the local planning authority for written approval. The approved cycle parking facilities shall be fully implemented in accordance with London Cycling Design standards and as shown on the approved plans and made operational before the first occupation of the development, and permanently retained thereafter.

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

9. Travel Plan

An updated Green Travel Plan designed to manage the transport needs of the occupiers of the development, including measures to minimise car usage and promote alternative modes of transport,

shall be submitted to the Local Planning Authority before the first occupation of the development, and the approved Green Travel Plan shall be fully implemented in compliance with the approved document.

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

#### 10. Delivery/Service Plan

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

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

#### 11. Deliveries/collections times

Deliveries to and collections, including waste, shall only take place during the period 0700 – 1800 hrs on Monday to Saturday, at no times on Sunday and Public Holidays.

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

#### 12. Sustainable Design and Construction Standards

Upon the first occupation of each residential unit within the approved development, the approved dwellings shall incorporate sustainability measures as detailed in the approved Energy and Sustainability Statement by CPWP (October 2021).

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies SI1, SI2, SI3, SI4, SI5 and SI7 of the London Plan (2021), policies LV5.2 and 7A of Ealing's Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy (2012).

#### 13. Water Efficiency

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

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

14. Energy & CO2 Emissions

- A. Prior to construction completion and occupation, the Development shall implement and maintain the measures to achieve an overall sitewide reduction in regulated CO<sub>2</sub> emissions of at least 68.82% (equating to 57.4 tonnes of CO<sub>2</sub> per year) beyond Building Regulations Part L 2021 and using SAP10.2 conversion factors. These CO<sub>2</sub> savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by Couch Perry Wilkes in August 2023 (v4) including:
- i. Lean, energy efficiency design measures to achieve an annual reduction of at least 33.69% equating to at least 28.1 tonnes in regulated carbon dioxide (CO<sub>2</sub>) emissions over BR Part L 2021 (using SAP10.2 conversion factors).
  - ii. Green, renewable energy equipment including the incorporation Air and Water Source Heat Pumps to achieve an annual reduction of at least 35.13%, equating to 29.3 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) emissions over Part L 2021 (using SAP10.2 conversion factors).
  - iii. Seen, heat and electric meters installed to monitor the carbon efficiency (SCOP) of the heat pump system(s) (including the heat generation and the electrical parasitic loads of the heat pumps) in line with the Council’s monitoring requirements.
- B. Prior to Installation, details of the proposed renewable energy equipment, and associated monitoring devices required to identify their performance, shall be submitted to the Council for approval. The details shall include the communal heat distribution network schematics, the exact number of heat pumps, the heat pump thermal kilowatt output, heat output pipe diameter(s), parasitic load supply schematics, monthly energy demand profile. The name and contact details of the renewable energy installation contractors, and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.
- C. On completion of the installation of the renewable energy equipment copies of the MCS certificates and all relevant commissioning documentation shall be submitted to the Council.
- D. The development shall incorporate the overheating mitigation measures detailed in the dynamic Overheating Analysis by Couch Perry Wilkes in August 2023 (v4). Any later stage version shall be compliant with CIBSE guidance Part O (TM59/Guide A), and/or TM52, and modelled against the TM49 DSY1 (average summer) weather data files, and the more extreme weather DSY2 (2003) and DYS3 (1976) files for TM59 criteria (a) and (b).
- E. Within three months of the occupation/first-use of the development a two-page summary report prepared by a professionally accredited person comparing the “as built stage” TER to DER figures against those in the final energy strategy along with the relevant Energy Performance Certificate(s) (EPC) shall be submitted to the Council for approval.

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

15. Renewable/Low Carbon (&CO2) Energy Monitoring

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

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

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

16. Post-construction energy use monitoring ("be Seen") **NEW**

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

- a) Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the 'Be seen' energy monitoring guidance.
- b) Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. In consultation with the Council's chosen Automated Energy Monitoring Platform provider the owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use

energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.

- c) Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.
- d) In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner should use reasonable endeavours to investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which it would be reasonably practicable to implement, an action plan comprising such measures should be prepared and agreed with the Local Planning Authority. The measures approved by the Local Planning Authority should be implemented by the legal owner as soon as reasonably practicable.

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

17. Security features

The design of the building shall comply with the aims and objectives of the Secured By Design standards before the first occupation of the development, and shall be permanently retained.

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

18. Access Control

Prior to first occupation of the flats a system of access control shall be installed and operational which enables a dynamic lockdown to protect all users in the event of a marauding terrorist style attack.

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

19. Prohibition of Drone Use

Prior to first occupation of the flats signage prohibiting use of UAV/Drones shall be installed on the communal amenity areas.

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

#### 20. Transport and/or commercial noise sources

A. Prior to the commencement of the hereby approved development (excluding demolition, initial site clearance and ground works), details shall be submitted to the Council for approval in writing, of the sound insulation of the building envelope, including glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise). Details of best practicable mitigation measures shall also be provided and implemented, as necessary, in external amenity spaces. Details shall confirm that noise limits specified in BS8233:2014 will not be exceeded.

B. Prior to the first occupation of the hereby approved development, a post completion sound assessment shall be carried out to confirm compliance with the noise criteria set out in Part A of this condition and details, including any mitigation measures, be submitted for the Council's approval before the premises are occupied. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policies 7A and 7B of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing Interim guidance SPG 10 'Noise and Vibration'.

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

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

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policies 7A and 7B of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing Interim guidance SPG 10 'Noise and Vibration'.

#### 22. Separation of communal uses and facilities from dwellings incl. plant etc.

Prior to commencement of the development (excluding demolition, initial site clearance and ground works), details shall be submitted to the Council for approval in writing, of an enhanced sound insulation value of at least 10dB/ 15dB/ 20dB, as necessary, above the Building Regulations value for residential use, of the floor/ ceiling/ walls separating the plant rooms and installations from

dwellings. Where noise emissions include characteristic features, the Noise Rating level should not exceed NR20 Leq 5mins inside habitable rooms. Details shall include the installation method and materials of separating structures and, where necessary, additional mitigation measures and the resulting sound insulation value and internal sound level. The assessment and mitigation measures shall be based on standards and noise limits of the Council’s SPG10 and BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policies 7A and 7B of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing Interim guidance SPG 10 ‘Noise and Vibration’.

23. Lifts

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

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

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

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

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



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

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

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

26. Fresh air ventilation to habitable rooms on first floor

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

- i) Details and locations of the ventilation intake locations of all floors
- ii) Details and locations of ventilation extracts locations of all floors

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

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

27. Non-Road Mobile Machinery

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

Reason: In the interests of the living conditions of future occupiers of the site, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies SI1 and SI2 of the London Plan (2021), and the National Planning Policy Framework (2021).

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

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

The plan shall include:

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

The Air Quality Dust Management Plan shall be implemented on commencement of any works on site and the site shall be managed in accordance with the approved plan for the duration of the construction.

Reason: In the interests of the living conditions of future occupiers of the site, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies SI1 and SI2 of the London Plan (2021), and the National Planning Policy Framework (2023).

**29. Revised Air Quality Assessment**

Prior to the commencement of the development, a revised Air Quality Assessment shall be submitted to and approved by the Local Planning Authority. The revised assessment will detail the impact of any fixed plant proposed onsite including emergency generators, transport emissions from construction and operational phase, likely change in pollutant concentrations arising from the proposed development, and proposed mitigation measures. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the living conditions of future occupiers of the site, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies SI1 and SI2 of the London Plan (2021), and the National Planning Policy Framework (2023).

**30. External Lighting**

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

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site, in accordance with policies policy 1.1 (j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy D6 of the London Plan (2021), and the National Planning Policy Framework (2023).

**31. Opening hours community space**

The ground floor flexible amenity space hereby approved shall not be opened to users outside of the hours from 0800 to 2300 hrs. All activity shall cease 30 minutes after closing times.

Reason: To protect the living conditions of neighbouring properties in accordance with policies 1.1(e), 1.1(g), 1.1 (j), 2.1 (c) and 2.10 of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies D6 and D14 of the London Plan (2021), and the National Planning Policy Framework (2023).

**32. No masts/satellite dishes or external equipment**

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

Reason: To safeguard the appearance of the buildings and the locality in the interests of visual amenity policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4, 7B and 7C of the Ealing Development Management Development Plan Document (2013), policies D4 and D5 of the London Plan (2021), section 7 and 12 of the National Planning Policy Framework (2023).

**33. Refuse Storage**

The refuse and recycling storage facilities for the residential units hereby approved shall be implemented and operational before the first occupation of the residential units, and permanently retained thereafter. The flexible amenity space shall be provided with refuse storage to accord with the local planning authority standards prior to first use.

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

**34. Passenger Lifts**

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

Reason: To ensure that adequate access is provided to all floors of the development for all occupiers and visitors including those with disabilities, in accordance with policy 1.1(h) of the Ealing Core Strategy (2012), policy D5 of The London Plan (2021) and the National Planning Policy Framework (2023).

**35. Detailed Drainage Design**

Prior to the commencement of the superstructure of the development, a drainage strategy detailing any on and/or off site drainage works shall be submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with additional demand in the interest of environmental conditions in the locality, in accordance with policy 1.1 (e), 1.2 (m) and 6.1 of the Ealing Core Strategy (2012), policies SI12 and SI13 of The London Plan (2021), and the National Planning Policy Framework (2023).

36. Drainage Maintenance Plan

Prior to the first use of the development hereby approved, a maintenance plan/schedule for the proposed sustainable urban drainage system (SUDS) for the lifetime of the development shall be submitted to and approved by the Local Planning Authority.

Reason: To reduce flood risk in accordance with Principle 10 of the National Planning Policy Framework and policies SI12 and SI13 of the London Plan (2021).

37. Piling Method Statement

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other [structures.https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes). Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

38. Former Lifetime homes standards

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

Reason: To ensure that the development is adaptable, flexible, convenient and appropriate to the changing needs of the future occupiers, in accordance with policies 3.5, 3.8 and 3.9 of the London Plan (2021); and policy 1.1(h) of the Ealing Development (or Core) Strategy 2012.

39. Former Adaptable wheelchair housing

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

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

40. Tree Planting & Protection

The tree planting and landscaping works shall be implemented in accordance with the details shown on drawing ALD896\_MP001 Landscape Masterplan Public Realm Proposals. All tree protection methods shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site. The soft landscaping details as approved shall be laid out and planted within the first planting season following the first occupation of the relevant phase of the development. Any trees or plants which within 5 years of planting, die, are removed or become seriously damaged, malformed or diseased shall be replaced with others of the same size, species, quality and in the same positions within the next planting season. The landscaping shall thereafter be maintained and managed.

Reason: To secure protection of trees, shrubs and hedges growing within the site which are of amenity and ecological value to the area and to ensure that the development is landscaped in the visual and ecological interests of the area in accordance with policy 7.4 of the Ealing Development Management DPD (2013) and policies G4, G5 and G7 of the London Plan (2021).

41. Tree Protection

No operations (including site clearance and demolition) shall commence on site in connection with the development hereby approved until a scheme for the protection of existing trees, shrubs and hedgerows on or adjoining the site that are not proposed for removal has been submitted to and its installation on site has been approved in writing by the Local Planning Authority.

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

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837, with tree works proposals. All trees must be plotted on a site plan, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan detailing all trees, shrubs, hedges planned for retention and removal.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan in accordance with BS5837 detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans.

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

Reason: To secure the protection during the demolition and construction phase of trees, shrubs and hedges growing within or adjacent to the site which are of amenity value to the area in accordance with policies G4, G5 and G7 of the London Plan (2021), policy 5.10 the Adopted Ealing Development Management Development Plan Document (2013) and Ealing's SPD9 - Trees and Development Guidelines.

**42. Refuse Management Plan**

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material, in accordance with policies 1.1 and 1.2 of the Adopted Development (Core) Strategy, policy 7B of the Adopted Ealing Management Development Plan Document (2013) and policy S17 of the London Plan (2021).

**43. Play equipment**

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

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

**44. Fire Safety**

The development shall be implemented to comply with the submitted Gateway One Fire Statement by OFR Fire Risk Consultants (August 2023) and the D12 Fire Statement Rev R04 by OFR (October 2023).

Reason: In the interests of the safety of occupiers of the dwellings hereby approved and to ensure that the development incorporates the necessary fire safety measures in accordance with Policies D5 and D12 of the London Plan (2021).

**45. Circular Economy**

- a) The development hereby approved shall be implemented in accordance with the Circular Economy Statement by Icen Projects (March 2022) and the Circular Economy Addendum by Icen Projects (August 2023).

- b) Prior to the occupation [of the development, a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance. The post-construction monitoring report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials in accordance with London Plan Policies D3, SI7 and SI2.

#### 46. Whole Life Carbon

- a) The development hereby approved shall be implemented in accordance with the Whole Life Carbon Assessment by Iceni Projects (October 2021) and the Whole Life Carbon Assessment Addendum by Iceni Projects (August 2023).
- b) Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. The post-construction assessment should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with with Policy SI2 of the London Plan (2021).

#### 47. Digital Connectivity

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

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

#### 48. Ecological Enhancement

The recommendations for ecological enhancement measures set out in the submitted Ecological Assessment by Greenlink (October 2021) shall be fully implemented prior to first occupation of the development hereby approved.

Reason: To support ecology in accordance with Section 15 of the National Planning Policy Framework (2021), policies G6 and G7 of the London Plan (2021), policy 5.11 of the Adopted Ealing Development Management DPD (2013) and policy 5.4 of the Adopted Ealing Development (Core) Strategy 2012.

#### 49. Noise Mitigation to Amenity Areas

Prior to first occupation of the development hereby approved a purpose-built, solid noise barrier shall be installed to the perimeter of the Level 14 outdoor amenity area with an approximate height of 2m and a minimum surface mass of 10 kg/m<sup>2</sup> and shall be permanently retained thereafter

Reason: To ensure an acceptable environment for the communal amenity areas and living conditions of future occupiers of the site in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policies 7A and 7B of the Ealing Development Management Development Plan Document (2013), policy D14 of the London Plan (2021), the National Planning Policy Framework (2023) and Ealing Interim guidance SPG 10 'Noise and Vibration'.

50. Wind Mitigation to Amenity Areas

Prior to the commencement of the superstructure of the development, details shall be submitted to and approved by the Local Planning Authority for solid balustrades with a minimum height of 1.5 m to the 14<sup>th</sup> floor communal amenity area and to higher balconies where necessary.

Reason: To ensure an acceptable environment for the communal amenity areas and living conditions of future occupiers of the site in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policies 7A and 7B of the Ealing Development Management Development Plan Document (2013), policy D9 of the London Plan (2021), and the National Planning Policy Framework (2023).

51. Diesel generators

Prior to their operation, details of any new installed diesel generators demonstrating compliance with a minimum NO<sub>x</sub> emissions standard of 150mg/Nm<sup>-3</sup> (at 5% O<sub>2</sub>) shall be submitted and approved in writing by the Local Planning Authority.

The details must include the results of NO<sub>x</sub> emissions testing of the diesel fuelled generator units by an accredited laboratory, emissions concentrations expressed at specific reference conditions for temperature, pressure, oxygen and moisture content under normal operating conditions.

Where any combustion plant does not meet the relevant standard, it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology. Evidence of installation shall be required where secondary abatement is required to meet the NO<sub>x</sub> Emission standard 150mg/Nm<sup>-3</sup> (at 5% O<sub>2</sub>). The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

Reason: To accord with Policies SI1 and SI2 of the London Plan (2021) and to ensure the local authority meets its obligations to deliver air quality objectives for NO<sub>2</sub> in accordance with London Local Air Quality Management (LLAQM), and to limit PM<sub>2.5</sub> (fine particulates) to safeguard public health and well-being and external amenity of nearby sensitive receptors.

**Informatives**

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

National Planning Policy Framework (2023)

5 Delivering a sufficient supply of homes

8 Promoting healthy and safe communities



- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 13 Protecting Green Belt land
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

The London Plan (2021)

- D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design
  - D5 Inclusive design
  - D6 Housing quality and standards
  - D11 Safety, security and resilience to emergency
  - D12 Fire safety
  - D13 Agent of Change
  - D14 Noise
  - H1 Increasing housing supply
  - H2 Small sites
  - H4 Delivering affordable housing
  - H5 Threshold approach to applications
  - H6 Affordable housing tenure
  - H10 Housing size mix
  - HC1 Heritage conservation and growth
  - G5 Urban greening
  - G6 Biodiversity and access to nature
  - G7 Trees and woodlands
  - SI 1 Improving air quality
  - SI 2 Minimising greenhouse gas emissions
  - SI 3 Energy infrastructure
  - SI 7 Reducing waste and supporting the circular economy
  - SI 12 Flood risk management
  - SI 13 Sustainable drainage
  - E1 Offices
  - E2 Providing suitable business space
  - E3 Affordable workspace
  - E4 Land for industry, logistics and services to support London's economic function
  - E5 Strategic Industrial Locations (SIL)
  - E7 Industrial intensification, co-location and substitution
  - T3 Transport capacity, connectivity and safeguarding
  - T4 Assessing and mitigating transport impacts
  - T5 Cycling
  - T6 Car parking
  - T6.1 Residential parking
  - T6.2 Office parking
- Supplementary Planning Guidance /Documents

Southall Opportunity Area Planning Framework (SOAPF) (2014)  
Accessible London: achieving an inclusive environment  
Mayor's Sustainable Design and Construction SPD April 2014  
The Mayor's transport strategy

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

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

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

Ealing's Development Management Development Plan Document (2013)

Ealing local variation to London Plan policy 3.4: Optimising housing potential  
Ealing local variation to London Plan policy 3.5: Quality and design of housing development  
Policy 3A: Affordable Housing  
Policy 4A: Employment Uses  
Ealing Local variation to London Plan policy 4.7: Retail and town centre development  
Ealing local variation to London Plan policy 5.2: Minimising carbon dioxide emissions  
Ealing local variation to London Plan policy 5.10: Urban greening  
Ealing local variation to London Plan policy 5.11: Green roofs and development site environs  
Ealing local variation to London Plan policy 5.12: Flood risk management  
Ealing local variation to London Plan policy 5.21: Contaminated land  
Ealing local variation to London Plan policy 6.13: Parking  
Policy 7A : Operational amenity  
Ealing local variation to London Plan policy 7.3 : Designing out crime  
Ealing local variation to London Plan policy 7.4 Local character  
Policy 7B : Design amenity  
Policy 7D : Open space

Adopted Supplementary Planning Documents

Sustainable Transport for New Development  
Interim Supplementary Planning Guidance/Documents  
SPG 3 Air quality  
SPG 4 Refuse and recycling facilities (draft)

SPG 10 Noise and vibration

Other Material Considerations

BRE Site layout planning for daylight and sunlight (2011)

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

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

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

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

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

Ealing's Draft Local Plan (Regulation 18) November 2022

Policy DAA: Design and Amenity

Policy SSC: Small Sites Contribution

Ealing Housing Design Guidance (2022)

London Housing Design Standards LPG (2023)

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

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

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

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

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

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

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

5. Land contamination:

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

- i. Model Procedures for the Management of Land Contamination, CLR 11, Environment Agency, 2004
- ii. Updated technical background to the CLEA model, Science Report: SC050021/SR3, Environment Agency, 2009
- iii. LQM/CIEH Generic Assessment criteria for Human Health Risk Assessment (2nd Edition), 2009
- iv. BS10175:2011 Investigation of potentially contaminated sites – Code of Practice
- v. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination; Environment Agency, 2001
- vi. Verification of Remediation of Land Contamination’, Report: SC030114/R1, Environment Agency, 2010
- vii. Planning Policy Statement 23: Planning and Pollution Control;
- viii. PPS23 Annex 2: Development on Land Affected By Contamination;
- ix. Guidance for the safe development of housing on land affected by contamination, NHBC & Environment Agency, 2008

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

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

under those regulations.

7. Prior to commencement of construction and demolition works, involving materials containing asbestos, details of mitigation measures to control the release of asbestos fibres shall be submitted for the approval of the relevant Health and Safety Enforcement Officer.
8. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.
9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
10. As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
11. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
10. In order to protect groundwater quality from further deterioration:
  - No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
  - Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
  - Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

The applicant should refer to the following sources of information and advice in dealing with

land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From www.gov.uk:

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

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

**12. Permitted hours for building work**

Construction and demolition works and associated activities at the development including deliveries, collections and staff arrivals audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

**13. Notification to neighbours of demolition/ building works**

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

**14. Dust**

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

**15. Dark smoke and nuisance**

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

16. Noise and Vibration from demolition, construction, piling, concrete crushing, drilling, excavating, etc.

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

17. Fire Statement

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

Works to footway

18. The developer will be liable for the cost of repairing any damage to the footway around the perimeter of the site resulting from the construction work.
19. Any works affecting Network Rail land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

Cranes

20. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

Landscaping

21. The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)